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STELLENBOSCH MUNICIPALITY

Stellenbosch Municipality, by virtue of the powers vested in it by section 156 (2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has made the By-law set out below:

**BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND
THE KEEPING OF ANIMALS****TABLE OF CONTENT**

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1. Definitions

In this by-law, words used in the masculine gender include feminine, the singular includes the plural and vice versa, the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates:

“animals” means any equine, bovine, sheep, goat, poultry, camel, dog, cat or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person.

“authorised official” means—

a designated person;

(a) a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995)

(b) a municipal police officer or a law enforcement officer appointed under any law; or

(c) a person who has been declared a peace officer under section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977);

(d) a member of the Animal Welfare Society or SPCA

“bird” means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person.

“Cattery” means any establishment where cats are bred or boarded.

“District municipality” means the Cape Winelands District Municipality established in terms of **section 12** of the **Municipal Structures Act, 1998 (Act 117 of 1998) Provincial Notice 480 dated 22 September 2000**, as amended by **Provincial Notice 162 dated 20 August 2004**, and includes any political structure, political office bearer, councillor, duly authorised agent thereof 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.

“Dwelling house” means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

“dwelling unit” means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

“guide dog” means a dog which has been trained to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

“health nuisance” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is/ are in the opinion of the Cape Winelands District Municipality or a duly authorised Council employee of the District Municipality potentially injurious or dangerous to health or which is/ are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“kennel” means premises in or upon which—

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

“municipality” means the municipality of Stellenbosch established in terms of **section 12** of the **Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**, **Provincial Notice 5642** dated **4 December 2000** and includes any political structure, political office-bearer, councillor, or any employee thereof 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, or employee.

“Municipal Manager” means a person appointed in terms of **section 54A** of the **Municipal Systems Act, 2000 (Act 32 of 2000)** and includes any person;

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

“Owner” means;

- (a) in relation to any animal, includes the person having possession, charge, custody or control of such animal;

(b) in relation to a public nuisance as contemplated in **CHAPTER III: PART 1** of this by-law;

- (i) the person or persons in whom from time to time shall be vested the legal title to any immovable property;
- (ii) in any case where a property is subject to a registered lease, the lessee of such property;
- (iii) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator, assignee or administrator;
- (iv) in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier of such property.

“Permit” means the written permission granted by the Council in terms of this By-law;

“Pet” means a tame animal which is kept in a household for companionship and amusement.

“Pet parlour” means an establishment where pets are groomed.

“Pet shop” means an establishment where pets are kept for trading purposes.

“Poultry” means fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guineafowl, quails, buttonquails, exotic and indigenous game birds, peacock or peahen or bird whether domesticated or wild.

“Premises” means;

- (a) land or portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof;
- (b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicles, carriage, ship or boat.

“Public nuisance” means any act, omission or condition on any premises, including any building, structure or growth thereon, 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 the public.

“Public place” means any 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 or even in such township.

“Responsible authority” means the Cape Winelands District Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals.

“Street” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by public or any section thereof or to which the public or any section thereof has a right of access and includes:

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work of object forming part of or connected with or belonging to such road, street or thoroughfare.

“Structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosed, run, loft or building used for human shelter or the keeping or enclosing of animals.

2. APPLICATION OF BY-LAW

- (1) The provisions of **section 4(1), 15(1) and 28** are not applicable to;
 - (a) premises or land which is used for bona fida agricultural purposes; or
 - (b) premises or land identified by the municipality where the keeper of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.
- (2) A person who keeps animals on premises contemplated in **subsection (1)(a) and (b)**, is not exempt from the provisions of any other by-laws of the appropriate municipality or legislation with regard to the inception or bringing about of a public nuisance.

CHAPTER I: GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

3. BEHAVIOUR AND CONDUCT

- (1) Notwithstanding the provisions of any other by-laws no person shall:
 - (a) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person;

- (b) carry on any trade, business, profession or hobby on any premises in the municipal are, which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to other people;
- (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
- (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated, which may in the opinion of the municipality be a source or become a source of danger, discomfort or annoyance to other people;
- (e) allow any building or structure or any portion thereof to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or any structure free from dampness, which may in the opinion of the municipality be a source or become a source of danger, discomfort or annoyance to other people;
- (f) use or cause or permit to be used any stoop and/or veranda of any shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise, which may in the opinion of the municipality be a source or become a source of danger, discomfort or annoyance to other people;
- (g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof, which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, displaying or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature, which may in the opinion of the municipality be a source or become a source of danger, discomfort or annoyance to other people;
- (h) enclose or cause or permit the enclosing of any stoop or veranda of any shop or business premises by means of movable or immovable structures, objects, articles or devices, otherwise than by such means as the municipality may approve;
- (i) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment;
- (j) permit the sounding of an alarm siren, or similar noise, from a private residence or business premises for a continuous period longer than five (5) minutes;
- (k) permit the sounding of an alarm siren, or similar noise, from a private residence or business premises to cause a disturbance albeit intermittently, and during the hours of the night and the next day;
- (l) defoul, misuse or damage a toilet provided in a public building on public place;
- (m) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (n) accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion of the municipality is waste material or likely to constitute an obstruction in any street, public place or build-up or vacant premises or land,

where such actions takes place with the consent of the municipality and any conditions of approval are ignored or complaints are received from the general public, the municipality may take action in terms of **subsection (2)**;

- (o) allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs or grass, to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;
 - (p) by an action directly or indirectly or negligence allow that nuisance be created or continued;
 - (q) bath or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water through or at any public hydrant or fountain or at any place which has not been set aside by the municipality for that purpose;
 - (r) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the public peace;
 - (s) cleanse or wash any vehicle or part in any street or public place;
 - (t) discharge any firearm, air gun or air pistol on any premises, except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.
- (2)(a) In the event of a contravention of **section 3(1) (a) to (t)**, the municipality may issue a notice on the owner or occupier or the alleged offender to terminate the action or to remove the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or the source of the nuisance and any cost incurred in connection therewith shall be removable from the person responsible for the nuisance or the owner or occupier of the premises on which the nuisance originates or is being continued, whether or not such owner is responsible therefore.
- (b) Where a person complies with a notice issued in terms of **subsection (a)**, the municipality may require such person to apply for a certificate of compliance which will be issued by the municipality once the nuisance has been removed or the action creating a nuisance has been terminated.
- (c) Where the municipality has evidence that any vacant or dilapidated premises or land in the vicinity of a street is being used for any purposes by unauthorised persons or that any of the materials or things mentioned in **subsection 3(1)** are being dumped or deposited on such premises, it may serve notice in writing on the owner or the occupier thereof requiring him to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence shall be not less than two metres in height and shall be of such a nature and so constructed that it will effectively prevent the entry of unauthorised persons and the dumping or depositing thereon of materials and things.
- (3) For the application of this by-law, any action or condition on any premises, including any building, structure or vegetation thereon, which in the opinion of the municipality endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.

