Kannaland, South Africa

Dogs

Legislation as at 10 March 2006

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Dogs
Contents

1. Definitions 1

2. Dog Tax 1

3. Seizure, impounding and destruction of dogs 1

4. Control of dogs 2

5. Breeding of dogs 3

6. Number of dogs 3

7. Offences and penalties 3

Kannaland
South Africa

Dogs By-law, 2006

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Purpose of By-law

To provide for the control over the numbers of dogs that may be kept, the breeding of dogs, control of dogs by their owners, pounding of dogs, and prevention of nuisance through the keeping of dogs.

1. Definitions

In this By-law words used in the masculine gender include the feminine, and the singular includes the plural and vice versa, and unless the context otherwise indicates—

"**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 Municipality where such dog is kept or is permitted to live or remain;

"**municipality**" means the Municipality of Kannaland and includes any political structure, political office bearer, councilor, duly authorised agent thereof, 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 political structure, political office bearer, councilor, agent or employee.

2. Dog Tax

(1) Subject to resolution of the Council, every person who keeps a dog shall pay a tax to the Municipality in respect of such dog.

(2) The Municipality shall issue the licence and metal disc upon payment to it of the tax.

Any person who contravenes or fails to comply with such conditions and restrictions as the municipality may deem fit to impose under this section shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 7.

3. Seizure, impounding and destruction of dogs

(1) An authorised officer may seize and impound at a place appointed by the Municipality any dog which—

(a) may be destroyed; or

(b) is suffering from mange or any other infectious or contagious disease; or

(c) in his opinion constitutes a hazard to traffic using any public street; or

(d) is at large; or

(e) is found in any place which is not the land or premises owned or occupied by the person keeping such dog, which is wearing a metal disc other than the valid disc issued in respect of such dog, or which is wearing a disc not duly issued for the breed and gender to which such dog belongs.

(2) A dog impounded in terms of subsection (1), other than a dog so impounded in terms of sub-section (1)(b), shall be released to the owner of or person keeping such dog upon—

(a) payment of a fee as fixed by the Municipality; and

(b) payment of any tax due in respect of such dog or, if such tax has already been paid, upon production of the valid licence issued in respect of such dog.

(3) A dog impounded in terms of subsection (1), other than a dog so impounded in terms of subsection (1)(b), may be sold or destroyed after it has been detained for not less than five full days unless it has been claimed and released in terms of subsection (2).

(4) Notwithstanding the provisions of subsection (3), a dog which has been seized or impounded in terms of—

(a) subsection (1)(b); or

(b) any provision of this by-law or the provisions of any other law and which is found to be suffering from any incurable, infectious or contagious disease, to be ferocious, vicious or dangerous or to be badly injured,

may be destroyed forthwith.

(5) The proceeds of any sale referred to in subsection (3) shall be used to defray all costs connected with such sale, and the impounding of such dog.

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

(7) The municipality shall keep record of all dogs seized and impounded in terms of this by-law.

4. Control of dogs

No person shall—

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

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

(c) keep any dog which—

(i) barks, yelps, howls or whines, or

(ii) behaves in any other way, So as to interfere materially with the ordinary comfort, convenience, peace or quiet of neighbours; or

(d) permit any dog owned or kept by him—

(i) to be in any public street or public place while such dog is suffering from mange or any other infectious or contagious disease; or

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

(iii) to trespass on private property; or

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

(v) to constitute or to his knowledge to 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 street or public place except on a leash and under control.

Any person who contravenes or fails to comply with this section shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 7.

5. Breeding of dogs

All bitches must be spayed unless the bitch is shown to be registered with any of the following institutions: The SA Kennel Union, The National Federation of Jack Russell Terriers of South Africa, The National Federation of Boxer Clubs of SouthernAfrica, or The German Shepherd Dog Federation of South Africa.

Any person who contravenes or fails to comply with this section shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 7.

6. Number of dogs

No person not being a breeder of dogs duly registered in terms of section 5, or the holder of a licence to keep kennels, shall keep on his premises more than two dogs: Provided that a person who on the date of promulgation of this by-law has kept more than two dogs may continue to keep such greater number, but shall not replace any dog in excess of two when such dog dies or is disposed of.

Any person who contravenes or fails to comply with this section shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 7.

7. Offences and penalties

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

(1) a fine of R2 000 or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,

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