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NOTICE BY LOCAL AUTHORITY**HESSEQUA MUNICIPALITY: BY-LAW ON IMPOUNDMENT OF ANIMALS**

**In terms of Section 156 of the
Constitution of the Republic of South Africa, 1996, the Municipal Council of the Hessequa
Municipality has enacted the by-law as set out below:**

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1. DEFINITIONS

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context otherwise indicates—

“animal”, means any equine, bovine, donkey, mule, camel, sheep, goat, pig, fowl or other bird, poultry, ostrich, hare, rabbit, dog, cat or other domestic animal or bird, or a wild animal, wild bird or reptile which is in captivity or kept in captivity or under the control of somebody.

“authorized official”, means an official, authorized in terms of Section 8 of the Animal Protection Act, 1962 (Act No 71 of 1962), as amended, or any peace officer authorized in terms of Section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Hessequa Municipality, who is authorized by the Hessequa Municipality to enforce the provisions of this by-law;

“cattle”, means an adult bull or cow, an ox or young ox, or a heifer or bull calf;

“court”, means a Magistrates Court, as referred to in Section 166(d) of the Constitution of the Republic of South Africa, 1996, in the area of jurisdiction in which the animal pound is situated;

“goat”, means an adult ram or she-goat, castrated goat or a wether or a kid;

“horse”, means a stallion, mare gelding, colt, filly, male or female donkey or mule;

“identification mark”, means a prescribed mark on an animal, as required by the Animal Identification Act, 2002 (Act No 6 of 2002), as amended;

“land”, means any premises or property or public place, within the area of jurisdiction of the Hessequa Municipality;

“lot”, a multitude, collection, number of group of animals;

“microchip”, means an electronic mechanism which is affixed to an animal, on which data of the animal and or the owner of the animal are stored;

“municipal systems act” means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“municipality”, means the Hessequa Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, and includes reference to any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof, or any duly delegated and / or appointed officials in the service of Hessequa Municipality;

“newspaper”, means any newspaper registered as a newspaper and which includes the local and provincial newspaper;

“occupant”, means a person who occupies and control land or premises, and includes a resident of a premises;

“owner”, means an owner who is known or whose identity can be established reasonably quick and in relation to the ownership of any animal and includes any person who is the lawful agent of such an owner, or any other person who is responsible for the care, custody or control of an animal; or in relation to land, it includes the owner, tenant, or legal occupant of such land, or the agent thereof.

“owner of property”, means in relation to the ownership of any property, any person, who as owner, legal lessee or occupant resides on premises or a portion of land, or use or utilize it for whatever purpose, or who as agent of the owner exercise control over it;

“person”, means and includes for purpose of this by-law, a natural person or a juristic person or any agricultural, industrial or commercial undertaking or and an organ of State;

“pig”, means a boar, sow, or any sucking pig or pet pig;

“poultry”, means a chicken, goose, duck, turkey or muscovy duck, either tame or wild;

“pound”, means any fenced-off area consisting of one or more buildings, structures, cages or camps, which is provided by the Hessequa Municipality or a service provider to be used as a pound, and which is under the control of a pound master or a service provider in terms of a service delivery agreement, and which functions as a pound where stray, lost or animals at large can be temporarily accommodated;

“pound master”, means a person:

- (a) who is a temporary or fulltime employee of the Hessequa Municipality, and who has been tasked and / or authorized to fulfill the functions and responsibilities of a pound master; or
- (b) who in terms of a service delivery agreement with the Hessequa Municipality has been appointed to fulfill the functions and responsibilities of a pound master;

“private property”, means all properties not in possession of an organ of state or another municipality or the Hessequa Municipality;

“property”, means—

- (a) immovable property registered in the name of a person, including in the case of a Sectional title scheme, a Sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;

- (c) a land tenure right or land right registered in the name of a person or granted to a person in terms of legislation;
 - (d) a public place registered in the name of the Hessequa Municipality or any other organ of state or entity; and
 - (e) public service infrastructure, including any public road;
- “public road”**, means any public road as referred to in Section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;
- “public place”**, means any premises or property or land, under the control of the Hessequa Municipality, to which the public have access, and includes, but are not restricted to: any square; building; park; recreational area; sports grounds; beach; open space; nature reserve; municipal street, alley or road reserve; public road; parking area, municipal commonage; unused, used, build-up or vacant municipal land; or a cemetery;
- “public property”**, means all properties in possession of an organ of state or another municipality or the Hessequa Municipality;
- “reserve price”** means the minimum amount that Hessequa Municipality will accept as the winning bid in the auction for an item up for auction;
- “services delivery agreement”**, means a service delivery agreement as contemplated in Section 1 of the Local Government: Municipal Systems Act' 2000(Act No 32 of 2000), as amended; and
- “sheep”**, means an adult ram or ewe, a wether or a lamb;
- “stallion”**, means a male horse, donkey or mule, not castrated or partially castrated;
- “stock inspector”**, any person duly competent and qualified to inspect stock, and who is appointed for this purpose by the Department of Agriculture;
- “veterinary surgeon”**, means a person who is qualified and registered in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No 19 of 1982), as amended, to practice as veterinary surgeon.

2. PURPOSE OF BY-LAW

The purpose of this by-law is-

- (1) to improve the realisation of a healthy and safe environment to the benefit of the residents within the jurisdiction of the Hessequa Municipality;
- (2) to make provision for procedures, methods and practices to regulate the impoundment of animals.

3. APPLICATION

This By-law is applicable within the jurisdiction of the Hessequa Municipality provided that nothing shall prohibit or prevent any animal which is in captivity in terms of this by-law, from being impounded in a pound or a similar facility, which is erected by another municipality or lawful authority.

4. ESTABLISHMENT OF A POUND

- (1) The Municipality may establish a pound and any places of safe-keeping at any chosen or convenient place within the area of jurisdiction of the Municipality, as required, provided that the Municipality also may enter into a service delivery agreement with an Animal Welfare Organisation or an institution or person, as contemplated in Section 76(b) of the Municipal Systems Act, to provide for the establishment and operation of a pound and places of safe-keeping to service the area of jurisdiction of the Municipality as a whole or partially.
- (2) The Municipality shall give notice of the intention to establish a pound, by publishing a notice in at least one (1) newspaper circulating in the area of jurisdiction of the Municipality.
- (3) The Municipality may close any pound under its control.

5. APPOINTMENT OF A POUND MASTER

The Municipality shall, in terms of the appointment policy of the institution, appoint a suitably skilled and experienced person as a Pound Master, unless the pound is established and operated in terms of a service level agreement as contemplated in Section 4(1).

6. IMPOUNDING OF ANIMALS

(1) Any owner of private property, may detain any animal which has trespassed or strayed on his or her property for purpose of impounding the animal concerned or moving an animal to a place of safe-keeping, on condition that before such animal may be removed, the following conditions shall be complied with—

- (a) The owner of the property on which the animal is found, may detain the animal concerned, and when a property owner does not have the resources or ability to detain such an animal himself or herself, such person may request the assistance of the Municipality to detain such animal, on condition that such animal may not be removed to a pound, before a written notice to remove the animal from the property concerned within twenty-four (24) hours has been served on the owner of the animal by the property owner, when the particulars of the owner of the animal is known or when ownership can be determined by means of an identification mark on the animal or a microchip affixed to the animal.
- (b) The owner of the property on which the animal is detained shall in instances where the owner of the animal concerned is unknown, make a reasonable attempt to identify the owner of the animal, and when unsuccessful, the owner of the property or the Municipality may remove the animal to a place of safe-keeping or a pound for impoundment.
- (c) The owner of the animal that was detained, may on submission of proof of ownership, petition the owner of the property where the animal was found and detained, for the release of such animal.
- (d) The person who detained the animal concerned, may release the animal, after consideration of the representation of the owner of the animal and after the penalties payable in terms of the provisions of this by-law and the Public Nuisances and Nuisances resulting from the Keeping of Animal's By-law of the Hessequa Municipality, have been imposed by the Municipality on the owner of the animal, and have been paid by the owner of the animal, provided that the owner of the property shall retain the right to submit a claim to the Court for damages in relation to the incident.
- (e) When the owner of the property on which an animal was detained, refuse to release the animal to the owner after consideration of the representation for release of the animal, the animal concerned shall within a period of forty-eight (48) hours be handed over to an authorized official or the Pound master to be removed to a pound, provided that the authorized official or the Pound master may only release such animal when such release comply to the provisions of Section 20 of this by-law.
- (f) The owner of the property shall be entitled to refer any dispute in relation to the impoundment of an animal or a claim for damages suffered as a result of the incident, to a Court within a forty-eight (48) hour period for settlement, in which case an order for the impoundment of the animal may be issued, together with an order for costs and damages, which the Court deems fair and reasonable.

(2) Any person may request an authorized official, or an authorized official may at his or her discretion decide, to detain or impound, as applicable, an animal which is found grazing unauthorized or at large or straying unattended in or on any public place or public road.

(3) Any animal found at large, grazing or straying unattended upon any public road, municipal street, road reserve, alley or residential area including informal settlements which is a danger for road traffic and / or vehicles and the community, or disease carrying animal or unwanted animal found in any residential area shall be detained for impounding by—

- (a) a member of the South African Police Services;
- (b) a member of the South African National Defence Force;
- (c) a member of the Provincial Traffic;
- (d) a member of any animal protection organization; or
- (e) an authorized municipal official.

(4) The owner of any property through or alongside which a public road passes or which abuts a public road, may if a valid reason exists for it, request an authorized official to detain and remove any animal for impoundment, when an animal is found at large, grazing or straying unattended upon the public road concerned.

(5) A person may not keep an animal, detained for any purpose, or for purpose of impounding the animal in terms of in Section 4(1), 4(2), 4(3) and 4(4) of this bylaw, for a period longer than six (6) hours without supplying such animal with adequate food and water.

(6) Any person who has detained an animal for any purpose, or for purpose of impounding the animal, shall comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1 of this by-law.

7. DESTRUCTION OF DANGEROUS AND INJURED ANIMALS AND ANIMALS WITH CONTAGIOUS DISEASES

- (1) Whenever a Pound master is of the opinion that an impounded animal is so diseased or so severely injured or in such a poor physical condition or a danger to people or other animals in the pound, that it ought to be destroyed, the Pound master or authorised official shall request a veterinary surgeon to examine the animal concerned, to determine in collaboration with the Pound master the necessity for the humane destruction of the animal, on condition that before such animal is destroyed—
- (a) a written notice be served on the owner of the animal, informing him or her of the intention to destroy the animal concerned and the reasons for the intended action, when the particulars of such an owner is known and / or when ownership can be determined by means of an identification mark on the animal or a microchip affixed to the animal;
 - (b) when it is impractical or impossible to inform the owner of the animal concerned of the intended action, a verbal notification or any other practical method of notification, shall be considered as sufficient; and
 - (c) when an emergency situation exists, and it is impractical or impossible to give the owner of an animal concerned any form of notice of the intended action to destroy an animal, a veterinary surgeon may authorize the humane destruction of the animal concerned, on condition that the owner of such animal, be notified as soon as possible about the destruction of the animal and the reasons for the action.
- (2) When any animal or animals suffering from a contagious Disease as contemplated in the Animal Diseases Act, 1984 (Act No 35 of 1984), as amended, is impounded at a pound or becomes Infected while impounded in a pound—
- (a) such animal or animals shall be kept separate from other impounded animals, as long as it is needed, if the animal is not immediately destroyed;
 - (b) such animal or animals shall be isolated from other impounded animals and the presence of the infected animal or animals shall be reported to the nearest State Veterinarian; and
 - (c) the owner or owners of the animal or animals shall immediately be notified in writing of the impoundment of the infected animal or animals and the actions taken to curtail the infectious disease, where the particulars of the owner or owners are known and / or can be determined by the Pound master.

8. CARE OF IMPOUNDED ANIMALS

- (1) The pound master or authorised person—
- (a) is responsible for the proper care of all impounded animals;
 - (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
 - (c) is liable to the owner of an impounded animal for any damage caused by his or her willful or negligent acts or omissions.
- (2) If the pound master or authorised official is of the opinion that an impounded animal is dangerous vicious, permanently disabled or terminally ill or injured or in such a physical state that it should be destroyed, he or she, must inform a veterinarian and or police official and request him / her to act in terms of section 5 of the Animal Protection Act, 1962.
- (3) The pound master or authorised official must immediately notify the owner in writing of the destruction and disposal of the animal.

9. INFORMATION THAT SHALL BE PROVIDED TO THE POUND MASTER

A person who send or take animals to a pound, shall provide the Pound master in writing with the following information—

- (a) the number and description of the animal or animals to be impounded;
- (b) the property or land upon which the animal or animals were found trespassing;
- (c) the distance in kilometres, by the shortest and most practical road route, between the place where the animal or animals were seized and the pound;
- (c) where an animal or animals have been detained on private property, proof of the required written notice of removal to the owner of the animals concerned and other processes as contemplated in Section 6(1) of this by-law, as applicable;
- (e) where the owner of the animal or animals which have been seized on a private property, could not be traced, an affidavit stating that the identity of the owner of the animal and / or animals is unknown and that a reasonable attempt has been made by the owner of the property to identify the owner of the animal or animals; and

- (f) the condition of the animal impounded and the circumstances under which an animal has been impounded.

10. ACCEPTANCE OF ANIMALS AT POUND TO BE IMPOUNDED

The pound master or authorised official may not unreasonably refuse to accept an animal for impounding subject to the provisions of section 7 of this by-law.

11. RECEIPT FOR IMPOUNDED ANIMALS

The Pound master or authorised official shall provide every person who left an animal or animals in the care of the Pound master or authorised official with a written receipt, and the receipt shall indicate the number and description of the animals impounded and the particulars of the person leaving the animal for impoundment.

12. THE PROVISION OF PADDOCKS AND / OR CAGES IN A POUND

The Municipality shall for purpose of a pound, provide and properly maintain separate paddocks and / or cages, free from all infectious diseases, for—

- (a) ostriches and equine;
- (b) bovine;
- (c) sheep, goats and pigs;
- (d) dogs;
- (e) cats; and
- (f) any other type of animal, as determined from time to time, on condition that the Municipality may grant permission to the Pound master or authorised official to provide and maintain less paddocks and / or cages for any pound in the area of jurisdiction of the Municipality.

13. COMPULSORY POUND REGISTER

(1) Every Pound master or authorised official shall keep a pound register, containing the following information—

- (a) the date when every animal was impounded and the reasons for the impoundment of the animal concerned;
- (b) the number and description of each animal impounded;
- (c) the name and address of the person who impounded an animal, and the name and address of the owner or presumed owner of an animal, if the information is known to the Pound master or authorised official;
- (d) the date and particulars of the release and / or sale of impounded animals;
- (e) the fees, tariffs and costs paid in cases where animals have been released and the receipts numbers for each individual payment received; and
- (f) any other matter determined by the Municipality to be recorded.

(2) The entries referred to in Sections 13(1)(a), 13(1)(b) and 13(1)(c) of this by- law shall be done when an animal is impounded, and the entries referred to in Sections 13(1)(d), and 13(1)(e) of this by-law, shall be entered into the pound register when the information is obtained by the Pound Keeper, provided that no entry shall be done when a dispute exist with regard to the impoundment of an animal.

(3) When an animal die, is stolen or is injured while impounded, the Pound master or authorised official shall enter a description of such animal in the pound register, and the reasons for the death, injury or theft of the animal concerned.