- (4) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

CHAPTER II: GENERAL PROVISION RELATING TO KEEPING OF ANIMALS

4. PERMISSION TO KEEP ANIMALS

- (1) No person shall keep or permit to be kept on any premises or property any animals, excluding pets, without the written permission of the municipality.
- (2) For the purpose of managing the keeping of animals on premises, the municipality may determine the number of bee hives, as well as the kind, number and sex of animals that may be kept and the areas within which the keeping of such animals and bees shall be prohibited.
- (3) In order to consider an application in terms of **subsection (1)**, the municipality may obtain the input or comments of the owner or occupants of surrounding premises.

5. KEEPING OF DOGS

A. Responsibilities of Owners

No person shall permit any dog owned or kept by him or her;

- (1) Which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control

B. Dog Owners' Liability

- (1) The owner of a dog is liable for damages resulting from a bite or attack and that liability does not depend on the owner's fault, negligence or knowledge of the propensity of the dog to bite or attack, where it is alleged that;
- (i) a dog has bitten or attacked; or
 - (ii) the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals; or
 - (iii) an owner did not exercise reasonable precautions to prevent a dog from biting or attacking or posing a menace to the safety of persons or domestic animals; or
 - (v) failing to exercise reasonable precautions to prevent a dog from biting or attacking a person or domestic animal; or
 - (iv) failing to exercise reasonable precautions to prevent a dog from behaving in a manner that poses a menace to the safety of persons or domestic animal.

C. Extent of liability

The liability of the owner does not depend upon knowledge of the propensity of the dog or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages.

D. Protection of persons or property

Where a person is on a premises with the intention of committing, or in the commission of a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable in terms of this bylaw.

Dogs shall not be a source of danger—

- (1) Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to the Council's employees, entering upon such premises for the purpose of carrying out their duties; and or
- (2) A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point.

E. Examples, measures for more effective control

- (1) Confining the dog to its owner's property.
- (2) Restraining the dog by means of a leash.
- (3) Restraining the dog by means of a muzzle.
- (4) Posting warning signs.

F. Owner to prevent dog from attacking

The owner of a dog shall exercise reasonable precautions to prevent it from,

- (a) biting or attacking a person or domestic animal; or
- (b) behaving in a manner that poses a menace to the safety of persons or domestic animals.

G. Law Enforcement officers

- (1) A designated law enforcement will be able to obtain warrants to seize a dog from a particular location where it is not desirable in the interests of public safety that the dog be so located.
- (2) *In urgent circumstances, designated peace officers will have a right of entry without warrant. Urgent circumstances include circumstances where there are reasonable grounds to believe that entry without warrant is necessary to prevent imminent bodily harm or death to any person or domestic animal seizure in public places.*

H. Sterilization of dogs

An authorised official may cause a dog to be sterilized should he or she deems it necessary—

- (1) In the interest of the welfare of the dog;
- (2) To prevent nuisances; and
- (3) When the dog is stray.
- (4) The owner of a sterilized dog must obtain from a registered veterinarian proof that the dog has been sterilized and must produce such documents for inspection to any authorised official.

6. PLANS FOR STRUCTURES AND MANAGEMENT

- (1) An application to keep animals must be submitted on an application form obtainable from the municipality, and be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the premises for which the permit is required.
- (2) Detailed plans, according to specifications obtainable from the municipality, of structures in which it is proposed to keep animals must accompany the application in **section 4** and such plans must be approved by the municipality.
- (3) Where possible, an exposition of the numbers, kinds and genders of animals must accompany the plans in **subsection (2)**

7. CONSIDERATION OF APPLICATIONS AND IMPOSITION OF CONDITIONS

- (1) The municipality may grant permission or refuse, after consideration of:
 - (a) the input or comments obtained in terms of **section 4(3)**;
 - (b) the location, geographical features or size of the premises in respect of which the application is submitted;
 - (c) the documents and expositions submitted in terms of **section 6**; or
 - (d) any other information relating to the application.
- (2) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right appeal in terms of **section 29**.
- (3) Where consent is granted, the municipality may impose conditions.

8. VISIBILITY OF STRUCTURES ON PREMISES

All structures in which animals are kept shall be suitably screened from any street.

9. WAVERING OF REQUIREMENTS AND WITHDRAWAL OF AUTHORISATIONS

Notwithstanding the aforementioned provisions, the municipality may after considering conditions particular to the property and on condition that no objection is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions if appropriate and may further withdraw any authorisation in terms of **section 7(3)** if any of the conditions therein are not adhered to.

10. VALIDITY OF AUTHORISATIONS

All authorisations to keep animals granted in terms of any by-law or regulation repealed shall be deemed to have been granted in terms of this by-law.

11. DUTIES OF OWNERS OR KEEPERS OF ANIMALS

The owner of animals or the keeper thereof;

- (a) may not cause or allow an animal to interfere with the ordinary comfort, convenience, peace or quiet of other people;
- (b) must provide such animal with bedding, shelter, the necessary veterinary treatment, water and proper food daily; and
- (c) must at all times maintain the premises on which the animals are kept and all appurtenances in good repair and in neat condition so as to prevent the occurrence of a public nuisance.

12. ANIMALS KEPT IN AN UNSATISFACTORY MANNER

Whenever animals are kept on any premises, whether or not such premises have been approved by the municipality under this by-law, are a public nuisance, the municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to carry out such action or take such steps necessary to ensure the prevention of such nuisance.

13. EUTHANASIA OF ANIMALS

- (1) The municipality may order the destruction of an animal which are;
 - (a) dangerous or ferocious
 - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) Animals destroyed in terms of **section (1)** must be destroyed by qualified veterinary or under the supervision of a qualified veterinary with such instruments or appliances and in such a manner as to inflict as little suffering as possible.

14. HAWKING OF ANIMALS

- (1) No person may hawk an animal—
 - (a) in a street or public place; or
 - (b) in or from a movable structure or vehicle.
- (2) A person who contravenes any of the provisions of **section 4, 5, 7, 10, 11** as well as **subsection (1)** of this section commits an offence.

