

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government, Public Works and National Housing, has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by the Epworth Local Board:—

Title

1. These by-laws may be cited as the Epworth Local Board (Dog Licensing and Control) By-laws, 2019.

Application

2. These by-laws shall apply in the Epworth Local Board area.

Interpretation

3. In these by-laws—

“Local Board treasurer” means the person appointed for the time being as treasurer or director of finance or any person appointed by him or her to receive licence fees, other moneys payable to Local Board, and includes any person appointed to act in that capacity;

“Local Board” means the Epworth Local Board;

“Local Board area” means the area, under the jurisdiction of Epworth Local Board;

“dog” means any dog, bitch or spayed bitch which is of or over the age of six months;

“guide dog” means a dog trained by an approved person for use by a blind person as a guide-dog;

“kennel” means any building, premises or place set aside by the Local Board for the breeding, selling or keeping of dogs for the purposes of these by-laws and includes any kennels provided by any organisation or institution approved by the Local Board;

“licence” means an official receipt issued by the Local Board treasurer on printed form, stating—

- (a) the description of the dog; and
- (b) the number of the badge issued in terms of these by-laws;

“licensed breeder” means any person or organisation authorised by Local Board to breed dogs for sale;

“designated authority” means a person or any organisation authorised by the Local Board to exercise any function conferred by these by-laws and includes a police officer or a person authorised to exercise powers conferred under section 15 of the Prevention of Cruelty to Animals Act [*Chapter 19:09*];

“owner” in relation to a dog, includes any person who has care, custody, charge or possession of any dog;

“property” means the premises or place where a dog is normally kept;

“spayed bitch” means a bitch in respect of which a certificate has been signed by a registered veterinary surgeon that such bitch has been spayed;

“unspayed bitch” means a dog which on the 1st day of January in any year has not been certified by a registered veterinary surgeon to be spayed.

Presumptions

4. For the purpose of these by-laws—

- (a) a person in whose custody or on whose premises a dog is found shall be presumed to be the owner of the dog;
- (b) a dog found in the Local Board area shall be presumed to be kept in the Local Board area;

until the contrary is proved.

Licensing of dogs

5. (1) Subject to this section, no person shall keep a dog aged six months or more in the Local Board area unless he or she is the holder of a licence and licence badge issued in terms of section 6(3).

(2) A licence and licence badge issued in terms of section 6(3) shall be valid from the 1st of January to the 31st of December each year.

(3) A person whose dog attains the age of six months after the 30th of September shall not be required to obtain a licence and licence badge for that year.

Application for issue of licence and badge

6. (1) Subject to section 5(3), the owner of a dog aged six months or more which is kept under the Local Board area shall, on or before the 1st of January each year, apply to the Local Board for the issue of a licence and licence badge for the dog.

(2) An application under subsection (1) shall be made to the Local Board treasurer and shall be accompanied by—

- (a) a description of the dog;
- (b) a rabies vaccination certificate in respect of the dog;
and
- (c) fee of a dollar.

(3) On receipt of an application referred to in subsection (1) the Local Board shall issue to the applicant—

- (a) a licence showing—
 - (i) the description of the dog;
 - (ii) the name and address of the owner;
 - (iii) the licence number;and
- (b) a licence and badge bearing the year and number of the licence.

Duplicate licence

7. (1) A person may apply to the Local Board for the issue of a duplicate licence or badge where the original licence or licence badge has been lost or destroyed.

(2) An application referred to in subsection (1) shall be made within 14 days of the loss or destruction of the original licence badge and shall be accompanied by the prescribed fee of a dollar.

(3) A duplicate licence or licence badge shall be valid for the unexpired period of the original licence or badge.

Licence not transferable

8. (1) Subject to subsection (2), no person shall use a licence badge on a dog, in respect of which the licence or licence badge was not issued.

(2) A person may use a licence or licence badge which was not issued to him or her where—

- (a) he or she purchases a licensed dog from the owner and notice of the purchase has been given to the Local Board;
or

(b) he or she has been given custody of or control over the dog by the owner of the dog.

(3) No person shall remove a licence badge from a dog or destroy a licence badge unless the owner consents to the removal or destruction.

Register of licences and badges issued

9. The Local Board treasurer shall keep a register of all dogs which have been licensed in terms of these by-laws, and shall record in such register—

- (a) the name and address of the owner of such dog; and
- (b) the number and date of issue of—
 - (i) the licence and licence badge; and
 - (ii) any duplicate licence badge, issued in respect of each dog.

Badge to be attached

10. (1) Subject to subsection (2), the owner of a licensed dog shall cause the licence badge to be affixed to the collar fastened around the dog's neck.

(2) This section shall not apply when the dog is on the owner's property.