14. NOTICES TO OWNERS OF IMPOUNDED ANIMALS

(1) When the particulars of an owner of an impounded animal are known to the Pound master or authorised official or can be determined by means of an identification mark on the animal or a microchip affixed to the animal, the Pound master shall notify the owner of the animal concerned immediately that the animal has been impounded.

(2) When the impounded animal has an identification mark, as required by the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, the Pound master or authorised official shall follow the procedures for the confirmation of ownership, as contemplated in Section 14 of the Regulations for Animal Identification, as amended, and promulgated in terms of GN R1683 of 21 November 2003.

(3) When the details of the owner of an animal are unknown to the Pound master or authorised official and/or cannot be determined, the Pound master or authorised official shall on receipt of the animal at the pound report the impoundment of the animal concerned at the nearest office of the South African Police Service, and post a notice of the impoundment of the animal on a notice board in the immediate vicinity where the animal was seized.

15. IMPOUNDED ANIMALS THAT DIE OR ARE STOLEN OR INJURED

When an impounded animal is injured or dies or is stolen, the Pound master or authorised official shall –

- (a) record the cause of death or injury or theft in the pound register as referred to in Section 13 of this by-law;
- (b) notify the owner of the animal in writing of the injury, death or theft of the animal concerned, where the particulars are known to or obtainable by the Pound master or authorised official; and
- (c) in the case of the theft of an animal from the pound, report the theft to the nearest office of the South African Police Service.

16. INSPECTION OF BY-LAW

The Pound master or authorised official shall ensure that a copy of this by-law is available for inspection at all times at a pound.

17. FEES, TARIFFS AND COSTS PAYABLE

(1) The Municipality shall annually determine fees and tariffs in terms of the Tariff By-law of the Hessequa Municipality, for the keeping, transport and / or care of impounded animals, and may levy different fees and tariffs for different types of animals.

(2) The Pound master or authorised official shall—

- (a) charge the owner of an impounded animal the fees and tariffs as determined by the Municipality annually; and
- (b) recover the costs for any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of the Animal Diseases Act, 1984 (Act No 35 of 1984), as amended, from the owner of an impounded animal.

18. PAYMENTS

(1) The tariffs and fees that are determined in terms of Section 17(1) of this by-law, and all other costs incurred, shall be paid to the Municipality by the owners of the animals that have been impounded and the Municipality shall issue a receipt for all monies received; and

(2) The owner of an animal shall supply the Pound master or authorised official with a valid receipt, before an impounded animal may be released.

(3) The animals which have been impounded, may be kept by the Municipality as surety for the payment of the applicable pound fees and tariffs, and any other costs incurred by the Municipality in relation to the impounding of an animal, provided that when the value of the impounded animals are in excess of the total amount owed for fees, tariffs and costs, and when the owner of an animal is unable to pay the amount owed, the Pound master or authorised official may only retain the number of animals that are sufficient to cover the amount owed, and shall release the remainder of the animals to the owner concerned.

(4) A Pound master or authorised official who unlawfully retain animals after the required payments for the release of animals has been received or for purpose of surety for unpaid amounts, as contemplated in Section 18 (1) and 18(3) of this by-law, shall be liable towards the owner and / or owners of the animals for any damage caused as result of the retention of the animals.

(5) The fees, tariffs and costs paid in terms of this by-law, shall be deposited in terms of the instructions and procedures dictated by the Municipality, as income of the Municipality.

(6) No pound master or authorised official may release an animal impounded in terms of the provisions of this by-law, without the required fees, tariffs and costs being paid.

19. INSPECTION OF POUND REGISTER

The pound register of a pound shall be kept at the pound or any other designated place, and shall be available free of charge for inspection at all reasonable times, by any authorized official of the Municipality, any veterinary surgeon, any livestock inspector, any member of the South African Police Service or any member of the public.

20. RELEASE OF IMPOUNDED ANIMAL

- (1) The Pound master or authorised official shall immediately release an impounded animal, subject to the provisions of Section 18(2) of this by-law and give the owner a receipt of release, provided that the owner—
- (a) provides proof of ownership of such animal; and
 - (b) pays the fees, tariffs and costs as contemplated in Section 17 of this by- law and provide the Pound master or authorised official with a receipt of such payment.
- (2) The Pound master or authorised official shall provide to the owner of an impounded animal a calculation of costs, when the particulars of the owner of an animal are known to the Pound master or authorised official, which shall include—
- (a) the tariffs, fees and costs due in terms of this by-law, for the impoundment of an animal or animals;
 - (b) the amount of any damages that the owner of the land on which the impounded animal or animals trespassed, may have suffered; and
 - (c) all estimated costs associated with the publication of notices and the auctioning of the animal or animals, as applicable.
- (3) When an impounded animal is an animal that is required to bear an identification mark as set out in the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, and if such animal does not display such mark, the Municipality shall report the matter to the South African Police Services and shall refuse the release of such animal upon receipt of a written instruction by the South African Police Services that the animal should remain impounded.
- (4) When the owner of an impounded animal is unable to pay the fees, tariffs or costs as contemplated in Section 17 of this by-law, the Pound master or authorised official may retain such animal until all outstanding fees, tariffs or costs as may be due and payable to the Municipality has been paid or otherwise recovered.
- (5) All risks attached to ownership of an animal shall pass to the person who provided proof of ownership, as soon as the Pound master or authorised official can confirm that sufficient proof of ownership has been provided.

21. SALE OF IMPOUNDED ANIMALS

- (1) The Pound master or authorised official shall—
- (a) whenever any impounded animal has not been released on payment of the applicable fees, tariffs and costs, as contemplated in Section 17(2) (a), Section 17(2) (b) and Section 24(2) of this by-law by its owner, within seven (7) days from the date of its impoundment, or when the owner of an animal cannot be traced, apply to the Court to sell such animal to recover costs; and
 - (b) in the application contemplated in Section 21(1)(a) of this by-law, submit to the Court evidence, when the particulars of the owner of an animal are known to the Pound master or authorised official, that a calculation of costs as contemplated in Section 24(2) of this by-law, has been provided to the owner.
- (2) An application to the Court to sell an animal in terms of the provisions of this bylaw, shall comply to the procedures contained in Rule 55 of the Magistrate's Court Act, 1944 (Act No 32 of 1944), as amended, on condition that the application concerned may be brought *ex parte*, when the Municipality can provide proof that in spite of all reasonable efforts, the owner of the involved animal could not be found.
- (3) When the Court is satisfied that the provision of this by-law with regard to the impoundment of the animal concerned, has been complied with, the Court may order the sale of the involved animal per auction, as provided for in this by-law.
- (4) The Court shall, irrespective whether the calculation of costs as contemplated in Section 24(1) and (2) of this by-law, is in dispute or not—
- (a) immediately investigate the matter;
 - (b) where the particulars of the owner of the animal or animals concerned are known, determine whether the Pound master or authorised official has given the owner concerned proper notice of the costs associated with the impoundment and release; and
 - (c) make an order as it considers just and equitable, including an order—
 - (i) as to costs; and
 - (ii) on the process to be followed by the Pound master or authorised official in the sale of the animal concerned.

- (5) At such authorized auctions of impounded animals—
- (a) only animals ordered by the Court to be sold, may be offered for sale;
 - (b) all animals shall be sold one by one, except for sheep and goats;
 - (c) sheep and goats shall be offered for sale in lots of maximum ten (10), and sheep and goats with different identification marks shall under no circumstance be sold together in the same lot;
 - (d) animals shall be sold for cash;
 - (e) the total proceeds of the fees, tariffs and costs contemplated in Section 17 of this by-law, shall be deposited in the municipal revenue fund, on provision that when an animal is sold for a higher amount at an auction—
 - (i) as the pound fees and tariffs payable and the costs of the impounding of an animal; and
 - (ii) as any compensation for damages as ordered by the Court in terms of Section 6(1)(f) of this by-law, the surplus of the amount received shall be paid out to the owner of the animal or animals concerned within thirty (30) days after the auction, except when the identity of such owner cannot be determined;
 - (f) the Municipality may determine a reserve price for any animal to be sold; and
 - (g) any animal may be withdrawn from the auction by the auctioneer, if the highest bid received is considered not to be fair or reasonable, irrespective whether a reserve price has been determined by the Municipality or not.
- (6) The auction of impounded animals shall—
- (a) be attended to by the Pound master or a person properly authorized thereto by the Municipality; and
 - (b) begin at a time and be held on a day as determined by the Pound master or authorised official in terms of Section 23(1) (a) of this by-law.
- (7) The Pound master or any municipal official or any other person designated to handle an auction, or a close associate or a family member or a fellow employee or a municipal employee, or a family member of any of aforestated persons, may not purchase an animal offered for sale at an auction as contemplated in Section 21(6) of this by-law, either personally or through any other person, directly or indirectly.
- (8) The owner of an animal shall remain liable for any costs to the Municipality, not covered by the proceeds from the sale of an animal or animals.

22. PROCEDURES TO BE FOLLOWED IN APPLICATION TO COURT

An application to Court for—

- (a) The impoundment of an animal in terms of this by-law, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and
- (b) the sale of an impounded animal in terms of this by-law, must comply with the procedure contemplated in Section 66 of the Magistrate Court Act, 1944 (Act No.32 of 1944), and Rule 41 of the Rules of Court made by the Rules of Board for Courts of Law in terms of Section 6 of the Rules for Courts Act, 1985 (Act No. 107 of 1985), and published under the Government Notice No. R.1108 in Regulation Gazette No.980 of 21 June 1968, as amended from time to time, read with the necessary changes.

23. NOTICE OF AN AUCTION

- (1) The Pound master or authorised official shall—
- (a) when an order has been granted by the Court for the sale of an impounded animal or animals, give notice that such animal or animals shall be sold at a public auction at a specified date, time and place;
 - (b) provide particulars in the notice with regard to the specie, breed, identification marks and distinguishing marks of the animal or animals to be sold;
 - (c) provide such notice to the Municipality, and post a notice on the official notice board of the Municipality, and at or near a pound, until the day of the auction;
 - (d) publish a notice in a registered newspaper that is distributed in the area of jurisdiction of the Municipality, that an animal and / or animals shall be sold;
- (2) The costs of a notice as contemplated in Section 23(1) of this by-law, shall be recovered from the owner of the impounded animal, and such costs shall be considered to form part of the costs that shall be recovered from the proceeds of the sale of the animal concerned.

24. ANIMALS UNSUCCESSFULLY OFFERED FOR SALE

- (1) In the event that any animal is not sold—
- (a) the Pound master or authorised official shall immediately advise the Court and the owner, where the particulars of such owner are known, of the situation and the estimated value of the animal

- concerned, and the fees, tariff and costs incurred with regard to the impounding of the animal concerned; and
- (b) the Court may, based on the information provided, make any such order as it may deem just and equitable to address the situation, including the humane destruction of the animal concerned.
- (2) When a dog or cat or any similar animal, which normally cannot be sold at an auction, are not claimed within seven (7) days after a notice, as contemplated in Section 14 of this by-law, has been served on the owner of such animal informing the owner that the animal has been impounded, or within seven (7) days after a notice has been published in a local newspaper with regard to the impounding of the animal concerned, when the particulars of the owner of the animal concerned are unknown, such animal may be destroyed. The costs incurred for the care and destruction of such animal, may be recovered from the owner of the animal, if the particulars of the owner are known.
- (3) When an animal which is normally sold at an auction, is not sold, the Municipality may:
- (a) present the animal or animals for sale to the local abattoirs;
 - (b) arrange a further auction in the prescribed manner, including notices and advertisements,
 - (c) or may approach the Court for an order for the humane destruction of the animal concerned, in terms of the provisions of Rule 55 of the Magistrate's Court Act, 1944 (Act No 32 of 1944), as amended, on condition that the application concerned may be brought *ex parte*, when the Municipality can provide proof that in spite of all reasonable efforts, the owner of the involved animal could not be found.

25. SUBMISSION OF POUND REGISTER AFTER AUCTIONS

The Pound master or authorised official shall within fourteen (14) days after the date of each auction submit to the Municipality a copy of all entries in the pound register, made since the date of the preceding submission of the pound register to the Municipality, and the Municipality must properly keep such copies for inspection by any person desirous to see the records.

26. INSPECTION OF POUND REGISTER AT PLACE OF AUCTION

Whenever an auction of impounded animals is to take place, the Pound master or a person authorized to conduct the auction, shall make the pound register available for inspection free of charge to any person desirous to see the pound register.

27. ARRANGEMENTS FOR SERVICE DELIVERY AGREEMENTS

- (1) The Municipality may enter into a service delivery agreement with another municipality or any other entity, for optimal service delivery in terms of this by-law, and any other municipalities or entity shall be a full owner agreement, to utilize a pound or similar facility of Hessequa Municipality.
- (2) The fees and tariffs payable for services rendered as contemplated in Section 27(1) of this by-law, shall be determined by the service level agreement involved.

28. EXEMPTIONS

The Municipality, the Pound master or any authorized official shall not be liable for the death or theft of, or injury to any animal, as a result of the seizure, transport, impoundment or release of any such animal during the impounding process or as a result of impoundment.

29. OFFENCES AND PENALTIES

A person who—

- (a) releases an animal that was lawfully detained for safe-keeping or for the purpose of being impounded or which has been lawfully impounded;
- (b) unlawfully seizes an animal for the purpose of impounding it;
- (c) unlawfully impounds an animal;
- (d) intervenes with the Pound master or authorised official in the execution of his or her duties;
- (e) releases any animal from his property onto a public road or municipal street or road reserve or alley;
- (f) allows an animal to unlawfully roam around or graze on or in a public place;
- (g) unlawfully opens gates, cut fences or wilfully release animals;
- (h) ignores an instruction of an authorized official or an instruction on a notice board;
- (i) who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, is guilty of an offence and is liable on conviction, for—

- (i) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (ii) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (iii) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

30. MALTREATMENT OF ANIMALS

No person may chase or tease or maltreat any animal found trespassing and / or seized for impoundment.

31. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

32. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

33. SERVICE OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served—
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in Sections 33(1) (a), 30(1) (b) or 33(1) (c) of this by-law;
 - (e) if that person's address and agent or representative in the country of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupier, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

34. SCHEDULES 1 AND 2 FORM PART OF THE BY-LAW

Schedules 1 and 2 of this by-law, form part of this by-law for all practical purposes.

35. REPEAL OF EXISTING BY-LAWS

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

Provincial Notice Number	Title	Scope of repeal
P.K 6588 dated 19/12/2008	Impoundment of Animals	In whole
P.K 6970 dated 23/03/2012	By-Law regarding Impoundment of Animals	In whole

36. SHORT TITLE

This by-law is called the Impoundment of Animals By-law of Hessequa Municipality.

37. OPERATIVE DATE

This by-law shall take effect on the date of publication.

SCHEDULE 1

Code of Good Practice on the Handling, Transportation and Care of Impounded Animals

PART I: Paddock requirements

1. For purpose of this schedule kraal, paddock and cage have a similar meaning, and any reference to a kraal is also a reference to a paddock or cage or similar structure, where animals can be kept.
2. Different species of animals shall be kept in separate paddocks.
3. Animals may not be penned in overcrowded paddocks, and the space provided in any paddock shall be sufficient to permit all animals to lie down at the same time and the space provided shall not be less than one point five (1.5) square meters floor area available for each animal.
4. Fractious animals may not be kept with other animals.
5. Young, weaned or juvenile animals, may not be penned together with adult animals in a paddock, except in the case of a mother and her offspring.
6. Provision shall be made in paddocks for—
 - (a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which shall allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - (b) water troughs which can provide an adequate supply of suitable fresh water at all times;
 - (c) sufficient facilities for the adequate cleaning of paddocks; and
 - (d) facilities for the safe handling of animals.
7. (a) Paddocks shall at all times be maintained in a good state of repair.
 - (b) Sharp points of wire ends, broken boards, jagged ends and protruding hinges or bolts, which could cause injury to animals shall be removed or otherwise suitably covered.
8. The floor of each paddock, including the off-loading banks, races, and passages of the off-loading facility at a pound, shall be constructed in such a way as to provide for non-slip surfaces that can be efficiently and suitably cleaned, and kept dry and in a proper condition for the holding and / or handling of animals.