CHAPTER III: PROVISIONS RELATING TO THE KEEPING OF DOGS, CATS AND PETS

PART 1 – GENERAL PROVISIONS RELATING TO DOGS, CATS AND PETS

15. NUMBER OF DOGS AND CATS

- (1) Subject to the provisions of **section 16**, no person may keep on any premises;
 - (a) more than two dogs; and
 - (b) more than two cats,without the permission of the municipality.
- (2) An application in terms of **subsection (1)** must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs and cats applied for.
- (3) A restriction imposed under **section 18** on the number of animals that may be kept on the premises does not apply for a period of 10 weeks after the birth of the litter from an animal in terms of a permit.
- (4) The provisions in this section shall not apply to a person whose permit to keep a dog or cat or other animal has been cancelled or who has previously had a dog or cat or other animal removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of cruelty to an animal, may not keep a dog or cat or other animal, unless a court determines otherwise.

16. BREEDERS OF DOGS AND CATS

- (1) A breeder of dogs who wishes to keep more than two dogs or a breeder of cats who wishes to keep more than two cats must obtain permission from the municipality.
- (2) An application in terms of **subsection (1)** must be submitted in the form prescribed by the municipality and must contain an exposition of the race, gender and number of dogs or cats applied.

- (3) Plans and specifications of structures in which it is proposed to keep the dogs and cats, as well as a site plan indicating all existing or proposed structures and fences on the premises of which the permit is required, must accompany the application in **subsection (1)** and such plans must be approved by the municipality.

17. BREEDERS OF PETS

- (1) A person who breeds with pets must obtain the approval of the municipality.
- (2) The provisions of **section 16(2)** and **(3)** are, with the necessary adjustments applicable to an application in terms of **subsection (1)**.

18. CONDITIONS AND RESTRICTIONS

The municipality's consent in terms of **section 4, 15(1), 16(1)** and **22(1)**, shall be granted subject to such conditions and restrictions such as the municipality, in consultation with another responsible authority, may deem fit to impose.

19. WITHDRAWAL OF PERMISSION

- (1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in **section 18**, the municipality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.
- (2) Any cost incurred by the municipality for the removal and safekeeping of animals contemplated in **subsection (1)**, shall be recoverable from the owner or keeper of such animals.

20. DOGS IN PUBLIC PLACES

- (1) The owner or keeper of a dog may not bring or allow it in a street or public place; unless the dog is kept on a leash by a responsible person.
- (2) Except in the event of a blind person being led by a guide dog, a person in charge of a dog in the street or public place must remove any faeces left by the dog, by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
- (3) A person who contravenes any of the provisions of **section 15, 16 or 20**, shall be guilty of an offence.

PART 2 – SPECIFIC PROVISIONS FOR DOGS

21. CONTROL OF DOGS

- (1) No person may;
- (a) permit a bitch on heat owned or kept by him or her to be in a street or public place without supervision.
 - (b) Urge a dog or attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property.
 - (c) Keep a dog if the premises where such a dog is kept is not properly and adequately fenced to keep such a dog inside when it is not on a leash.
 - (d) Permit a dog owned or kept by such a person;
 - (i) to trespass on private property;
 - (ii) in any public road or place where whilst such dog suffers from an infectious or contagious disease;
 - (iii) to constitute a hazard to traffic on any public road;
 - (iv) to constitute or to his knowledge be likely to constitute a source of danger or injury to persons outside the premises on which such dog is kept;
 - (v) to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. a notice to the effect that a dog is being kept on such premises must be displayed in a conspicuous place.
 - (e) Keep any dog which;
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet or neighbours.
- (2) The municipality may seize and impound at a place designated by the municipality, a dog which is found in a street or public place in contravention with the provisions of **section 21 (1) (d)**.
- (3) Notwithstanding the provisions of subsection 21 (2), no person or authorised official may take any dog or other animal into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog or other animal is a female with un-weaned young, unless such animal and un-weaned young are taken into custody together.
- (4) A dog impounded in terms of **subsection (2)** may be released to the owner of such dog upon payment of a fee determined by the municipality.
- (5) A dog impounded in terms of **subsection (2)**, may be sold or destroyed after having been kept in custody for seven days.
- (6) A person who contravenes any provision of this section commits an offence.

22. FENCING OF PROPERTY

- (1) No person shall keep a dog on his or her premises which are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

23. FIRE WORKS

- (1) No person may terrify or cause stress or fear to any animal with fireworks or by any other means.

24. ANIMAL CRUELTY

- (1) Any person who

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes 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 purposes 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.

CHAPTER IV: DOG KENNELS, CATTERIES, PET SHOPS AND PET PARLOURS

25. PERMISSION TO OPERATE

- (1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of the municipality, which permission may be subject to conditions.
- (2) Application for permission must be done on an application form obtainable from the municipality.
- (3) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.
- (4) A person who contravenes any provision of this section commits an offence.

CHAPTER V: CO-OPERATION BETWEEN MUNICIPALITIES

26. SERVICE DELIVERY ARRANGEMENTS

In an effort to achieve optimal service delivery in terms of this by-law, the municipality may enter into agreement with the district municipality with which legislative and executive powers is shared, in respect of the following:

- (a) the practical arrangement with regard to the execution of the provisions of this by-law;
- (b) the imposition and enforcements of conditions with regard to any application in terms of this by-law, in so far as such conditions pertain to the functions and powers performed by the district municipality;
- (c) the recovery of costs and expenses related to any action in terms of this by-law;
- (d) subject to the provisions of **section 86** of the municipal structures act, mechanisms for the settlement of disputes with regard to execution of powers of functions in terms of this by-law or the matters on which have been agreed;
- (e) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this by-law.

CHAPTER VI: POWERS OF MUNICIPALITY IN CASE OF OMISSION BY DISTRICT MUNICIPALITY

27. FAILURE OR OMISSION BY DISTRICT MUNICIPALITY

- (1) If the municipality is of the opinion that optimal service delivery referred to in **section 26** in its area of jurisdiction is impeded by the refusal or omission by district municipality to execute any of the practical arrangements envisaged in **section 26(a)**, it may serve written notice on such district municipality to give effect or adhere to such arrangement within reasonable time. upon failure to adhere to such notice, the municipality may proceed to give effect to such arrangement.

- (2) Any expenses or cost incurred by the municipality in giving effect to any arrangement referred to in **subsection (1)** may be recovered from the district municipality.

