

**The Health By-Laws for
Keeping of Animals in Pretoria (Tshwane)**
(With specific reference to dogs)

<http://www.tshwane.gov.za/documents/bylaws/keepinganimalsbirdspoultry.pdf>

LOCAL AUTHORITY NOTICE
CITY OF TSHWANE METROPOLITAN MUNICIPALITY
PROMULGATION OF ENVIRONMENTAL HEALTH BY-LAWS: KEEPING OF ANIMALS,
BIRDS AND POULTRY AND TO BUSINESSES INVOLVING THE KEEPING OF
ANIMALS, BIRDS, POULTRY AND PETS OF THE CITY OF TSHWANE
METROPOLITAN MUNICIPALITY

Excerpts from CHAPTER I, GENERAL

3. General provisions

(1) A person is guilty of an offence and liable on conviction to a fine of R20 000,00 (twenty thousand rand) or to imprisonment for a period not exceeding two years if he or she –

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures, maims, beats, kicks, goads or terrifies any animal;

(b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such manner or position as to cause that animal unnecessary suffering, or keeps any animal in a place that has inadequate space, ventilation, light, protection or shelter from heat, cold or extreme weather conditions;

(c) Unnecessarily starves or insufficiently feeds any animal or deprives any animal of water or food;

(d) liberates any bird in such manner as to expose the bird to immediate attack or danger of attack by any animal, wild animal or wild bird;

(e) drives or works an animal that is so diseased or so injured or in such a physical condition that the animal is unfit to be driven or to do any work;

(f) lays any trap or device for the purpose of capturing or destroying an animal, wild animal or wild bird, the capturing or destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease;

(g) having laid a trap or device referred to in paragraph (f), fails to inspect and clear such trap or device at least once a day, whether in person or through a competent person;

(h) except under the authority of a permit issued by the magistrate of the district in question, sells a trap or device intended for the capture of an

animal, including a wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer;

(i) conveys, carries, confines, secures, restrains or tethers an animal –

(i) in conditions in which the animal has inadequate shelter, light or ventilation or in conditions in which the animal is unduly exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes;

(ii) without making adequate provision for suitable food, potable water and rest for the animal in circumstances where it is deemed necessary; or

(iii) in such conditions or in such manner or position or for such period of time or over such distance as to cause the animal unnecessary suffering;

(j) without reasonable cause administers to an animal any poisonous or injurious drug or substance;

(k) being the owner of an animal, deliberately or without reasonable cause or excuse abandons the animal, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering;

(l) causes, procures or assists in the commission or omission of any of the acts contemplated in paragraphs (a) to (k) or, being the owner of an animal, permits the commission or omission of any such act;

(m) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes unnecessary suffering to an animal; or

(n) slaughters an animal for any reason whatsoever (excluding slaughtering for own use and ritual slaughtering) in a residential area without the prior consent of the Chief of Police, the environmental health practitioner and any officer concerned with the prevention of cruelty to animals.

(2) Notwithstanding anything to the contrary contained in any law, a magistrate's court has jurisdiction to impose any penalty provided for in this section.

5. Premises for the keeping of animals, poultry and birds

No person may –

(d) keep more than three dogs or three cats older than six months on premises zoned for special residential purposes;

(e) keep dogs and/or cats on premises zoned for general residential purposes or industrial or business purposes unless the prior approval of an authorised officer has been obtained, provided that in giving his or her approval the authorised officer may impose any conditions he or she deems necessary; and ...

CHAPTER 9, DOG KENNELS & CATTERIES

Follow the link for the complete bylaws on this chapter

<http://www.tshwane.gov.za/documents/bylaws/keepinganimalsbirdspoultry.pdf>

CHAPTER 12, MISCELLANEOUS

27. Nuisance

No person may –

- (a) keep any animal or pet in such a manner as to cause a nuisance; and
- (b) fail to duly dispose of dead animals in a manner prescribed by the health officer.

28. Vicious dogs and bitches on heat

(1) No person may permit any dog, particularly –

- (a) a dog that is wild or vicious;
- (b) a dog that has acquired the habit of running after vehicles, animals, poultry, pigeons or persons outside any premises where such a dog is kept;
- (c) a dog that causes injury to persons or damage to property; or
- (d) a bitch on heat; to be in a public place.

(2) No person may bring a dog contemplated in subsection (1) to a public place.

(3) Any authorised officer may impound a dog referred to in subsection (1) or (2) or have such dog impounded.

(4) Any person claiming any dog impounded in terms of subsection (3) is not entitled to its return unless and until the pound fees have been paid.

29. Dogs causing a nuisance

(1) No person may keep a dog if –

- (a) the dog creates a disturbance or a nuisance by constantly or excessively barking, howling or whirling;
- (b) the dog suffers from a contagious disease, provided that the dog may be kept in a veterinary surgeon's clinic for treatment;
- (c) the dog defecates when taken into a public place or road while under the control or supervision of a person and the person fails to dispose of the faeces in a refuse receptacle; and
- (d) the stench of faeces of the dog kept on the person's property becomes a nuisance to the occupiers of adjacent properties.

