

## GEORGE MUNICIPALITY

### BY-LAW RELATING TO THE REGULATING OF THE KEEPING OF DOGS AND CATS AND OTHER ANIMALS

To provide for the control over the number of dogs and cats that may be kept, the breeding with dogs and cats, control over dogs and cats and other animals by their owners, impoundment of stray dogs and cats and other animals, the prevention of nuisances and to provide for incidental matters.

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

#### 1. INTERPRETATION

##### 1.1 Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

**“adjoining and affected neighbour”** means a neighbour whose property directly abuts the common boundary of the applicant’s premises or which is located opposite or diagonally opposite the applicant’s premises;

**“agricultural property”** means land zoned for agricultural use in terms of any of the Municipality’s town planning schemes or any other related law;

**“animal”** means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile (including snakes and tarantulas), pet-pigs dog, cat or other domestic animal, indigenous animal and other wild or exotic animal, but for the purposes of Chapter seven, excludes dogs, cats and working equines to the extent that they are regulated separately in other Chapters;

**“animal drawn vehicle”** means a standard designed cart with swivel and shafts which is attached to the working equine by means of a harness;

**“applicant”** means the owner or person having possession, charge, custody or control of that dog, cat or working equine;

**“authorised official”** means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Council who has been authorised by the Council to enforce the provisions of this By-Law;

**“authorised person”** means 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”** and **“authorised official”** has a corresponding meaning;

**“building”**, whether temporary or permanent nature and irrespective of the material used;

**“carcass”** means the remains of any animal or poultry;

**“cat”** means both a male and a female cat of any age, unless otherwise specified;

**“cattery”** means premises in or upon which boarding facilities for cats are provided and/or cats are bred for commercial purposes;\

**“Council”** means the municipal council of the Municipality;

**“Director: Community Services”** means a person appointed in the position by the Council in terms of Section 56 of the Municipal Systems Act, and includes a person acting in such a position.

**“designated public area”** means an area which will be identified by the Municipality, where owners / dog handlers and their dogs, taking into consideration the restrictions on vicious dogs, can walk their dogs;

**“dog”** means both a dog and a bitch of any age, unless otherwise specified;

**“dog handler”** means a competent adult who is in a position or capable in handling and / or control a vicious dog who is muzzled;

**“duplex building”** means a building of two storeys above ground level with a number of residential units, each of which also is two storied and has its own entrance from the street;

**“duplex flat”** means a block of flats where the division between the dwelling unit is vertical, having a maximum height of two storeys;

“**Flats**” means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith;

“**guide dog**” means a dog which has been trained by a recognised facility to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

“**health nuisance**” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is /are in the opinion of the Director: Community Services or a duly authorised Municipal employee potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“**keep**” in relation to a dog, means to have such dog in possession, under control or in custody or to harbour such dog;

“**kennels**” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

“**Municipality**” means the Municipality of George established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent, service provider or employee;

“**muzzled**”, when describing a dog, means fastened or controlled around the mouth, with an appropriate standard muzzle, so as to prevent the dog from biting but not panting or drinking;

“**nuisance**” means any act or omission which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely affects

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the safety of people;

**“owner”** in relation to a dog and/or cat, means any person who keeps or has the possession, charge, custody or control of a dog and/or cat and includes any person to whom a dog and/or cat has been entrusted or who has control of a dog and/or cat in respect of any site within the area of jurisdiction of the Municipality where such dog and/or cat is kept or is permitted to live or remain;

**“permit”** means the written permission granted by the Municipality in terms of this By-law, subject to a fee payable according to the municipal tariff structure;

**“person”** includes any sphere of government, natural and juristic person;

**“pet parlour”** means an establishment where pets are groomed;

**“pet shop”** means an establishment where pets are kept for trading purposes;

**“premises”** means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

**“poultry”** means any fowl, including goose, ostrich, duck, pigeon, dove, turkey, guinea-fowl, parrot, peacock/pea-hen or any other bird whether domesticated or wild;

**“pound”** means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the organisation and any other animal

**“pound master”** means a person who has been appointed by the Council to be in charge of a pound;

**“public place”** means any road, street, thoroughfare, bridge, trail, pavement, alley, square, open place, garden, park, beach, school or open space in the area of jurisdiction of the Municipality to which the public has free access or at any time zoned or been declared or rendered such by any competent authority;

**“public road”** means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, footpath or side walk; and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

**“security dog”** means any dog kept at any time on a non-residential property for the purposes of dissuading unauthorised entry to the property.

**“SPCA”** means the Society for the Prevention of Cruelty to Animals;

**“structure”** means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry;

**“townhouse”** means a dwelling unit which forms part of a town housing scheme;

**“town housing”** means a row or group of linked and/or attached dwelling units planned, designed and built as a harmonious architectural entity, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided;

**“trespasser”** means a person who enters the dwelling or property of another against the latter’s will and/or permission.

**“vicious dogs”**, means

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser; and
- (b) a Staffordshire Bull Terrier, Bull Terrier, Pit Bull and any dog generally recognised as such breeds and includes a dog of mixed breed with predominant characteristics of these breeds;
- (c) any other dog which causes a threat and / or disturbance / nuisance to the public;

**“working equine”** means a horse, donkey, mule or ass that is used for pulling an animal drawn vehicle (or carrying an unreasonable load) for financial gain

## 1.2 Administration and enforcement

- (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (a) The Director may delegate in writing any power or duty granted to him in terms of this By-law to a competent official in his Directorate, as well as in conjunction with personnel of the SPCA, being the appointed agent of the Municipality and any other future service providers.

## 2. APPLICATION

- 2.1 For the purpose of managing, prevention and to reduce the nuisance or negative impacts due to the keeping of dogs and/or cats, the Municipality may determine the number and sex of dogs and/or cats that may be kept and the areas within which the keeping of such dogs and/or cats shall be regulated or prohibited.
- 2.2 The Municipality may by special resolution determine and impose a tax on the keeping of dogs, and categories of dogs of which no tax shall be payable in its Municipal area.
- 2.3 The Municipality shall issue a licence upon payment of the tax to the Municipality. The tariff will be determined in accordance with the Municipality's Tariff Policy.
- 2.4 The public can report any complaints which is in contravention of this By-law, to the authorised person and/or authorised official as defined in this By-law.

## 3. NUMBER OF DOGS AND CATS

- 3.1 The maximum number of dogs and cats that are allowed to be kept, depending on the size of the dwelling/property, are as follows:

Type of Property	Size of Property	Maximum Number of Dogs / Cats
Dwelling Unit	E.g. Flat/Duplex	2 Dogs / 2 Cats*
Dwelling House	Less than 600 m <sup>2</sup> erf	2 Dogs / 2 Cats*
Large Dwelling House	More than 600 m <sup>2</sup> erf	2 Dogs / 2 Cats*
Agricultural Property or smallholding	Land of no less than 2.5 hectares or zoned for Agricultural use	4 Dogs / 4 Cats*

\* over the age of four (4) months

- 3.1.1 A person residing in a flat as defined in terms of section 1.1
- (a) shall not be allowed to own medium / big dogs and/or vicious dogs.
- 3.1.2 Owners and Body Corporates or Home Owners Associations

should comply to this by-law when developing their constitutions.

3.2 The provisions in section 3.1 shall not apply to-

- (a) premises that is used as a veterinary clinic or veterinary hospital;
- (b) an organisation whose object is the training of dogs to be guide dogs for blind persons or dogs that are used by a blind persons as guides;
- (c) a security organisation where dogs are kept for security services or for training purposes;
- (d) a person who, at the proclamation of this by-law, already has more than the allowed number of dogs and such person may not replace any dog exceeding the allowed number without the prior written consent of the Municipality in terms of section 3(1), if such dog die or has been disposed of;
- (e) any person, who resides outside the municipal area, who brings in dogs for a temporary visit not exceeding 30 (thirty) days from time of arrival;
- (f) the Society for the Prevention of Cruelty Against Animals and other registered animal welfare organisations;
- (g) entities which are registered at the Municipality and other related entities, such as dog kennels, pet shops or pet parlours where dogs are given temporary residence.
- (h) working dogs such as hearing dogs, therapy dogs, guide dogs, helping dogs and sport dogs, but that proof of registration with the relevant Association needs to be in place (for example registered by KUSA (Kennel Union of South Africa) Working Dog Federation and SADDA (South African Dog Agility Association)).

#### 4. SPECIFIC REQUIREMENTS WITH REGARDS TO DOGS

In considering an application in terms of 4.1.3 below the Municipality will:

- (a) request proof that the applicant has been rehabilitated, i.e. that the person is declared fit to keep a dog; and
- (b) obtain a report from the SPCA, declaring that the person is fit to keep a dog.

4.1 Restriction on number of dogs

4.1.1 The Municipality may determine the number of dogs that may be kept on any premises.

- (a) two dogs, or with permission more than two dogs, over the age of four months, to be kept on

- premises as identified under section 3;
- (b) four dogs, or with permission more than four dogs, over the age of four months, to be kept on an agricultural property or larger, as identified under section 3;
- (c) more than two dogs if the dogs fall under 3.2(h).

4.1.2 Subsection (1) does not apply to any person who —

- (a) is the holder of a permit issued in terms of section 4.4 to keep a greater number of dogs;
- (b) is the holder of a permit to keep kennels;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
- (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic or similar animal hospital, provided they provide proof; or
- (f) is in charge of dogs owned by a SPCA, department of the Municipality as specified in the definition of "Municipality", the South African Police Service or the South African Defence Force, and are kept for operational purposes;
- (g) operates a pound.

4.1.3 A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal, may not keep a dog, unless the Municipality determines otherwise.

4.2 Sterilization of dogs

4.2.1. All dogs (male and female) over 6 months of age must be sterilized;

4.2.2. An authorised official may cause a dog to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the dog
- (b) to prevent nuisance
- (c) when the dog is stray
- (d) on the request of the owner
- (e) in accordance with this by-law and the costs thereof may be recovered from the owner.