CHAPTER VII:

28. NOISE NUISANCE

No person shall in a public place;

- (1) cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, causing a nuisance to other persons;
- (2) permit noise from a private residence or business to be audible in a public place, except for the purpose of loud speaker announcements for public meetings or due to actions of street entertainers;
- (3) at any time during the day or night disturb the public peace in any public or private place or premises or street by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by playing loud music from any motor vehicle or vehicle, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- (4) advertise wares or services in any street or public place by means of any megaphone, loudspeaker or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
- (5) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used or any loudspeaker or other device for the reproduction or amplification of sound, in such a manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises in such a manner that it creates a public nuisance and materially interferes with the ordinary comfort, convenience, peace or quiet of other people.

CHAPTER VIII: GENERAL PROVISIONS

29. RIGHT OF ENTRY AND INSPECTION

- (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area where there is reasonable grounds to suspect that there is non-compliance with the provisions of this by-law.

- (2) When entering a premise in terms on **subsection (1)**, the authorised employee must on request by any person, identify him/herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspections.
- (4) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this by-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

30. SERVICE OF DOCUMENTS AND PROCESS

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person, when it has been delivered to him personally;
 - (a) when it has been left at his place of residence or business in the republic with a person apparently over the age of 16;
 - (b) when it has been posted or registered by certified mail to his/her last known residential or businesses address in republic and an acknowledgement of the posting thereof is produced;
 - (c) if his address in the republic is unknown, when it has been served on his agent or representative in the republic in the manner provided by **section (a) and (b)**; or
 - (d) if his address and agent in the republic is unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him, but shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

31. TRANSITIONAL PROVISIONS

A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in **section 15**, may continue to keep such larger number of animals, but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, unless permission is obtained from the municipality for exceeding that number.

32. APPEAL

- (1) A person whose rights are affected by a decision taken by a political structure, political office-bearer, councillor or staff member of a municipality in terms of a power of duty delegated or sub-delegated by a delegating authority to the political structure, political office-bearer, councillor or staff member may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in **subsection (4)**.
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by;
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority
 - (b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority or a political structure or political office-bearer, or a councillor;
 - (i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or
 - (ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority, where the council comprises more than 14 councillors.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other application law.

33. OFFENCES AND PENALTIES

- (1) A person who—
 - (a) contravenes or fails to comply with any provisions of this By-law or with any order or notice lawfully issued thereunder commits an offence; and
 - (b) continue to commit an offence after notice has been served on him or her to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.
- (2) Any person convicted of an offence under this By-law shall be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding two years.

- (3) Any court convicting any person of keeping any animal which is not kept under control in accordance with the provisions of the By-law may, in addition to the penalty referred to in subsection (2), order the destruction of the animal concerned, and thereupon an authorised official may destroy such animal.

34. EXEMPTION

Notwithstanding the provisions of this by-law, the municipality may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements deems appropriate.

35. REPEAL OF BY-LAWS

The by-laws listed in **Schedule A** are hereby repealed to the extent in the third column thereof.

36. SHORT TITLE AND COMMENCEMENT

This by-law shall be known as the "By-law relating to Public Nuisance and the Keeping of Animals" and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE A

BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF STELLENBOSCH		
PN No.	Short title	Extent of repeal
<i>PN 683/1984</i>	Stellenbosch Municipality: By-law relating to the control and Keeping of Dogs	Whole
<i>PN 667/1994</i>	Amendment to the Dog Control By-law	Whole
<i>PN 539/1995</i>	Municipality for the area of Franschhoek: By-law on the Prevention and Suppression of Nuisances	Whole
<i>PN 180/1998</i>	Stellenbosch Transitional Local Council: By-law on the Prevention and Suppression of Nuisances	Whole
<i>PN 6011/2003</i>	Stellenbosch Municipality: By-law for the Control of Certain Offences in Public Places	Whole

STELLENBOSCH MUNISIPALITEIT

Kragtens die bevoegdheid wat artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, soos gewysig, in samehang met artikel 13 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) aan Stellenbosch Munisipaliteit verleen, verorden die munisipaliteit soos volg:

**VERORDENING OP DIE VOORKOMING VAN OPENBARE STEURNISSE EN
DIE AANHOU VAN DIERE****INHOUDSOPGAWE**

1. Woordomskrywing
2. Toepassing van verordening

**HOOFSTUK I: ALGEMENE BEPALINGS MET BETREKKING TOT OPENBARE
STEURNISSE**

3. Optrede en gedrag

**HOOFSTUK II: ALGEMENE BEPALINGS MET BETREKKING TOT DIE AANHOU VAN
DIERE**

4. Toestemming om diere aan te hou
5. Die aanhou van honde
6. Planne vir strukture, en bestuur
7. Oorweging van aansoeke en oplegging van voorwaardes
8. Sigbaarheid van strukture op perseel
9. Afstanddoening van vereistes en herroeping van toestemming
10. Geldigheid van toestemming
11. Pligte van diegene wat diere besit of aanhou
12. Diere wat op 'n onbevredigende wyse aangehou word
13. Genadedood van diere
14. Smous met diere

**HOOFSTUK III: BEPALINGS MET BETREKKING TOT DIE AANHOU VAN HONDE,
KATTE EN TROETELDIERE****DEEL 1 – ALGEMENE BEPALINGS MET BETREKKING TOT HONDE, KATTE EN
TROETELDIERE**

15. Getal honde en katte
16. Honde- en kattetelers

17. Troeteldiertelers
18. Voorwaardes en beperkings
19. Herroeping van toestemming
20. Honde of katte in openbare plekke

DEEL 2 – SPESIFIEKE BEPALINGS OOR HONDE

21. Beheer van honde
22. Omheining van eiendom
23. Vuurwerke
24. Diere wreedheid

HOOFSTUK IV: HONDEHAWENS, KATTEHAWENS, TROETELDIERWINKELS EN TROETELDIERSALONNE

25. Bedryfstoestemming

HOOFSTUK V: SAMEWERKING TUSSEN MUNISIPALITEITE

26. Diensleweringssreëlins

HOOFSTUK VI: BEVOEGDHEDE VAN MUNISIPALITEIT IN GEVAL VAN VERSUIM DEUR DISTRIKSMUNISIPALITEIT

27. Versuim of nalating deur 'n distriksmunisipaliteit

HOOFSTUK VII: GERAASSTEURNIS

28. Geraassteurnis

HOOFSTUK VIII: ALGEMENE BEPALINGS

29. Reg van toegang en inspeksie
30. Betekening van dokumente, en proses
31. Oorgangsbepalings
32. Appèl
33. Oortredings en strawwe
34. Vrystelling
35. Herroeping van verordeninge
36. Kort titel en inwerkingtreding