(2) (a) If an authorised officer is of the opinion that a dog is creating a disturbance or a nuisance in terms of subsection (1)(a), he or she may order the owner of the dog by notice in writing to remove the dog from the place from which the dog is creating the disturbance or nuisance.

(b) An owner contemplated in subsection (2) must, within 96 hours, calculated from 12:00 on the day on which the notice was served, remove the dog from the place from which the dog is creating the disturbance or nuisance. If the owner fails to comply with the notice, the authorised officer may impound the dog and deal with it in terms of the provisions of Chapters 9 and 12.

(3) The Municipality is not liable to pay any compensation to any person in respect of any action in terms of this section.

30. Dogs to be led

(1) No person may permit any dog to be at large in a street or public place unless the dog is kept on a leash or a chain and under the control of such person.

(2) Any authorised officer may impound a dog that is in a street or public place and is not kept on a leash or a chain, and such dog must be dealt with in accordance with Chapters 9 and 12.

31. Dogs not to be incited

No person, except a person training a dog at a dog training school, may, without reasonable grounds –

(a) incite a dog against a person, animal or bird; or

(b) permit a dog in his or her custody or under his or her control to attack or frighten any person, animal or bird.

32. Pound master

(1) The pound master must –

(a) keep the pound open between 08:00 and 16:30 on every weekday and between 08:00 and 12:00 on Saturdays;

(b) keep a register in which the following particulars in respect of every impounded animal are recorded:

(i) The name, residential address and telephone number, if any, of the person who impounded the animal;

(ii) the time at which and date on which the animal was impounded;

(iii) the place where the animal was found immediately before it was seized;

(iv) the date on which and the time at which the animal was seized;

(v) the reason for impounding the animal;

(vi) a description of the animal, which description must include the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;

(vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;

(viii) the amount of money realised in respect of the animal's release or sale; and

(ix) the amount of the veterinary expenses incurred, if any, in respect of the animal;

(c) ensure that the pound and all instruments and appliances used in connection with impounded animals are at all times kept in a clean condition and free from flies and other vermin to the satisfaction of the environmental health practitioner; and

(d) take all necessary steps to have an animal destroyed as contemplated in paragraph

(b) (vii) and to recover any expenses incurred in this regard from the person referred to in paragraph (b)(ix).

(2) A person claiming an impounded animal must satisfy the pound master that he or she is the owner of the animal.

(3) The person claiming an impounded animal must pay to the pound master the pound fees determined by the Municipality from time to time in terms of section 80B of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

(4) The pound master must ensure that the provisions of subsection (2) are complied with.

33. Pound procedure

(1) The Chief of Police or his or her representative may seize and impound any animal that he or she suspects is ownerless.

(2) If an owner or occupier of land finds on such land an animal that is not his or her property, the owner or occupier may seize and impound such animal or cause such animal to be seized and impounded.

(3) Notwithstanding the provisions of subsections (1) and (2), no person may seize and impound any animal if there are reasonable grounds to believe that –

(a) the animal is a bitch with unwanted young, unless such bitch and unwanted young are impounded together; and

(b) the animal is sick, except a dog suffering from an infectious disease or in respect of which the provisions of section 10 of the Animal Diseases Act, 1984 (Act 35 of 1984), apply.

(4) A person who has seized and impounded an animal in terms of this section must ensure that such animal is not ill-treated and may, if the pound is closed, keep such animal in his or her custody for a period not exceeding 16 hours.

(5) Subject to the provisions of subsections (1) and (2), no person may rescue or steal any animal that has been seized or is kept in custody or has been impounded in terms of this section.

34. Impounding of animals

(1) Any authorised officer may impound any animal that –

- (a) is at large and apparently ownerless; or
- (b) has no metal name tag for identification on its collar; or
- (c) is being kept in contravention of any part of these by-laws.

(2) An animal referred to in subsection (1) must be detained at the pound until the person claiming the animal has paid to the pound master the pound fees.

(3) If the name and address of a person appear on the collar of an impounded dog, the pound master must immediately communicate with that person. For the purpose of this section a written communication posted to the address on the collar, micro-chip or tattoo is deemed sufficient communication.

(4) No person may remove or attempt to remove from the custody of the person in charge of the pound any animal lawfully impounded.

(5) For the purpose of this section "pound" means a place designated by the Municipality for the detention and destruction of dogs in terms of these by-laws.

35. Pound master may recover expenses

The pound master is entitled to recover from the owner of any impounded animal the cost of any reasonable expenses incurred by the pound master in rendering or providing necessary veterinary or medical attention for the animal.

36. Unclaimed animals may be sold or destroyed

(1) If an impounded animal is not claimed by a person entitled to the animal in terms of section 34(2) within seven days after the day on which the animal was impounded, the pound master may sell or destroy the animal or cause the animal to be sold or destroyed in the manner prescribed in section 5 of the Animals Protection Act, 1962 (Act 71 of 1962).

(2) The Municipality is not liable for any compensation to any person entitled to an animal contemplated in subsection (1) in respect of any action taken in terms of this section.

