



From the community-For the community / Uit die gemeenskap-Vir die gemeenskap

NPC

(A company incorporated in terms of section 10 of the Companies Act of 2008 (Act 71 of 2008)
(Old Section 21) Reg Nr 2007/012733/08: 067-745-NPO

General Information Note 2014

To all GarsCom Residents

TSHWANE BYLAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND TO BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY AND PETS

In terms of the general provisions any person that:

- “(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) 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;
- (e) causes, procures or assists in the commission or omission of any of the acts contemplated in paragraphs (a) to (d) or, being the owner of an animal, permits the commission or omission of any such act;
- (f) 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;”

Is guilty of an offence and liable for conviction or fine as stipulated herein.

DOGS

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.

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.

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:

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 subsection

s(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.

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

IN ESSENCE NO ONE BUT THE SPCA/CHIEF OF POLICE IS ALLOWED TO INPOUND A DOG THAT IT IS NOT THE LAWFUL OWNER OF. AS SUCH GARSCOM, ITS MEMBERS AND ITS RESIDENCE SHALL NOT BE HELD LIABLE FOR THE ACTIONS OF INDIVIDUALS THAT CONTRAVENE THESE PRESCRIPTS

POULTRY

Premises for the keeping of animals, poultry and birds

No person may –

- keep any animal, unit of poultry or bird in or on premises that do not comply with the provisions of these by-laws;
- **keep more than 20 units of poultry or 10 rabbits on special residential premises, provided that more than 20 units of poultry may be kept on an agricultural holding and that the owner, occupier or keeper ensures that no health nuisance is constituted;**
- keep more than three dogs or three cats older than six months on premises zoned for special residential purposes;

Requirements for premises

(1) For the keeping of any unit of poultry on any premises, a poultry house, a poultry run or a building or structure housing a battery system must be provided on the premises.

(2) A poultry house contemplated in subsection (1) must meet the following requirements:

(a) Every wall of the poultry house must –

(i) be constructed of brick, stone, concrete or other durable material;

(ii) have a height of not less than 2 m; and

(iii) have a smooth internal finish.

(b) The floor of the poultry house must be constructed of concrete or other durable and impervious material brought to a smooth finish.

- (c) If the poultry house consists of a structure that has two tiers or more, the upper tiers of the structure must be of an impervious material that can be cleaned easily.
- (d) The poultry house must have an area of at least –
 - (i) 0,20 m² for each mature fowl, duck, Muscovy duck or guinea fowl accommodated in the poultry house;
 - (ii) 0,5 m² for each mature goose, turkey or peacock accommodated in the poultry house; and
 - (iii) 0,14 m² for each mature pigeon accommodated in the poultry house, with an overall minimum area of 4 m².

Duties of keepers of poultry

A person keeping any unit of poultry on any premises must –

- (a) **ensure that the unit of poultry is kept on the premises inside a poultry house, poultry run or building or structure housing a battery system;**
- (b) maintain in a clean and sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of poultry;
- (c) **keep the premises free from offensive odours and keep every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin**
- k) **take effective measures to –**
 - (i) **destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and**
 - (ii) **prevent offensive odours from arising from the keeping of poultry on the premises.**

Approved by GarsCom Board of Directors.

Carol van Niekerk: Chairperson

Date: