

SWELLENDAM LOCAL MUNICIPALITY

BY-LAW RELATING TO THE KEEPING OF DOGS

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Purpose of By-Law

To provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, pounding of stray dogs and the prevention of nuisances through the keeping of dogs.

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1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:-

“**dog**” and “**bitch**” for the purpose of [sections 4](#) and [18](#) means an animal aged six months and over;

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

“**municipality**” means the Municipality of Swellendam established in terms of [Section 12](#) of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor,

duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

“premises” means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

“public place” means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the municipality or other state authority or indicated as such on the Surveyor General’s records or utilized by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the municipality or any other competent authority;

“public road” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:-

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

2. Application of by-law

The provisions of [sections 5](#) and [11](#) of this by-law shall not apply to premises which is zoned for agricultural purposes, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this by-law or any other legislation which may be applicable.

- 3.** The provisions of [section 14](#) shall not apply to a guide dog which is utilised to accompany a blind person.

4. Dog Tax

- (1) Subject to resolution of the council, every person who keeps a dog shall pay a tax to the municipality in respect of such dog.
- (2) The municipality shall issue the licence and metal disc upon payment to it of the tax.

5. Number of dogs

Subject to the provisions of section 6, no person shall keep more than two dogs on any erf or premises without the prior written consent of the municipality.

6. A breeder of dogs who wishes to keep more than two dogs on premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality.
7. An application for the municipality's consent in terms of [section 6](#) shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000m².
8. The municipality's consent in terms of [section 6](#) to keep more than two dogs on a premises, shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
9. The municipality may at any time revoke a consent granted in terms of [section 6](#).

10. Control of dogs

No person shall:-

- (a) permit any bitch on heat owned or kept by him or her to be in any public road or public place without supervision;
- (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- (c) keep any dog which:-
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
- (d) permit any dog owned or kept by such person:-

- (i) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
- (ii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of some responsible person;
- (iii) to trespass on private property;
- (iv) to constitute a hazard to traffic using any public road;
- (v) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or
- (vi) to be in any public road or public place except on a leash and under control of some responsible person.

11. Fencing of property

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

12. Dogs shall not be a source of danger

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

13. Removal of offensive matter

If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

14. Dogs on premises where food is sold

Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or on such shop or place.

15. Seizure, impounding and destruction of dogs

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

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

17. A dog impounded in terms of [section 16](#) may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

18. Breeding of dogs

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

19. Liability

The municipality shall not be liable for any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this by-law.

20. Penalty clause

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

- (1) a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

21. Repeal of By-laws

The By-laws listed hereunder are hereby repealed:-

- (a) The former Swellendam Transitional Council:-
By-Law relating to the Keeping of Dogs-PN 0078/1978 and PN 0950/1989
- (b) The former Barrydale Municipality:-
By-law relating to the Keeping of Dogs-PN 0276/1955 and PN 0127/1974

22. Short title and commencement

This By-law shall be known as the By-law relating to the Keeping of Dogs of the Swellendam Municipality and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

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