PART II: Handling of animals

9. Animals shall always be handled humanely, and with patience and tolerance
10. The following shall be kept in mind when handling animals—
 - (a) animals respond more readily to being driven, when the person driving them stands behind the animal, but within the field of vision of the animal; and
 - (b) animals in a herd respond more readily to being driven, than alone.
11. Animals may not be dragged by their legs, or be carried by their heads, ears or tails.
12. Young calves shall be carried if they cannot walk themselves with ease, by lifting the calf around the chest and hindquarters. Alternatively, they shall be guided with one hand on the hindquarters and the other near the shoulder or neck, and be steered in the required direction at an appropriate and comfortable pace.
13. Only sticks with canvas or belting flaps may be used when driving animals, and it is preferable to strike the ground behind the animals, rather than to hit the animals themselves.
14. Electric prodders, sticks or goads may not be used on young animals.
15. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III: Movement of animals

16. Animals driven on the hoof shall always be under proper and competent supervision.
17. Animals shall be moved along in a calm manner, at a gait which is relaxed, comfortable and natural for such animal, and the gait shall never be faster than that of the slowest animal in the herd or flock.
18. Animals may not be driven continuously for periods in excess of ten (10) hours, without being given rest of at least one (1) hour. Sufficient and suitable fresh water shall be made available to all the animals during the drive.
19. No animal on the hoof may be moved in excess of the following distances—
 - (a) during a journey of not more than one day's duration—
 - (i) twenty (20) kilometres for sheep and goats; and
 - (ii) thirty (30) kilometres for cattle; and
 - (b) during a journey of more than one day's duration—
 - (i) twenty (20) kilometres during the first day and fifteen (15) kilometres during each subsequent day for sheep and goats; and

- (ii) twenty-five (25) kilometres during the first day and twenty (20) kilometres during each subsequent day for cattle.
20. On reaching their night camp or final destination, animals shall immediately be watered and fed with sufficient food of a quality and of a type compatible with each species concerned.
21. Animals may not be moved in the dark.
22. No sick, injured or disabled animal may be moved on the hoof.

PART IV: Vehicles used in transporting animals

23. Vehicles and all trailers used in the transport of hooved animals shall be suitable for the transport of such animals and in a roadworthy condition.
24. All vehicles and trailers referred to in paragraph 23 shall have—
- (a) a suitable non-slip floor, which may not impede the cleaning of the floor of the vehicle, and which may be fastened with hinged or removable battens or steel grids;
 - (b) adequate ventilation and light whilst in motion, as well as when stationary, and no vehicle shall be totally enclosed;
 - (c) adequate protection against exhaust fumes, as exposure to exhaust fumes could interfere with the respiration of animals or cause distress;
 - (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle, provided that the sides and / or partitions—
 - (i) the sides and partitions, when used in a vehicle to separate animals transported therein, shall be of a height not lower than the shoulder joint of the largest animal being transported;
 - (ii) in the case of cattle other than calves, the minimum height shall be one thousand eight hundred (1 800) millimetres; and
 - (iii) the minimum height shall be seven hundred and fifty (750) millimetres in the case of any smaller animals;
 - (e) in multi-tier vehicles, heights between decks shall be adequate, and in case of sheep and pigs not less than one thousand (1 000) millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for free flow of air above the animals;
 - (f) floors that are solid and impervious;
 - (g) openings for the loading and off-loading of animals at the rear of the vehicle that are the full width of the vehicle, or if at the side of a vehicles, with a width not less than two thousand four hundred (2 400) millimetres; and

(h) gates, with or without partitions—

- (i) of a design and construction strong enough and suitable for the intended conveyance of the consignment of animals; and
- (ii) that are able well-secured, and can open and close freely.

25. The amount of animals packed into any given space to be transported, shall be as such, to ensure the safety and comfort of the animals during transport, and the recommended floor space to be provided per animal is—

- (a) one point four (1.4) square meters surface area per large animal; and
- (b) zero point five (0.5) square meters surface area per small animal.

PART V: Watering and feeding of live animals prior to loading

26. Animals shall be provided with sufficient and suitable food and fresh water until the commencement of the journey.

PART VI: Loading and off-loading procedures

27. The loading and off-loading of animals into or out of a vehicle shall be done as quietly and calmly as possible, with patience and tolerance, and without harassing, terrifying, bruising, and injuring the animals, or suffering and undue stress to the animals.

28. No animal may be loaded or off-loaded by lifting of the animal by the head, fleece, skin, ears, tails, horns or legs.

29. No animals may be loaded or off-loaded otherwise than—

- (a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than twenty-five (25) degrees; or

- (b) at a loading bank, equal to the height of the floor of the vehicle or, at off-loading, not more than three hundred and ten (310) millimetres below the level of the off-loading vehicle and with an incline not exceeding twenty-five (25) degrees.

30. Where a vehicle is equipped with an on-board removable loading ramp it shall have a non-slip surface and be of such a sufficient length when lowered, that the inclination is not steeper than twenty-five (25) degrees, with the distance from the ground to the heel of the ramp not exceeding one hundred and twenty (120) millimetres.

31. Loading ramps shall be correctly adjusted for each loading or off-loading, to the exact height of the floor of a vehicle.

32. Journeys must commence as soon as possible after the animals have been loaded and the animals shall be promptly off-loaded upon arrival at the destination.
33. Unless adequate provision has been made for the effective separation of different species of animals, different species of animals may not be loaded and transported in the same vehicle.
35. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle, unless adequate provision has been made for the effective separation of such animals.
36. Adult horned cattle may not be transported with polled cattle and they shall always be penned separately.
37. When there is reason to believe that an animal is likely to give birth in the course of a planned journey, such an animal may not be loaded onto a vehicle to be transported.
38. In the case of an animal giving birth during transport, the necessary precautionary measures shall be implemented, to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
39. In the event of—
 - (a) a breakdown of the transport vehicle;
 - (b) an accident or collision in which the transport vehicle is involved; or
 - (c) injury to, or death of, any animal in transit, the cartage contractor shall immediately report the details to, and request assistance from—
 - (i) in the case of paragraph (a), a breakdown service;
 - (ii) in the case of paragraph (b), the South African Police Service and the involved traffic authorities; or
 - (iii) in the case of paragraph (c), a veterinarian surgeon.
39. Where the transport of any animal may cause injury to itself or any other animal, such animal shall be restrained in such a manner, as to prevent any such injury.
40. No animals may be restraint for more than four (4) hours in any twenty-four (24) hour period.
41. No wire or bailing twine may be used for tying the legs or feet of an animal.
42. To avoid strangulation or a neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope shall be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

SCHEDULE 2**Pound register information**

A pound register shall at least, contain the following information—

- (a) Name of the pound.
- (b) The date of receipt of the animal.
- (c) The number and description of animals impounded.
- (d) The brands or markings on animals.
- (e) The ear tag number assigned by the Pound Keeper to each animal impounded.
- (f) Name and address of person who seized the animal.
- (g) Name and address of the owner of the land where the animal was seized.
- (h) Name and address of owner of the animal.
- (i) The reason why the animal has been impounded.
- (j) Address or description of place where animal was found.
- (k) Distance between the place where the animal was seized and the pound.
- (l) Particulars of the damage caused by the animal.
- (m) Transport fees payable.
- (n) Details of the destruction or disposal of an animal.
- (o) Cause of death, theft of or injury to an impounded animal.
- (p) Description and amount of pound fees payable.
- (q) Damages awarded by the Court.
- (r) Date of release of an animal.
- (s) Date of sale of an animal.
- (t) Proceeds of the sale of an animal.
- (u) Name and address of purchaser of an animal.
- (v) Excess amount of the proceeds of the sale of an animal, if any, paid to the owner of the animal.
- (w) Receipt number of monies received.
- (x) Details of the court order, with regard to the future disposal of the animal concerned, if not sold at an auction.

KENNISGEWING VAN PLAASLIKE OWERHEID**HESSEQUA MUNISIPALITEIT: VERORDENING INSAKE DIE SKUT VAN DIERE**

**Kragtens Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996,
verorden die Munisipale Raad van Hessequa Munisipaliteit hiermee soos volg:**

INHOUDSOPGawe

1. Definisies
2. Doel van Verordening
3. Toepassing
4. Vestiging van 'n skut
5. Aanstelling van 'n Skutmeester
6. Skut van Diere
7. Afmaak van gevaarlike en beseerde diere of diere met aansteeklike siektes
8. Versorging van geskutte diere
9. Inligting wat aan 'n Skutmeester verstrek moet word
10. Aanvaarding van diere wat geskut word
11. Ontvangsbewyse vir diere wat geskut word
12. Die voorsiening van kampe en/of hokke in 'n skut
13. Verpligte Skutregister
14. Kennisgewings aan eienaars oor diere wat geskut is
15. Diere wat geskut word wat vrek of beseer raak of gesteel word
16. Verordening ter insae
17. Fooie, tariewe en kostes betaalbaar
18. Betalings
19. Insae in skutregister
20. Vrylating van diere wat geskut is
21. Verkoping van diere wat geskut is
22. Procedures wat gevolg moet word in aansoek by die Hof
23. Kennisgewing van verkoping
24. Diere wat nie verkoop kan word nie
25. Voorlegging van skutregisterinskrywings na verkoping van diere
26. Insae in skutregister tydens verkopings
27. Reëlings vir Diensleweringsooreenkomste
28. Vrywaring
29. Strafbepalings
30. Mishandeling van diere
31. Appèlle
32. Teenstrydighede met ander wetgewing
33. Bediening van kennisgewings en ander dokumente
34. Bylaes 1 en 2 vorm deel van die verordening
35. Herroeping
36. Kort titel
37. Inwerkingtreding

1. DEFINISIES

Tensy teenstrydig met die sinsverband van hierdie verordening, beteken:

“bees”, 'n volwasse bul of koei, 'n os of tollie, of 'n vers of bulkalf;

“bok”, 'n volwasse ram of ooi, 'n kapater of hammel, of 'n boklam;

“diensleweringsooreenkoms”, 'n diensleweringsooreenkoms soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“dier”, wat die begrip “diere” insluit, enige perd, bees, donkie, muil, kameel, skaap, bok, vark, hoender of ander voël, pluimvee, volstruis, haas, konyn, hond, kat of ander huisdier of voël, of 'n wilde dier, wilde voël of reptiel wat in gevangenisskap verkeer of aangehou word of onder iemand se beheer is;

“eiendom”, sluit in enige grond, gebou of perseel, en is –

- (a) onroerende eiendom geregistreer in die naam van 'n persoon, insluitend in die geval van 'n deeltitelskema 'n deeltiteleenheid wat in die naam van 'n persoon geregistreer is;
- (b) 'n reg geregistreer teen onroerende eiendom in die naam van 'n persoon, met uitsluiting van 'n verbandlening wat teen die eiendom geregistreer is; of
- (c) 'n grondbesitreg of 'n reg op grond geregistreer in die naam van 'n persoon of toegeken in die naam van 'n persoon ingevolge wetgewing.
- (d) enige openbare plek geregistreer in die naam van Hessequa Munisipaliteit, enige ander staatsorgaan of entiteit; en
- (e) enige openbare dienste infrastruktuur wat insluit enige openbare pad;

“eienaar”, 'n eienaar wat bekend is, of wie se identiteit redelik vinnig vasgestel kan word, en in verhouding tot enige:

- (a) dier, sluit dit die agent van die eienaar in of enige ander persoon wat wetlike toesig of besit het van sodanige dier; of
- (b) grond, sluit dit die eienaar, huurder of wettige bewoner van sodanige grond of sy of haar agent in;

“gemagtigde beampte”, 'n beampte, gemagtig ingevolge artikel 8 van die Wet op Dierebeskerming, 1962 (Wet No 71 van 1962), soos gewysig, of enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig of enige beampte van die Hessequa Munisipaliteit wat gemagtig is deur die Hessequa Munisipaliteit om die bepalings van hierdie verordening af te dwing;

“grond”, enige perseel of eiendom of openbare plek binne die regsgebied van Hessequa Munisipaliteit;

“grondeienaar”, met betrekking tot die eienarskap van enige grond, enige persoon, wat as eienaar, wettige huurder of okkuperer 'n perseel of gedeelte grond bewoon, of gebruik en / of benut vir watter doeleindes ook al, of as agent namens die eienaar daaroor beheer uitoefen;

“hings”, 'n manlike perd, donkie of muil, wat nie gekastreer is nie of wat gedeeltelik gekastreer is;

“Hof”, 'n Landdroshof soos verwys na in subartikel 166(d) van die Grondwet van die Republiek van Suid-Afrika, 1996, met jurisdiksie in die gebied waarbinne die skut geleë is;

“identifikasiemerk”, 'n voorgeskrewe merk op 'n dier, soos vereis deur die Wet op die Identifisering van Diere, 2002 (Wet No 6 van 2002), soos gewysig;

“mikroskyfie”, 'n elektroniese meganisme wat op 'n dier aangebring of aan 'n dier geheg is, waarop data oor die dier en / of die gegewens van die eienaar gestoor word;

“munisipale stelselswet”, die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“munisipaliteit”, die Hessequa Munisipaliteit gestig in terme van artikel 12 van die Plaaslike Regering: Munisipale Strukture Wet, 117 van 1998 en sluit in enige politieke struktuur, politieke ampsbekleer, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer

daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleer, raadslid agent of werknemer.

"koerant", enige koerant wat as koerant geregistreer is en wat insluit enige plaaslike of provinsiale koerant;

"okkupeerde", 'n persoon wat grond of 'n perseel okkupeer en beheer daaroor het, wat insluit 'n bewoner van 'n perseel;

"openbare pad", wat insluit enige municipale straat of steeg of padreserwe, of enige openbare pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

"openbare plek", enige perseel of eiendom of grond waartoe die publiek toegang het, wat insluit, maar nie beperk is tot, enige plein; gebou; park; ontspanningsgebied; sportgronde; strand; oop ruimte; reservaat; municipale straat of steeg of straatreserwe; openbare pad; parkeerarea; municipale meent; ongebruikte, gebruikte, beboude of onbeboude municipale grond; of 'n begraafplaas, waaroor Hessequa Munisipaliteit jurisdiksie het;

"openbare eiendom", enige eiendom wat in besit is van 'n staatsorgaan, die staat, enige ander munisipaliteit of Hessequa Munisipaliteit.

"perd", 'n hings, merrie, reunperd, hingsvul, merrevul, manlike of vroulike donkie of muil;

"persoon", vir doeleindes van hierdie verordening, 'n natuurlike persoon, 'n regspersoon, enige landbou, industriële of handelsonderneming, of 'n staatsinstelling;

"pluimvee", 'n hoender, gans, eend, kalkoen of makou, hetsy mak of wild;

"privaat eiendom", enige eiendom wat nie in besit van 'n staatsorgaan, die staat, enige ander munisipaliteit of Hessequa Munisipaliteit is nie.