1. WOORDOMSKRYWING

In hierdie verordening, tensy die konteks anders aandui, sluit verwysings na die manlike geslag ook die vroulike geslag in; sluit enkelvoud ook meervoud in, en omgekeerd; geld die Afrikaanse teks in geval van teenstrydigheid tussen die verskillende tekste, en beteken:

“dier” enige perd, bees, skaap, bok, pluimvee, kameel, hond, kat of ander huisdier of -voël, of enige wilde dier of reptiel wat in ’n ingeslote ruimte aangehou word of onder ’n persoon se beheer is;

“distriksmunisipaliteit” die Kaapse Wynland Distriksmunisipaliteit wat tot stand gebring is ingevolge **artikel 12** van die **Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998)**, **Provinsiale Kennisgewing 480 van 22 September 2000**, soos gewysig deur **Provinsiale Kennisgewing 162 van 20 Augustus 2004**, wat insluit enige politieke struktuur, politieke ampsdraer, raadslid, werknemer of behoorlik gemagtigde agent wat in verband met hierdie verordening optree op grond van ’n bevoegdheid wat by die munisipaliteit berus en aan sodanige politieke struktuur, politieke ampsdraer, raadslid, werknemer of behoorlik gemagtigde agent gedelegeer of gesubdelegeer is;

“eienaar”:

- (a) in verband met enige dier, onder meer die persoon wat in besit of bevel van sodanige dier is, of wat toesig of beheer daarvoor het;
- (b) in verband met ’n openbare steurnis soos wat in **HOOFSTUK III: DEEL 1** van hierdie verordening beoog word;
 - (i) die persoon of persone in wie die wettige eiendomsreg van enige vaste eiendom van tyd tot tyd gesetel is;
 - (ii) in enige geval waar die eiendom aan ’n geregistreerde huurooreenkoms onderworpe is, die huurder van sodanige eiendom;
 - (iii) in gevalle waar die persoon in wie die wettige eiendomsreg setel insolvent of oorlede is, of geestesongesteld is, of waar sy boedel ten bate van sy skuldeisers toegeken is, die persoon by wie die administrasie van die eiendom as trustee, eksekuteur, kurator, gevolmagtigde of administrateur berus;
 - (iv) in enige geval waar die eiendom ingevolge ’n serwituut of soortgelyke reg voordelig beset word, die besetter van sodanige eiendom;

“gemagtigde beampte” beteken—

- (a) ’n aangewese persoon;
- (b) ’n lid van die diens soos vervat in Artikel 1 van die Suid-Afrikaanse Polisie Dienswet, 1995 (Wet 68 van 1995)
- (c) ’n munisipale polisie beampte of ’n wetstoepassingsbeampte aangestel in terme van enige Wet; of

(d) 'n persoon wie as 'n Vredesbeampte verklaar is in terme van Artikel 334(1) van die Strafproseswet, 1977 (Wet 51 van 1977)

(e) 'n Lid van die Diere Welsynsvereniging of Organisasie vir die voorkoming van wreedheid van diere

“gesondheidsoorlas” beteken enige aktiwiteit, toestand, perseel of ding wat, ter wille van uitvloei, dampe, chemiese uitvloei, reuke, geraas, vibrasie, bestraling, vullis, afval produkte, vuil, chemiese of biochemiese materiaal, mikrobiële infeksie, ongediertes, plantegroei, oorbevolking, 'n gebrek aan behoorlike algemene higiëne, ventilasie, beligting, ontwerp, situasie of weens enige ander oorsaak of praktyk hoegenaamd, is/ is die mening van die Kaapse Wynland Distriksmunisipaliteit of 'n behoorlik gemagtigde werknemer van die Distriksmunisipaliteit potensieel nadelig of gevaarlik vir die gesondheid of wat is/ is offensief, insluitend, sonder dat die algemeenheid van die voorafgaande, enige fasiliteit vir die stoor, verspreiding of hantering van water wat waarskynlik gebruik word deur 'n mens vir huishoudelike doeleindes of verbruik, insluitende sulke water self, wat besmet of besoedel;

“gidshond” beteken 'n hond wat opgelei is om 'n blinde persoon of 'n swaksiende persoon te assisteer en sluit dit 'n diens hond in wat opgelei is om 'n persoon wat geestelik of fisies gestremd is te assisteer.

“hondehawe” beteken 'n perseel waarin of waarop—

- (a) huisvesting fasiliteite vir honde gehou word;
- (b) honde geteel vir kommersiële doeleindes;
- (c) honde aangehou vir die doeleindes van opgelei of verhuur met of sonder hanteerders; of
- (d) honde aangehou vir kommersiële sekuriteit doeleindes;

“kattehawe” enige onderneming waar katte geteel of van verblyf voorsien word;

“munisipale bestuurder” 'n persoon wat ingevolge **artikel 54A** van die **Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000)** aangestel is, met inbegrip van enige persoon;

- (a) wat in sodanige amp waarneem; en
- (b) aan wie die munisipale bestuurder enige bevoegdheid, mag of verantwoordelikheid oorgedra het in soverre dit verband hou met die uitvoering van daardie bevoegdhede, magte of pligte;

“munisipaliteit” die munisipaliteit van Stellenbosch wat tot stand gebring is ingevolge **artikel 12** van die **Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998)**, **Provinsiale Kennisgewing 5642 van 4 Desember 2000**, wat insluit enige politieke struktuur, politieke ampsdraer, raadslid, werknemer of behoorlik gemagtigde agent wat in verband met hierdie verordening optree op grond van ’n bevoegdheid wat by die munisipaliteit berus en aan sodanige politieke struktuur, politieke ampsdraer, raadslid, werknemer of behoorlik gemagtigde agent gedelegeer of gesubdelegeer is;

“openbare plek” enige 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 aktesregistrasiekantoor of ’n landmeter-generaalskantoor, en wat voorsien of opsygesit is vir gebruik deur die publiek of die eienaars of selfs in sodanige dorp;

“openbare steurnis” enige handeling, versuim of toestand op enige perseel, met inbegrip van enige gebou, struktuur of plantegroei daarop, wat aanstootlik of gevaarlik is, of wat wesenlik inmeng met die gewone gemak, gerief, rus of vrede van ander mense, of wat die publiek se veiligheid in gedrang bring;

