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Bladsy

**HESSEQUA MUNICIPALITY
BY-LAW RELATING TO THE KEEPING AND TREATMENT OF DOGS AND
CATS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Hessequa Municipality enacts as follows: -

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CHAPTER 1: INTERPRETATION AND OBJECTIVES

1. Definitions

In this by-law, unless the context otherwise indicates –

"authorised official" means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act 71 of 1962) and any official of the municipality who has been authorised by the municipality to enforce the provisions of this by-law;

"breed" as a noun means a population of animals which produces progeny possessing a high degree of genetic stability as evidenced by identifiable uniformity in breed standards and performance;

"breed" as a verb means to allow animals to produce offspring;

"breeder" means the owner of a breeding female animal at the time of natural or artificial conception or at the birth of progeny;

"municipality" means the Hessequa Municipality 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;

"municipal manager" means the municipal manager as defined in the Systems Act, and includes a person –

(a) acting in such position; and

(b) to whom the municipal manager has delegated any power, function or responsibility;

"nuisance" means any act or omission on any premises or public place, including any building or structure, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of people and includes any condition identified in section 3 of the Hessequa By-law Relating to the Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals;¹

"owner" in relation to a dog or cat, includes the person having the possession, charge, custody or control of such dog or cat;

"premises" means –

(a) land or a portion of land, including a public place, irrespective of whether a building or structure has been constructed or erected on such land or portion thereof; or

(b) a building, structure or tent and the land on which it is situated and includes any vehicle or vessel;

"public place" means any land, square, building, park, recreation ground or open space which –

(a) is vested in the municipality;

(b) the public has the right to use; or

(c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township; and

"street" means any road, street or thoroughfare or any section or part thereof which is commonly used by the public or to which the public has a right of access.

¹ Published in Provincial Gazette Extraordinary No 6588 dd 19 December 2008.

2. Objectives and application of by-law

The municipality, aware –

- (a) of the constitutional right of every person to an environment that is not harmful to his or her health or well-being;
 - (b) of the constitutional obligation not to assume any power or function except those conferred in terms of the Constitution;
 - (c) of its constitutional objective to promote a safe and healthy environment;
 - (d) of the powers conferred upon it in terms of section 156 of the Constitution;
 - (e) of the classification of animal control as a functional area of concurrent national and provincial legislative competence;
 - (f) of the fact that dog attacks are at the order of the day² and that South Africa has the highest incidence of dog attack deaths in the world, relative to population;³
 - (g) that municipal by-laws that are in conflict with national and provincial legislation, are invalid;
 - (h) of the constitutional guarantee to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources;
 - (i) that the municipality, as part of the state, must respect, protect, promote and fulfil the rights provided for in the Constitution;
 - (j) the developmental duties of municipalities; and
 - (k) subject to the provisions of the Animals Protection Act, 1962
- adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Hessequa area.

CHAPTER 2: DOGS

3. Licensing and permission to keep dogs

- (1) No person may keep a dog unless a license fee determined by the municipality has been paid and such person must, on demand by an authorised official, produce the receipt issued by the municipality for the payment of the license fee.
- (2) No person may keep or permit the keeping on any premises of more than two dogs without the written approval of the municipality and the municipality may impose restrictions in connection with such keeping.
- (3) An application for permission in terms of subsection (2) must contain an exposition of the breed, gender and number of dogs applied for.
- (4) A restriction imposed under subsection (2) on the number of dogs that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from a dog kept in terms of an approval.
- (5) The owner of a litter of a dog must sell or donate such a litter within 10 weeks of its birth.
- (6) Any prospective owner of a dog acquired in terms of subsection (5) must produce proof of the payment of any prescribed licence fee or that the provision of subsection (2) have been complied with to the owner of such litter.
- (7) The provisions of subsections (1), (2) and (3) apply to all members of a litter that could not be sold or donated within 10 weeks of its birth.

² It is difficult to obtain statistics, but in 2017 ER24 responded to 103 dog attacks in Cape Town alone. Tswanya (5 December 2017) "103 dog attacks responded to in 2017" IOL News <https://www.iol.co.za/capearthus/news/103-dog-attacks-responded-to-in-2017-12270264> (accessed 1 Sep 2019).