"reserwe prys", die minimum bedrag wat Hessequa Munisipaliteit sal aanvaar as die hoogste bod in die veiling vir 'n item wat opgeveil word.

"skaap", 'n volwasse ram of ooi, 'n hamel of 'n lam;

"skut", enige omheinde fasiliteit bestaande uit een of meer geboue, strukture, hokke of kampe, wat deur Hessequa Munisipaliteit of 'n diensverskaffer, voorsien word vir gebruik as skut, en wat onder die beheer van 'n skutmeester of 'n diensverskaffer, ingevolge 'n diensleweringssooreenkoms met Hessequa Munisipaliteit, funksioneer, en wat geskep is om afgedwaalde, verdwaalde, verlore of loslopende diere tydelik te huisves en te versorg;

"skutmeester", 'n persoon wat:

(a) 'n deeltydse of permanente werknemer van Hessequa Munisipaliteit is, en wie getakaak en / of gemagtig is om die funksies en bevoegdhede van 'n skutmeester vervul; of

(b) kragtens 'n diensleweringssooreenkoms met Hessequa Munisipaliteit, aangestel is deur 'n diensverskaffer, om die funksies en bevoegdhede van 'n skutmeester te vervul

"trop", 'n menigte, versameling, klomp of 'n groep diere

"vark", 'n beer of sog, of enige speenvark of enige troetelvark;

"veearts", 'n persoon wat ooreenkomstig die bepalings van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet No 19 van 1982), soos gewysig, as sodanig gekwalifiseer is en as sulks praktiseer;

"vee inspekteur", 'n persoon wat bevoeg en gekwalifiseerd is om vee te inspekteur, en wat vir hierdie doel deur die Departement van Landbou aangestel is.

2. DOEL VAN VERORDENING

Die doel van hierdie verordening is –

- (1) Om die verwesenliking van 'n gesonde en veilige omgewing te bevorder tot voordeel van die inwoners binne die regsgebied van die munisipaliteit;
- (2) Om voorsiening te maak vir procedures, metodes en praktyke om die skut van diere te reguleer.

3. TOEPASSING

Hierdie verordening is van toepassing binne die regsgebied van die Munisipaliteit met dien verstande dat niks sal verbied of sal verhoed dat enige dier wat ingevolge hierdie verordening in aanhouding is, geskut word in 'n skut of soortgelyke plek, wat deur 'n ander munisipaliteit of wettige owerheid opgerig is nie.

4. VESTIGING VAN 'N SKUT

(1) Die Munisipaliteit mag 'n skut en enige plekke van bewaring, op enige gekose en gerieflike plek binne die regsgebied van die Munisipaliteit vestig soos benodig, met dien verstande dat die Munisipaliteit ook 'n diensleveringsooreenkoms mag aangaan met 'n diere welsynsorganisasie of enige instelling of persoon soos bedoel in artikel 76(b) van die Municipale Stelselwet, ten einde vir die vestiging en bestuur van 'n skut en plekke van bewaring, wat die hele of gedeeltes van die regsgebied van die Munisipaliteit bedien, voorsiening te maak.

(2) Die Munisipaliteit moet in ten minstens een (1) geregistreerde koerant wat binne die regsgebied van die Munisipaliteit versprei word, kennis gee van die voorneme om 'n skut te vestig.

(3) Die Munisipaliteit mag 'n skut onder sy beheer sluit.

5. AANSTELLING VAN SKUTMEESTER

Die Munisipaliteit moet kragtens sy menslike hulpbronnes beleid, 'n gesikte gekwalifiseerde persoon as skutmeester aanstel, tensy die skut gevestig en bestuur word ingevolge 'n diensleveringsooreenkoms soos bedoel in artikel 4(1).

6. SKUT VAN DIERE

(1) Die eienaar van privaat grond, kan 'n dier wat ongemagtig op sy of haar eiendom is of ronddwaal, laat aanhou met die doel om dit te laat skut of na 'n plek van veilige bewaring te laat verwyder, met dien verstande dat alvorens sodanige diere verwyder mag word, daar aan die volgende vereistes voldoen moet word—

- (a) die eienaar van die eiendom waarop 'n dier oortree, mag sodanige dier aanhou, en wanneer 'n eiendomseienaar nie oor die hulpbronnes of vermoë beskik om sodanige dier aan te hou nie, die Munisipaliteit versoek om te assisteer met die aanhou van sodanige dier, met dien verstande dat die dier nie na 'n skut afgevoer mag word, alvorens die persoon wat op die dier beslag gelê het om dit aan te hou, skriftelike kennis van minstens vier-en-twintig (24) uur, in gevalle waar die besonderhede van die eienaar van die dier bekend is of eienaarskap bepaal kan word deur middel van 'n identifikasiemerke en / of 'n mikro skyfie, aan die eienaar van die dier verskaf het om die dier te kom verwyder.
- (b) Die eienaar van die eiendom waarop 'n dier oortree het, moet in die geval waar die eienaar van die dier onbekend is, 'n redelike poging aanwend om vas te stel wie die eienaar van die dier is, maar indien die eienaar van die dier onopspoorbaar bly, kan die eienaar van die eiendom of die Munisipaliteit die dier na 'n plek van veilige bewaring of 'n skut laat afvoer om geskut te word.
- (c) Die eienaar van 'n dier wat aangehou word om geskut te word, mag met bewys van eienaarskap, vertoë rig tot die eienaar van die eiendom waarop die dier gevind was en wie op die dier beslag gelê het, vir die vrylating van die dier aldus aangehou.
- (d) Die persoon wat die dier aanhou, mag die betrokke dier vrylaat, nadat oorweging verleen is aan die vertoë van die eienaar van die betrokke dier en nadat die toepaslike boetes in terme van die bepalings van hierdie verordening en die Verordening insake Openbare Oorlaste en Oorlaste wat spruit uit die Aanhoud van Diere van Hessequa Munisipaliteit, gehef en deur die eienaar van die betrokke dier betaal is, met dien

verstande dat die eienaar van eiendom die reg het om by die Hof aansoek te doen vir skadevergoeding na aanleiding van die betrokke voorval.

- (e) Indien die eienaar van die eiendom wat die betrokke dier aanhou, na die oorweging van die vertoë van die eienaar van die dier, die vrylating van 'n dier weier, moet die eienaar van die eiendom die betrokke dier binne 'n periode van agt-en-veertig (48) uur aan 'n gemagtigde beamppte of die Skutmeester oorhandig, om na die skut af te voer, met dien verstande dat die gemagtigde beamppte of die Skutmeester of gemagtigde beamppte die dier slegs kan vrylaat indien sodanige vrylating aan die bepalings van Artikel 20 van hierdie verordening voldoen.
 - (f) Die eienaar van die eiendom sal geregtig wees om enige dispuut oor die skut van sodanige dier en / of eise vir skadevergoeding, binne die agt-en-veertig (48) uur periode na die Hof te verwys vir beslegting, in welke geval die Hof 'n bevel vir die skut van die betrokke dier mag uitreik, insluitend 'n koste- en skadevergoeding bevel wat die Hof as billik en regverdig beskou.
- (2) Enige persoon kan 'n gemagtigde beamppte versoek om, of 'n gemagtigde beamppte, kan self volgens sy of haar eie diskresie, 'n dier wat ongemagtig in of op 'n openbare plek of openbare pad is, of wei, of rondloop, en wat nie in die sorg van 'n persoon is nie, aankeur met die doel om dit aan te hou of te skut, wat ook al die geval mag wees.
- (3) Enige dier wat met of sonder toesig op 'n openbare pad, munisipale straat of padreserwe of steeg is, of wei of rondloop binne 'n residensiële woongebied insluitend 'n informele woongebied en 'n gevaar vir padverkeer en / of voertuie inhoud en die gemeenskap, of 'n siekdraende dier of 'n ongewenste dier in enige residensiële woonarea gevind, moet aangehou word met die doel om dit te skut, deur—
- (a) 'n lid van die Suid-Afrikaanse Polisiediens; of
 - (b) 'n lid van die Suid-Afrikaanse Weermag; of
 - (c) 'n lid van die Provinciale Verkeer; of
 - (d) 'n lid van enige dierebeskermingsorganisasie; of
 - (e) 'n gemagtigde munisipale beamppte.
- (f) die eienaar van enige eiendom waardeur of waارlangs 'n openbare pad loop of wat aan sodanige openbare pad grens, mag indien 'n grondige rede daarvoor bestaan, 'n gemagtigde beamppte versoek om enige dier wat met of sonder toesig op sodanige openbare pad aangrensend tot die betrokke eiendom rondloop of wei, te laat aanhou met die doel om dit te skut.
- (5) 'n Persoon wat 'n dier aanhou vir enige doel of met die doel om dit te laat skut, ingevolge sub-artikels 6(1), 6(2), 6(3) en 6(4) van hierdie verordening, mag nie die dier langer as ses (6) uur aanhou, sonder om dit van genoemsame voedsel en water te voorsien nie.
- (6) Enige persoon wat 'n dier aanhou met die doel om dit te skut, moet voldoen aan die bepalings van die Kode van Goeie Praktyk insake die Hantering en Vervoer van Geskutte Diere, soos vervat in Bylae 1 van hierdie verordening.

7. AFMAAK VAN DIERE WAT TE WILD, ONBEHEERBAAR, BESEER, BOOSAARDIG OF DIERE MET AANSTEELKLIKE SIEKTES

(1) 'n Skutmeester of gemagtigde beamppte mag enige dier wat geskut is, wat aan 'n aansteeklike siekte ly of beseer is of in 'n baie swak fisiese kondisie is of wat moontlik gevaelik vir mense of vir ander diere in die skut is, op 'n menslike wyse laat afmaak, met dien verstande dat geen sodanige dier afgemaak mag word nie, alvorens 'n veearts dit ondersoek het en met die Skutmeester of gemagtigde beamppte ooreengekom het oor die noodsaaklikheid om die dier van kant te maak, aldus nie, en op voorwaarde dat alvorens 'n dier afgemaak word:

- (a) 'n skriftelike kennisgwing oor die voorgenome afmaak van die betrokke dier, met verstrekking van redes vir die beoogde aksies, op die eienaar van die dier bestel word, in die geval waar die besonderhede van sodanige eienaar bekend is en / of die eienaar opgespoor kan word deur middel van die identifikasiemerke op of 'n mikroskyfie aan die dier;

- (b) indien dit onprakties of onmoontlik is om die eienaar van die dier skriftelik kennisgewing te gee, sal 'n mondelinge kennisgewing of 'n ander praktiese wyse van kennisgewing, as voldoende beskou word; en
 - (c) indien daar 'n hoodsituasie bestaan en dit onprakties of onmoontlik sal wees om die eienaar van 'n dier enige vorm van kennisgewing te gee, mag 'n veearts toestemming gee, dat die betrokke dier op menslike wyse van kant gemaak word, met dien verstande dat die eienaar van die betrokke dier so gou doenlik van die gebeurlikhed in kennis gestel word, met 'n opgaaf van redes vir die aksie geneem.
- (2) Indien enige dier of diere wat aan 'n aansteeklike siekte ly, soos bepaal ingevolge die Wet op Dieresiektes, 1984 (Act No. 35 van 1984), soos gewysig, na 'n skut gebring word, of infekteer raak terwyl dit in 'n skut is—
- (a) moet sodanige infekteerde dier of diere afsonderlik van ander diere angehou word, solank dit nodig is, indien dit nie onmiddelik van kant gemaak word nie;
 - (b) moet sodanige infekteerde dier of diere in isolasie weg van ander geskutte diere angehou word en moet die teenwoordigheid van die geïnfekteerde dier of diere aan die naaste Staatsveearts rapporteer word; en
 - (c) moet die eienaar of eienaars van sodanige infekteerde dier of diere onmiddelik skriftelike kennis gegee word oor die skut van die geïnfekteerde dier of diere, en die aksies onderneem om die aansteeklike siekte te beperk, waar die besonderhede van die eienaar of eienaars van sodanige infekteerde dier of diere bekend is aan of bepaal kan word deur die Skutmeester of gemagtigde beampte.

8. VERSORGING VAN GESKUTTE DIERE

- (1) Die Skutmeester of enige gemagtigde beampte—

- (a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;
 - (b) moet verseker dat water en voldoende voedsel te all tye vir geskutte diere beskikbaar is; en
 - (c) is aanspreeklik teenoor die eienaars van die geskutte diere vir enige skade aan diere berokken as gevolg van sy of haar opsetlike of nalatige optrede of versuim.
- (2) Indien die skutmeester of gemagtigde beampte van mening is dat 'n geskutte dier gevaelik, boosaardig, permanent gebreklik of dodelik siek, beseer of in so 'n fisiese toestand is dat dit vernietig behoort te word, moet hy 'n veearts en of 'n polisiebeampte in kennis stel en hom versoek om ingevolge artikel 5 van die Wet op Dierebeskerming, 1962 (Wet van 1962) op te tree.
- (3) Die skutmeester of gemagtigde beampte moet onmiddellik die eienaar van die dier(e) skriftelik in kennis stel van die afmaak en wegdoen van die dier(e).

9. INLIGTING WAT AAN 'n SKUTMEESTER VERSTREK MOET WORD

'n Persoon wat diere na 'n skut stuur of neem, moet die Skutmeester of gemagtigde beampte skriftelik van die volgende inligting voorsien—

- (a) die getal en beskrywing van die dier of diere wat geskut moet word;
- (b) die eiendom of grond waarop die dier of diere gevang was;
- (c) die afstand in kilometer, langs die kortste en mees praktiese padroete, tussen die plek waar die dier of diere gevang is en die skut;
- (d) in die geval van 'n dier of diere wat op privaat eiendom oortree het en angehou was, bewys van die vereiste skriftelike kennisgewing van verwyderig gerig aan die eienaar van die diere betrokke, en ander prosesse soos voorsien in subartikel 6(1) van hierdie verordening, soos toepaslik;

- (e) in die geval waar die eienaar van 'n dier of diere wat op die privaat eiendom gevang was nie opgespoor kon word nie, 'n verklaring wat bevestig dat die identiteit van die eienaar van die dier of diere nie bekend is nie en dat die eienaar van die grond 'n redelike poging aangewend het om die eienaar van die dier of diere op te spoor; en
- (f) die toestand van die dier en omstandighede waaronder die dier geskut is.

10. AANVAARDING VAN DIERE WAT GESKUT WORD

Onderworpe aan die bepalings van Artikel 7, mag die skutmeester nie 'n dier wat na die skut gebring word vir daardie doel, onredelik weier nie.

11. ONTVANGSBEWYSE VIR DIERE WAT GESKUT WORD

Die Skutmeester of gemagtigde beampete moet aan elke persoon wat 'n dier of diere onder die sorg van die Skutmeester of gemagtigde beampete laat, 'n geskrewe ontvangsbewys gee, waarin die getal en beskrywing van die diere uiteengesit word, asook die besonderhede van die persoon wat 'n dier of diere in die sorg van die Skutmeester of gemagtigde beampete laat.

12. DIE VOORSIENING VAN KAMPE EN / OF HOKKE IN 'N SKUT

Die Munisipaliteit moet vir doeleinades van 'n skut, afsonderlike kampe en / of hokke voorsien en in stand hou, wat deurlopend in 'n goeie toestand, en sover moontlik vry van alle besmetting sal wees, vir—

- (a) volstruise en perde;
- (b) beeste;
- (c) skape, bokke en varke;
- (d) honde;
- (e) katte; en
- (f) enige ander tipe dier, soos van tyd tot tyd bepaal, met dien verstande dat die Munisipaliteit ten opsigte van enige skut in sy gebied, verlof aan die Skutmeester kan verleen om 'n kleiner aantal kampe of hokke, aldaar te voorsien en in stand te hou.