4.2.3. The owner of a sterilized dog must obtain proof from a registered veterinarian that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

4.2.4. Subsection (1) does not apply to any dog where the owner obtains a permit from the Municipality to keep the dog unsterilized.

#### 4.3 Permit to keep an unsterilized dog

4.3.1 Any person or breeder wishing to keep an unsterilized dog, with or without the intention to breed, must obtain a permit from the Municipality.

- (a) An application to keep an unsterilized dog, must be in writing on a prescribed form and must be accompanied by the prescribed fee. Any applications in terms of subsection (a) must be submitted-
  - (i) in the prescribed form and must contain an exposition of the breed, gender and number of dogs applied for;
  - (ii) plans and specifications of structures in which it is proposed to keep the dogs;
  - (iii) a site plan indicating all existing or proposed structures and fences on the premises for which the permit is required;
  - (iv) and the written consent of the surrounding neighbours;
  - (v) any other information requested.
  - (vi) proof of registered breeder at KUSA (Kennel Union South Africa) or the specific dog breeds federation
- (b) The Municipality may require a property inspection and payment of the prescribed inspection cost and also require from the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (c) The Municipality may refuse to consider an application if the dog or premises are deemed unsuitable for breeding purposes by the inspecting officials.
- (d) A permit is not transferable from one dog to another or from the premises in respect of which it has been issued, to other premises.
- (e) Permit applications and fees are to be renewed annually.

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- (f) Should an unsterilized dog be sterilized by a registered veterinarian during the permit period, proof of sterilization must be submitted to the Municipality together with the original permit.
  - (g) The Municipality will be assisted by the SPCA in the administration of processing applications for permits.

#### 4.4 Permits to keep more dogs than the prescribed number

- 4.4.1 Any person or breeder who wants to keep a greater number of dogs on premises than the number permitted in terms of section 3 must apply to the Municipality for a permit which will not be unreasonably withheld.
- 4.4.2 An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee. The same information as stipulated in 4.3 1(a) must also be submitted.
- 4.4.3 The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- 4.4.4 The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 4.4.5 The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official-
  - (a) as to whether the number of dogs for which the permit is required is likely to cause a public health hazard or the keeping of such a number of dogs may result in a contravention of section 4.6;
  - (b) setting out the results of an inspection of the premises on which the dogs concerned are being kept or are to be kept; and
  - (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal.
- 4.4.6 The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or

recurring or to reduce such risk to a level acceptable to the Municipality.

4.4.7 In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

4.4.8 A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

#### 4.5 Amendment, suspension and cancellation of permits

The Municipality may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in sections 2 and 4 –

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
  - (i) the creation or continuation of a public health hazard; or
  - (ii) a continued contravention of any provision of section 4.6;
- (b) with immediate effect amend, suspend or cancel that permit if
  - (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
  - (ii) there is a criminal case pending against the permit holder or a civil case which the permit holder is a party to, involving cruelty to an animal.
- (c) The Municipality will be assisted by the SPCA in the administration of processing applications for permits, all permits will be issued by the Municipality.

#### 4.6 Prohibitions relating to the keeping of dogs

No person shall -

- (a) permit any bitch in season owned or kept by him or her to be in any public street or public place;
- (b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-

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- mentioned person or his or her property or of any other person;
- (c) keep any dog which causes damage to public property;
  - (d) keep a dog tethered by chain or any other means;
  - (e) keep any dog in the faeces of which he or she fails to remove regularly enough to not to constitute a health hazard and dispose of such faeces in a suitable manner;
  - (f) keep any dog which barks, howls or whines to such an extent that it causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood, or has another habit that causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;
  - (g) keep any dog which is starved or under-fed or denied constant access to clean water and adequate shelter;
  - (h) keep any dog which causes a nuisance to inhabitants of the neighbourhood by having acquired the habit of charging any vehicle, animals, poultry, birds or persons outside any premises where it is kept; or
  - (i) permit any dog owned or kept by him or her –
    - (i) to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian or animal welfare society and is no longer a public health hazard;
    - (ii) to go untreated by a qualified veterinarian if severely sick or injured;
    - (iii) which is in the assessment of the authorised official ferocious, vicious or dangerous, to be in any public street or public place, unless it is humanely muzzled and contained on a leash and under control;
    - (iv) to trespass on private property;
    - (v) to constitute a hazard to traffic using any public street;
    - (vi) 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;
    - (vii) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Municipality as a free running area;
    - (viii) to be left alone unattended in an open bakkie in any public place or public street;
    - (ix) to be left alone unattended in a closed vehicle / bakkie in any public place or public street;
    - (x) to keep a vicious dog on a property without displaying a board outside the property of a possible danger.
  - (j) Permit any vicious or dangerous dog to be in any public street or public place unless it is humanely muzzled and contained in a leash and under control by a competent adult dog handler.

