Johannesburg, South Africa

Dogs and Cats By-law, 2006

Legislation as at 10 April 2006

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Johannesburg
South Africa

Dogs and Cats By-law, 2006

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The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Dogs and Cats for the City of Johannesburg Metropolitan Municipality as approved by its Council, as set out hereunder.

Chapter 1
Interpretation

1. Definitions

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

"**agricultural property**" means land zoned for agricultural use in terms of any of the Council's Town Planning Schemes or any other law;

"**authorised official**" means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws ;

"**cat**" means a male and a female cat;

"**cattery**" means premises in or upon which –

(a) boarding facilities for cats are provided; or

(b) cats are bred for commercial purposes;

"**Council**" means –

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council ; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) except for the purposes of sections 3 and 4, and the prescribing of a fee –

(i) a service provider fulfilling a responsibility under these By-laws assigned to it in terms of section 81(2) of the Local Government : Municipal Systems Act, 2000, or any other law; and

(ii) any person or body to whom the Council is leasing a pound as contemplated in section 71 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939),

as the case may be;

"**dog**" means a male and a female dog;

"**dwelling house**" means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

"**dwelling unit**" means an inter-connected suite of rooms which must include a kitchen or scullery, designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

"**environmental health officer**" means an official appointed by the Council, and who is duly registered as an environmental health officer, or environmental health practitioner, with the Health Professions Council of South Africa in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974);

"**guide dog**" means a dog which has been trained 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;

"**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;

"**owner**", in relation to a dog or cat, means any person who keeps a dog or cat or has a dog or cat in his or her possession or care or under his or her control or, in relation to a dog, on whose private premises a dog is present;

"**pound**" means a place designated by the Council in terms of any law for the impounding, sale and destruction of dogs or cats or both;

"**poundmaster**" means the person who has been appointed by the Council to be in charge of a pound;

"**premises**" means any unit of land, whether built on or not and whether public or private;

"**prescribed**" means prescribed by the Council from time to time by resolution;

"**Public Health By-laws**" means the Public Health By-laws of the Council published under Notice 830 in Provincial Gazette Extraordinary No. 179 dated 21 May 2004;

"**public health hazard**" means a public health hazard as defined in the Council's Public Health By-laws; and

"**public place**" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on any employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government : Municipal Systems Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Chapter 2
Control of dogs

2. Restriction on number of dogs

(1) Subject to the provisions of subsections (2) and (3), no person may keep more than –

(a) two dogs, or allow more than two dogs, over the age of six months to be kept in or at a dwelling unit;

(b) four dogs, or allow more than four dogs, over the age of six months to be kept in or at premises containing one or two dwelling houses;

(c) six dogs, or allow more than six dogs, over the age of six months to be kept on an agricultural property; or

(d) four dogs, or allow more than four dogs, over the age of six months to be kept on or at any other premises.

(2) Subsection (1) comes into operation on 1 January, 2010.

(3) Subsection (1) does not apply to any person who –

(a) is the holder of a permit issued in terms of section 3 to keep a greater number of dogs;

(b) is the holder of a permit issued in terms of section 134 of the Public Health By-laws 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;

(e) is blind, poor-sighted or mentally or physically incapacitated in respect of a guide dog kept by him or her;

(f) is the owner or manager of a veterinary clinic; or

(g) any person who is in charge of dogs owned by the Metropolitan Police Department of the Council as specified in paragraph (a) of the definition of "Council", the South African Police Service or the South African Defence Force, and are kept for operational or breeding purposes.

3. Permits to keep dogs

(1) Any person who wants to keep a greater number of dogs on premises than the number permitted in terms of section 2(1), must apply to the Council for a permit.

(2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by –

(a) the prescribed fee;

(b) an affidavit by the applicant and other documentary evidence that the applicant has for a period of 14 days prior to the date of the application in a place on the premises concerned within one metre of, clearly visible from, a public street, displayed and maintained in a prescribed form, notice of his or her intention to apply for a permit in terms of subsection (1) and inviting inhabitants of the area to lodge with the applicant during such period, in writing, any objection to, or representations relating to, the granting of the application;

(c) a copy of any objection or representation lodged in terms of paragraph (b);

(3) The Council may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.

(4) The Council 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.

(5) The Council may only consider an application in terms of subsection (1) after receipt of a written report from an environmental health officer –

(a) as to whether the dog for which the permit is required is likely to cause a public health hazard or the keeping of such dog may result in a contravention of section 5;

(b) setting out the results of an inspection of the premises on which the dog concerned is being kept or to be kept.

(6) The Council 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 Council.

(7) The Council may publish guidelines in the Provincial Gazette which describe –

(a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and

(b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

(8) If a person has applied for a permit in terms of subsection (1), such person may continue to keep the number of dogs on the premises that are not permitted in terms of section 2 in the absence of a permit, until the Council has informed him or her in writing of the outcome of such application.

(9) 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 Council.

(10) A permit issued in terms of subsection (9) is not transferable from one person to another or from the premises in respect of which it had been issued, to other premises.

4. Amendment, suspension and cancellation of permits

The Council may, subject to the provisions of the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and after consideration of a report and recommendation of an environmental health officer or veterinary surgeon, by written notice to the holder of a permit contemplated in section 3 –

(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 5;

(b) with immediate effect amend, suspend or cancel that permit if such officer 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.

5. Prohibitions relating to the keeping of dogs

No person may keep a dog –

(a) which barks, whimpers or howls to such an extent that it, or has another habit which, causes a disturbance or nuisance to inhabitants of the neighbourhood;

(b) which suffers from an infectious or contagious disease which, in the opinion of a veterinary surgeon, is of such a nature that such dog cannot be beneficially treated or boarded at a veterinary clinic;

(c) on premises which are not fenced in such a manner that the dog is at all times confined to the premises, unless the dog is confined to the premises in some other manner.

6. Dogs in public places

(1) Subject to any provision to the contrary in these By-laws or any other law, no person may bring a dog into any public place or allow it to be done if that dog –

(a) is wild, dangerous or ferocious;

(b) is in a habit of charging at or chasing people or vehicles; or

(c) is an unsterilised female dog which is on heat.

(2) Subject to section 16(1) of the Council's Public Open Spaces By-laws, published under Notice 831 in Provincial Gazette Extraordinary No. 179 dated 21 May 2004, no person may permit any dog to be in a public place unless it is kept on a leash and under control of a person.

(3) Any person in control of a dog in a public place, excluding a person who is assisted by a guide dog, must remove any defecation of such dog.

7. Prohibited behaviour in respect of dogs

(1) No person may without reasonable grounds –

(a) incite a dog against a person, animal or bird; or

(b) allow a dog in his or her custody or under his or her control to attack or put fear into any person, animal or bird.

(2) No person may provoke, harass or tease any dog.

(3) No person may terrify or cause stress or fear to any dog with fireworks or by any other means.

8. Council’s power to sterilise dogs

The Council may sterilise –

(a) a male or a female dog at the request of its owner, subject to payment of the costs thereof by the owner; and

(b) a stray male or female dog, and recover the costs thereof from the owner of such dog.

Chapter 3
Control of cats

9. Restriction on number of cats

(1) Subject to the provisions of subsection (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 in or at a dwelling unit;

(b) four cats, or allow more than four cats, over the age of six months to be kept in or at premises containing one or two dwelling houses; or

(c) six cats, or allow more than six cats, to be kept on an agricultural property.

(2) (a) The provisions of section 2(2) and (3), except paragraphs (d), (e) and (g) of subsection (3), read with the necessary changes, apply in respect of subsection (1);

(b) For the purpose of applying the provisions of Section 2 (3) in terms of paragraph (a) –

(i) paragraph (b) thereof is deemed to refer to a cattery; and

(ii) paragraph (c) thereof is deemed to refer to cat flu and feline respiratory diseases.

(3) The provisions of sections 3 and 4, read with the necessary changes, apply in respect of permits with regard to cats.

10. Council's powers to sterilise cats

The Council may sterilise –

(a) a male or a female cat at the request of its owner, subject to payment of the costs thereof by the owner; and

(b) a stray male or female cat, and recover the costs thereof from the owner.

Chapter 4
Impounding of dogs and cats

11. Duties of poundmaster

A poundmaster –

(a) (i) must keep the pound open between 08:00 and 16:30 from Monday to Friday and Saturday between 08:00 and 12:00 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 considers necessary, subject to displaying an easily legible notice to that effect at the entrance to the pound and on the Council's official notice board.

(b) must accept, take charge of and impound any dog or cat 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 Chapter, detain that dog or cat in the pound: Provided that the poundmaster may refuse to receive, or may release, any dog or cat if he or she reasonably believes that such dog or cat was not lawfully taken into custody or impounded;

(c) Must keep a register in which the following particulars in respect of every impounded dog and cat are recorded :

(i) The name of the authorised official or the name, residential address and telephone number of any other person, who brought the dog or cat to be impounded;

(ii) the time at which and date on which the dog or cat was impounded;

(iii) the place where the dog or cat was found immediately before it was taken into custody;

(iv) the date on which and the time at which the dog or cat was taken into custody before being brought to the pound;

(v) the reason for impounding the dog or cat;

(vi) a description of the dog or cat indicating the estimated age, breed, sex, colour, markings and any injury found on the dog or cat when the poundmaster accepted it;

(vii) whether the dog or cat 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 dog or cat;

(d) must ensure that the pound and all equipment used in connection with impounding dogs and cats are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Council's Director : Health;

(e) must ensure that every dog and cat in the pound is properly fed and cared for;

(f) must isolate any female dog or cat on heat;

(g) must take all reasonable steps to prevent fighting amongst dogs or cats in the pound;

(h) must isolate any diseased dog or cat from the healthy dogs or cats, have such dog or cat attended to by a veterinary surgeon 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 any dog or cat destroyed as contemplated in section 15 and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known; and

(j) must levy the prescribed fees for impoundment and daily holding fees in respect of any dog or cat.