13. VERPLIGTE SKUTREGISTER

(1) Elke Skutmeester of enige gemagtigde beampete moet 'n skutregister byhou waarin die volgende besonderhede aangeteken word—

- (a) die datum waarop en die rede waarom elke dier geskut is;
- (b) die getal en beskrywing van diere wat geskut is;
- (c) die naam en adres van die persoon wat 'n dier geskut het, en die naam en adres van die eienaar of vermoedelike eienaar van 'n dier, indien dit aan die Skutmeester of gemagtigde beampete bekend is
- (d) die datum en besonderhede van die loslating en / of verkoping van diere;
- (e) fooie, tariewe en gelde betaal in die gevalle waar diere vrygelaat was en die betrokke kwitansienummers van betalings; en,
- (f) alle ander sake wat die Munisipaliteit bepaal het, wat aangeteken moet word.

(2) Die inskrywings onder subartikel 13(1)(a), 13(1)(b) en 13(1)(c) van hierdie verordening moet gedoen word wanneer die diere geskut word, en die inskrywings onder subartikel 13(1)(d) en 13(1)(e) van hierdie verordening moet gedoen word in die skutregister, sodra die Skutmeester of gemagtigde beampete in besit kom van die nodige besonderhede, met dien verstande dat geen inskrywing gedoen mag word, indien 'n dispuut oor die skut van 'n dier ontstaan het nie.

(3) In geval van die dood of diefstal of besering van 'n dier wat geskut is, moet die Skutmeester of gemagtigde beampete 'n beskrywing van sodanige dier en die oorsaak van die dood, besering of diefstal daarvan, in die skutregister aanteken.

14. KENNISGEWINGS AAN EIENAARS OOR DIERE WAT GESKUT IS

(1) Indien die Skutmeester of gemagtigde beampete bekend is met die besonderhede van die eienaar van 'n dier of eienaarskap kan bepaal deur middel van identifikasiemerke of 'n mikro skyfie aan 'n dier wat geskut is, moet die Skutmeester of gemagtigde beampete sonder versuim skriftelike kennis aan sodanige eienaar gee, dat die betrokke dier geskut is.

(2) Indien enige dier wat geskut word 'n identifikasiemerk het, soos omskryf in die Wet op die Identifisering van Diere, 2002 (Wet No 6 van 2002), soos gewysig, moet die Skutmeester of gemagtigde beampete die prosedure volg vir die bevestiging van eienaarskap van 'n dier, soos voorgeskryf in artikel 14 van die Regulasies op die Identifisering van diere, soos gewysig, en afgekondig ingevolge GK R1683 gedateer 21 November 2003.

(3) Waar die gegewens van die eienaar van 'n geskutte dier nie aan die Skutmeester of gemagtigde beampete bekend is nie en / of nie bepaal kan word nie, moet die Skutmeester of gemagtigde beampete by ontvangs van sodanige dier by 'n skut, die skut van die betrokke dier by die naaste kantoor van die Suid-Afrikaanse Polisiediens aanmeld, en 'n kennisgewing met betrekking tot die skut van die betrokke dier, op 'n kennisgewingbord by die munisipale kantore, waar die dier oortree, rondgeloop of gevang was, plaas.

15. DIERE WAT GESKUT WORD WAT VREK OF BESEER RAAK OF GESTEEL WORD

Indien 'n dier wat geskut is vrek of beseer of gesteel word, moet die Skutmeester of gemagtigde beampete —

- (a) die oorsaak van die vrekte of besering of die feit dat die dier gesteel is, in die skutregister bedoel in artikel 13 van hierdie verordening aanteken;
- (b) indien die besonderhede van die eienaar beskikbaar of bekombaar is, die eienaar verwittig van die dier wat aldus gevrek het of wat beseer of gesteel is; en
- (c) in die geval van die diefstal van 'n dier uit die skut, die diefstal by die naaste kantoor van die Suid Afrikaanse Polisiediens aanmeld.

16. VERORDENING TER INSAE

Die Skutmeester of enige gemagtigde beampete moet toesien dat 'n afskrif van hierdie verordening ten alle tye by 'n skut ter insae beskikbaar is.

17. FOOIE, TARIEWE EN GELDE BETAALBAAR

(1) Die Munisipaliteit sal jaarliks in terme van die Tariewe Verordening van Hessequa Munisipaliteit, fooie en tariewe vasstel vir die aanhou, vervoer en / of bewaring van diere in 'n skut, en mag verskillende fooie en tariewe hef vir verskillende soorte diere.

(2) Die Skutmeester of gemagtigde beampete moet—

- (a) die vereiste fooie en tariewe wat jaarliks deur die Munisipaliteit vasgestel word, van die eienaar van 'n dier wat geskut is, verhaal; en
- (b) die kostes vir dip, dosering, mediese behandeling, inenting of ander behandeling wat nodig geag word vir die behandeling van 'n siek of beseerde dier, of wat vereis word ingevolge die Wet op Dieresiektes, 1984 (Wet No 35 van 1984), soos gewysig, hierdie verordening of enige ander wetgewing, van die eienaar van 'n dier wat geskut is, verhaal.

18. BETALINGS

(1) Die fooie en tariewe wat ingevolge subartikel 17(1) van hierdie verordening vasgestel word, en alle ander kostes aangegaan, moet aan die Munisipaliteit deur die eienaars van die

diere wat geskut is, betaal word, en die Munisipaliteit moet 'n kwitansie uitreik vir alle gelde aldus ontvang.

(2) Die eienaar van 'n dier moet die Skutmeester of gemagtigde beampot van 'n geldige kwitansie voorsien, alvorens die Skutmeester of gemagtigde beampot 'n dier wat geskut is kan vrylaat.

(3) Die diere wat geskut is, mag deur die Skutmeester of gemagtigde beampot gehou word as sekuriteit vir die betaling van die toepaslike skutfooie en-tariewe, en enige ander kostes deur die Munisipaliteit aangegaan verbandhoudend tot die skut van die diere, met dien verstande dat indien die waarde van die diere wat aldus geskut is, meer is as die totale bedrag wat verskuldig is, en indien die eienaar van 'n dier nie in staat is om die verskuldigde bedrag te betaal nie, mag die Skutmeester of gemagtigde beampot slegs daardie aantaldiere terughou as betaling, as wat voldoende is om die totale verskuldigde bedragte vereffen, en die res van die diere moet aan die betrokke eienaar terug besorg word.

(4) 'n Skutmeester of enige gemagtigde beampot wat onwettig diere terughou na ontvangs van betalings vir die vrylating van diere, of meer diere terughou as betaling as wat redelik nodig mag wees om die verskuldigde bedrae soos bedoel in subartikels 18(1) en 18(3) van hierdie verordening te verhaal, is teenoor die eienaar en / of eienaars van die betrokke diere aanspreeklik vir enige skade gely, weens die weerhouding van die vrylating van die diere.

(5) Die fooie, tariewe en / of gelde wat ingevolge hierdie verordening ontvang en of gevorder word, moet gedeponeer word as inkomste van die Munisipaliteit, ingevolge die voorskrifte en procedures soos voorgeskryf deur die Munisipaliteit.

(6) Geen Skutmeester of gemagtigde beampot mag 'n dier wat geskut is in terme van die bepalings van hierdie verordening, loslaat nie tensy die voorgeskrewe fooie, tariewe en gelde betaal is nie.

19. INSAE IN SKUTREGISTER

Die skutregister van 'n skut moet by die betrokke skut of 'n ander aangewysde plek gehou word en moet op alle redelike tye kosteloos ter insae wees vir enige gemagtigde beampot van die Munisipaliteit, enige veearts, enige vee-inspekteur, en enige lid van die Suid-Afrikaanse Polisiediens of enige lid van die publiek.

20. VRYLATING VAN DIERE WAT GESKUT IS

(1) Onderworpe aan die bepalings van subartikel 18(2) van hierdie verordening moet die Skutmeester of gemagtigde beampot 'n dier wat geskut is, onmiddellik vrylaat en aan die eienaar 'n vrylatingsbewys voorsien, indien die eienaar—

- (a) bewys van eienaarskap van sodanige dier kan verskaf; en
- (b) die fooie, tariewe en gelde soos beoog in artikel 17 van hierdie verordening betaal het en aan die Skutmeester of gemagtigde beampot 'n kwitansie van sodanige betaling voorsien.

(2) Die Skutmeester of gemagtigde beampot moet aan die eienaar van 'n dier wat geskut is, waar die gegewens en adresbesonderhede van sodanige eienaar bekend is, 'n kosteberekening verskaf, wat moet aantoon—

- (a) die fooie, tariewe en gelde betaalbaar met betrekking tot die skut van 'n dier of diere, ingevolge hierdie verordening;
- (b) die bedrag van enige skade wat die eienaar van grond, waarop die betrokke dier of diere oortree het, gely het; en
- (c) alle beraamde kostes verbonde aan die adverteering en die opveil van die betrokke dier of diere, soos toepaslik.

(3) Indien 'n dier wat geskut is, 'n dier is wat 'n identifikasiemerk moet dra soos bedoel in die Wet op Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig, en indien sodanige dier nie die vereiste merk dra nie, moet die Munisipaliteit die aangeleenthed by die Suid-Afrikaanse Polisiediens aanmeld en moet die Munisipaliteit weier om sodanige dier vry

te laat, indien die Suid-Afrikaanse Polisiediens die Munisipaliteit aldus skriftelik opdrag gee om die dier verder aan te hou.

(4) Indien die eienaar van 'n dier wat geskut is nie die fooie, tariewe en gelde soos bedoel in artikel 17 van hierdie verordening kan betaal nie, mag die Skutmeester of gemagtigde beampte die vrylating van sodanige dier terughou, totdat die uitstaande fooie, tariewe en gelde verskuldig aan die Munisipaliteit betaal is of andersyds verhaal kan word.

(5) Alle risiko's verbonde aan die eienaarskap van 'n dier, gaan oor na die persoon wat bewys van eienaarskap lewer, sodra die Skutmeester of gemagtigde beampte kan bevestig dat voldoende bewys van eienaarskap verskaf is.

21. VERKOPING VAN DIERE WAT GESKUT IS

(1) Die Skutmeester of gemagtigde beampte moet—

- (a) wanneer enige dier wat geskut is, nie binne sewe (7) dae na betaling van die toepaslike fooie, tariewe en gelde, soos voorsien in subartikel 17(2)(a), subartikel 17(2)(b) en subartikel 24(2) van hierdie verordening, opgeëis word deur die eienaar daarvan nie, of in die geval waar sodanige dier se eienaar nie opgespoor kan word nie, by die Hof aansoek doen om sodanige dier te mag verkoop om kostes te verhaal; en
- (b) in die aansoek soos beoog in artikel 21(1)(a) van hierdie verordening, bewys lewer aan die Hof dat 'n kostberekening soos beoog in subartikel 24(2) van hierdie verordening, aan die eienaar van die dier gelewer was, in die geval waar die besonderhede van sodanige eienaar bekend was.

(2) 'n Aansoek aan die Hof om 'n dier ingevolge hierdie verordening te verkoop, moet voldoen aan die procedures soos vervat in Reël 55 van die Wet op Landdroshowe, 1944 (Wet No 32 van 1944), soos gewysig, met dien verstande dat die betrokke aansoek *ex parte* gebring mag word, waar die Munisipaliteit kan bewys dat ondanks redelike pogings, die eienaar van die dier nie opgespoor kan word nie.

(3) Indien die Hof tevrede is dat daar aan die bepalings van die verordening met betrekking tot die skut van die betrokke diere voldoen is, kan die Hof gelas dat die betrokke dier of diere per veiling, soos voorsien in die verordening, verkoop word.

(4) Die Hof moet, ongeag of die bedrae in die kostberekening soos voorsien in subartikel 24 (1) en (2) van die verordening, betwissel word al dan nie—

- (a) onmiddellik die saak ondersoek;
- (b) waar die gegewens van die eienaar van die betrokke dier of diere bekend is, ondersoek instel of die Skutmeester of gemagtigde beampte wel die betrokke eienaar van die dier en / of diere behoorlik kennis gegee het van die kostes verbonde aan die skut en vrylating van die dier en / of diere; en
- (c) 'n bevel maak wat as billik en regverdig beskou word, wat sal insluit 'n bevel, aangaande:
 - (i) kostes; en
 - (ii) procedures wat gevolg moet word deur die skutmeester of gemagtigde beampte om die betrokke dier te verkoop.

(5) By elke sodanige gemagtigde verkoping van diere wat geskut is—

- (a) mag geen dier te koop aangebied word nie tensy dit deur die Hof gelas is nie;
- (b) moet alle diere, uitgesonder skape en bokke, stuksgewys verkoop word;
- (c) moet skape en bokke in troppe van hoogstens tien (10) verkoop word en mag skape en bokke, of skape of bokke met verskillende identifikasiemerke, onder geen omstandighede saam in dieselfde trop verkoop word nie;
- (d) moet diere vir kontant verkoop word;
- (e) moet die totale opbrengs van die fooie, tariewe en kostes soos bedoel in artikel 17 van hierdie verordening, in die munisipale inkomstefonds gestort word, met dien verstande dat indien 'n dier teen 'n hoër prys verkoop word op 'n verkoping—
 - (i) as die skutfooie en -tariewe betaalbaar en kostes aangegaan vir die skut van 'n dier; en

- (ii) as enige skadevergoeding toegeken deur die Hof, ingevolge Artikel 6(1)(f) van hierdie verordening, moet sodanige oorskot, binne dertig (30) dae na die verkoping, aan die eienaar van die diere uitbetaal word, behalwe as die identiteit van die eienaar nie vasgestel kan word nie.
 - (f) mag die Munisipaliteit 'n reserweprys vasstel vir enige dier wat te koop aangebied word; en
 - (g) mag die afslaer enige dier aan die verkoping onttrek, as die hoogste bod wat aangebied word, nie billik en redelik is nie, ongeag of 'n reserweprys deur die Munisipaliteit vasgestel is of nie.
- (6) Alle verkoping van diere wat geskut is moet—
- (a) behartig word deur die Skutmeester of 'n persoon behoorlik gemagtig deur die munisipaliteit, en
 - (b) begin op 'n tyd en gehou word op 'n dag wat deur die Skutmeester of gemagtigde beampete vasgestel is ingevolge artikel 23(1)(a) van hierdie verordening.
- (7) Die Skutmeester of 'n munisipale beampete of enige ander ander persoon Aldus aangewys om 'n verkoping te behartig, of enige deelgenoot of enige medewerkers of 'n munisipale werknemer, of enige familielid van die betrokkenes voorvermeld, mag nie regstreeks of onregstreeks deur 'n ander persoon, belang hê by die koop van enige dier by 'n veiling soos voorsien in artikel 21(6) van hierdie verordening.
- (8) Die eienaar van 'n dier bly aanspreeklik teenoor die Munisipaliteit vir enige koste, wat nie gedek word uit die verkoop van sodanige dier of diere nie.