“perseel”:

- (a) grond of ’n gedeelte grond, ongeag of ’n gebou of struktuur op sodanige grond of gedeelte daarvan gebou of opgerig is;
- (b) ’n gebou, struktuur, tent of karavaan en die grond waarop dit geleë is, met inbegrip van enige voertuig, rytuig, skip of boot;

“permit” beteken die geskrewe toestemming uitgereik deur die Raad in terme van hierdie verordening

“pluimvee” ’n hoender, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, kwartel, eksotiese of inheemse wilde voels, pou of voël, ongeag of dit mak of wild is;

“straat” enige pad, straat of deurgang of enige ander plek (hetsy ’n deurgang of nie) wat algemeen deur die publiek of enige gedeelte daarvan gebruik word, of waartoe die publiek of enige gedeelte daarvan ’n reg van toegang het, met inbegrip van:

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif wat deur enige sodanige pad, straat of deurgang oorgesteek kan word; en

(c) enige ander werke of voorwerpe wat deel uitmaak van, verbind is aan of behoort tot so 'n pad, straat of deurgang;

“struktuur” enige stal, skuthok, varkhok, kraal, voëlhok, veekamp, dekkingstruktuur, hoenderhuis, afkamping, loophok, solder of gebou wat vir menslike skuiling of vir die aanhou of inkamping van diere gebruik word;

“troeteldier” 'n mak dier wat vir geselskap en vermaak in 'n huishouding aangehou word;

“troeteldiersalon” 'n onderneming vir die kosmetiese versorging van troeteldiere;

“troeteldierwinkel” 'n onderneming waar troeteldiere vir handelsdoeleindes aangehou word;

“verantwoordelike owerheid” die Kaapse Wynland Distriksmunisipaliteit of enige nasionale of provinsiale departement wat ingevolge sy magte en bevoegdhede voorwaardes of beperkings met betrekking tot die aanhou van diere kan opleë; en

“voël” 'n duif, pou, fisant, patrys, kanarie, budjie, papegaai, volstruis en enige ander mak voël of wilde voël wat in 'n ingeslote ruimte aangehou word of onder 'n persoon se beheer is.

“Woonhuis” beteken 'n woning ontwerp vir 'n gebruik as 'n huis vir 'n familie op 'n perseel wat nie meer as twee geboue beslaan nie.

“Woon eenheid” beteken 'n inter-verbind suite of kamer insluitend 'n kombuis of opwaskamer ontwerp vir okkupasie deur 'n enkel familie, anders as by 'n woonhuis, ongeag of sodanige eenheid 'n enkel gebou is of deel uitmaak van 'n gebou wat uit meer as twee of meer eenhede bestaan.

2. TOEPASSING VAN VERORDENING

(1) Die bepalings van **artikel 4(1), 15(1)** en **28** is nie van toepassing nie op:

- (a) 'n perseel of grond wat vir bona fide-landboudoeleindes gebruik word; of
- (b) 'n perseel of grond wat deur die munisipaliteit aangewys is as 'n perseel of grond waar die aanhou van diere of die bedryf van troeteldiersalonne, troeteldierwinkels of kattehawens en hondehawens toegelaat word, en wat as sodanig aangedui word in 'n goedgekeurde ruimtelike ontwikkelingsraamwerk en soneringskema.

(2) 'n Persoon wat diere aanhou op 'n perseel wat in **subartikel (1)(a)** en **(b)** beoog word, is nie vrygestel van die bepalings van enige ander verordeninge van die toepaslike munisipaliteit of van wetgewing met betrekking tot die veroorsaking of voortbrenging van 'n openbare steurnis nie.

HOOFSTUK I: ALGEMENE BEPALINGS MET BETREKKING TOT OPENBARE STEURNISSE

3. OPTREDE EN GEDRAG

(1) Ondanks die bepalings van enige ander verordening, mag geen persoon:

- (a) werk doen op enige perseel, of enige gebou of grond gebruik, vir doeleindes wat daarop bereken is om sodanige perseel te skend, of met die gemak of gerief van ander mense in te meng, of 'n bron van gevaar vir enige persoon in te hou nie;
- (b) enige ambag, saak, beroep of stokperdjie beoefen op enige perseel in die munisipale gebied wat na die munisipaliteit se mening 'n bron van ongerief of ergernis vir ander mense is of kan word nie;
- (c) enige vrugte- of groenteskille, stukkende bottels, glas, vullis of iets aanstootliks wat waarskynlik ergernis, gevaar of beserings vir persone sal veroorsaak, in of op enige perseel, straat of openbare plek neersit, laat, stort, gooi of plaas nie;
- (d) die omheining van enige perseel so laat verval of onooglik of bouvallig laat raak dat dit na die munisipaliteit se mening 'n bron van gevaar, ongerief of ergernis vir ander mense kan wees of word nie;
- (e) enige gebou of struktuur of enige gedeelte daarvan in 'n bouvallige, verwaarloosde of onooglike toestand laat verval, of versuim om die dakgeute, pype, rioolpype, dreins, watertoebehore, stormwatertoebehore, spoelklosettoebehore en alle ander bybehore wat deel uitmaak van of geheg is aan enige gebou of struktuur in 'n goeie toestand te hou, of versuim om die mure van enige gebou of enige struktuur vogbestand te hou, in so 'n mate dat dit na die munisipaliteit se mening 'n bron van gevaar, ongerief of ergernis vir ander mense kan wees of word nie;
- (f) enige stoep en/of veranda van enige winkel of sakeperseel gebruik of laat gebruik vir die berging, opstapeling, storting, wegdoening, tentoonstelling of hou van artikels of handelsware wat na die munisipaliteit se mening 'n bron van gevaar, ongerief of ergernis vir ander mense kan wees of word nie;
- (g) enige winkel of sakeperseel of onbeboude grond wat aan sodanige winkel of sakeperseel of enige gedeelte daarvan grens, en wat oop of sigbaar is vir die publiek, gebruik of laat gebruik vir die berging, opstapeling, storting, wegdoening, tentoonstelling of hou van enige afvalmateriaal, vullis, kartonne, kratte, houters of ander artikels van 'n soortgelyke aard wat na die munisipaliteit se mening 'n bron van gevaar, ongerief of ergernis vir ander mense kan wees of word nie;
- (h) enige stoep of veranda van enige winkel of sakeperseel afkamp of laat afkamp met behulp van nie-vaste of vaste strukture, voorwerpe, artikels of toestelle anders as wat die munisipaliteit dalk kan goedkeur nie;
- (i) die ontwigting van die gewone gemak, gerief, rus of vrede van ander mense deur die aanwending of gebruik van elektriese toestelle, masjinerie, stukkende lugversorgingseenhede of soortgelyke toestelle of toerusting veroorsaak of toelaat nie;
- (j) toelaat dat 'n alarmsirene of soortgelyke geraas by 'n privaat woning of sakeperseel vir langer as vyf (5) minute ononderbroke lui nie;