- (k) Keep any dog which does not have on its collar or micro-chip the owner's contact details or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (l) Provoke, harass, terrify or tease any dog;
- (m) Hawk any dog, including selling puppies or kittens in a public place.

#### 4.7 Seizure, impounding and destruction of dogs

- 4.7.1 An authorised official or a person authorised thereto by a person, body or structure contemplated in the definition of Municipality, may enter any premises and seize and impound at a place appointed by the Municipality any dog which-
- (a) may be destroyed in terms of the provisions of subsection 4.7.10 or any other law;
  - (b) in his or her opinion is suffering from mange or any other infectious or contagious disease;
  - (c) in his or her opinion constitutes a hazard to traffic using any public street;
  - (d) is at large and apparently without an owner;
  - (e) is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the Municipality as a free running area;
  - (f) enters any premises while an authorised official is attempting to take it into custody;
  - (g) is starved or under-fed or denied adequate access to water or shelter;
  - (h) is confined inhumanely; or
  - (i) is being kept in contravention of any of the conditions of this by-law.
  - (j) is a vicious dog and is in public street or public place and not muzzled.
- 4.7.2 Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.
- 4.7.3 Notwithstanding the provisions of subsections 4.7.1 and 4.7.2, no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- 4.7.4 Any person who has taken a dog into custody in terms of this section-

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- (a) must ensure that the dog is not ill-treated; and
  - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- 4.7.5 No person may free any dog which has been taken into custody by an authorised official, or is being kept in custody in terms of this section or which has been impounded.
- 4.7.6 The SPCA shall keep a record of all dogs seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such dogs, as well as the last date for their release or otherwise, and such records shall be open for inspection by the public at the Offices of the SPCA during office hours.
- 4.7.7 Any person may claim an impounded dog if he or she -
- (a) satisfies the pound master that he or she is the owner or is otherwise entitled to the custody of the dog concerned;
  - (b) satisfies the pound master that releasing the dog into his or her custody will not result in any provision of this by-law being contravened;
  - (c) pays to the pound master the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog; and
  - (d) once the dog is being sterilised, if it is over four (4) months of age at the cost of the owner, as arranged with the SPCA.
- 4.7.8 A dog impounded in terms of subsection 4.7.1, other than a dog so impounded in terms of subsection 4.7.1 (b), shall be released to the owner of or person keeping such dog upon payment of the fee as fixed by the Municipality and after it has been sterilized.
- 4.7.9 A dog impounded in terms of subsection 4.7.1, other than a dog so impounded in terms of subsection 4.7.1 (b), may be sold or destroyed after it has been detained for not less than seven days and after such destruction has been approved by a qualified veterinarian, unless it has been claimed and released in terms of subsection 4.7.7 or subsection 4.7.8.
- 4.7.10 Notwithstanding the provisions of subsection 4.7.9, a dog which has been seized or impounded in terms of -
- (a) subsection 4.7.1 (b); or
  - (b) any provision of this By-law or the provisions of any other law and which is found by the authorised official -

- (i) to be suffering from any incurable, infectious or contagious disease, or to be suffering from being severely sick or injured;
- (ii) to be ferocious, vicious

or dangerous, may be destroyed

forthwith.

4.7.11 If an authorised official is of the opinion that a dog is a dog contemplated by the provisions of section 4.7.6, he or she may —

- (a) cause a notice to be served on the owner of such dog requiring such owner to take such steps as will effectively abate such nuisance/ contravention and to establish to the satisfaction of the authorised official that such dog is being properly kept;
- (b) impound the dog and deal with it in terms of this section, provided that such dog shall not be released to its owner unless such owner, within the period of seven days contemplated by section 4.7.9, provides the authorised official with satisfactory proof that such dog, if released to him or her, will not cause any further nuisance and will be kept under control.

4.7.12 The destruction of any dog shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorised official.

4.7.13 The proceeds of any sale shall be used to help defray costs connected with such sale and the impounding of such dog.

4.7.14 Neither the Municipality nor the authorised official nor 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 result of or during its seizure, impounding, detention, sale, rehoming or destruction in terms of this By-law.

#### 4.8 The rescue of stray dogs

A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Municipality and surrender it to the municipal pound within twenty four hours.

#### 4.9 Fencing of property

No person shall keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

#### 4.10 Designation of public places as free-running, on-leash or off-limits.

The Municipality may designate public areas, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

#### 4.11 Removal of excrement

- (a) If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide 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.
- (b) No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.

#### 4.12 Permit to use security dogs

The owners or users of security dogs apply for a permit whereby all provisions of section (4.7.2) to (4.7.8) apply.

#### 4.13 Dog shall not be a source of danger

- (a) Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to the Municipality's employees entering upon such premises for the purpose of carrying out their duties.
- (b) A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

#### 4.14 Dogs on premises where food is sold

- (a) 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 enter or to be or remain in such shop or place.

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- (b) The provisions of this section shall not apply to the South African Police Service or a guide dog which is utilised to accompany a blind person.