22. PROSEDURES WAT GEVOLG MOET WORD IN AANSOEK BY DIE HOF

'n Aansoek by die Hof vir—

- (a) Die skut van 'n dier in terme van hierdie verordening, moet voldoen aan die prosedure beoog in Artikel 55 van die Reëls van die Hof; en
- (b) die verkoop van 'n geskutte dier in terme van hierdie verordening moet voldoen aan die prosedure beoog in artikel 66 van die Wet op Landdroshewe, 1944 (Wet No. 32 van 1944), en Reël 41 van die Reëls van die Hof, gemaak deur die reëls van die Raad vir Geregshewe ingevolge Artikel 6 van die Reëls vir die Wet, 1985 (Wet No. 107 van 1985), en onder die Goewermentskennisgewing No. R.1108 gepubliseer in Regulasiekoerant No. 980 van 21 Junie 1968, soos gewysig van tyd tot tyd, gelees met die nodige veranderinge.

23. KENNISGEWING VAN VERKOPING

(1) Die Skutmeester of gemagtigde beampete moet—

- (a) wanneer magtiging deur 'n Hof verleen is vir die verkoping van 'n dier of diere wat geskut is, kennis gee dat sodanige dier op 'n openbare veiling verkoop sal word en die datum, tyd en plek van die verkoping bekend maak;
 - (b) in die kennisgewing besonderhede voorsien aangaande die spesie, ras, identifikasiemerke en onderskeidende kenmerke van sodanige dier of diere, wat verkoop moet word;
 - (c) sodanige kennisgewing aan die Munisipaliteit verskaf, en 'n afskrif daarvan op die amptelike munisipale kennisgewingbord en by of naby die skut vertoon tot die dag van die verkoping; en
 - (d) 'n kennisgewing dat 'n dier of diere verkoop gaan word, publiseer in 'n geregistreerde koerant wat versprei word in die gebied van jurisdiksie van die Munisipaliteit.
- (2) Die koste van 'n kennisgewing soos bedoel in subartikel 23(1) van hierdie verordening, moet van die eienaar van die dier wat geskut word, verhaal word, en word geag om deel uit te maak van die kostes wat afgetrek moet word van die opbrengs van die verkoop van 'n dier.

24. DIERE WAT NIE VERKOOP KAN WORD NIE

- (1) In die geval waar 'n dier nie verkoop kan word nie—
- moet die Skutmeester of gemagtigde beampte die Hof en die eienaar, indien die besonderhede van die eienaar aldus bekend is, in kennis stel van die situasie, en die geskatte waarde van die betrokke dier, asook die fooie, tariewe en kostes betaalbaar ten opsigte van die skut van die betrokke dier verskaf;
 - mag die Hof op grond van die inligting verskaf, enige bevel maak wat as billik en regverdig beskou word om die situasie aan te spreek, insluitend die afmaak van sodanige dier.
- (2) Indien 'n hond of kat of enige soortgelyke dier, wat nie normaalweg by 'n veiling verkoop kan word nie, nie binne sewe (7) dae nadat 'n kennisgewing ingevolge artikel 14 van hierdie verordening op die eienaar van sodanige dier bedien is dat die betrokke dier geskut is, of nie binne sewe (7) dae nadat 'n advertensie in 'n plaaslike koerant verskyn het oor die skut van die betrokke dier, in die geval waar die eienaar nie bekend of opgespoor kan word nie, deur die eienaar opgeëis word nie, kan sodanige dier afgemaak word. Die kostes vir die versorging en afmaak van die betrokke dier van die eienaar van die dier verhaal word, indien bekend.
- (3) Indien 'n dier wat normaalweg by 'n veiling aangebied word, nie verkoop word nie, kan die Munisipaliteit die volgende doen:
- die dier(e) te koop aanbied aan die plaaslike abattoirs;
 - 'n verdere veiling reël op die voorgeskrewe wyse, met inbegrip van kennisgewing en adverteering,
 - of die Hof nader vir 'n bevel vir die afmaak van die betrokke dier op 'n menslike manier, ingevolge die bepalings van Reël 55 van die Wet op Landdroshewe, 1944 (Wet No 32 van 1944), soos gewysig, met dien verstande dat 'n aansoek *ex parte* gebring kan word, waar die Munisipaliteit kan bewys dat ondanks redelike pogings, die eienaar van die dier nie opgespoor kan word nie.

25. VOORLEGGING VAN SKUTINSKRYWINGS NA VERKOPING VAN DIERE

Die Skutmeester of gemagtigde beampte moet binne veertien (14) dae na die datum van elke skutverkoping, 'n afskrif van alle skutregisterinskrywings aan die Munisipaliteit voorlê, wat aangeteken is sedert die datum van die vorige voorlegging van die skutregister aan die Munisipaliteit, en die Munisipaliteit moet al sodanige afskrifte van skutregisterinskrywings bewaar, en dit beskikbaar stel ter insae van enige persoon wat dit versoek.

26. INSAE IN SKUTREGISTER TYDENS VERKOPINGS

Wanneer 'n verkoping gehou gaan word van diere wat geskut is, moet die Skutmeester of 'n persoon wat gemagtig is om die verkoping waar te neem, die skutregister beskikbaar stel by die plek van verkoping, en sodanige register moet by die plek van verkoping kosteloos ter insae wees van alle persone wat dit versoek.

27. REËLINGS VIR DIENSLEWERINGOOREENKOMSTE

- (1) Ten einde optimale dienslewering ingevolge hierdie verordening te verseker, kan die Munisipaliteit diensooreenkoms aangaan met ander munisipaliteite of enige ander instelling, en kan ander munisipaliteite of ander instellings per ooreenkoms, diere na 'n skut of soortgelyke fasiliteit van Hessequa Munisipaliteit afvoer.
- (2) Die fooie en tariewe betaalbaar vir dienste gelewer, soos voorsien in subartikel 27(1) van hierdie verordening vir die skut van diere, sal deur die betrokke diensleweringooreenkoms bepaal word.

28. VRYWARING

Die Munisipaliteit, die Skutmeester of enige gemagtigde beampete, sal nie aanspreeklik wees vir die dood of diefstal van of besering aan enige dier, as gevolg van die aanhouding, vervoer, skut of vrylating daarvan gedurende of as gevolg van die skutproses nie.

29. STRAFBEPALINGS

'n Persoon wat—

- (a) 'n dier wat wettig aangehou word vir veilige bewaring of met die doel om dit te skut of wat wettig geskut is, vrylaat;
- (b) onwettig 'n dier vang met die doel om dit te skut;
- (c) onwettig 'n dier skut;
- (d) met die Skutmeester of gemagtigde beampete in die uitvoering van sy of haar pligte inmeng;
- (e) enige dier toelaat om vanaf sy of haar eiendom op 'n openbare pad of munisipale straat of padreserwe of steeg te gaan;
- (f) enige dier toelaat om ongemagtig op of in 'n openbare plek rond te loop of te wei;
- (g) wat hekke oopmaak, drade knip of enige handeling uitvoer om diere moedswillig vry te laat;
- (h) enige instruksie uitgereik deur 'n gemagtigde beampete of aangebring op 'n kennisgewingbord verontagsaam; of
- (i) enige bepalings van hierdie verordening oortree, of versuim om daaraan te voldoen of versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge hierdie verordening, is skuldig aan 'n oortreding en mag by skuldigbevinding—
 - (i) 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf opgelê word;
 - (ii) in geval van 'n voortdurende oortreding, 'n bykomende boete of bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van 'n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
 - (iii) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding of nalatigheid.

30. MISHANDELING VAN DIERE

Niemand mag 'n dier wat gevind word waar dit oortree, buitensporig vinnig aanjaag of dit onnodig pla of mishandel nie.

31. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, Munisipale Stelselswet, teen sodanige besluit appèlleer, deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelik kennis aan die Munisipale Bestuurder te gee van die appèl, en redes vir die appèl te verstrek.

32. TEENSTYRDIGHED MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

33. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument, wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees, indien 'n beampete wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektiief en na behore aan sodanige persoon beteken te wees –
- (a) wanneer dit persoonlik aan die persoon afgelewer is;
 - (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
 - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 33(1)(a), 33(1)(b) of 33(1)(c) van hierdie verordening bepaal;
 - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
 - (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer is.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

34. BYLAES 1 EN 2 VORM DEEL VAN DIE VERORDENING

Bylaes 1 en 2 tot hierdie verordening, word vir alle praktiese doeleindes geag om deel van die verordening te wees.

35. HERROEPING

Die volgende verodeninge en die bepalings van enige verordening wat met die bepalings van hierdie verordening instryd is word hiermee herroep:

Hessequa Munisipaliteit:

Provinsiale Kennisgewing no.	Titel	Omvang van herroeping
P.K 6588 gedateer 19/12/2008	Skut van Diere	In geheel
P. K 6970 gedateer 23 Maart 2012	Verordening insake Skut van Diere	In geheel

36. KORT TITEL

Hierdie verordening staan bekend as die Verordening insake die Skut van Diere van Hessequa Munisipaliteit.

37. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.

BYLAE 1

Kode van Goeie Praktyk insake die Hantering, Vervoer en Versorging van Diere wat Geskut word

DEEL I: Kraalvereistes

1. Vir doeleindes van hierdie bylae het kraal, kamp en hok dieselfde betekenis, en is enige verwysing na 'n kraal ook 'n verwysing na 'n kamp of 'n hok of 'n soortgelyke struktuur waarin 'n dier bewaar kan word.
2. Verskillende spesies diere moet in afsonderlike kraale gehou word.
3. Diere mag nie in oorvol kraale opeengehoop word nie en die ruimte moet voldoende wees sodat alle diere gelyktydig kan lê en daar mag nie minder as een-punt-vyf (1.5) vierkante meter beskikbare grondruimte per dier wees nie.
4. Opstandige diere mag nie saam met ander diere aangehou word nie.
5. Jong, gespeende of jeugdige diere mag nie saam met volwasse diere in dieselfde kraal aangehou word nie, met uitsondering van 'n vroulike dier en haar kleintjies.
6. Voorsiening moet in kraale gemaak word vir—
 - (a) geriewe soos rakke, voerbakke of ander gesikte houers wat maklik skoonmaak, wat die voer van diere van die grond af moontlik maak en wat gediens kan word sonder om diere te stuur;
 - (b) watertroë wat 'n voldoende, gesikte voorraad vars water te alle tye voorsien;
 - (c) voldoende geriewe vir die behoorlike skoonmaak van kraale; en
 - (d) geriewe vir die veilige hantering van diere.
7. (a) Kraale moet te alle tye in 'n goeie, skoon en werkende toestand gehou word.
 - (b) Skerp drade, gebreekte planke, happerige punte, boute wat uitsteek, wat beserings aan diere kan veroorsaak moet verwyder of na behore bedek word.
8. Die vloer van elke kraal, insluitend die op-en-aflaai vragwal, drukgange van die laafasilitet by 'n skut, moet voorsien word met oppervlaktes wat glipvry is en wat effektief en behoorlik skoongemaak kan word, sodat dit geskik sal wees vir die aanhou en / of hantering van dier.

DEEL II: Hantering van diere

9. Diere moet te alle tye menslik, met geduld en verdraagsaamheid behandel word.
10. Die volgende moet in gedagte gehou word tydens die hantering van diere—
 - (a) diere reageer beter wanneer hul aanjaer agter hulle staan, maar binne hul gesigsveld.
 - (b) Diere in 'n trop reageer beter wanneer hulle in 'n trop aangejaag word in plaas van een een.
11. Diere mag nie aan hul bene gesleep, of aan hul koppe, ore of sterte gedra word nie.
12. Jong kalfies moet opgelig word by die bors en agterkwart en gedra word indien hulle nie self met gemak kan loop nie. As alternatief moet hulle gerig word deur een hand op 'n agterkwart en die ander hand naby die skof of nek te plaas, en deur saam te stap in die vereiste rigting, teen 'n geskikte en gemaklike pas, gestuur word.
13. Slegs stokke met seildoek oorgetrek of dryfbande mag gebruik word tydens die aanjaag van diere, en dit is verkiekslik om op die grond agter die dier te slaan, as op die dier self.
14. Elektriese aanporders, stokke of sambokke mag nie op jong diere gebruik word nie.
15. Elektriese aanporders mag nie oormatig of onnodig gebruik word nie, en mag glad nie op die gesig of anus of geslagsdele van diere gebruik word nie.

DEEL III: Verskuiwing van diere

16. Diere wat aangejaag word, moet te alle tye onder behoorlike en bekwame toesig wees.
17. Diere moet op 'n kalm manier teen 'n pas wat ontspanne, gemaklik, en natuurlik vir sodanige dier sal wees, aangejaag word, wat nie vinniger mag wees, as die pas van die stadigste dier in die trop nie.
18. Diere mag nie vir langer as tien (10) uur aaneen aangejaag word, sonder 'n rustyd van minstens een (1) uur nie. Genoegsame en geskikte vars water moet aan al die diere voorsien word, gedurende die proses van aanjaag.

19. Geen dier mag vir afstande langer as die volgende afstande aangejaag word nie—
- (a) Gedurende 'n reis wat nie langer as een (1) dag duur nie—
 - (i) 20 km vir skape en bokke; en
 - (ii) 30 km vir beeste;
 - (b) Gedurende 'n reis wat meer as een (1) dag duur—
 - (i) twintig (20) km gedurende die eerste dag, en vyftien (15) km vir elke daaropvolgende dag, vir skape en bokke; en
 - (ii) vyf-en-twintig (25) km gedurende die eerste dag, en twintig (20) km vir elke daaropvolgende dag vir beeste;
20. Sodra diere hul oornag kamp bereik, moet hulle onmiddellik voer en water kry, welke voer voldoende en geskik moet wees vir elke betrokke spesie.
21. Diere mag nie na donker aangejaag word nie.
22. Geen dier wat siek, beseer of vermink is, mag aangejaag word nie.

DEEL IV: Voertuie gebruik tydens die vervoer van diere

23. Voertuie en alle sleepwaens wat vir die vervoer van gehoefde diere gebruik word, moet geskik wees vir sodanige diere en in 'n padwaardige toestand wees.
24. Alle voertuie en sleepwaens in paragraaf 23 genoem moet—
- (a) 'n geskikte glipvrye vloerbedekking hê, wat nie die skoonmaak van die voertuie se vloer sal belemmer nie, en wat bevestig mag wees met verwyderbare heglatte of staal roosters, of heglatte of staalroosters wat kan skanier;
 - (b) voldoende lug en lig deurlaat, terwyl dit in beweging of stilstaande is, terwyl geen voertuig geheel en al toegemaak mag wees nie.
 - (c) Voldoende beskerming teen uitlaatgasse hê, aangesien blootstelling aan uitlaatgasse diere se asemhaling kan belemmer en angs kan veroorsaak;
 - (d) sywande hê wat hoog genoeg is, om te voorkom dat diere ontsnap of uit die voertuig val, met dien verstande dat die sywande en / of afskortings—
 - (i) wanneer in gebruik op 'n voertuig om diere van mekaar te skei, van sodanige hoogte moet wees, dat die afskorting nie laer as die skouer van die grootste dier wat vervoer word, sal wees nie;

- (ii) in die geval van beeste, maar uitgesonderd kalwers, 'n minimum hoogte van eenduisend agthonderd (1800) millimeter moet wees; en
 - (iii) in die geval van kleiner diere, 'n minimum hoogte van sewehonderd-en- vyftig (750) millimeter moet wees.
- (e) in die geval van multi-dek voertuie, moet die hoogtes tussen dekke voldoende wees, ten einde die grootste diere in staat te stel om natuurlik vry en ten volle regop te staan, en moet voldoende ruimte toegelaat word bokant die diere vir lug om vrylik te vloei. In die geval van skape en varke, mag die vryhoogte nie minder as eenduisend (1000) millimeter wees nie.
- (f) soliede ondeurdringbare vloere hê;
- (g) op en aflaai openinge aan die agterkant van die voertuig hê, wat oor die volle wydte van die voertuig strek of indien dit aan die kante van die voertuig is, moet dit 'n opening hê, van nie minder as tweeduisend vierhonderd (2400) millimeter nie;
- (h) hekke hê, met of sonder afskortings, wat—
 - (i) van sodanige ontwerp en konstruksie is, dat dit sterk genoeg is en geskik is vir die beoogde vervoer van die betrokke diere; en
 - (ii) wat goed beveilig is, en vrylik kan oop en toemaak.
25. Die aantal diere wat saam geplaas is in enige ruimte vir doeleindes van die transport van sodanige diere moet sodanige beperk word, dat die veiligheid en gerief van die diere gedurende die vervoer daarvan verseker word en die voorgestelde vloerruimte per dier sal wees—
 - (a) een-punt-vier (1.4) vierkante meter oppervlakte per groot dier; en
 - (b) nul-punt-vyf (0.5) vierkante meter oppervlakte per klein dier wees.

DEEL V: Verskaffing van voer en water aan diere voor die oplaai daarvan

26. Diere moet voorsien word van voldoende en geskikte voeding en vars water, totdat hulle afgevoer word per voertuig.

DEEL VI: Op-en-aflaai prosedures

27. Die op- en aflaai van diere, op en vanaf voertuie, moet so stil en kalmmoontlik geskied, en moet met die nodige geduld en verdraagsaamheid plaasvind, sonder die onnodige teistering,

verskrikking, verkneusing en besering van diere, of onnodige lyding of spanning.

28. Geen dier mag aan sy kop, wol, vel, ore, stert, horings of bene op- of afgelaai word nie.
29. Geen dier mag op enige ander wyse as die volgende, op- of afgelaai word nie—
 - (a) By wyse van 'n glipvrye oppervlakte, wat sterk genoeg is om die gewig van die spesie dier wat hanteer word te ondersteun, en wat met voldoende sypanele of traliewerk toegerus is, wat die ontsnapping of afval van diere vanaf die loopplank sal voorkom. Sodanige loopplank mag nie d l helling van meer as vyf- en-twintig (25) grade hê nie; of
 - (b) By wyse van 'n laaiwal wat op dieselfde hoogte is as die vloer van die voertuig, of wanneer die afgelaai van diere plaasvind, nie meer as driehonderd-en-tien (310) millimeter onder die vloer van die aflaai voertuig is nie en met 'n helling van nie meer as vyf-en-twintig (25) grade nie.
30. Indien 'n voertuig toegerus is met 'n eie verwyderbare laaibrug, moet dit 'n glipvrye oppervlakte hê, en moet dit van voldoende lengte wees sodat, wanneer dit laat sak is, die helling daarvan nie meer as vyf-en-twintig (25) grade sal wees nie, met die afstand tussen die grond en die haak van die laaibrug nie meer as eenhonderd-en- tien (310) millimeter nie.
31. 'n Laaibrug se hoogte moet elke keer aangepas word, om presies met die voertuig se vloerhoogte ooreen te stem.
32. Die reis vir die afvoer van diere, moet so gou moontlik begin nadat die diere opgelaai is en diere moet onmiddellik afgelaai word, wanneer die bestemming bereik word.
33. Tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van verskillende spesies diere, mag sodanig verskillende spesies diere nie in dieselfde voertuig gelaai en vervoer word nie.
34. Diere van verskillende ouderdom, grootte en geslag mag nie saam gelaai en vervoer word nie, tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van sodanige diere.
35. Volwassse beeste met horings, mag nie saam met poenskopbeeste vervoer word nie en hulle moet altyd afsonderlik gehok word.

36. Indien daar voldoende rede bestaan om te glo dat 'n dier tydens 'n voorgenome reis geboorte mag skenk, mag sodanige dier nie gelaai word vir vervoer daarvan nie.
37. Ingeval 'n dier wel tydens 'n reis geboorte skenk, moet die nodige voorsorg getref word om die ma en kroos te beskerm teen vertrapping of besering of teistering deur ander diere.
38. Ingeval die—
 - (a) transport voertuig onklaar raak;
 - (b) transport voertuig in 'n ongeluk of botsing betrokke raak; of
 - (c) 'n dier of diere in transito beseer raak of vrek, moet die karweier onmiddellik die besonderhede rapporteer aan, of hulp vra van—
 - (i) in die geval van paragraaf (a), 'n insleepdiens;
 - (ii) in die geval van paragraaf (b), die Suid-Afrikaanse Polisie Diens en / of die betrokke verkeersowerheid; of
 - (iii) in die geval van paragraaf (c), 'n veearts.
39. Indien die vervoer van enige dier, 'n besering aan die dier self of ander diere kan veroorsaak, moet dit op so 'n manier onder bedwang gehou word, dat sodanige besering voorkom kan word.
40. Geen dier mag vir meer as vier (4) uur in enige vier en twintig (24) uur tydperk onder bedwang gehou word nie.
41. Geen draad of baaltou mag gebruik word om diere se bene of voete mee vas te bind nie.
42. Ten einde verwurgting of nekbreke by diere te voorkom, mag geen dier met 'n skuifknop aan hul horings of nek aan 'n voertuig vasgemaak word nie. Die tou wat gebruik word om 'n dier onder bedwang te hou, moet op die dier se kniehoogte aan die voertuig vasgemaak word, sodat ingeval die dier sou val, die risiko dat die dier beseer sou raak of sou sterf, verminder word. Die tou aldus gebruik, moet lank genoeg wees, ten einde 'n dier toe te laat om gemaklik in 'n natuurlike posisie te lê, met die kop regop.

BYLAE 2**Skutregister Inligting**

'n Skutregister moet ten minste die volgende inligting bevat—

- (a) Naam van die skut.
- (b) Die datum waarop 'n dier ontvang is.
- (c) Die getal en beskrywing van diere wat geskut word.
- (d) Merke of brandmerke op diere.
- (e) Die ooretiketnommer wat deur die Skutmeester aan elke dier wat geskut word, toegeken word.
- (f) Naam en adres van persoon wat die dier gevang het.
- (g) Naam en adres van die eienaar van grond waarop die dier gevang is.
- (h) Naam en adres van die eienaar van 'n dier wat geskut is.
- (i) Rede waarom die dier gesluit is.
- (j) Adres of beskrywing van plek waar die dier gevind is.
- (k) Afstand tussen die plek waar die dier gevang is en die skut.
- (l) Besonderhede van skade deur die dier aangerig.
- (m) Vervoerkoste betaalbaar.
- (n) Besonderhede van die uitsit of wegdoening van 'n dier.
- (o) Oorsaak van dood, diefstal of besering van 'n dier wat geskut is.
- (p) Beskrywing en bedrag van skutgelde betaalbaar.
- (q) Skadevergoeding toegestaan deur die Hof.
- (r) Datum van vrylating van 'n dier.
- (s) Datum van verkoop van 'n dier.
- (t) Opbrengs vir die verkoop van 'n dier.
- (u) Naam en adres van die koper van 'n dier.
- (v) Oorskotbedrag van die opbrengs met verkoping van 'n dier, indien enige, wat aan die eienaar van 'n dier betaal moet word.

NOTICE BY LOCAL AUTHORITY**HESSEQUA MUNICIPALITY****BY-LAW RELATING TO PUBLIC BUSSES AND TAXIS**

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Municipal Council of the Hessequa Municipality, hereby enacts as follows:

PREAMBLE

The purpose of this by-law is to -

- (a) promote the safety of passengers using public transport;
- (b) provide procedures, methods and practices to control public transport; and
- (c) regulate public transport facilities for all forms of public transport, subject to legislation.

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1. DEFINITIONS

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise—

“authorized official”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Hessequa Municipality, who is authorized by the Hessequa Municipality to enforce the provisions of this by-law;

“bus”, means a motor vehicle designated, or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, to carry more than 16 passengers, including the driver, and includes a “bus train” or any variation thereof;

“bus stop”, means any temporary or permanent designated place or demarcated area in or on a public road, indicated by a road sign as a bus stop, which is exclusively reserved for the stopping of buses to load or off-load passengers;

“bus parking place”, means any marked parking place in or on a public road indicated by a road sign as a parking place for buses, which is exclusively reserved for the parking of buses;

“driver”, in relation to a taxi or a bus, means any person who is the driver of such a vehicle;

“Municipality”, means the Municipality of Hessequa established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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, councillor, agent or employee

“owner”, means with regard to any taxi or bus, the owner of a taxi or bus which is registered in an area to transport passengers for compensation;

“public road”, means any public road as referred to in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;

“road traffic sign”, has the meaning assigned to it in the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and the regulations promulgated in terms thereof;

“road transport permit”, means an authorization to transport passengers on a specific route, as determined by a competent authority;

“taxi”, means a mini bus, motorcar or any other vehicle, excluding a bus or vehicle used as a school bus, used to transport passengers for compensation;

“taxi rank facility”, means a temporary or permanent designated place or demarcated area, in or on a public road, indicated by a road sign as a taxi rank facility, which is exclusively reserved for the stopping of taxis to load or off-load passengers.

“the Act”, means the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and the regulations promulgated in terms thereof; and

“to transport someone for compensation or charter”, means to use a vehicle to transport passengers or to make a vehicle available to transport passengers to a destination, on payment of a fee or for compensation;

“traffic officer”, means an official appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended.

CHAPTER 1 **FACILITIES FOR BUSSES**

2. BUS STOPS AND SPECIAL PARKING FOR BUSSES

- (1) A Municipality may establish bus stops for use by buses to load and off-load passengers and may provide special parking places for busses.
- (2) No bus may be parked at a bus stop, where passengers are loaded on- and off, except in anticipation to load passengers.
- (3) Road traffic signs and road traffic notices shall be placed at bus stops and bus parking places, to confirm the reservation thereof as bus stops or bus parking places, and to regulate the use thereof.
- (4) A bus stop or a bus parking place may be reserved by the Municipality for a specific operator or for specific busses or may be made available for use by all busses.
- (5) The Municipality may reserve special areas, by demarcating and designating such areas by means of road traffic signs and notice boards, for the parking of busses during special occasions or on specific days.
- (6) Any person who parks a vehicle other than a bus at a bus stop or a bus parking place, shall be guilty of an offence.

3. THE STOP OF PUBLIC BUSSES

- (1) A traffic officer or any other authorized person may stop a public bus at any point in order to allow passengers to board or get off such a bus.
- (2) No person, except in emergency situations, may stop a bus in order to board or get off a bus, at a point/location other than the bus stop.

4. DISPLAY OF DESTINATION

The person in charge of a public bus, shall display the destination of a bus distinctly on such bus.

CHAPTER 2

FACILITIES FOR TAXIS

5. TAXI RANK FACILITIES AND SPECIAL PARKING PLACES FOR TAXIS

- (1) A Municipality may establish taxi rank facilities for use by taxies to load or off-load passengers and may provide special parking places for taxis.
- (2) Road traffic signs and road traffic notices shall be placed at taxi facilities and taxi parking places, to confirm the reservation thereof as taxi rank or taxi parking places, and to regulate the use thereof.
- (3) A taxi rank facility or a parking place for taxis may be reserved by the Municipality for a specific operator or for use by a specific taxi association or shall be available for use by all taxies.
- (4) The Municipality may reserve special areas, by demarcating and designating such areas by means of road traffic signs and notice boards, for the parking of taxis during special occasions or on specific days.
- (5) Any person who parks a motor vehicle other than a registered taxi on a taxi rank or a taxi parking place, shall be guilty of an offence.

6. USE OF TAXI RANK FACILITIES

- (1) No person shall park or stop a taxi, or allow it to be stopped or be parked in a taxi rank facility, when such vehicle is not roadworthy.
- (2) No person shall operate a taxi from a taxi rank facility, or tender it for the transport of passengers, when the owner or operator is not in possession of a valid receipt or proof that the fees and tariffs levied by the Municipality for the use of the facility concerned have been paid.
- (3) Subject to the provisions of this by-law or any other regulation promulgated in this regard, the driver of a taxi shall comply to the following operational directives for a taxi rank facility, when tendering his or her taxi for the transport of passengers at a taxi rank facility -
 - (a) all taxis shall queue in order of arrival to pick up passengers;
 - (b) a taxi shall only move along in a queue, when the taxi in the front of the queue has picked up passengers and left the taxi rank;
 - (c) no taxi in the queue may be left alone for longer than ten (10) minutes; and

(d) taxis queuing shall be available and ready at all times to transport passengers on payment of the required fee, and no driver may unreasonably refuse to transport any passenger, on condition that a seat is available in the taxi concerned and that the passenger's destination correlate with the route of the taxi in terms of the allocated road transport permit for the taxi.

7. GENERAL CONDITIONS FOR TAXIS AND TAXI DRIVERS

- (1) No person may tender a taxi for the transport of passengers, which is not roadworthy.
- (2) No taxi driver may –
 - (a) tender his or her taxi for use in any other place, than a taxi rank facility;
 - (b) prevent the driver of any other taxi to pick up passengers, or attempt to prevent that another taxi driver legally obtain and transport passengers;
 - (c) offer to transport passengers on a route or in an area, for which the allocated road transport permit of the taxi concerned do not provide for;
 - (d) prevent or attempt to prevent passengers, to use bus transport out of their own accord;
 - (e) misbehave, act disorderly, cause a disturbance or act in such a way, that his or her conduct is offensive or create a nuisance for the general public; and
 - (f) park or stop a vehicle used as a taxi in such a way, that such taxi creates an obstruction for other taxies and road traffic in general.

CHAPTER 3 GENERAL PROVISIONS

8. FEES AND TARIFFS

Fees and tariffs for the use of facilities allocated to buses and taxis shall be annually determined by the Municipality.

9. EXEMPTIONS

Notwithstanding the provisions of this by-law, the Municipality may on written application, exempt any person or group of persons from any or all the requirements of this by-law and when considering such application for exemption, the Municipality may impose any condition or requirement for approval as it deems appropriate.

10. COMMUNITY LIAISON FORUMS

- (1) The Municipality may establish liaison forums in a community for the purposes of creating opportunities for the local community to participate in the implementation, development and enforcement of this by-law.
- (2) A liaison forum, as contemplated in subsection (1), may consist of –
- (a) a member or members of an interested group or affected persons or parties;
 - (b) a member or members of a community; and
 - (c) a designated official or officials of the Municipality or other organs of state.
 - (d) a councilor(s) of the concerned ward committee
- (3)(a) The Municipality may, when considering an application for an approval, a permit or an exemption in terms of this by-law, request the input of a liaison forum, where applicable.
- (b) A liaison forum or any person or persons as contemplated in subsection (2) of this by-law, may on their own initiative provide input to the Municipality for consideration.

11. SERVICE OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law is deemed to be duly issued, when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or

representative in the Republic of South Africa, in a manner as provided in subsections 11(2)(a), 11(2)(b) or 11(2)(c) of this by-law;

(e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted displayed in a conspicuous place on the property or premises to which it relates; or

(f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.

(3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purposes of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the immovable property or rights in question, and is it not a required to name that person.

(4) A notice, instruction, letter of demand, or other document shall for purposes of authentication, be properly signed by the Municipality.

12. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

13. OFFENCES AND PENALTIES

Any person who -

- (a) fails to comply to the instructions of an authorized official issued in terms of this by-law;
- (b) fails to comply with any notice served in terms of this by-law;
- (c) contravenes any provision of this by-law;
- (d) fails to comply to any instruction posted on a notice board; or
- (e) deliberately obstructs an authorized official in the execution of his or her duties in terms of this by-law,

is guilty of an offence and is liable on conviction, for -

- (i) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (ii) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (iii) any further amount as an order of court for costs, equal to any costs and / or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.

14. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

15. REPEAL OF BY-LAWS

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality are hereby repealed as far as they relate to matters provided for in this by-law.

16. SHORT TITLE

This by-law shall be called the Public Buses and Taxis By-law of the Hessequa Municipality.

17. OPERATIVE DATE

This by-law shall take effect on the date of publication.

KENNISGEWING VAN PLAASLIKE OWERHEID**HESSEQUA MUNISIPALITEIT****VERORDENING INSAKE OPENBARE BUSSE EN TAXI'S**

**Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996,
verorden die Munisipale Raad van Hessequa Munisipaliteit hiermee soos volg:**

AANHEF

Die doel van hierdie verordening is om -

- (a) die veiligheid van passasiers wat van openbare vervoer gebruik maak te bevorder;
- (b) voorsiening te maak vir prosedures, metodes en praktyke om openbare vervoer te beheer; en
- (c) onderhewig aan wetgewing, openbare vervoerfasiliteite te reguleer vir alle vorme van openbare vervoer.

INHOUDSOPGawe**1. Definisies****HOOFTUK 1: FASILITEITE VIR BUSSE**

- 2. Bushaltes en spesiale parkering vir busse
- 3. Die stop van Openbare Busse
- 4. Vertoon van bestemming

HOOFTUK 2: FASILITEITE VIR TAXI'S

- 5. Taxistaanplek fasiliteite en spesiale parkering vir taxi's
- 6. Gebruik van taxistaanplek fasiliteite
- 7. Algemene voorwaardes vir taxi's en taxibestuurders

HOOFTUK 3: ALGEMENE BEPALINGS

- 8. Fooie en tariewe
- 9. Vrystellings
- 10. Gemeenskapskakelforums
- 11. Bediening van kennisgewings en ander dokumente
- 12. Appéle
- 13. Strafbepalings
- 14. Teenstrydigheid met ander wetgewing
- 15. Herroeping van verordeninge
- 16. Kort titel
- 17. Inwerkingtreding

1. DEFINISIES

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy dit uit die samehang anders blyk, beteken:

“bestuurder”, met betrekking tot ’n taxi of ’n bus, enige persoon wat sodanige voertuig bestuur;

“bus”, ’n motorvoertuig bestem, of wettiglik in ooreenstemming met die Nasionale Padverkeerswet, 1996 (No 93 van 1996), soos gewysig, deur ’n geregistreerde vervaardiger omskep, om meer as 16 passasiers te vervoer, wat die drywer van sodanige voertuig insluit, en sluit in enige “bus trein” of variasie daarvan;

“bushalte”, enige aangewese plek of afgebakende oppervlak, hetsy tydelik of permanent, in of op ’n openbare pad, wat deur ’n padverkeersteken aangedui word as ’n bushalte, wat uitsluitlik vir die stilhou van busse vir die op en aflaai van passasiers gereserveer word;

“busparkeerplek”, enige gemerkte parkeerplek in of op ’n openbare pad wat deur ’n padverkeersteken aangedui word as ’n busparkeerplek, en wat uitsluitlik gereserveer word vir die parkering van busse;

“die Wet”, die Nasionale Padverkeerswet, 1996 (No 93 van 1996), soos gewysig, en die regulasies daarkragtens uitgevaardig;

“eienaar”, met betrekking tot enige taxi of bus, die eienaar van ’n taxi of bus wat as sodanig in ’n gebied geregistreer is om sake te doen by wyse van die vervoer van passasiers teen vergoeding;

“gemagtigde beamppte”, enige vredesbeamppte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig, of enige beamppte van Hessequa Munisipaliteit wat deur die Munisipaliteit gemagtig is om die bepalings van hierdie verordening af te dwing;

“munisipaliteit”, beteken die Hessequa Munisipaliteit, ingestel artikel 12 van die Munisipale Strukture Wet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent of enige amptenaar wat ingevolge hierdie verordening handel kragtens ’n bevoegdheid van die munisipaliteit wat gedelegeer is of gesubdelegeer is aan sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of amptenaar;

“openbare pad”, wat insluit enige munisipale straat of steeg of padreserwe, of enige publieke pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

“padverkeersteken”, die betekenis wat ingevolge die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig, en die regulasies daarvolgens uitgevaardig, daarin toegeskryf word;

“padvervoerpermit”, ’n magtiging om passasiers te vervoer op ’n spesifieke roete, soos bepaal deur ’n bevoegde owerheid;

“taxi”, ’n minibus, motor of enige ander voertuig, uitgesonderd ’n bus of voertuig wat as skoolbus aangewend word, wat gebruik word om passasiers teen vergoeding te vervoer;

“taxi-staanplek fasiliteit”, enige aangewese plek of afgebakende terrein, hetsy tydelik of permanent, in of op 'n openbare pad, wat deur 'n padverkeersteken aangedui word as 'n taxistaanplek fasiliteit, wat uitsluitlik vir die stilhou van taxi's gereserveer word vir die open aflaai van passasiers;

“teen vergoeding of huur iemand te vervoer”, om 'n voertuig te gebruik om passasiers te vervoer of om 'n voertuig beskikbaar te stel met die doel om passasiers na 'n bestemming, teen betaling van huur of geldelike vergoeding te vervoer; en

“verkeersbeampte”, 'n beampte soos aangestel in terme van artikel 3A van die Wet op Nasionale Padverkeer, 1996 (Wet No 93 van 1996), soos gewysig.

HOOFSTUK1 FASILITEITE VIR BUSSE

2. BUSHALTES EN SPESIALE PARKERING VIR BUSSE

- (1) 'n Munisipaliteit mag bushaltes vir gebruik deur busse vir die open- en aflaai van passasiers en / of en spesiale parkeerplekke vir die parkering van busse vestig.
- (2) Geen bus mag by 'n bushalte, waar passasiers opgelaai en afgelaai word, geparkeer word nie, behalwe in afwagting vir die oplaai van passasiers.
- (3) Padverkeerstekens en padverkeersmerke moet by bushaltes en busparkeerplekke aangebring word om die reservering daarvan vir gebruik as bushalte of busparkeerplek te bevestig, en die gebruik daarvan te reguleer.
- (4) 'n Bushalte of 'n parkeerplek vir busse mag deur die Munisipaliteit vir gebruik deur 'n spesifieke operateur of slegs vir spesifieke busse gereserveer word of oopgestel word vir gebruik deur alle busse.
- (5) Die Munisipaliteit mag spesiale areas reserveer, afbaken en aandui met die nodige verkeerstekens of kennisgewingborde, vir die parkering van busse tydens spesiale geleenthede of op spesifieke dae.
- (6) Enige persoon wat 'n motorvoertuig, anders as 'n bus, op 'n bushalte of 'n busparkeerplek stop of parkeer, begaan 'n oortreding.

3. DIE STOP VAN OPENBARE BUSSE

- (1) 'n Verkeersbeampte of enige ander gemagtigde beampte, mag 'n openbare bus op enige plek stop met die doel om passasiers te laat inklim, of af klim van so 'n bus.
- (2) Niemand mag, behalwe in 'n noodgeval, 'n bus op enige plek anders as 'n bushalte stop vir die doel om passasiers te laat in klim, of af klim van so 'n bus nie.

4. VERTOON VAN BESTEMMING

Die persoon in beheer van 'n openbare bus moet die bestemming waarheen die bus op pad is, duidelik op die bus vertoon.

HOOFSTUK 2

FASILITEITE VIR TAXI'S

5. TAXISTAANPLEK FASILITEITE EN SPESIALE PARKERING VIR TAXI'S

- (1) 'n Munisipaliteit mag taxistaanplek fasiliteite vir gebruik deur taxis vir die op- en aflaai van passasiers en spesiale parkeerplekke vir die parkering van taxi's vestig.
- (2) Padverkeerstekens en padverkeersmerke moet by taxistaanplek fasiliteite en taxiparkeerplekke aangebring word om die reservering daarvan vir gebruik as taxistaanplek of taxiparkeerplek te bevestig, en die gebruik daarvan te reguleer.
- (3) 'n Taxistaanplek fasiliteit of 'n parkeerplek vir taxi's mag deur die Munisipaliteit gereserveer word vir gebruik deur 'n spesifieke operateur of 'n spesifieke taxi assosiasie of oopgestel word vir gebruik deur alle taxi's.
- (4) Die Munisipaliteit mag spesiale areas reserveer, afbaken en aandui met die nodige verkeerstekens of kennisgewingborde, vir die parkering van taxi's tydens spesiale geleenthede of op spesifieke dae.
- (5) Enige persoon wat 'n motorvoertuig, anders as 'n geregistreerde taxi op 'n taxistaanplek of 'n parkeerplek vir taxi's stop of parkeer, begaan 'n oortreding.

6. GEBRUIK VAN TAXI STAANPLEK FASILITEITE

- (1) Geen persoon mag 'n onpadwaardige taxi, in 'n taxistaanplek fasiliteit parkeer of stop of toelaat dat sodanige taxi in 'n taxi staanplek is nie.
- (2) Niemand mag 'n taxi vanuit 'n taxistaanplek fasiliteit bedryf of dit beskikbaar stel vir die vervoer van passasiers, tensy die eienaar of bestuurder van sodanige taxi in besit is van 'n geldige kwitansie of bewys wat aantoon dat die fooie en tariewe wat deur die Munisipaliteit vir die gebruik van die betrokke taxistaanplek fasiliteit gehef word, betaal is.
- (3) Behoudens die bepalings van hierdie verordening of enige ander regulasie uitgevaardig in hierdie verband, moet die bestuurder van 'n taxi wanneer hy of sy vanaf 'n taxistaanplek fasiliteit opereer vir die vervoer van passasiers, die volgende operasionele riglyne vir 'n taxistaanplek fasiliteit eerbiedig—
 - (a) alle taxi's tou in volgorde van aankoms, vir die oplaai van passasiers;
 - (b) 'n taxi beweeg slegs aan in 'n tou, nagelang taxi's voor in die tou passasiers oplaai en vertrek;
 - (c) geen taxi in die tou mag vir langer as tien (10) minute alleen gelaat word nie, en
 - (d) taxi's wat tou, moet beskikbaar en gereed wees om te alle tye passasiers teen vergoeding te vervoer, en geen bestuurder mag onredelik weier om enige passasier in sy of haar taxi te vervoer nie, met dien verstande dat 'n sitplek in die betrokke taxi beskikbaar is en die passasier se bestemming ooreenstem met die betrokke taxi se roete ingevolge die toegekende padvervoerpermit.

7. ALGEMENE VOORWAARDES VIR TAXI'S EN TAXIBESTUURDERS

- (1) Geen persoon mag 'n taxi wat nie padwaardig is nie, vir die vervoer van passasiers aanbied.
- (2) Geen taxibestuurder mag –
 - (a) sy of haar taxi op 'n ander plek as in 'n taxistaanplek fasiliteit, aanbied vir verhuring nie;
 - (b) die bestuurder van enige ander taxi verhoed of poog om te verhoed dat sodanige taxibestuurder wettig passasiers bekom en vervoer nie;
 - (c) aanbied om teen vergoeding passasiers te vervoer op 'n roete of in 'n gebied, waarvoor die geldende padvervoerpermit van die betrokke taxi nie voorsiening maak nie;
 - (d) verhoed of probeer verhoed, dat passasiers uit eie voorkeur van busvervoer gebruik maak nie;
 - (e) hom of haar wanordelik gedra, of op so 'n wyse optree dat sy of haar gedrag aanstoot gee of 'n oorlas vir die algemene publiek veroorsaak nie, en
 - (f) 'n voertuig aangewend as taxi, op so 'n wyse parkeer of tot stilstand bring, dat die betrokke taxi 'n hindernis vir ander taxi's of padverkeer in die algemeen veroorsaak nie.

HOOFSTUK 3 ALGEMENE BEPALINGS

8. FOOIE EN TARIEWE

Fooie en tariewe vir die gebruik van fasiliteite vir busse en taxi's moet jaarliks deur die Munisipaliteit bepaal word.

9. VRYSTELLINGS

Nieteenstaande die bepalings van hierdie verordening, mag die Munisipaliteit indien daar skriftelik daarvoor aansoek gedoen word, enige persoon of groep van persone van enige of al die vereistes van hierdie verordening vrystel, en by die oorweging van sodanige aansoek vir vrystelling mag die Munisipaliteit enige voorwaardes of vereistes vir goedkeuring, na goeddunke daarstel.

10. GEMEENSKAPSKAKELFORUMS

- (1) Die Munisipaliteit mag skakelforums in 'n gemeenskap tot stand bring met die doel om die plaaslike gemeenskap aan te moedig tot deelname aan die implementering, ontwikkeling en afdwinging van hierdie verordening; en

- (2) 'n Skakelforum soos bedoel in subartikel (1) mag bestaan uit –
- (a) 'n lid of lede van 'n belangegroep, of geaffekteerde persone of partye;
 - (b) 'n lid of lede van 'n gemeenskap;
 - (c) 'n aangewese beampte of beampes van die Munisipaliteit of ander owerheidsinstellings.
 - (d) 'n raadslid(e) van die betrokke wykskomitee
- (3) (a) Die Munisipaliteit mag wanneer 'n aansoek om toestemming, 'n permit of 'n vrystelling ingevolge hierdie verordening oorweeg word, waar van toepassing, die insette van 'n skakelforum versoek.
- (b) 'n Skakelforum of enige persoon of persone bedoel in subartikel (2) van hierdie verordening, mag op eie inisiatief insette vir oorweging aan die Munisipaliteit verskaf.

11. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees, indien 'n beampte wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees –
- (a) wanneer dit persoonlik aan die persoon afgelewer is;
 - (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
 - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 11(2)(a), 11(2)(b) of 11(2)(c) van hierdie verordening bepaal;
 - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
 - (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewerword.

- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan persone ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom, of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

12. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appelleer deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Munisipale Bestuurder te gee van die appèl en redes vir die appèl te verstrek.

13. STRAFBEPALINGS

Enige persoon wat –

- (a) in gebreke bly om aan 'n gemagtigde beampete se instruksies uitgerek ingevolge hierdie verordening, te voldoen;
- (b) in gebreke bly om aan enige kennisgewing uitgerek ingevolge hierdie verordening, te voldoen;
- (c) enige bepaling van hierdie verordering oortree;
- (d) enige instruksie aangebring op 'n kennisgewingbord verontagsaam, of
- (e) opsetlik 'n gemagtigde beampete in die uitvoering van sy of haar pligte verhinder, is skuldig aan 'n oortreding en mag by skuldigbevinding
 - (i) 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf, opgelê word;
 - (ii) in geval van 'n voortdurende oortreding, 'n bykomende boete of bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van 'n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
 - (iii) 'n verdere bedrag as kostbevel opgelê word, gelykstaande aan enige koste en/ of uitgawes wat die Hof bevind deur die Munisipaliteit aangegaan was, as gevolg van sodanige oortreding.

14. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

15. HERROEPING VAN VERORDENINGE

Die bepalinge van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit, of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hiermee herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

16. KORT TITEL

Hierdie verordening sal bekend staan as die Verordening insake Openbare Busse en Taxi's van Hessequa Munisipaliteit.

17. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.

