

BEDFORD VIEW JURISDICTION ONLY

Administrator's Notice 2082

31 December 1980

BEDFORDVIEW MUNICIPALITY: BY-LAWS RELATING TO DOGS

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

DEFINITIONS

1. In these by-laws unless the context otherwise indicates -

“authorized officer” means a person authorized thereto by the Council;

“Council” means the Village Council of Bedfordview and includes the management committee of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960);

“dog” means both a male dog and a bitch;

“driving fees” means the fee payable when a dog was caught, driven and transported by an authorized officer of the Council in terms of the provisions of these by-laws of the pound;

“kennel” means any premises used or intended to be used for the boarding of dogs, or premises where dogs in excess of three in number may be kept for veterinary treatment;

“owner” or “occupier” in relation to a dog includes any person who keeps or has in his possession, care or charge, a dog;

BEDFORD VIEW JURISDICTION ONLY

“Society” means the charitable society for the prevention of cruelty to animals established in terms of section 19 of the National Welfare Act, 1965 (Act 79 of 1965).

“tax” means the tax levied in terms of the Schedule;

“year” or “yearly” means a period of twelve months ending at 24h00 on the 31st day of December.

TAX TO BE PAID

2. No person within the municipality shall keep a dog that is six months old or older, unless such dog is registered at the municipal offices and in the manner hereinafter provided, a tax receipt in respect of each such dog has been obtained.

PERSON LIABLE FOR TAX

3. For the purposes of these by-laws any person in whose custody, charge or possession, or within whose house or premises any dog shall be found or seen, shall be deemed to be the person keeping such dog, until he shall prove the contrary.

APPLICATION FORM AND TAX

4.
 - (1) Every applicant for a dog tax receipt shall complete a form supplied by the Council, furnishing his name and address and an accurate description of the dog for which such tax is being paid.
 - (2) Any applicant in terms of subsection (1) shall, in respect of each dog ages six months or older, pay the tax prescribed in the Schedule hereto.
 - (3) The tax shall be an annual tax and shall be payable before 31 January of every year, except in cases where tax shall be payable for the first time in respect of any dog.

BEDFORD VIEW JURISDICTION ONLY

TAX RECEIPT

5. (1) Every applicant who has satisfied the requirements of section 4, shall receive a tax receipt signed by an authorized officer of the Council, containing a description of the dog.
- (2) Every tax receipt shall lapse at 24h00 on 31 December following the date of issue.

DUPLICATE TAX RECEIPT

6. Any person may obtain a duplicate of a tax receipt issued to him upon payment of the fees prescribed in the Schedule hereto.

TRANSFER OF TAX RECEIPT

7. Any tax receipt may be transferred by the holder thereof to another person should there be a change of ownership of the dog concerned, subject to the following conditions:
 - (1) The person desiring such transfer shall apply to the Council and produce the tax receipt or duplicate thereof in respect of the said dog, endorsed by the transferor, to the effect that the dog has been disposed of, stating the name and address of the new owner and signed by the transferee.
 - (2) The transferee shall pay to the Council the transfer fees prescribed in the Schedule hereto.
 - (3) The authorized officer shall, on compliance with the above requirements, endorse the name and address of the new owner on the tax receipt: Provided that nothing in this section contained shall be deemed to authorize the transfer of a tax receipt in respect of any dog other than the dog in respect of which such tax was originally paid.

BEDFORD VIEW JURISDICTION ONLY

EXEMPTION FOR DOGS BELONGING TO VISITORS OR BLIND PERSONS OR DOGS UNDERGOING TREATMENT

8. The following persons shall be exempted from the provisions of sections 2 and 4;
 - (1) Any person residing outside the municipality, who brings any dog into the municipality for a temporary visit for a period not exceeding 30 days from the date of his arrival within the municipality.
 - (2) The Society for the Prevention of Cruelty to Animals.
 - (3) Any blind person using any dog solely as a guide or lead dog and who has obtained the council's approval in writing.
 - (4) Any person residing outside the municipality, who leaves any dog at any place within the municipality for treatment or boarding at a veterinary surgeon or a recognised kennel or dog boarding establishment: Provided that any dog in terms of subitems (1) and (4) shall be removed from the municipality immediately after such treatment, boarding or temporary visit is completed. Provided further that the owner of such dog shall be in possession of a licence issued by the authority within whose jurisdiction such dog is normally kept.

TAX RECEIPT TO BE PRODUCED FOR INSPECTION

9. Any person who has paid the tax, shall produce his tax receipt for inspection to any authorized officer of the Council, when reasonably required of him.

RESTRICTION ON THE NUMBER OF DOGS

10. (1) The number of dogs older than six months, that may be kept within the municipality, shall be as follows:
 - (a) On premises zoned for special residential purposes: Three dogs.

BEDFORD VIEW JURISDICTION ONLY

- (b) No dogs may be kept on premises zoned for general residential purposes or as industrial or business premises, unless the prior written approval of the Council has been obtained. In giving its approval the Council may impose any conditions it may deem fit in that particular case, under the hand of the Town Clerk.

 - (c) On premises zoned as agricultural or farm land: Four dogs:

Provided that the Council may, on application, exempt dog breeders registered with the Kennel Union of South Africa and who have complied with the provisions of the Licences Ordinance, 1974 (Ordinance 19 of 1974), from the provisions of this section.
- (2) Premises where dogs are kept shall be fenced in such a way that dogs are kept within the premises and the fence shall be kept in good repair.

 - (3) At the coming into operation of these by-laws, owners who have more than 3 dogs, as provided for in subsection (1)(a) and (c), may keep such excess number of dogs on condition that where any of the excess dogs die or are done away with, may not be replaced.

 - (4) When it is alleged in a prosecution under these by-laws that a dog is of a specific breed, kind or age it shall be presumed that such dog is of that breed, kind or age until the contrary is proved.

DOG'S COLLAR AND NAME AND ADDRESS PLATE NOT TO BE UNLAWFULLY USED OR REMOVED

- 11. No person shall unlawfully use, destroy, or remove any collar or any name and address plate attached thereto from a dog.

BEDFORD VIEW JURISDICTION ONLY

DOG-KENNELS

12. No person shall establish, maintain or carry on a business of dog-kennels in an area zoned as “general residential”, “special residential” or other residential purposes in terms of an approved town-planning scheme or within 500 m of such area, unless the prior approval of the council has been obtained.

IMPOUNDING OF DOGS

13. (1) Any authorized officer of the Council or any other person may take any dog which is at large and apparently ownerless, or which is being kept in contravention of any provision contained in these by-laws, to the pound. Such dog shall be detained there until the person claiming such dog shall have produced to the poundmaster a tax receipt in respect thereof, and paid to the poundmaster the fees prescribed in the Schedule hereto.
- (2) Where there appears on the collar of any dog impounded the name and address of a person, the poundmaster shall immediately communicate with such person. A written communication posted to the address shown on the collar shall be deemed sufficient communication for the purpose of this section.
- (3) No person shall rescue or attempt to rescue any dog lawfully impounded, from the custody of the person in charge of the pound.
- (4) For the purposes of this section “pound” means a place designated by the Council for the detention and destruction of dogs in terms of these by-laws.

REGISTER OF DOGS IMPOUNDED

14. The Council shall keep a register showing the date on which every dog is impounded, sold or destroyed, and in the case of a sale, the amount realised therefore, which amount shall accrue to the Council.

BEDFORD VIEW JURISDICTION ONLY

ESTABLISHMENT AND TRANSFER OF THE CONTROL, MANAGEMENT AND MAINTENANCE OF DOG POUNDS

15. (1) The Council may for the purposes of these by-laws establish a dog pound and enter into an agreement with the Society wherein the maintenance, control and management of such pound is transferred to the Society, subject to such stipulations and conditions as the Council deems expedient.
- (2) If the maintenance, control and management of the pound is transferred to the Society –
- (a) the powers and duties set forth in sections 13, 14, 17 and 20 shall be deemed to have been delegated to the Society or to anyone authorized by the Society, as the case may be, and the provisions of the said sections shall apply accordingly to the Society or such person;
 - (b) the Society shall accept any dog captured in terms of section 13 with a view to impounding in the pound and shall thereafter deal with it in accordance with these by-laws; and
 - (c) the Society shall be entitled to any fees prescribed in terms of section 13(1) in respect of an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 16.

UNCLAIMED DOGS MAY BE SOLD OR DESTROYED

16. (1) In the event of any dog not being claimed by any person entitled thereto within a period of 7 days after 12h00 of the day the dog was impounded, an authorized officer may cause the dog to be sold or to be destroyed.
- (2) The Council shall not be liable for any compensation to any person entitled to the dog in respect of any action taken in terms of this section.