#### 4.15 Dog kennels, pet shops and pet parlours

- (a) No kennel, pet shop or pet parlour may be operated without the permission of the Municipality.
- (b) Application for permission must be done in the manner prescribed by the Municipality.
- (c) The person operating a kennel, pet shop or pet parlour may not conduct the business in such a manner so as to cause any risk, nuisance or annoyance to other people.

#### 4.16 Hawking of animals

No person may hawk an animal:

- (a) in a street or public place; or
- (b) in or from a movable structure or vehicle.
- (c) at public markets

### 5. CATS

#### 5.1 Sterilization of cats

5.1.1 All cats (male and female) over 6 months of age must be sterilized;

5.1.2 An authorised official may cause a cat to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the cat
- (b) to prevent nuisance
- (c) when the cat is stray
- (d) on the request of the owner
- (e) in accordance with this by-law

and the costs thereof may be recovered from the owner.

5.1.3 The owner of a sterilized cat must obtain proof that the cat has been sterilized from a registered veterinarian and must produce such document for inspection to any authorised official on demand.

5.1.4 Subsection 5.1.1 does not apply to any cat where the owner obtains a permit from the Municipality to keep the cat unsterilized.

## 5.2 Permit to keep an unsterilized cat

Any person wishing to keep an unsterilized cat, with or without the intention to breed, must obtain a permit from the Municipality -

- (a) An application to keep an unsterilized cat must be in writing on a prescribed form and must be accompanied by the prescribed fee.
- (b) The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (c) The Municipality may refuse to consider an application if the cat or premises are deemed unsuitable for breeding purposes by the inspecting officials.
- (d) A permit is not transferable from one cat to another cat or from the premises in respect of which it has been issued, to other premises.
- (e) Permit applications and fees are to be renewed annually.
- (f) Should an unsterilized cat be sterilized by a registered veterinarian during the permit period, proof of sterilization must be submitted to the Municipality together with the original permit.
- (g) Application must be accompanied by proof of Registration of the specific breed.

## 5.3 Restriction on number of cats

5.3.1 The Municipality determines the number of cats that may be kept on any premises.

5.3.2 No person may keep more than —

- (a) Two cats, or allow more than two cats, over the age of six months to be kept on any premises;
- (b) Four cats, or allow more than four cats, to be kept on an agricultural property or small holding of 2.5 hectares or larger.
- (c) More than two cats, except for if the cats fall under 5.2(g).

5.3.3 Subsection 5.3.2 does not apply to any person who —

- (a) is the holder of a permit issued in terms of section 5.3.4 to keep a greater number of cats;
- (b) is the holder of a permit to operate a cattery;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the cats under the control of such owner or manager have been vaccinated against cat flu and feline leukaemia

diseases;

- (d) is the owner or manager of a veterinary clinic;
- (e) operates a pound; or
- (f) are under the control of the SPCA or other welfare society.

5.3.4 A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal may not keep a cat unless the Municipality determines otherwise.

5.4 Permits to keep more cats than the prescribed number.

5.4.1 Any person who wants to keep a greater number of cats on premises than the number permitted in terms of section 3 must apply to the Municipality for a permit which will not be unreasonably withheld.

5.4.2 An application in terms of subsection 5.4.1 must be in writing on a prescribed form and must be accompanied by the prescribed fee.

5.4.3 The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.

5.4.4 The Municipality may refuse to consider an application in terms of subsection 5.4.1 in respect of which the provisions of subsection 5.4.2 have not been complied with or information contemplated in subsection 5.4.3, has not been furnished.

5.4.5 The Municipality may only consider an application in terms of subsection 5.4.1 after receipt of a written report from an authorised official-

- (a) as to whether the cat for which the permit is required is likely to cause a public health hazard;
- (b) setting out the results of an inspection of the premises on which the cat concerned is being kept or is to be kept; and
- (c) as to whether the applicant has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to animals.

5.4.6 The Municipality may refuse an application in terms of subsection 5.4.1 or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the cats on the premises concerned occurring,

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continuing or recurring or to reduce such risk to a level acceptable to the Municipality.

5.4.7 In respect of any application approved in terms of subsection 5.4.6, an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

5.4.8 A permit is not transferable from one cat to another cat or from the premises in respect of which it has been issued, to other premises.

## 5.5 Taking cats into custody

5.5.1 An authorised official or an authorised person may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of sections 5.2 and 5.3.

5.5.2 The Municipality may take the necessary steps to ensure that the humane entrapment of stray or feral cats is effected.

## 6. WORKING EQUINES

### 6.1 Permits to keep working equines

6.1.1(a) Any owner who wants to put to work a working equine, must apply to the Municipality for a permit, in respect of such working equine.

(b) No more than one permit may be issued in respect of a working equine.

6.1.2 An application in terms of subsection 6.1.1 must be in writing on a prescribed form and must be accompanied by -

(a) the prescribed fee;

(b) documentary evidence that the working equine is suitable to pull an animal drawn vehicle;

(c) Any person using a working equine in contravention of the above may be issued with a fine.