- (k) toelaat dat die klank van 'n alarmsirene of soortgelyke geraas by 'n privaat woning of sakeperseel snags en gedurende die dag daarná 'n steurnis veroorsaak nie, selfs al is dit met tussenposes;
 - (l) 'n toilet wat in 'n openbare gebou of openbare plek voorsien word, bevuil, misbruik of beskadig nie;
 - (m) enige afkeurenswaardige materiaal of ding wat aanstootlik, gevaarlik of skadelik vir gesondheid is of kan word, hetsy in vloeibare of vaste vorm, deur of in enige straat of openbare plek dra of vervoer of laat dra of vervoer nie, tensy sodanige afkeurenswaardige materiaal of ding bedek is met 'n geskikte materiaal om te keer dat enige steurnis veroorsaak word;
 - (n) enige artikel of ding van enige aard wat na die munisipaliteit se mening afvalmateriaal is of 'n obstruksie in enige straat, openbare plek of beboude of onbeboude perseel of grond kan wees, versamel, stort, berg of plaas nie, en waar sodanige optrede met die toestemming van die munisipaliteit geskied en enige goedkeuringsvoorwaardes of klagtes van die algemene publiek verontagsaam word, kan die munisipaliteit ingevolge **subartikel (2)** optree;
 - (o) toelaat dat enige erf so begroei raak van bosse, onkruid of gras of ander plantegroei buiten gekweekte bome, struik of gras dat dit kan dien as skuilplek vir rondlopers, wilde diere, plaë of ongediertes of die veiligheid van enige lid van die gemeenskap kan bedreig nie;
 - (p) deur direkte of indirekte optrede of nalatigheid toelaat dat 'n steurnis veroorsaak of voortgesit word nie;
 - (q) homself, of enige dier, artikel of kledingstuk, of enige ander artikel of ding, bad of was in enige openbare stroom, poel of water om of by enige openbare standkraan of fontein of by enige plek wat nie deur die munisipaliteit vir daardie doeleinde aangewys is nie;
 - (r) in enige straat of openbare plek enige skel- of dreigtaal gebruik of enige handeling uitvoer wat 'n ontwrigting van die openbare vrede kan veroorsaak of daarop bereken is nie;
 - (s) enige voertuig of deel daarvan in enige straat of openbare plek skoonmaak of was nie;
 - (t) enige vuurwapen, luggeweer of luggestool op enige perseel afvuur nie, buiten 'n perseel of grond wat vir landboudoeleindes gesoneer is en wat nie deel uitmaak van 'n algemene dorpsplan nie.
- (2)(a) In geval van 'n oortreding van **artikel 3(1)(a) tot (t)** kan die munisipaliteit 'n kennisgewing aan die eienaar of besetter of die beweerde oortreder uitreik om die handeling te beëindig of die steurnis uit die weg te ruim. In geval van nievoldoening aan sodanige bevel, en met behoud van die munisipaliteit se reg van vervolging, kan die munisipaliteit die nodige stappe doen om die oorsaak of bron van die steurnis uit die weg te ruim, en is enige koste wat in verband daarmee aangegaan word, verhaalbaar van die persoon wat vir die steurnis verantwoordelik is, of van die eienaar of besetter van die perseel waarop die steurnis ontstaan het of voortgesit word, ongeag of sodanige eienaar daarvoor verantwoordelik is.

- (b) Waar 'n persoon voldoen aan 'n kennisgewing wat ingevolge **subartikel (a)** uitgereik is, kan die munisipaliteit sodanige persoon versoek om aansoek te doen om 'n voldoeningstifikaat, wat die munisipaliteit sal uitreik sodra die steurnis uit die weg geruim of die handeling wat 'n steurnis veroorsaak het, beëindig is.
- (c) Waar die munisipaliteit oor bewyse beskik dat enige onbeboude of bouvallige perseel of grond in die omgewing van 'n straat vir enige doeleinde deur ongemagtigde persone gebruik word, of dat enige van die materiale of dinge wat in **subartikel 3(1)** genoem word op sodanige perseel gestort of geplaas word, kan die munisipaliteit 'n skriftelike kennisgewing aan die eienaar of die besetter beteken wat hom versoek om die perseel of grond tot bevrediging van die munisipaliteit af te kamp of te omhein teen 'n datum wat in die kennisgewing bepaal word. Elke sodanige afkamping of omheining moet ten minste twee meter hoog wees en van so 'n aard en konstruksie dat dit toegang deur ongemagtigde persone en die storting of plasing van materiale en dinge op die perseel of grond doeltreffend sal voorkom.
- (3) Vir die toepassing van hierdie verordening word enige handeling of toestand op enige perseel, met inbegrip van enige gebou, struktuur of plantegroei daarop, wat na die munisipaliteit se mening die veiligheid van enige persoon of eiendom bedreig, of wat onnet, ergerlik, hinderlik of aanstootlik is, of ander mense se vrede versteur, as 'n openbare steurnis beskou.
- (4) Enige persoon wat in stryd is met óf versuim om te voldoen aan enige bepalings van hierdie artikel, of versuim om gehoor te gee aan enige kennisgewing wat regmatig ingevolge hiervan uitgereik word, is skuldig aan 'n oortreding.

HOOFSTUK II: ALGEMENE BEPALINGS MET BETREKKING TOT DIE AANHOU VAN DIERE

4. TOESTEMMING OM DIERE AAN TE HOU

- (1) Geen persoon mag enige diere, wat troeteldiere uitsluit, sonder die skriftelike toestemming van die munisipaliteit op enige perseel of eiendom aanhou of laat aanhou nie.
- (2) Ten einde die aanhou van diere op persele te bestuur, kan die munisipaliteit die getal byekorwe en die soort, getal en geslag van diere bepaal wat aangehou mag word, sowel as die areas waarin die aanhou van sodanige diere en bye verbied word.
- (3) Om 'n aansoek om toestemming ingevolge **subartikel (1)** te oorweeg, kan die munisipaliteit die menings of kommentaar van die eienaar of besetters van omliggende persele inwin.