BEDFORD VIEW JURISDICTION ONLY

DESTRUCTION OF DOGS

17. (1) The Council may, subject to the provisions of sections 13 and 16, order the destruction of any dog –
- (a) where it appears that such dog is of the type described in section 19(1) and that the person claiming such dog is not entitled to its return in terms of section 19(3);
 - (b) where any dog is found at large in any public place and the owner or person having custody thereof, refuses or fails to pay the tax due in terms of these by-laws in respect of such dog; and
 - (c) where any dog is found at large in any public place and appears to be ownerless or unclaimed.
- (2) In no case shall the Council be liable to pay compensation to any person in respect of the destruction of a dog in terms of this section.

COUNCIL'S OFFICERS MAY ENTER PREMISES

18. (1) Any authorized officer of the Council may enter any premises for the purpose of enforcing these by-laws or to establish the number of dogs that are being kept and to inspect tax receipts and may take an interpreter or other assistant with him.
- (2) No person shall obstruct, hinder, refuse or fail to give information or give false information to any such officer in the course of such investigation.

VICIOUS DOGS AND BITCHES ON HEAT

19. (1) No person shall permit any dog, particularly a dog that –
- (a) is wild or vicious or appears to be so; or

BEDFORD VIEW JURISDICTION ONLY

- (b) has acquired the habit of running after vehicles, animals, poultry, pigeons or persons; or
- (c) causes damage to persons or property; or
- (d) is a bitch on heat which is creating a nuisance;

to be in a public place, or bring it in such place.

- (2) Any authorized officer may impound any such dog or have it impounded.
- (3) No person claiming any dog so impounded shall be entitled to its return, unless and until the pound fees are paid.

DOGS CAUSING NUISANCE

20. (1) No person shall keep a dog which –
- (a) creates a disturbance or a nuisance by constant or excessive barking, howling or whining;
 - (b) suffers from a contagious disease: provided that such dog may be kept in a veterinary surgeon's clinic for treatment.
- (2) In the event of an authorized officer being of the opinion that a dog is a dog as contemplated in subsection (1), he may enter the owner of such dog in writing to remove such dog from the municipality and the owner then shall remove such dog from the municipality within 96 hours after 12h00 hours of the day when such notice was served. If the owner of such dog fails to comply with such written order the authorized officer may impound the dog and deal with it in terms of sections 16 and 17.
- (3) The Council shall not be liable to pay any compensation to any person entitled to the dog in respect of any action in terms of this section.

BEDFORD VIEW JURISDICTION ONLY

- (4) No person shall allow his dog, or a dog under his care, to be in a park or open space without being under proper supervision.
- (5) No person shall allow his dog to cause a nuisance by soiling the sidewalk, street, park or other public or private place.
- (6) The owner or person under whose control the dog is kept, shall clean the public place or private premises soiled by such dog.

DOGS TO BE ON LEAD

- 21. (1) No person shall permit any dog to be at large in a street or public place unless it is kept on a leash or chain or is otherwise under control of such person.
- (2) Any authorized officer of the Council may impound a dog which is not kept on a leash or chain and such dog shall be dealt with in accordance with sections 13 and 16 of these by-laws.

DOGS NOT TO BE URGED TO ATTACK

- 22. No person shall, without reasonable cause -
 - (1) set any dog on any person or animal;
 - (2) permit any dog in his custody or possession to attack or terrify any person or animal.

PRESUMPTION

- 23. In any proceedings instituted in terms of these by-laws against any person on the ground that -
 - (1) he is keeping a dog of six months of age or older without having paid the tax in respect thereof; or
 - (2) he is keeping an unspayed bitch;

BEDFORD VIEW JURISDICTION ONLY

such dog shall be deemed to have reached the age of six months or that such dog is unspayed unless and until the contrary is proved.

PENALTIES

24. Any person contravening any of the provisions of these by-laws shall be guilty of an offence and liable on conviction, to a fine not exceeding R100 or, in default of payment, to imprisonment for a period not exceeding 3 months.

REVOCACTION OF BY-LAWS

25. The Dog Licensing By-laws of the Bedfordview Municipality, published, under Administrator's Notice 35, dated 14 January, 1959, as amended, are hereby revoked.

SCHEDULE

1. ANNUAL DOG TAXES

- (1) For every male dog or bitch which is a dog of the greyhound strain or a dog of a similar kind:
- (a) For the first dog: R10
 - (b) For every additional dog: R20
- (2) The following tax shall be payable in respect of dogs to which the provisions of subitem (1) do not apply:
- (a) For the first dog: R5.
 - (b) For every additional dog: R10.

BEDFORD VIEW JURISDICTION ONLY

- (3) For every dog on a general residential stand or any other residential or business premises for which the necessary consent has been obtained: R20;

The provisions in this notice contained, shall come into operation on 1 January, 1981.