37. Authorised officer may destroy an animal

(1) Whenever an authorised officer is of the opinion that an animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he or she may, if the owner of the animal is absent or refuses to consent to the destruction of the animal, summon a veterinarian immediately or, if there is no veterinarian within a reasonable distance, two adult persons whom he or she considers to be reliable and of sound judgement. If such veterinarian or adult persons, after having duly examined the animal, certify that the animal is so diseased or severely injured or in such a physical condition that it would be cruel to keep it alive, the authorised officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.

(2) Any authorised officer who in the absence of the owner of an animal destroys the animal or causes it to be destroyed must, if the owner's name and address are known, advise the owner of the destruction. If the destruction of the animal takes place in a public place or on a public road, the authorised officer must, subject to the provisions of the Animal Diseases Act, 1984, remove the carcass or cause it to be removed from the public place or public road.

(3) A veterinarian may in respect of any animal exercise the powers conferred by subsection (1) on an authorised officer on the authorised officer's behalf without summoning another veterinarian or authorised officer or any other person and, in respect of the exercising of those powers, the provisions of subsection (2) apply.

(4) Any expenses which may reasonably be incurred by an authorised officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

(5) It is a defence to an action brought against any person arising from the destruction of an animal by him or her or with his or her authority to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon an authorised officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

38. Owner may be summoned to produce an animal for inspection by court

(1) A court trying any person for an alleged offence under these by-laws may summon the owner of an animal in respect of which such offence is alleged to have been committed to produce that animal for inspection by the court at the time and place stated in the summons.

(2) Any person who without a satisfactory excuse fails to comply with a summons issued in terms of subsection (1) is guilty of an offence and liable on conviction to the penalties prescribed in section 44.

39. Powers of officers concerned with the prevention of cruelty to animals

(1) If authorised thereto in writing under the hand of the magistrate of a district, any officer concerned with the prevention of cruelty to animals may in that district –

(a) without a warrant and at any time with the consent of the owner or occupier or, failing such consent, on obtaining an order from a magistrate, enter any premises where an animal is kept, for the purpose of examining the conditions under which the animal is kept;

(b) without a warrant arrest any person who is on reasonable grounds suspected of having committed an offence under these by-laws, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;

(c) on the arrest of a person on a charge of an offence under these by-laws, seize any animal or thing in the possession or custody of that person at the

time of the arrest and immediately take it to a police officer, who must deal with the animal or thing in accordance with the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977); and

(d) exercise in respect of any animal the powers conferred by section 37(1) on an authorised officer and in respect of the exercising of those powers, the provisions of section 37(1) apply mutatis mutandis.

(2) Any authority granted under subsection (1) may at any time for good cause be revoked by the magistrate of the district.

(3) An authorised officer to whom authority has been granted under subsection (1) must, when required to do so in the exercising of his or her powers, produce that authority for inspection.

(4) Any person who wilfully obstructs, hinders or resists an officer authorised under subsection (1) in the exercising of his or her powers or conceals any animal or thing with intent to defeat the exercising of such powers, or who fails to give his or her name and address to such officer on demand, is guilty of an offence and liable on conviction to the penalties set out in section 44.

40. Costs may be awarded against vexatious complainant

If at the trial of any person on a charge of an offence under these by-laws the court is satisfied that a person or body has without reasonable cause and vexatiously lodged or caused to be lodged the complaint which led to the trial, the court may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person or body.

41. Animal fights

(1) Any person who –

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;

(b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;

(e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or

(f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are

being made for such acts, is guilty of an offence and liable on conviction to a fine of R20 000,00 (twenty thousand rand) or to imprisonment for a period not exceeding two years.

(2) In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

42. Illnesses attributable to animals

The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters 7 to 10, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

43. Inspection

The health officer and any officer authorised thereto by the Municipality may, in order to satisfy himself or herself that the provisions of these by-laws are being complied with –

- (a) at all reasonable times enter any premises –
 - (i) on which animals, poultry, birds or pets are being kept;
 - (ii) on which a kennels, a cattery or a pet shop or pet salon is conducted;
 - (iii) on which the business of a dealer or speculator in livestock is conducted;
 - (iv) from which the hawking of poultry or rabbits takes place; or
 - (v) on which he or she reasonably suspects that animals, poultry, birds or pets are being kept or that a kennels, a cattery, a pet shop, a pet salon, the business of a dealer or speculator in livestock or a hawker of poultry or rabbits is being conducted;
- (b) inspect the premises or any vehicle that is used or that he or she reasonably suspects is being used for the business and anything on the premises or anything in the vehicle; and
- (c) question any person on the premises or in the vehicle or any person who has recently been on the premises or in the vehicle.

44. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws is guilty of an offence and liable on conviction to any or all of the following penalties:

- (a) A fine not exceeding R20 000,00 (twenty thousand rand);
- (b) a fine not exceeding R20 000,00 (twenty thousand rand) or, in default of payment, imprisonment for a period not exceeding two years;
- (c) imprisonment for a period not exceeding two years.