³ Resulting in 9 fatalities in 2016. Khanyile (26 Mar 2019) "Brutal dog attacks" Eye Witness <https://www.news24.com/SouthAfrica/News/brutal-dog-attacks-20190326> (accessed 1 Sep 2019).

- (8) Failure to comply with the requirements of subsections (1), (2), (4), (5) and (6) constitutes an offence.

4. Breeding and hawking of dogs

- (1) No person may –
(a) breed dogs without the prior written permission of the municipality; or
(b) hawk any dog in a street or public place or from a movable structure or vehicle.
(2) A person who contravenes subsection (1) commits an offence.

5. Dogs in streets or public places

- (1) No person may –
(a) bring a dog or allow a dog to be brought within 50 metres of any sign prohibiting the presence of any dog; or
(b) permit any dog to be in a street or public place without a leash and supervision.
(2) A person who contravenes any of the provisions of subsection (1) commits an offence.

6. Keeping of dogs

- (1) No person may allow any dog to –
(a) enter upon public or private land other than the premises where it is kept, unless it is on a leash;
(b) suffer from an infectious or contagious disease; or
(c) act in such a manner that a nuisance is created for other residents.
(2) No person –
(a) may keep a dog if the premises are not adequately fenced to keep such dog inside when it is not on a leash; or
(b) who owns or is in control of a dog may permit a dog –
(i) to trespass on private property;
(ii) to constitute a hazard to traffic using any public road;
(iii) to constitute a source of danger or injury to a person outside the premises on which such dog is kept;
(iv) to be a source of danger to employees of the municipality or a contractor entering such premises for the purpose of carrying out their duties, and a notice to the effect that such a dog is kept must be displayed in a conspicuous place;
(v) to take part in dog fighting; or
(vi) on a leash to be handled by a child under the age of 15 years on public or private property without adult supervision.
(c) may keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by –
(i) barking, yelping, howling or whining;
(ii) charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
(iii) by behaving in any other manner that it is a nuisance.
(3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

7. Treatment of dogs

Any person who –

- (a) beats, kicks, ill-treats, neglects, infuriates, terrifies, tortures or maims any dog;

- (b) confines, chains or secures any dog unnecessarily or under conditions or in a manner that causes such a dog suffering;
- (c) keeps a dog in any place which affords inadequate space, ventilation, light, protection or shelter;
- (d) starves or underfeeds or fails to provide sufficient water or food to a dog;
- (e) keeps a dog in a dirty or parasitic condition or allows it to become infested with external parasites;
- (f) liberates or allows any animal to be liberated in a manner or place where it is exposed or in danger of being exposed to attacks by other dogs or animals;
- (g) baits, provokes or incites any dog to attack another dog or animal or allows another person to bait, provoke or incite a dog in such a manner;
- (h) keeps, uses or manages or assists in the management or use of any premises or place use in full or partially for any animal fighting or allows the admission of any person to any such premises, whether for any consideration or not;
- (i) amputates or allow the amputation of the tail of any dog or who cuts off the ear or any part of an ear of any dog;
- (j) allows any dog to hunt any animal;
- (k) being the owner of a dog, without reasonable cause or excuse, abandons it in circumstances causing or having the possibility to cause such a dog any suffering;
- (l) causes, procures or assists in the commission or omission of any of the conduct listed in the subsections listed above; or
- (m) maliciously, unreasonably or negligently causes any suffering to any dog

is, subject to the provisions of this by-law and any other law, guilty of an offence.

8. Destruction and sterilisation of dogs

- (1) The municipality may order the euthanization or destruction of a dog which is-
 - (a) dangerous or ferocious; or
 - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) A dog to be destroyed in terms of subsection (1) must be euthanized by a registered veterinary surgeon or where such veterinary surgeon is not available, by an authorised official with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
- (3) An authorised official may cause a dog to be sterilised if he deems it necessary:
 - (a) for the welfare of the dog;
 - (b) to prevent or abate nuisance;
 - (c) where the dog is a stray animal; or
 - (d) on the request of the owner,and the cost of such sterilisation may be recovered from the owner.
- (4) The owner of a sterilised dog must obtain proof from a registered veterinarian that such dog has been sterilised and must produce such document for inspection on demand of any authorised official.
- (5) A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsections (2), (3) or (4) commits an offence.