6.1.3 The Municipality may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.

6.1.4 The Municipality may refuse to consider an application in terms of subsection 6.1.1 in respect of which the provisions of subsection 6.1.2 have not been complied with or information contemplated in subsection 6.1.3, has not been furnished.

6.1.5 The Municipality may only consider an application in terms of subsection 6.1.1 after receipt of a written report from an

authorised official –

- (a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public place or its use may result in a contravention of section 6.1.3;
- (b) setting out the results of an inspection of the working equine and its working circumstances; and
- (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.

6.1.6 The Municipality may refuse an application in terms of subsection 6.1.1 or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Municipality.

6.1.7 A person who has applied for a permit in terms of subsection 6.1.1 may not work a working equine pending the outcome of such application, in the absence of a permit.

6.1.8 In respect of any application approved in terms of subsection 6.1.6, an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

6.1.9 A permit is not transferable from one owner to another.

## 6.2 Amendment, suspension and cancellation of permits

The Municipality may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 6.1

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in -
  - (i) the creation or continuation of a nuisance in a public place; or
  - (ii) a continued contravention of any provision of section 6.3;
- (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.

### 6.3 Control of working equines

No person putting to work a working equine shall –

- (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle or carry an unreasonable load;
- (b) permit the working equine to constitute a hazard to traffic using any public street;
- (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
- (d) permit the working equine to be in any public street or public place except when under his or her control;
- (e) work any working equine which does not have on the name, telephonenumber and address of its owner.
- (f) permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria (Schedules "C" and "D") which may be declared by Municipality from time to time.

### 6.4 Seizure, impounding and destruction of working equines

6.4.1 An authorised official may enter a premises to seize and impound at a place appointed by the Municipality any working equine which -

- (a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;
- (b) in his or her opinion is incapable to continue to pull an animal drawn vehicle;
- (c) in his or her opinion constitutes a hazard to traffic using any public street;
- (d) is at large and apparently without an owner; or
- (e) is found in any public place where such a working equine is, in the opinion of the authorised official, not under proper control.

6.4.2 The Municipality shall keep a record of all working equines seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such working equines, as well as the last date for their release or otherwise, and such records shall be open for inspection by the public at the Municipal Offices during office hours.

6.4.3 A working equine impounded in terms of subsection 6.4.1 shall be released to the owner of or person keeping such working equine upon payment of the fee as fixed by the

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Municipality.

6.4.4 A working equine impounded in terms of subsection 6.4.1 may be sold or re-homed after it has been detained for not less than seven days unless it has been claimed and released in terms of subsection 6.4.3.

6.4.5 If an authorised official is of the opinion that a working equine is a working equine contemplated by the provisions of section 6.3, he or she may —

- (a) cause a notice to be served on the owner of such working equine requiring such owner to take such steps as will effectively abate such nuisance and to establish to the satisfaction of the authorised official that such working equine will be kept under proper control;
- (b) impound the working equine and deal with it in terms of this section, provided that working equine shall not be released to its owner unless such owner, within the period of seven days contemplated by section 6.4.4, provides the authorised official with satisfactory proof that such working equine, if released to him or her, will not cause any further nuisance and will be kept under control.

6.4.6 The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such working equine.

6.4.7 Neither the Municipality nor the authorised official nor 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 working equine as result of or during its seizure, impounding, detention, sale or destruction in terms of this By-law.

6.5 The rescue of impounded working equines prohibited

No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any working equine being lawfully brought to the pound, or shall rescue or attempt to rescue any working equine after such working equine has been lawfully impounded by an authorised official.

## 7. ANIMALS AND POULTRY

7.1 In order to promote public health no person shall keep or permit to be kept on any residential premises or property any animal or poultry

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as defined in the definition without the permission of the Municipality.

## 7.2 Permits

- 7.2.1 For the purposes of promoting public health and restricting public nuisances, the Municipality may from time to time determine the number of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.
- 7.2.2 The Municipality may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Municipality for such purposes.
- 7.2.3 Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.
- 7.2.4 The Municipality will be assisted by the SPCA in the administration of processing applications for permits.
- 7.2.5 Every person who keeps an animal in a kennel, pen or run area or similar confining place, whether within or outside a building, shall ensure that the kennel, pen or run area is cleaned regularly and that excreta does not accumulate.
- 7.2.6 No animals, including dogs and cats, may be housed in a crate or enclosure that restricts natural freedom of movement or does not allow sufficient space for exercise according to the needs of that animal.
- 7.2.7 Every person who keeps an animal must
- (a) provide clean potable drinking water at all times and a sufficient quantity of suitable food to allow for normal growth and the maintenance of normal body weight, with clean receptacles for food and water
  - (b) provide necessary veterinary care when the animal exhibits signs of injury, pain or suffering that require medical attention.
- 7.2.8 All animals should be kept in compliance of this by-law and any other prescribed law where permission has been granted to keep an animal, a permit will have to be presented, if and when required.

## 7.3 Applications

- 7.3.1 The Municipality may require an application in terms of

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section 7.2.1 to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.

