

Mbizana, South Africa

Dogs

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Mbizana South Africa

Dogs By-law, 2009

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The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), publishes the Mbizana Local Municipality: By-laws Relating to Dogs which have been approved by the Municipal Council.

1. Definitions

In these By-laws, unless the context indicates otherwise-

"**dog**" means both a male and a female dog;

"**driving fees**" means the fees payable when a dog has been seized and transported to the pound by an authorized officer of the Municipality in terms of these By-laws;

"**Kennel**" means any premises referred to in item I8(2)(a), (b) and (c) of Schedule 1 of the Licenses Ordinance, 1974;

"**Municipality**" means the Mbizana Municipal Council;

"**Municipal Council**" the Mbizana Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998, as amended;

"**Owner**" in relation to a dog includes any person who keeps or has in his or her possession or is in charge of a dog excluding-

- (a) a person referred to in paragraph (2)(c) and (d) of item 18 of Schedule 1 to the License Ordinance, 1974;
- (b) a veterinary surgeon in respect of a dog left in his or her care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as such in terms of the Societies for the Prevention of Cruelty to Animals Act, 1993 (Act No. 169 of 1993);

"**pound master**" means a person in charge of a pound;

"**prescribed**" means prescribed by the Municipal Council in terms of these By-laws;

"**tax**" means the tax levied in the appropriate schedule to these By-laws;

"**tax receipt**" means a receipt issued by the Municipality as proof that tax has been paid;

"**year**" means a period of twelve month ending 24h00 on 31 December.

2. Liability for tax

- (1) The owner must pay the prescribed tax in respect of each dog, which is six months old or older.

- (2) No owner may keep a dog, which is six months old or older within the Municipal area unless such dog has been registered at the Municipal offices and a tax receipt for the payment for such dog has been obtained.
- (3) In any legal proceedings instituted in terms of these By-laws against any person for not paying the tax prescribed in terms of sub-section (1), such dog must be deemed to be six months old or older unless the contrary is proved.

3. Person liable for tax

For the purpose of these By-laws any person who keeps a dog or within whose premises any dog is found or seen, is deemed to be the owner of such dog until the contrary is proved.

4. Exemption from payment of tax

The following owners are exempted from the payment of tax referred to in section 2:

- (1) Any person residing outside the Municipal area-
 - (a) who brings a dog into the Municipal area for a period not exceeding 30 days;
 - (b) who brings a dog into the Municipality for treatment or boarding at a veterinary surgeon or a kennel, but such dog must be removed from the Municipality immediately after such treatment or boarding and the owner of that dog must be in possession of a license issued by the authority within whose jurisdiction such dog is normally kept.
- (2) A blind person using a dog as a guide or lead dog.

5. Application to pay tax

- (1) Every person applying for a dog tax receipt must furnish his or her full name and address as well as particulars with regard to the breed and sex of the dog.
- (2) The tax payable in terms of section 2 is levied annually and is payable: -
 - (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2 (1); or
 - (b) within 30 days after attaining such age prescribed for each dog, after 31 January but in any case where a dog attains the age of six months after 30 June of the year concerned, only half the prescribed tax must be paid.
- (3) If the tax due is not paid, interest as determined by the Municipality may be levied but such interest must not exceed the tax due.
- (4) Application for tax may be refused to application for the registration of dogs that are known to be vicious and may pose a danger to the public.

6. Duplicate tax receipt

Any person may obtain a duplicate tax receipt issued in terms of section 2 on payment of the relevant charges as determined by the Municipality.

7. Transfer of tax receipt

Where the ownership of a dog is transferred to someone else, the transferee must, after payment to the Municipality of the prescribed charges, cause such transfer, together with his or her name and address, to be endorsed on the tax receipt or on the duplicate thereof.

8. Tax receipt to be produced for inspection

The owner must produce the tax receipt for inspection to any authorized officer when reasonably requested to do so.

9. Impounding of dogs

- (1) Any authorized officer may seize and impound any dog -
 - (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he or she reasonably believes that the tax due in terms of these By-laws has not been paid.
- (2) Any person may seize and impound any dog found trespassing on property which he or she is the owner or occupier and -
 - (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid.
- (3) Despite the provisions of subsection (1) and (2) no person must seize or impound-
 - (a) any dog if he or she reasonably believes that such dog is exempted from tax in terms of section 4;
 - (b) any bitch rearing unwanted young, unless such bitch and unwanted young are impounded together; or
 - (c) any diseased dog in respect of which the provisions of the Animal Disease Act of 1984 as amended, apply.
- (4) Any person who has seized a dog in terms of this section must ensure that such dog is not ill treated in any manner.
- (5) No person must set free any dog that is seized, is being kept in custody or is impounded in terms of this section.
- (6) Subject to any provisions to the contrary in these By-laws contained, any dog impounded must be kept in the pound until the person claiming such dog produces to the pound master a tax receipt in respect thereof, and must have paid to the pound master the prescribed charges.
- (7) Where the name and address of a person appears on the collar of any dog impounded, the pound master must forthwith give notice to such person that such dog has been impounded.
- (9) A written notice addressed to the address appearing on the collar is deemed to be sufficient notice.

10. Unclaimed dogs may be sold or destroyed

- (1) Where an impounded dog is not claimed by any person entitled thereto within five days after it was impounded, an authorized officer may cause the dog to be sold or destroyed.

