

- (2) In making application to the Council the permission referred to in sub-bylaw (1) the applicant shall also submit plans of the proposed loft or aviary (enclosure for keeping birds) for approval.
- (3) Notwithstanding the provisions of any other bylaw no person shall erect any pigeon loft or aviary without the prior approval of plans of the proposed pigeon loft or aviary by the Council.
14. No person shall keep any poultry and/or rabbits on any premises within the Council area unless he shall keep such poultry and/or cage within a runway attached, enclosed with wire netting.
15. No person shall erect or use as a fowl-house and/or rabbit cage any structure which does not comply with the following requirements:
- It shall be constructed in accordance with the Building and Drainage Bylaws of the Council.
 - The floor and walls shall be constructed of brick, cement, stone or other impermeable material.
 - The roof shall be constructed of unlined wood and covered with an approved roofing material.
 - The walls and roof shall not provide hollow spaces capable of harbouring rodents.
 - No part of any fowl-house, rabbit hutch or runway shall be within 10 metres of the nearest part of any dwelling or any boundary of the property on which it is erected.
 - No part of a pigeon loft shall be within 5 metres of the nearest part of any dwelling or may be situated nearer than 2 metres from the boundary of the property on which it is erected.
16. Every person using any fowl-house, rabbit hutch or runway for the keeping of poultry and/or rabbits shall —
- keep same thoroughly clean and free from vermin at all times;
 - prevent any manure kept for use as fertilizer from causing a health nuisance.
- Any person who shall keep on his premises any animal or bird which by reason of continued barking, yelping, howling, crowing or making other noises, disturbs the public peace or is a source of nuisance to the neighbourhood shall be guilty of an offence and liable, upon conviction, to the penalty prescribed for the breach of these bylaws. If any person shall be found guilty of a second contravention of this bylaw in respect of the same animal, it shall be competent for the Court which has found him guilty, in addition to imposing any other sentence, to order the destruction of the animal.
18. No person shall keep on any premises within a residential area any wild or domesticated wild animal, reptile or bird without the written permission of the Council.
19. No person shall keep on any premises within the Council any wild, ferocious or dangerous animal.
20. Any person claiming any animal impounded under the preceding bylaw shall be deemed to be the owner thereof and thus liable to prosecution for the contravention of these bylaws.
21. No person shall keep any hive or swarm of bees on any premises within a residential area.
22. No person shall keep any hive or swarm of bees on any premises within the Council area in such a manner as to be a source of nuisance to the neighbourhood.
23. No person shall feed any wild animal within the township, or permit such animal to be fed.
24. Any person who shall contravene any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding fifty rand (R50,00) in the case of a first conviction or in the case of a second or subsequent conviction for the same offence, a fine not exceeding one hundred rand (R100,00), or, in default of payment of any fine imposed in either case, to imprisonment, for any period not exceeding three months; provided that in the case of a continuing offence a fine not exceeding five rand (R5,00) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed one hundred rand (R100,00).

C. F. A. RADEMAN
Chief Executive Officer

8 July 1999

N. 39, 1999

ULUNDI TRANSITIONAL LOCAL COUNCIL

BYLAWS RELATING TO THE KEEPING OF DOGS AND CATS

REGULATIONS governing the keeping of cats and dogs in terms of the provisions of sections 266 and 268 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974)

DEFINITIONS

- In these bylaws, unless inconsistent with the context —
 - "area" means the area of jurisdiction of the Ulundi Transitional Local Council;
 - "authorised officer" means any duly authorised officer appointed by Council, and also a member of the South African Police;
 - "cat" means a tomcat as well as a she-cat;
 - "Council" means the Town Council of the Ulundi Transitional Local Council;
 - "dog" means a male as well as a bitch;
 - "owner" in relation to a dog or cat means —
 - any person to whom a dog or cat has been entrusted, or having charge of a dog or a cat;
 - any person leasing or occupying a property or premises, or uses it otherwise, where any dog or cat is permitted to live or reside;
 - "premises" means any household or business and also any kennel or enclosure being used for the keeping of any dog or cat therein or thereupon;
 - "prescribed licence fee" means the licence fee applicable to dogs, as shall be prescribed by Council from time to time;
 - "prescribed permit fees" means the permit fee applicable to cats, as shall be determined by the Council from time to time.
- The owner of every dog or cat shall annually pay the prescribed licence fees in respect of every dog or cat which has reached the age of six months or older, and such fees shall be payable before or on the last day of the following February.

3. (a) On payment of the licence fees as shall be determined by Council from time to time, a licence shall be issued.
- (b) In the event of a permit being lost a duplicate thereof can be obtained by the owner from the issuing authority at the cost to be prescribed by the Council from time to time.
4. No person shall obtain a dog licence or cat permit unless a valid rabies inoculation certificate is produced and in the case of a sterilised bitch or she-cat until a veterinary sterilisation certificate is produced.
5. (1) No person shall keep within the area —
- any dog which is ferocious or vicious or which has a tendency to rush at pedestrians, motor vehicles, motor cycles or pedal cycles (for the purpose of this paragraph, a dog which has bitten or attempted to bite a person or animal other than in defence of itself or its owner, in any place other than upon the premises where it is habitually kept, shall be deemed to be vicious);
 - any bitch on heat unless such bitch is kept under proper control so as to prevent her from being a nuisance to the neighbours or the public; the Council through a duly authorised officer may, by notice in writing, require the owner or person in control to remove such bitch to a place in which suitable accommodation has been provided for the housing of such bitch and at the owner's expense to be kept there until she is out of season;
 - a dog for which no valid licence and rabies inoculation certificate is held;
 - a cat for which no valid rabies inoculation certificate is held;
 - more than two dogs on any premises without the written consent of the Council, and such consent may be given subject to the conditions as may be decided by Council by resolution.
- (2) (a) No person shall permit a dog which is owned or controlled by him to leave the premises on which it is kept unless such dog is kept under proper and effective control by a responsible person.
- (b) Any apparently ownerless, diseased, dangerous or vicious animal found at large and unattended in any public street or place may be impounded or destroyed by the police or any responsible officer of the Council.
- (3) (a) No person shall keep any dog on any premises on which a fenced, unobstructed enclosure of at least 40 m² per dog cannot be provided.
- (b) Any apparently diseased, dangerous or vicious dog, or a dog which is kept contrary to any provision of the Animals Protection Act, 1962 (Act 71 of 1962) can be impounded by a duly authorised officer, either in or outside its owner's property, at the expense of the owner, and can be taken to a pound for observation for as long as the authorised officer may deem necessary.
- (c) No person shall keep any dog on any premises that are not fenced and fitted with gates to such an extent as to ensure that such dog is confined to such premises.
6. No person shall permit any bitch on heat of which he is the owner or in charge, to be at large in any public street or place.
7. (1) A police officer or other officer duly authorised by the Council may seize and impound any ownerless dog found at large in the public streets or places of the area. For the purpose of this bylaw any dog not wearing a badge or other means of identifying the owner thereof and which appears to be ownerless shall be deemed to be ownerless.
- (2) A police officer or other officer duly authorised by the Council may seize and impound any dog which is vicious or dangerous or which is creating a disturbance by barking or otherwise.
- (3) Any police officer or other officer duly authorised by the Council who shall seize any dog in the exercise of the powers hereby conferred shall take or convey the same to any police station or other building in which suitable accommodation has been provided for the purpose.
- (4) Any person claiming that any dog so seized is his property, shall be allowed to take away the same on satisfying the officer in charge of such police station or building that he is the owner of such dog and that the dog has been duly licensed, and upon payment of the charges as determined by the Council's Tariff of Charges for the transportation of a dog to the pound and all monies payable for lodging and feeding the dog.
- (5) Any dog not claimed within fourteen days may be sold by the person in charge of such police station or building. The proceeds of any such sale shall be applied in defraying the expenses incurred in connection with the seizure and maintenance of the dog so sold and the balance, if any, paid to an animal welfare organisation.
- (6) If any dog is not claimed within fourteen days or cannot be sold under the provision of sub-bylaw (5) such dog may be handed over to an animal welfare organisation, provided that if any dog is found to be suffering from any infectious or incurable disease or incurable injury or to be so vicious as to be dangerous, the person in charge of such police station or building may act in terms of section 5(1) and (2) of the Animals Protection Act, 1962 (Act 71 of 1962), as amended from time to time.
- (7) The powers herein conferred upon the police may be exercised by any officer of an animal welfare organisation authorised under the provision of section 18 of the Animals Protection Act, 1962 (Act 71 of 1962), to exercise the power conferred by that Act upon a police officer.
- Any such officer may convey any dog seized by him to any building or place provided by the said society for the purpose of keeping stray dogs.
- The provisions of sub-bylaws (5) and (6) of bylaw 7 shall apply to the sale or destruction of dogs seized by any such officer.
8. The Council may by written notice, through a duly authorised officer, demand that the owner or person in charge of a dog or cat produce any document required in terms of these bylaws to an authority mentioned in the relevant written notice.
9. Any person applying for a dog licence or cat permit who makes any false or misleading statement relevant to such application which he knows to be false, or which he does not know to be true, shall be guilty of an offence.
10. In the prosecution of the owner of a dog due to failure in obtaining a licence in respect of such dog or a permit of a cat within the period prescribed by or in accordance with clause 2 of these bylaws, it shall be presumed, until the contrary is proved, that such owner has failed to obtain such licence or permit.

PENALTY

11. Any person who shall contravene any of these bylaws shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rand (R100,00) in the case of a first conviction or, in the case of a second or subsequent conviction for a contravention of the same regulation, to a fine not exceeding two hundred and fifty rand (R250,00) or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months; provided that in the case of a continuing offence a fine not exceeding ten rand (R10,00) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed two hundred and fifty rand (R250,00).

C. F. A. RADEMAN
Chief Executive Officer

ULUNDI TRANSITIONAL LOCAL COUNCIL

BYLAWS RELATING TO THE KEEPING OF DOGS AND CATS

DEFINITIONS

1. *In these bylaws unless inconsistent with the context –*

“Area” means the area of jurisdiction of the Ulundi Transitional Local Council.

“Authorised Officer” means any duly authorised officer appointed by Council, and also a member of the South African Police.

“Cat” means a tomcat as well as a she-cat.

“Council” means the Town Council of the Ulundi Transitional Local Council.

“Dog” means a male as well as a bitch.

“Owner” in relation to a dog or cat – means

(a) *any person to whom a dog or cat has been entrusted, or having charge of a dog or a cat.*

(b) *any person leasing or occupying a property or premises, or uses it otherwise, where any dog or cat is permitted to live or reside.*

“Premises” means any household or business and also any kennel or enclosure being used for the keeping of any dog or cat therein or thereupon.

"Prescribed licence fee" means the licence fee applicable to dogs, as shall be prescribed by Council from time to time..

"Prescribed permit fees" means the permit fee applicable to cats, as shall be determined by the Council from time to time.

- 2. The owner of every dog or cat shall annually pay the prescribed licence fees in respect of every dog or cat which has reached the age of six months or older, and such fees shall be payable before or on the last day of the following February.*
- 3. (a) On payment of the licence fees as prescribed by these bylaws, by the owner of a dog or cat, a dog licence shall be issued to such owner.*

(b) In the event of a permit being lost a duplicate thereof can be obtained by the owner from the issuing authority at the cost to be prescribed by the Council from time to time.

4. *No person shall obtain a dog licence or cat permit unless a valid rabies inoculation certificate is produced and in the case of a sterilised bitch or she-cat until a veterinary sterilisation certificate is produced.*

5. (1) *No person shall keep within the area -*

(a) *any dog which is ferocious or vicious or which has a tendency to rush at pedestrians, motor vehicles, motor cycles or pedal cycles.*

(For the purpose of this paragraph, a dog which has bitten or attempted to bite a person or animal other than in defence of itself or its owner, in any place other than upon the premises where it is habitually kept, shall be deemed to be vicious).

(b) *any bitch on heat unless such bitch is kept under proper control so as to prevent her from being a nuisance to the neighbours or the public. The Council through a duly authorised officer may, by notice in writing, require the owner or person in control to remove such bitch to a place in which suitable accommodation has been provided for the housing of such bitch and at the owner's expense to be kept there until she is out of season;*

(c) *a dog for which no valid licence and rabies inoculation certificate is held;*