- 7.3.2 The Municipality may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 7.2.2.
- 7.3.3 Notwithstanding anything to the contrary contained in this by-law, the Municipality may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, sitting or geographical features or size, is unsuitable for the keeping of animals or poultry.
- 7.3.4 No structure that accommodates animals shall be sited –
- (a) within one and a half metres of any boundary of the erf which abuts another residential erf;
  - (b) within six metres of any boundary of the erf which abuts any road or public open space; and
  - (c) within four and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.
- 7.3.5 Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least four and a half metres from such habitable room and must not be under the same roof space as the habitable room.
- 7.3.6 No structure in which poultry is kept shall be sited:
- (a) within one and a half metres from any boundary of a residential erf; and
  - (b) within one and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.
- 7.3.7 All structures in which animals or poultry are kept shall be suitably screen from any street to the satisfaction of the Municipality.
- 7.3.8 No structure in which poultry is kept shall have a height in excess of three and a half metres.
- 7.3.9 Notwithstanding the aforementioned provisions, the Municipality may, after considering conditions particular to the property and on condition that no objection is received

from adjoining and affected neighbours, waive any or all of the requirements of this chapter and impose other conditions if appropriate.

#### 7.4 Storage of feed and manure, disposal of carcasses

7.4.1 All manure resulting from keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises, except on agricultural property.

7.4.2 All feed for the keeping of animals and poultry shall be stored in a rodent-proof place, container or storeroom.

7.4.3 The premises for the keeping of animals or poultry shall be kept in such condition as to not attract or provide harbourage for rodents.

7.4.4 Carcasses are to be disposed of at the owner's expense and in a manner approved by the Municipality.

7.5 The Municipality shall from time to time determine that a fly and rodent-proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals are kept.

#### 7.6 Kennels and catteries

No person shall keep a kennel or cattery unless the following requirements are complied with and a permit has been obtained from the Municipality:

- (a) Dogs and cats are kept in separate secure enclosures of an adequate size in the opinion of the authorised official and that meet the Municipality's health and building requirements. Such enclosures must-
- (i) be constructed of durable materials;
  - (ii) provide or contain a waterproof roofed shelter;
  - (iii) have internal walls and floors finished to provide smooth, hygienic cleanable surface without cracks or open joints;
  - (iv) provide adequate access for cleaning, disinfecting and de-vermination purposes;
  - (v) have sufficient potable water points for drinking and cleaning purposes
  - (vi) have floor drainage connected to the Municipality

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sewer system in an approved manner.

- (b) separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality;
- (c) if cages are provided for the safekeeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

#### 7.7 Structures to be in a proper state of repair and no alterations

7.7.1 All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.

7.7.2 No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

#### 7.8 Notices, amendment and cancellation of permits

7.8.1 If, in the opinion of the Municipality, any animals kept on any property in terms of which a permit has been issued by the Municipality under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Municipality may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.

7.8.2 The holder of a permit or the person in charge, on receiving a notice in terms of subsection 7.8.1 shall comply with the requirements as specified by the Municipality in such notice, failing which the Municipality may, at its discretion-

- (a) cancel the permit to keep animals on such property, or
- (b) amend the permit.

7.8.3 The holder of a permit shall, when requested by the Municipality to do so, return the permit issued to him for amendment or cancellation, as the case may be.

#### 7.9 Animals offered for sale

A person or manager of premises where dogs and cats or horses are offered for sale shall keep proper records of vaccinations and shall not leave such animals unattended overnight.

#### 7.10 Fireworks

No person may terrify or cause stress or fear to any animal with

fireworks or by any other means.

## 7.11 Animal Cruelty

### 7.11.1 Any person who:

- (a) maims an animal in any way including tail docking and ear cropping, except for rare breeds where case law had allowed tail docking (proof needs to be submitted);
- (b) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
- (c) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (d) promotes animal fights for financial gain or as a form of amusement ;
- (e) allows any of the acts referred to in paragraphs (a) to (d) to take place on any premises or place in his or her possession or under his or her charge or control;
- (f) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person or animal to such premises or place; or
- (g) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (c) and (d) is taking place or where preparations are being made for such acts.
- (h) in any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place;

7.11.2. The South African Police Services will act in terms of the Criminal Procedure Act 5 of 1977 and the Animals Protection Act 71 of 1962 and the SAPS Standing Order 33, when a contravener of this By-law is taken into custody.

7.11.3. The SAPS will also deal specifically with dog fighting and bestiality cases.

7.12 The keeping of pigs is not permitted in a residential area.

## 8. DUTIES OF A POUND MASTER

A pound master-

- (a) (i) must keep the pound open between 09h00 and 16h00 from

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Monday to Friday and Saturday between 09h00 and 11h00 unless any such day is a public holiday;

- (ii) may, notwithstanding the provisions of subparagraph (i), keep the pound open during such earlier or later hours as he or she considers necessary, subject to displaying an easily legible notice to that effect at the entrance to the pound;
- (b) must accept, take charge of and impound any animal brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this By-law, detain that animal in the pound; provided that the pound master may refuse to receive, or may release any animal if he or she reasonably believes that such animal was not lawfully taken into custody or impounded;
- (c) must keep a register in which the following particulars of any animal are recorded:
  - (i) the name of the authorised official or the name, residential address and telephone numbers of any other person who brought the animal to be impounded;
  - (ii) the time at which and date on which the animal was impounded;
  - (iii) the place where the animal was found immediately before it was taken into custody;
  - (iv) the date on which and the time at which the animal was taken into custody before being brought to the pound;
  - (v) the reason for impounding the animal;
  - (vi) a description of the animal indicating the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;
  - (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
  - (viii) the amount of money realised in respect of such release or sale;
  - (ix) the amount of veterinary expenses, if any, incurred in respect of the animal;
- (d) must ensure that the pound and all equipment used in connection with impounding animals are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Municipality's Director: Community Services;
- (e) must ensure that every animal in the pound is properly fed and cared for;
- (f) must isolate any female animal on heat;
- (g) must take all reasonable steps to prevent fighting amongst animals in the pound;
- (h) must isolate any diseased animal from the healthy animals, have such an animal attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the

- identity and address of the owner are known;
- (i) must take all necessary steps to have the animal destroyed as contemplated in this By-Law and recover any expenses in this regard from the owner if the identity and address of the owner are known;
  - (j) must take all reasonable steps to ensure that animals are rehomed and not destroyed;
  - (k) must levy the prescribed fee for impoundment and daily holding fees in respect of any animal;
  - (l) may cause any animal to be sterilized and provide it with identification as set out in section 4.6 (c) and recover the costs thereof from the claimant unless the claimant may provide considerable motivation as to why the animal should not be sterilized and provide permits as set out in sections 4 and 5;
  - (m) must cause any animal to be sterilized and provide it with identification as set out in section 4.6(c) prior to releasing the animal from the pound to any person other than the original owner thereof; and
  - (n) must scan any animal taken into custody by an authorised official for the purposes of detecting a microchip.

## **9. EXEMPTIONS AND CONDITIONS**

- 9.1 The Municipality may refuse or grant any application for approval and impose conditions, requirement or restrictions it may require or deems appropriate.
- 9.2 The Municipality may with well-founded reasons exempt any person and/or class of persons from any or all of these requirements, conditions or restrictions it deems appropriate.

## **10. LIABILITY**

The Municipality, authorised official or employee shall not be liable for any injury suffered or disease contracted by or damage caused to any dog or cat as a result of or during its seizure, impounding, detention or destruction in terms of this By-Law, or other legal provisions.

## **11. GENERAL PROVISIONS**

### **11.1 Right of entry and inspection:**

- (a) Any authorised person 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.
- (b) When entering premises in terms of sub-section 11.1, the authorised person must on request by any person, identify himself by producing written proof of authorisation.
- (c) The authorised person may be accompanied by a person reasonably required to assist in conducting the inspection.

11.2 Any person who fails to give or refuse access to any authorised person if he request entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this By-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

## **12. SERVICE OF DOCUMENTS AND PROCESS**

12.1 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 acknowledgement of the posting thereof is produced;
- (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by sub-section 12.1 (a), (b) or (c); or
- (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.

12.2 When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

## **13. TRANSITIONAL PROVISIONS**

13.1 A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 3, or operate a business as contemplated in section 8, may continue to keep such larger number of animals or keep operating the business; but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, or extent, change, move, letting, subletting or sell the business, unless permission is obtained from the Municipality for exceeding that number, or inform

the Municipality of such extension change, move, letting, sub-letting or selling.

13.2 In the case of such extension, change, moving, letting, sub-letting or selling of the business, the Municipality may impose such conditions and restrictions it deem fit to impose.

13.3 Owners of unsterilized dogs and cats are granted a 6 month period from the date of promulgation of this By-law in which to register their dogs and cats.

13.4 Cat owners are granted a 6 month period in which to ensure that their cats have micro-chips or collars with the details of the owners.

## **14. OFFENCES AND PENALTIES**

14.1 Any person who –

- (a) Contravenes or fails to comply with any provisions of this By-Law or with any order or notice lawfully issued hereunder commits an offence; and
- (b) Continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or her has been convicted of such offence shall be guilty of a continuing offence.

14.2 Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding two years.

14.3 In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding 10 days for each day on which such offence continued may be imposed or both a fine and imprisonment.

Any court convicting a person of keeping an animal which is not kept under control in accordance with the provisions of this By-law may, in addition to the penalty referred to in subsection 14.2, order the destruction of the animal concerned, and thereupon an authorised official may destroy such animal.

## **15. APPEAL**

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

**16. REPEAL**

The By-law Relating to the Regulating of the Keeping of Dogs and Cats and other Animals promulgated in Government Gazette 7365 dated 13 March 2015 is hereby repealed

**17. SHORT TITLE AND COMMENCEMENT**

This By-law shall be known as the By-law relating to the Regulating of the Keeping of Dogs and Cats and other Animals of the George Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.