11. Dog's collar not to be unlawfully used or removed

- (1) The owner of every dog aged six months or older, must provide it with a collar declaring a clear impression of the name and address of such owner.
- (2) No person must unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

12. Certain dogs not allowed in public areas

- (1) Subject to provisions to the contrary in these By-laws or any other law, no person must bring or allow in a public place any dog that-
 - (a) is wild, dangerous or ferocious;
 - (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept;
 - (c) can cause damage to any person or property; or
 - (d) is a bitch on heat.
- (2) Any authorized officer may impound a dog referred to in subsection (1).

13. Dogs not be incited

No person must, without reasonable cause-

- (a) set any dog on any person, animal or bird; or
- (b) permit any dog under his or her supervision or in his or her custody to attack or terrify any person, animal or bird.

14. Dogs causing disturbance

No person must keep a dog that-

- (a) creates a disturbance or nuisance; or
- (b) suffers from a contagious disease, excluding a veterinary surgeon that keeps such dogs in clinic for treatment.

15. Destruction of dogs

- (1) The Municipality may, subject to the provisions of section 10, order the destruction of a dog where-
 - (a) it appears that such dog is the type described in section 12(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section (7);
 - (b) such dog is found at large in any public place and appears to be ownerless;
 - (c) such dog is found at large in public place and the owner refuses or fails to pay the tax due in terms of these By-laws in respect of such dog; or
 - (d) such dog is in such a state of injury that it would, in the opinion of the Municipality, be humane to do so.

16. Number of dogs on premises

No person must keep more than three dogs on his premises unless permission is obtained from the Municipality to keep more dogs, on good use shown.

17. Control of dogs in public places

- (1) No person must allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorized officer may impound any dog found wandering at large and uncontrolled in a public place.

- (3) Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a public place, must remove any faeces left by such dog.

18. "Beware of dogs" sign

- (1) Every person who keeps a vicious dog on his premises must place on the gate of the premises a "Beware of dogs" sign.
- (2) Vicious animals must always be bound or chained or kept at places where they do not pose a threat to the public or municipal servants.

19. Entering premises

An authorized officer may for any purpose connected with the application of these By-laws-

- (a) at a reasonable time and without notice, enter any premises, accompanied, if he or she deems it necessary, by an interpreter or other assistant with a view to-
 - (i) carrying out any examination, inspection or enquiry as he or she may deem necessary;
 - (ii) exercising any other power in terms of these By-laws and he or she may for that purpose take any necessary appliance with him or her onto the premises.
- (b) call upon the owner of a dog to render such assistance or to furnish information, including his or her full name and address, as such officer may reasonably require.

20. Kennels

Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment as defined in item 18(2)(a), (b) and (c) of Schedule 1 of the License Ordinance, 1974 in any residential area or in any area that has been classified in terms of an approved town-planning scheme for residential usage, or within 50 meters thereof.

21. Establishment and lease of dog pound

- (1) The Municipality may for the purpose of these By-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fit by the Municipality.
- (2) If a pound is leased to any person or body-
 - (a) the powers and duties set forth in section 9, 10 and 15 are deemed to have been delegated to such person or body or to any authorized official employed by such person or body and the provisions of the said sections will, with the necessary changes, apply.
 - (b) such person or body must accept in the pound any dog seized in terms of section 9 or 17(2) for the purpose of impounding it and must be disposed of in accordance with these By-laws.
 - (c) such person or body must be entitled to any fees payable in terms of these By-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10(1).

22. Duties of pound master

The Pound master must-

- (a) keeps the pound open between 08h00 and 16h30 during every day of the week;
- (b) receives any dog brought to the pound in terms of these By-laws during hours when the pound is open and must, subject to the provisions of these By-laws, keep such dog in the pound but the pound master may refuse to receive a dog and may release any dog if he or she at any time has reason to believe that such dog was not lawfully seized or impounded;

- (c) keeps a register in which the following particulars in respect of every impounded dog are recorded-
 - (i) the name, residential address and telephone number of the person who impounded the dog;
 - (ii) the time and date on which the dog was impounded ;
 - (iii) the place where the dog was seized or found;
 - (iv) the date and the time at which the dog was seized or found;
 - (v) the reason for impounding the dog;
 - (vi) the age, breed, sex, colour markings and any injury found on it when the pound master received it;
 - (vii) the manner in which the dog was disposed of;
 - (viii) the amount of money obtained for the release or sale of the dog;
 - (ix) the cost of any veterinary services incurred in respect or sale of the dog;
- (d) ensures that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- (e) ensures that the pound is at all times free from flies, insects, rodents and odious smells;
- (f) ensure that every dog in the pound is properly fed and cared for;
- (g) isolates bitches on heat;
- (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolates a diseased dog, unless such dog is treated by a veterinary surgeon and takes all possible steps to recover the costs incurred in this respect from the owner.

23. Penalties

Any person contravening any of the provisions of these By-laws must be guilty of an offence and liable, on conviction, to a fine or in default of payment, to imprisonment for a period not exceeding three months, or both such fine and imprisonment.

24. Repeal of by-laws

The provisions of any By-law relating to Dogs by the Municipality are repealed insofar as they relate to matters provided for in these By-laws but such provisions are not deemed to be repealed in respect of any By-law which has not been repealed and which is not contrary to these By-laws.

25. Short title

These By-laws are called Dogs By-laws.