CHAPTER 3: CATS

9. Restriction on number of cats

- (1) No person may without the written permission of the municipality, keep or allow to be kept, more than –
- (a) two cats over the age of six months in or at a dwelling unit;
 - (b) four cats over the age of six months in or at premises containing one or two dwelling houses or premises that are used for storage or business; or
 - (c) six cats on an agricultural property.
- (2) A person who contravenes subsection (1) commits an offence.

10. Powers to sterilise cats

The municipality may sterilise –

- (a) a male or a female cat at the request of its owner, subject to payment of the costs thereof by the owner; and
- (b) a stray male or female cat and recover the costs thereof from the owner.

11. Breeding and hawking of cats

- (1) No person may –
- (a) breed cats without the prior written permission of the municipality;
 - (b) allow cats to wander or prowl; or
 - (b) hawk any cat in a street or public place or from a movable structure or vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

12. Treatment of cats

Any person who –

- (a) beats, kicks, ill-treats, neglects, infuriates, tortures or maims any cat;
- (b) confines, chains or secures any cat unnecessarily or under conditions or in a manner that causes such a cat suffering;
- (c) keeps a cat in any place which affords inadequate space, ventilation, light, protection or shelter;
- (d) starves or underfeeds or fails to provide sufficient water or food to a cat;
- (e) keeps a cat in a dirty or parasitic condition or allows it to become infested with external parasites;
- (f) being the owner of a cat, without reasonable cause or excuse, abandons it in circumstances causing or having the possibility to cause such a cat any suffering; or
- (g) maliciously, unreasonably or negligently causes any suffering to any cat

is, subject to the provisions of this by-law and any other law, guilty of an offence.

CHAPTER 4: GENERAL PROVISIONS

13. Conditions and restrictions

Any consent granted by the municipality in terms of this by-law may be subject to conditions that the municipality may deem fit to impose.

14. Withdrawal of permission

- (1) Where a person contravenes or fails to adhere to a condition or restriction imposed by the municipality the municipality may, after hearing that person, withdraw its consent and may order the removal of dogs or cats from the premises for care and safekeeping by an animal welfare organisation or pound.
- (2) Any costs incurred by the municipality for the removal and safekeeping of any dog or cat in terms of subsection (1), will be recovered from the owner or keeper of such animals.

15. Exemptions

The municipality may exempt any person and class of persons from any or all the requirements of this by-law and may impose any other requirements it deems appropriate.

16. Right of entry and inspection

- (1) Any duly authorised employee of the municipality may inspect any premises within the municipal area to determine whether there is compliance with the provisions of this by-law, provided that a private dwelling may not be entered for routine inspection purposes without the permission of the owner or occupier.
- (2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

17. Transitional provisions

A person who, at the commencement of this by-law, owns more than two dogs or the prescribed number of cats may not replace the dogs or cats that die or are disposed of and must gradually reduce the number of dogs and cats that are kept.

18. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

19. Penalties

A person who has committed an offence in terms of this by-law or fails to comply with any provision thereof, is on conviction, liable to a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

20. Application of by-law

- (1) Subject to the provisions of the Animals Protection Act, 1962 and in the event of any conflict between this by-law and any provision in any other by-law of the municipality, the provisions of this by-law will prevail.
- (2) The provisions of the Hessequa Municipality By-law Relating to the Impoundment of Animals⁴ apply to the impoundment of any dog or cat in terms of this by-law.

21. Short title and commencement

This by-law is called the By-law Relating to the Keeping and Treatment of Dogs and Cats and will come into operation on the date of publication thereof in the Provincial Gazette.

⁴ Published in Provincial Gazette Extraordinary No 6588 dd 19 December 2008.