(d) *a cat for which no valid rabies inoculation certificate is held.*

- (e) *More than two dogs on any premises without the written consent of the Council, and such consent may be given*
 - (f) *subject to the conditions as may be decided by Council by resolution.*
- (2)
- (a) *no person shall permit a dog which is owned or controlled by him to leave the premises on which it is kept unless such dog is kept under proper and effective control by a responsible person.*
 - (c) *any apparently ownerless, diseased, dangerous or vicious animal found at large and unattended in any public street or place may be impounded or destroyed by the police or any responsible officer of the Council.*
- (3)
- (a) *no person shall keep any dog on any premises on which a fenced unobstructed enclosure of at least 40m² per dog cannot be provided.*
 - (b) *any apparently diseased dangerous or vicious dog, or a dog which is kept contrary to any provision of the Animals Protection Act, 1962 (Act 71 of 1962) can be impounded by a duly authorised officer, either in or outside its owner's property, at the expense of the owner, and can be taken to a pound for observation for as long as the authorised officer may deem necessary.*
 - (c) *no person shall keep any dog on any premises that is not*

fenced and fitted with gates to such an extent as to ensure that such dog is confined to such premises.

- 6 *No person shall permit any bitch on heat of which he is the owner or in charge, to be at large in any public street or place.*

7.
 - (1) *A police officer or other officer duly authorised by the Council may seize and impound any ownerless dog found at large in the public streets or places of the area. For the purpose of this bylaw any dog not wearing a badge or other means of identifying the owner thereof and which appears to be ownerless shall be deemed to be ownerless.*

 - (2) *A police officer or other officer duly authorised by the Council may seize and impound any dog which is vicious or dangerous or which is creating a disturbance by barking or otherwise.*

 - (3) *Any police officer or other officer duly authorised by the Council who shall seize any dog in the exercise of the powers hereby conferred shall take or convey the same to any police station or other building in which suitable accommodation has been provided for the purpose.*

 - (4) *Any person claiming that any dog so seized is his property, shall be allowed to take away the same on satisfying the officer in charge of such police station or building that he is the owner of such dog and that the dog has been duly licensed, and upon payment of the charges as determined by the Council's Tariff of Charges for the*

transportation of a dog to the pound and all monies payable for the lodging and feeding the dog.

5. *Any dog not claimed within seven days may be sold by the person in charge of such police station or building. The proceeds of any such sale shall be applied in defraying the expenses incurred in connection with the seizure and maintenance of dog so sold and the balance, if any, paid to an animal welfare organisation.*

6. *If any dog is not claimed within seven days or cannot be sold under the provision of sublaw (5) such dog may be handed over the animal welfare organisation, provided that if any dog is found to be suffering from any infectious or incurable disease or incurable injury or to be so vicious as to be dangerous, the person in charge of such police station or building may act in terms of section 5(1) and (2) of the Animals Protection Act 1962 (Act No 71 of 1962), as amended from time to time.*

7. *The powers herein conferred upon the police may be exercised by any officer of an animal welfare organisation authorised under the provision of section 18 of the Animal Protection Act 1962 (Act No. 71 of 1962), to exercise the power conferred by that act upon a police officer.230.*

Any such officer may convey any dog seized by him to any building or place provided by the said society for the purpose of keeping stray dogs.

The provision of subblaws (5) and (6) of bylaw 7 shall apply to the sale or destruction of dogs seized by any such officer.

8. *The Council may by written notice, through a duly authorised officer, demand that the owner or person in charge of a dog or cat produce any document required in terms of these bylaws to an authority mentioned in the relevant written notice.*
9. *Any person who is applying for a dog licence or cat permit makes any false or misleading statement relevant to such application which he knows to be false, or which he does not know to be true, shall be guilty of an offence.*
10. *In prosecution of the owner of a dog due to failure in obtaining a licence in respect of such dog or a permit of a cat within the period prescribed by or in accordance with Clause 2 of these bylaws, it shall be presumed, until the contrary is proved that such owner has failed to obtain such licence or permit.*

PENALTY

11. *Any person who shall contravene any of these bylaws shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rand (R100,00) in the case of a first conviction or, in the case of a second or subsequent conviction for a contravention of the same regulation, to a fine not exceeding two hundred and fifty rand (R250,00) or, in default of payment of any fine imposed in*

12. *either case, to imprisonment for any period not exceeding three months; provided that in the case of a continuing offence a fine not exceeding ten rand (R10,00) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecuted or within any one month exceed two hundred and fifty rand (R250,00).*