Swartland, South Africa

Keeping of Dogs By-law, 2002

Legislation as at 19 April 2002

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Swartland
South Africa

Keeping of Dogs By-law, 2002

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Notice is hereby given in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) that the Municipal Council of the Swartland Municipality has made the by-law set out in the schedule hereto:

1. Definitions

In this by-law, unless the context otherwise indicates:—

"**authorised officer**" means—

(a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act 51 of 1977) in the Council's service.

(b) any other person, whether in the service of the Council or not, who is appointed an authorised officer of the Council;

"**Council**" means the council of the Swartland Municipality;

"**dog**" for the purpose of sections 3 and 4 means a dog over the age of six months;

"**keep**" in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

"**owner**", in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the Council where such dog is kept or is permitted to live or remain.

"**public place**" means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General's records or utilized by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the council or any other 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 work or object belonging to such road, street or thoroughfare, footpath or sidewalk, 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.

"**zoned**" means a land-use attached to premises in terms of any town planning scheme regulations.

2. Application of by-law

The provisions of section 3 and 9 of this by-law shall not apply to premises which is zoned for agricultural purposes, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this by-law or any other legislation which may be applicable.

3. Number of dogs

Subject to the provisions of section 4, no person shall keep more than two dogs on any erf or premises without the prior written consent of the council.

4.

A breeder of dogs who wishes to keep more than two dogs on—

(a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.

(b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Council.

5.

An application for the Council's consent in terms of section 4 shall not be considered by the Council unless —

(a) the council is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 M^2

and

(b) such an application is also accompanied by an application in terms of section 15 of Ordinance 15 of 1985 for the alteration of the land use restrictions applicable to the premises concerned.

6.

The council's consent in terms of section 4(b) to keep more than two dogs on a premises, shall be granted —

(a) only in those instances where there are no objections against the proposed departure of the land use restrictions after having advertised the proposal in terms of section 15(2) of Ordinance 15 of 1985,

and

(b) subject to such conditions and restrictions as the council may deem fit to impose.

7.

The council may at any time revoke a consent granted in terms of section 4(b).

8. Control of dogs

No person shall—

(a) permit any bitch on heat owned or kept by him or her to be in any public road or public place;

(b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;

(c) keep any dog which—

(i) by barking, yelping, howling or whining;

(ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or

(iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or

(d) permit any dog owned or kept by such person—

(i) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;

(ii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of some responsible person;

(iii) to trespass on private property;

(iv) to constitute a hazard to traffic using any public road;

(v) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or

(vi) to be in any public road or public place except on a leash and under control of some responsible person.

9. Fencing of property

No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

10. Dogs shall not be a source of danger

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

11. Removal of offensive matter

If any dog defecates in any public road or public place, any person in charge of such 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.

12. Dogs on premises where food is sold

Any person being 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 be or remain in or on such shop or place.

13. Seizure, impounding and destruction of dogs

Any dog, found in any public road or public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer.

14.

An authorised officer may seize and impound at a place designated by the council, any dog which is found in any public road or public place in contravention with the provisions of this by-law.

15.

A dog impounded in terms of section 14 may be released to the owner of such dog upon payment of a fee determined by the council in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

16. Liability

Neither the Council nor any authorised officer or any employee of the Council shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure impounding, detention or destruction in terms of this by-law.

17. Penalty clause

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

(1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment;

(2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the local authority as a result of such contravention or failure.