**HESSEQUA MUNISIPALITEIT
VERORDENING INSAKE DIE AANHOU EN BEHANDELING VAN HONDE EN
KATTE**

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Hessequa Munisipaliteit hiermee soos volg: -

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HOOFSTUK 1: INTERPRETASIE EN DOELWITTE

1. Definisies

In hierdie verordening, tensy uit die samehang anders blyk, beteken –

“eienaar” met betrekking tot ‘n hond of kat, ook die persoon wat so ‘n hond of kat besit, versorg, toesig oor hou of beheer;

“gemagtigde amptenaar” ‘n beampete wat ingevolge artikel 8 van die Wet op Dierebeskerming, 1962 (Wet 71 van 1962) gemagtig is en enige amptenaar van die munisipaliteit wat deur die munisipaliteit gemagtig is om die bepalings van hierdie verordening af te dwing;

“munisipale bestuurder” die munisipale bestuurder soos omskryf in die Stelselwet en sluit ‘n persoon in –

- (a) wat in sodanige amp waarneem; en
- (b) aan wie die munisipale bestuurder enige bevoegdheid, funksie of verantwoordelikheid gedelegeer het;

“munisipaliteit” die Hessequa Munisipaliteit gevestig ingevolge artikel 12 van die Wet op Munisipale Strukture (Wet 117 van 1998) en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gemagtigde agent of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ‘n bevoegdheid van die munisipaliteit wat aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

“oorlas” enige handeling of versuim op enige perseel of openbare plek, insluitend enige gebou of struktuur wat aanstootlik of gevaelik is, of wat wesenlik by die gewone gemak, gerief, rus en vrede van ander mense inmeng of wat die veiligheid van mense nadelig beïnvloed en sluit in enige toestand wat geïdentifiseer word in artikel 3 van die Hessequa Munisipaliteit: Verordening insake Openbare Oorlaste en Oorlaste wat Spruit uit die Aanhoud van Diere¹;

“openbare plek” enige grond, plein, gebou, park, ontspanningsterrein of oop ruimte wat –

- (a) in die munisipaliteit gesetel is;
- (b) die publiek geregtig is om te gebruik; of
- (c) aangetoon word op ‘n algemene dorpsplan wat ingedien is by ‘n akte-registrasiekantoor of ‘n Landmeter-Generaal se kantoor en vir die gebruik van die publiek of die eienaars van erwe in sodanige dorp voorsien of opsygeset is;

“perseel” –

- (a) grond of ‘n gedeelte grond, insluitend ‘n openbare plek, ongeag of ‘n gebou of struktuur op sodanige grond of gedeelte daarvan gebou of opgerig is;
- (b) ‘n gebou, struktuur of tent en die grond waarop dit geleë is, en sluit enige voertuig of vaartuig in;

“ras” ‘n bevolking diere wat nageslagte voortbring wat ‘n hoëgraad van genetiese stabiliteit besit, soos blyk uit identifiseerbare eenvormigheid in rasselfestaande en -prestasie;

“straat” enige pad, straat of deurgang of enige seksie of gedeelte daarvan wat gewoonlik deur die publiek gebruik word of waartoe die publiek toegangsreg het;

“teel” om ‘n dier toe te laat om nageslag voort te bring; en

“teler” die eienaar van ‘n teelwyfie ten tye van natuurlike of kunsmatige bevragting of by die geboorte van nageslagte.

2. Doelwitte en toepassing van verordening

Die munisipaliteit, bewus –

¹ Gepubliseer in Buitengewone Provinciale Koerant Nr 6588 gedateer 19 Desember 2008.

- (a) van die grondwetlike reg van elke persoon op 'n omgewing wat nie skadelik vir sy of haar gesondheid en welsyn is nie;
- (b) van die grondwetlike verpligting om nie enige bevoegdheid of funksies toe te eien behalwe dié wat ingevolge die Grondwet opgedra is nie;
- (c) van sy grondwetlike doelstelling om 'n veilige en gesonde omgewing te bevorder;
- (d) van die bevoegdhede wat aan hom opgedra is ingevolge artikel 156 van die Grondwet;
- (e) van die klassifisering van dierenbeheer as 'n funksionele gebied van gelyklopende nasionale en provinsiale wetgewende bevoegdheid;
- (f) van die feit dat hondeaanvalle aan die orde van die dag is² en dat Suid-Afrika relatief tot die bevolking die hoogste voorkoms van sterftes as gevolg van hondeaanvalle in die wêreld het³;
- (g) dat munisipale verordeninge watstrydig met nasionale en provinsiale wetgewing is, ongeldig is;
- (h) van die grondwetlike waarborg van vryheid en sekerheid van die persoon, waarby inbegrepe is die reg om vry te wees van alle vorme van geweld van openbare of private oorsprong;
- (i) dat die munisipaliteit as deel van die regering die regte wat in die Grondwet bepaal word, moet respekteer, beskerm, bevorder en verwesenlik;
- (j) van die ontwikkelingspligte van munisipaliteite; en
- (k) behoudens die bepalings van die Wet op Dierenbeskerming, 1962 neem hierdie verordening aan met die doel om die gesondheid en welsyn van alle mense in die Hessequa-gebied te beskerm en te bevorder.