Counterfeit licences and badge

11. No person shall be in possession of, or use any counterfeit licences or badge.

Inspection of licences and badges

12. Any member of the Police or any authorised official of the Local Board or any officer of the Society for the Prevention of Cruelty to Animals appointed in terms of section 12(1) of the Prevention of Cruelty to Animals Act [*Chapter 19:09*] who has reasonable grounds for believing that entry upon such premises is necessary for the prevention or detection of a contravention of these by-laws, may enter at all reasonable hours in the day time upon such premises for the purpose of—

- (a) ascertaining the number of dogs kept on or in such premises; and
- (b) ascertaining the name of the owner thereof; and
- (c) examining all licences and badges.

Confinement of dogs

13. No person shall allow his or her dog, which being—

- (a) a bitch in season; or
- (b) a dog suffering from any contagious or infectious disease; or
- (c) a ferocious or dangerous dog;

to be at large.

Control of straying dogs

14. No person shall allow his or her dog—

- (a) to roam without restraint beyond the limits of his or her premises; or
- (b) to be on any public road or any park or any other place to which the public has access unless that dog is—
 - (i) effectively restrained by a leash attached to its collar; or
 - (ii) under the effective control of the person keeping or having charge of it.

Impounding and destruction of dogs

15. (1) Any person may capture a dog which is at large and take it to a designated authority.

(2) If the name and address of the owner of any dog which is brought to a kennel is stamped on or affixed to the collar of such dog, the designated authority shall advise the owner, in writing, of its impounding which advice, if it is sent by post to the address shown on the collar, shall be sufficient advice for the purposes of this section.

(3) The designated authority may cause any dog which has been impounded—

- (a) to be destroyed if it is not claimed; or
- (b) to be disposed of, by way of sale or otherwise, to a person who is willing to give it a home, if it is not claimed by its owner within seven days of his or her receipt of the advice referred to in subsection (2); or
- (c) to be destroyed if it is not claimed by its owner or disposed of in terms of paragraph (b) within 12 days of the date of which it was impounded.

(4) The Officer-in-Charge of a Police Station or the designated authority may cause any dog found at large in any public place to be destroyed, if such dog appears, in the opinion of the designated authority or Officer-in-Charge of a Police Station or a veterinary surgeon to be dangerous, incurably injured or incurably diseased.

(5) No compensation shall be payable by the Local Board or the designated authority or the Police in respect of any action taken in terms of this section.

Limitation of liability

16. The Local Board or the designated authority or the Officer-in-Charge of a Police Station shall not be liable, if, without negligence or fault on their part or their authorised officials, as the case may be, a dog—

- (a) is injured; or
- (b) contracts a disease; or
- (c) dies;

during the period of impoundment of any such dog.

Removal of dogs from kennels

17. The owner of any dog in the possession of a designated authority may claim it if he or she—

- (a) produces to the designated authority a valid licence and rabies inoculation certificate for such dog, if such dog is, in the opinion of the designated authority, over the age of six months; and
- (b) pays to the designated authority—

- (i) a charge fixed by the designated authority; and
- (ii) a charge fixed by the designated authority in respect of each day or part thereof during which such dog is impounded; and
- (iii) any other reasonable expenses incurred by the designated authority in the veterinary treatment necessary for the preservation of the health of such dog during the period of its impounded.

Control of nuisance

18. (1) No person shall keep any dog which creates a disturbance or a nuisance to or destroys the comfort, peace or tranquillity of the neighbourhood where it is kept.

(2) Without derogation from the provisions of subsection (1) the following acts shall be deemed to constitute conduct which creates a disturbance or a nuisance or destroys the comfort, peace or tranquillity of the neighbourhood where such a dog is kept—

- (a) constant whining; or
- (b) constant barking; or
- (c) constant straying onto another person's property; or
- (d) defiling of another person's property, public places or public roads by any dog.

(3) Notwithstanding the imposition of any other competent penalty where Local Board is satisfied that a person is guilty of the conduct specified in subsection (1) or (2), Local Board may disqualify such person from keeping any dog, for a specified continuous period not exceeding three years:

Provided that before taking such action, Local Board shall—

- (a) notify such person, in writing, of the prohibited conduct; and
- (b) allow such person 14 days within which he or she can either comply with the provision of subsection (1) or make written representations to Local Board as to why he should not be disqualified in terms of this subsection.

(4) Where Local Board receive written representations from any person in terms of proviso to subsection (3)(b) it shall, without delay consider them and notify the person in writing of its decision.

(5) Where Local Board disqualifies a person from keeping any dog in terms of subsection (3) the City Town Treasurer shall cancel that person's licence forthwith and record such fact in his or her register.

Obstruction of officials

19. Any person who obstructs or hinders any authorised Local Board official or Officer-in-Charge of a Police Station or any officer duly appointed in terms of section 12(2) of the Prevention of Cruelty to Animals Act [*Chapter 19:09*] in the exercise of his or her duty shall be guilty of an offence.

Offences and penalties

20. Any person who fails to comply with or contravenes any of the provisions of these by-laws shall be guilty of an offence and shall be liable to a fine not exceeding level 5.

Transitional provision

21. Any person who before the coming into operation of these by-laws owns dogs which are in excess of the number permitted in terms of section 4 shall, within six months of the coming into operation of these by-laws comply with provisions of section 4.