12. Taking dogs into custody

(1) An authorised official or an employee authorised thereto by a person, body or structure contemplated in paragraph (c) or (d) of the definition of “Council” may, for the purpose of having a dog impounded, take into custody any dog which –

(a) is at large and apparently ownerless;

(b) suffers from an infectious or contagious disease;

(c) is found in a public place and is not on a leash and in the control of a person;

(d) overturns, damages or tears any refuse receptacle or refuse bag;

(e) is brought into a public place in contravention of the provisions of section 6;

(f) is being kept in contravention of the provisions of section 2 or 5; or

(g) enters any premises in an effort to escape being taken into custody.

(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.

(3) Notwithstanding the provisions of subsections (1) and (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) Any person who has taken a dog into custody in terms of this section –

(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.

(5) No person may free any dog which has been taken into custody, or is being kept in custody in terms of this section or which has been impounded in terms of section 11.

13. Taking cats into custody

(1) An authorised official or an employee authorised thereto by a person, body or structure contemplated in paragraph (c) or (d) of the definition of "Council" may, for the purpose of having a cat impounded, take into custody any cat which is kept in contravention of section 9.

(2) The provisions of section 12 (1) (a), (b), (d) and (g) and section 12(2), (3), (4) and (5), read with the necessary changes, apply to the taking into custody of cats.

14. Claiming of impounded dogs and cats

(1) Any person may claim an impounded dog or cat if he or she –

(a) satisfies the poundmaster that he or she is the owner or is otherwise entitled to the custody of the dog or cat concerned;

(b) satisfies the poundmaster that releasing the dog or cat into his or her custody will not result in any provision of section 2, 5 or 9 being contravened; and

(c) pays to the poundmaster the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog or cat.

(2) The poundmaster must, if the provisions of subsection (1) have been complied with, surrender the dog or cat concerned to the person claiming it.

15. Destruction or sale of unclaimed dogs and cats

(1) If an impounded dog or cat is not claimed by a person entitled

thereto within 96 hours after the dog or cat has been impounded, the poundmaster may in the manner prescribed in section 5(1) of the Animals Protection Act, 1962 (Act No. 71 of 1962), destroy such dog or cat or cause it to be destroyed, or may sell such dog or cat or cause it to be sold.

(2) Unless the Council has instructed the poundmaster to the contrary, he or she must have any unsterilised dog or cat sterilised before it is sold in terms of subsection (1) and may recover the costs incurred from the buyer.

Chapter 5
Miscellaneous

16. Designation of authorised officials

The Council may designate any authorised official to execute work, conduct any inspection and monitor and enforce compliance with these By-laws, as envisaged in section 23(1) of the Rationalisation of Local Government Affairs Act, 1998 (Gauteng Provincial Act No. 10 of 1998).

17. Offences and penalties

Any person who –

(a) contravenes or fails to comply with any provision of these Bylaws; or

(b) fails to comply with any notice issued for the purposes of these Bylaws; or

(c) fails to comply with any lawful instruction given for the purposes of these By-laws; or

(d) obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under these By-laws ,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

18. Application to the state and council

These By-laws bind the State and the Council.

19. Repeal

The By-laws listed in Schedule 1 are hereby repealed.

20. Short title

These By-laws are called the By-laws relating to Dogs and Cats, 2005.

Schedule 1

Repealed by-laws

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 1832 dated 15 December 1982	Midrand Municipality : Bylaws relating to Dogs	Whole
Administrator's Notice 2045 dated 24 December 1980	Randburg Municipality : Bylaws relating to dogs	Whole

Number and year	Name of By-laws	Extent of Repeal
Notice 4580 dated 24 August 1988	Roodepoort Municipality : By-laws relating to Dogs	Whole
Administrator's Notice 2125 dated 21 December 1983 as amended by Administrator's Notice 57 dated 18 January 1984, Local Authority Notices dated 23 December 1987, 28 September 1988 and No. 347 dated 31 January 1990	Sandton Municipality : Bylaws relating to Dogs	Whole