HOOFSTUK 2: HONDE

3. Lisensiëring en toestemming om honde aan te hou

- (1) Geen persoon mag 'n hond aanhou tensy lisensiegeerde, soos bepaal deur die munisipaliteit, betaal is nie en so 'n persoon moet op aanvraag deur 'n gemagtigde amptenaar die kwitansie voorlê wat deur die munisipaliteit vir die betaling van die lisensiegeerde uitgereik is.
- (2) Geen persoon mag op enige perseel meer as twee honde aanhou of die aanhouding toelaat sonder die skriftelike goedkeuring van die munisipaliteit nie en die munisipaliteit kan beperkings in verband met sodanige aanhouding ople.
- (3) 'n Aansoek om toestemming ingevolge subartikel (2) moet 'n uiteensetting gee van die ras, geslag en aantal honde waarom aansoek gedoen word.
- (4) 'n Beperking opgelê ingevolge subartikel (2) op die aantal honde wat op 'n perseel aangehou mag word, sal nie geld vir 'n tydperk van 10 weke na die geboorte van 'n werpsel van 'n hond wat kragtens 'n goedkeuring aangehou word nie.
- (5) Die eienaar van 'n werpsel van 'n hond moet daardie werpsel binne 10 weke na geboorte verkoop of skenk.
- (6) Die voornemende eienaar van 'n hond wat ingevolge subartikel (5) bekom word moet bewys van betaling van die voorgeskrewe lisensiegeld of bewys dat daar aan subartikel (2) voldoen is aan die eienaar van die werpsel lewer.

² Dit is moeilik om statistiek te bekom, maar in 2017 het ER24 op 103 hondeaanvalle in Kaapstad alleen gereageer. Tswana (5 Desember 2017) "103 dog attacks responded to in 2017" IOL News <https://www.iol.co.za/capearopus/news/103-dog-attacks-responded-to-in-2017-12270264> (toegang bekom op 1 Sep 2019).

³ Wat in 2016 tot 9 sterftes gelei het. Khanyile (26 Mar 2019) "Brutal dog attacks" Eye Witness <https://www.news24.com/SouthAfrica/News/brutal-dog-attacks-20190326> (toegang bekom op 1 Sep 2019).

- (7) Die bepalings van subartikels (1), (2) en (3) is van toepassing op die lede van 'n werpsel wat na die verloop van 10 weke nog nie verkoop of geskenk kon word nie.
- (8) Versuim om aan die bepalings van subartikels (1), (2),(4)(5) en (6) te voldoen is 'n misdryf.

4. Teel van en smous met honde

- (1) Geen persoon mag –
 - (a) sonder die vooraf skriftelike toestemming van die munisipaliteit met honde teel nie; of
 - (b) in 'n straat of op 'n openbare plek of vanuit 'n beweegbare struktuur of voertuig met enige hond smous nie.
- (2) 'n Persoon wat strydig met subartikel (1) optree, begaan 'n oortreding.

5. Honde in strate of op openbare plekke

- (1) Geen persoon mag –
 - (a) 'n hond binne 50 meter van enige teken wat die teenwoordigheid van enige hond verbied, bring of toelaat om gebring te word nie; of
 - (b) toelaat dat enige hond sonder 'n leiband en toesig in 'n straat of by 'n openbare plek kom nie.
- (2) 'n Persoon wat strydig met 'n bepaling van subartikel (1) optree, begaan 'n oortreding.

6. Aanhouding van honde

- (1) Geen persoon mag enige hond toelaat om –
 - (a) buiten die perseel waar die hond aangehou word, openbare of privaat grond sonder 'n halsband te betree nie;
 - (b) aan 'n besmetlike of aansteeklike siekte te ly nie; of
 - (c) op te tree op 'n manier wat 'n oorlas vir ander inwoners veroorsaak nie.
- (2) Geen persoon –
 - (a) mag 'n hond aanhou as die perseel nie behoorlik omhein is om 'n hond binne te hou wanneer die hond nie aan 'n halsband is nie; of
 - (b) wat 'n hond besit of in beheer is van 'n hond mag toelaat dat 'n hond –
 - (i) op privaat eiendom oortree nie;
 - (ii) 'n gevaar vir verkeer op enige openbare pad inhou nie;
 - (iii) 'n bron van gevaar of besering is vir 'n persoon buite die perseel waarop sodanige hond aangehou word nie;
 - (iv) 'n bron van gevaar is vir werknekers van die munisipaliteit of 'n kontrakteur wat sodanige perseel betree met die doel om hul take te verrig nie, en 'n kennisgewing wat aandui dat 'n hond aangehou word, moet op 'n sigbare plek aangebring word;
 - (v) aan hondegevegte deelneem nie; of
 - (vi) deur 'n kind onder die ouderdom van 15 jaar, sonder toesig, aan 'n halsband in straat openbare- of privaatgrond hanteer word nie
 - (c) mag enige hond aanhou wat wesenslik met die gemak, gerief, rus en vrede van bure inmeng deur –
 - (i) 'n geblaf, gekef, getjank of gekerm nie;
 - (ii) enige voertuie, diere, pluimvee, duwe of persone buite enige perseel waar dit aangehou word, te jaag nie; of
 - (iii) op te tree op enige ander manier wat 'n oorlas uitmaak nie.
- (3) 'n Persoon wat strydig met enige van die bepalings in subartikel (1) of (2) optree, begaan 'n oortreding.

7. Behandeling van honde

Enige persoon wat –

- (a) enige hond slaan, skop, mishandel, verwaarloos, rasend maak, bang maak, treiter of vermink;
- (b) enige hond onnodig inhok, vasketting of vasmaak of aanhou in toestande of op 'n manier wat lyding aan die hond veroorsaak;
- (c) 'n hond aanhou op enige plek wat onvoldoende ruimte, ventilasie, lig, beskerming of skuiling bied;
- (d) 'n hond laat honger ly of ondervoed of versuim om voldoende water of kos aan 'n hond te voorsien;
- (e) 'n hond in 'n vuil of parasitiese toestand aanhou of toelaat dat die hond met eksterne parasiete besmet word;
- (f) 'n hond vrylaat of toelaat om vrygelaat te word op 'n manier of op 'n plek waar dit blootgestel is aan of in gevaar is van blootstelling aan aanvalle deur ander honde of diere;
- (g) enige hond aanhits, opstook of uitlok om 'n ander hond of dier aan te val of toelaat dat 'n ander persoon 'n hond op so 'n manier aanhits, opstook of uitlok;
- (h) enige perseel of plek besit, gebruik of bestuur of help met die bestuur of gebruik van 'n perseel of plek wat ten volle of gedeeltelik vir enige diergevegte gebruik word of die toegang van enige persoon tot sodanige perseel toelaat, hetsy teen vergoeding of nie;
- (i) enige hond se stert amputeer of laat amputeer of 'n hond se ore of gedeelte van 'n hond se ore afsny of laat afsny;
- (j) enige hond toelaat om enige diere te jag;
- (k) as die eienaar van 'n hond, sonder redelike oorsaak of verskoning die hond aan sy lot oorlaat aan omstandighede wat veroorsaak dat so 'n hond enige lyding ervaar of moontlik lyding kan ervaar nie;
- (l) die uitvoering of versuim van enige van die optredes wat in die subartikels hierbo gelys is, veroorsaak, verkry of daarmee behulpsaam is; of
- (m) veroorsaak dat enige hond weens kwaadwilligheid, onredelikheid of nalatigheid op enige wyse lyding ervaar

is behoudens die bepalings van hierdie verordening en enige ander wet skuldig aan 'n misdryf.

8. Van kant maak en sterilisering van honde

- (1) Die munisipaliteit kan die genadedood of van kant maak van 'n hond gelas wat –
 - (a) gevaelik of wild is; of
 - (b) in so 'n mate beseer of siek is dat dit menslik sou wees om dit te doen.
 - (2) 'n Hond wat ingevolge subartikel (1) van kant gemaak moet word, moet deur 'n geregistreerde veearts of waar sodanige veearts nie beskikbaar is nie, deur 'n gemagtigde amptenaar van kant gemaak word (genadedood) met sodanige instrumente of toestelle en op 'n manier wat so min lyding as moontlik veroorsaak.
 - (3) 'n Gemagtigde amptenaar kan 'n hond laat steriliseer as hy of sy dit nodig ag:
 - (a) vir die welstand van die hond;
 - (b) om 'n oorlas te voorkom of verminder;
 - (c) waar die hond 'n rondloper is; of
 - (d) op versoek van die eienaar,
- en die koste van sodanige sterilisasie kan van die eienaar verhaal word.

- (4) Die eienaar van 'n gesteriliseerde hond moet van 'n geregistreerde veearts bewys ontvang dat sodanige hond gesteriliseer is en moet sodanige dokument op aanvraag van enige gemagtigde amptenaar ter insae voorlê.
- (5) 'n Persoon wat versuim om ag te slaan op 'n bevel soos beoog in subartikel (1) of wat subartikel (2), (3) of (4) oortree, begaan 'n oortreding.

HOOFSTUK 3: KATTE

9. Beperking op aantal katte

- (1) Geen persoon mag sonder die skriftelike toestemming van die munisipaliteit die volgende aantal katte aanhou of toelaat om aangehou te word nie –
 - (a) meer as twee katte van ouer as ses maande in of by 'n wooneenheid;
 - (b) meer as vier katte ouer as ses maande op of by 'n perseel wat een of twee woonhuise bevat of wat vir store of as besighede gebruik word; of
 - (c) meer as ses katte op 'n landbou-eiendom.
- (2) 'n Persoon wat strydig met subartikel (1) optree, begaan 'n oortreding.

10. Bevoegdheid om katte te steriliseer

Die munisipaliteit mag die volgende katte steriliseer –

- (a) 'n Mannetjie- of wyfiekat op versoek van die kat se eienaar, onderworpe aan die betaling van die koste daarvan deur die eienaar; en
- (b) 'n Rondloperkat (mannetjie of wyfie) en die koste daarvan van die eienaar verhaal.

11. Die teel van en smous met katte

- (1) Geen persoon mag –
 - (a) sonder die vooraf skriftelike toestemming van die munisipaliteit met katte teel nie;
 - (b) toelaat dat katte los rondloop nie; of
 - (c) in 'n straat of op 'n openbare plek of vanuit 'n beweegbare struktuur of voertuig met enige kat smous nie.
- (2) 'n Persoon wat strydig met subartikel (1) optree, begaan 'n oortreding.

12. Behandeling van katte

Enige persoon wat –

- (a) enige kat slaan, skop, mishandel, verwaarloos, rasend maak, bang maak, treiter of vermink;
 - (b) enige kat onnoddig inhok, vasketting of vasmaak of aanhou in toestande of op 'n manier wat lyding aan die kat veroorsaak;
 - (c) 'n kat aanhou op enige plek wat onvoldoende ruimte, ventilasie, lig, beskerming of skuiling bied;
 - (d) 'n kat laat honger ly of ondervoed of versuim om voldoende water of kos aan 'n kat te voorsien;
 - (e) 'n kat in 'n vuil of parasitiese toestand aanhou of toelaat dat die kat met eksterne parasiete besmet word;
 - (f) as die eienaar van 'n kat, sonder redelike oorsaak of verskoning die kat aan sy lot oorlaat aan omstandighede wat veroorsaak dat so 'n kat enige lyding ervaar of moontlik lyding kan ervaar;
 - (g) veroorsaak dat enige kat weens kwaadwilligheid, onredelikheid of nalatigheid op enige wyse lyding ervaar,
- is behoudens die bepalings van hierdie verordening en enige ander wet skuldig aan 'n misdryf.

HOOFSTUK 4: ALGEMENE BEPALINGS

13. Voorwaardes en beperkings

Enige vergunning wat ingevolge hierdie verordening deur die munisipaliteit toegestaan word, kan onderworpe wees aan voorwaardes wat die munisipaliteit na goeddunke mag ople.

14. Terugtrekking van toestemming

- (1) Waar 'n persoon strydig is met of versuim om te voldoen aan 'n voorwaarde of beperking wat deur die munisipaliteit opgelê is, kan die munisipaliteit na aanhoor van daardie persoon sy toestemming terugtrek en kan gelas dat die honde of katte van die perseel verwyder en in die sorg en veilige bewaring van 'n diere welsynsorganisasie of skut geplaas word.
- (2) Enige koste wat die munisipaliteit ingevolge subartikel (1) met die verwydering en veilige bewaring van enige hond of kat aangaan, sal van die eienaar of aanhouer van sodanige diere verhaal word.

15. Vrystellings

Die munisipaliteit kan enige persoon en klas van persone van enige of al die bepalings van hierdie verordening vrystel en kan enige ander bepalings ople wat as geskik beskou word.

16. Reg van toegang en inspeksie

- (1) Enige behoorlik daartoe gemagtigde werknemer van die munisipaliteit kan enige perseel binne die munisipale gebied ondersoek om vas te stel of die bepalings van hierdie verordening nagekom word, met dien verstande dat 'n privaat woning nie sonder die toestemming van die eienaar of okkuperdeerder vir 'n roetine-ondersoek betree mag word nie.
- (2) Wanneer die werknemer 'n perseel ingevolge subartikel (1) betree, moet die werknemer op versoek van enige persoon hom of haar by wyse van skriftelike bewys van magtiging identifiseer.
- (3) Die gemagtigde werknemer mag vergesel word van 'n persoon wie se bystand redelikerwys vir die ondersoek benodig word.
- (4) Enige persoon wat versuim of weier om toegang tot enige gemagtigde amptenaar te gee, of wat hom of haar belemmer of verhinder om sy of haar pligte ingevolge hierdie verordening uit te voer, of wat versuim of weier om inligting te verskaf wat hy of sy volgens wet verplig is om aan sodanige amptenaar te verskaf, of wat vals of misleidende inligting verskaf in die wete dat dit vals of misleidend is, is skuldig aan 'n misdryf.

17. Organgsbeplatings

'n Persoon wat met die inwerkingtreding van hierdie verordening meer as twee honde of die voorgeskrewe aantal katte besit, mag nie die honde of katte wat sterf of van ontslae geraak word, vervang nie en moet geleidelik die aantal honde en katte in aanhouding verminder.

18. Appèl

'n Persoon wie se regte deur 'n besluit van die munisipaliteit geraak word, kan appèl teen daardie besluit aanteken deur skriftelike kennisgewing van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels (Wet 32 van 2000) aan die

munisipale bestuurder te verskaf binne 21 dae vanaf die datum van die kennisgewing van die besluit.

19. Strafbepaling

'n Persoon wat ingevolge hierdie verordening 'n misdryf begaan het of versuim om enige bepaling hierin vervat na te kom, sal by skuldigbevinding 'n boete of gevangenskap, of gevangenskap sonder die opsie van 'n boete, of sowel 'n boete as gevangenskap opgelê word.

20. Toepassing van verordening

- (1) Behoudens die bepalings van die Wet op Dierebeskerming, 1962 en in die geval van enige teenstrydigheid tussen hierdie verordening en enige bepaling in enige ander verordening van die munisipaliteit, sal die bepalings van hierdie verordening geld.
- (2) Die bepalings van die Hessequa Munisipaliteit Verordening insake die Skut van Diere⁴ is van toepassing op die skut en wegdoening van enige hond of kat ingevolge hierdie verordening.

21. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Verordening insake die Aanhoud en Behandeling van Honde en Katte en tree in werking op die datum waarop dit in die Provinciale Koerant uitgevaardig word.

⁴ Gepubliseer in Buitengewone Provinciale Koerant Nr 6588 gedateer 19 Desember 2008.