5. DIE AANHOU VAN HONDE

A. Verantwoordelikhede van eienaars

Geen persoon sal toelaat dat enige hond deur hom/ haarself besit word;

Wat na die oordeel van 'n gemagtigde amptenaar kwaai, boos of gevaarlik in 'n openbare straat of openbare plek is, tensy dit menslik gemuilband en aan 'n leiband en onder beheer is nie.

B. Aanspreeklikheid van hondeienaars

- (1) Ongeag 'n hondeenaar se skuld, nalatigheid of kennis van sy hond se geneigdheid om te byt of aan te val, is die eenaar aanspreeklik vir skade wat spruit uit 'n byt of aanval, waar daar beweer word dat;
- (i) 'n hond gebyt of aangeval het; of
 - (ii) die hond se gedrag 'n gevaar vir die veiligheid van persone of huisdiere inhou; of
 - (iii) 'n eenaar nie redelike voorsorgmaatreëls getref het om te keer dat 'n hond byt of aanval of 'n gevaar vir die veiligheid van persone of huisdiere inhou nie; of
 - (v) 'n eenaar nie redelike voorsorgmaatreëls getref het om te keer dat 'n hond 'n persoon of huisdier byt of aanval nie; of
 - (iv) 'n eenaar nie redelike voorsorgmaatreëls getref het om te keer dat 'n hond gedrag toon wat 'n gevaar vir die veiligheid van persone of huisdiere inhou nie.

C. Omvang van aanspreeklikheid

Die aanspreeklikheid van die eenaar hang nie af van sy kennis van die hond se geneigdheid om te byt of aan te val, of die eenaar se skuld of nalatigheid nie, maar die hof sal die betaalbare skadevergoeding verminder eweredig aan die mate, indien enige, waarin die skuld of nalatigheid van die eiser die skade veroorsaak of daartoe bygedra het.

D. Beskerming van persone of eiendom

Waar 'n persoon op 'n perseel is met die opset of in die proses is om daar 'n misdryf te pleeg, en gevolglik skade opdoen vanweë 'n hondbyt of -aanval, is die eenaar nie aanspreeklik ingevolge hierdie verordening nie.

Honde sal nie 'n bron van gevaar wees;

- (1) Enige persoon wat 'n hond op enige perseel aanhou, sal sodanige hond op so 'n wyse aanhou dat dit nie 'n bron van gevaar vir enige van die Raad se werknemers wees wanneer sodanige perseel binnegegaan word vir die doel om hul dienste uit te voer nie; en of
- (2) 'n Kennisgewing dat 'n hond op die perseel aangehou word sal op 'n opsigtelike plek by elke ingangspunt van sodanige perseel vertoon word.

E. Voorbeelde van maatreëls vir meer doeltreffende beheer

- (1) Inperking van die hond tot eiendom van eienaar
- (2) Intoming van die hond met behulp van 'n leiband
- (3) Intoming van die hond met behulp van 'n muilband
- (4) Aanbring van waarskuwingstekens

F. Eienaar moet keer dat hond aanval

Die eienaar van 'n hond moet redelike voorsorgmaatreëls tref om te keer dat die hond:

- (a) 'n persoon of huisdier byt of aanval; of
- (b) gedrag toon wat 'n gevaar vir die veiligheid van persone of huisdiere inhou.

G. Wetstoepassingsbeamptes

- (1) 'n Aangewese wetstoepassingsbeampte sal lasbriewe kan verkry om 'n hond van 'n bepaalde plek te verwyder indien dit nie in die belang van openbare veiligheid is om die hond daar te hê nie.
- (2) *Aangewese vredesbeamptes sal in dringende omstandighede 'n reg van toegang sonder 'n lasbrief hê. Dringende omstandighede sluit in omstandighede waar daar redelike gronde bestaan om te glo dat toegang sonder 'n lasbrief nodig is om dreigende liggaamlike besering of die dood van enige persoon of huisdier te voorkom.*

H Sterilisasie van honde

'n Gemagtigde beampte mag 'n hond laat steriliseer sou hy of sy dit nodig ag;

- (1) In die belang van die welstand van die hond;
- (2) Om steurnisse te verhoed; en
- (3) Wanneer 'n hond verlate gevind word.
- (4) Die eienaar van 'n gesteriliseerde hond moet bewys van 'n geregistreerde veearts verkry as bewys dat die hond gesteriliseer is

en moet sodanige bewys van dokumente beskikbaar stel vir inspeksie deur 'n gemagtigde beampte.

6. PLANNE VIR STRUKTURE, EN BESTUUR

- (1) 'n Aansoek om die aanhou van diere moet ingedien word op 'n aansoekvorm wat by die munisipaliteit beskikbaar is, en moet vergesel word van 'n uitvoerige terreinplan wat alle bestaande of voorgestelde strukture en heinings aandui op die perseel waarvoor die permit vereis word.
- (2) Uitvoerige planne van voorgestelde strukture vir die aanhou van diere, volgens die spesifikasies wat van die munisipaliteit bekom kan word, moet die aansoek in **artikel 4** vergesel, en sodanige planne moet deur die munisipaliteit goedgekeur word.
- (3) Waar dit moontlik is, moet 'n uiteensetting van die getalle, soort en geslag van diere die planne in **subartikel (2)** vergesel.

7. OORWEGING VAN AANSOEKE EN OPLEGGING VAN VOORWAARDES

- (1) Die munisipaliteit kan toestemming verleen of weier ná die oorweging van:
 - (a) die menings of kommentaar wat ingevolge **artikel 4(3)** verkry is;
 - (b) die ligging, geografiese kenmerke of grootte van die perseel met betrekking waartoe die aansoek ingedien word;
 - (c) die dokumente en uiteensettings wat ingevolge **artikel 6** ingedien word; of
 - (d) enige ander inligting met betrekking tot die aansoek.
- (2) Waar toestemming geweier word, moet die munisipaliteit die aansoeker van die redes vir sodanige weiering voorsien en hom terselfdertyd van sy reg van appèl ingevolge **artikel 29** in kennis stel.
- (3) Waar toestemming verleen word, kan die munisipaliteit voorwaardes oplê.

8. SIGBAARHEID VAN STRUKTURE OP PERSEEL

Alle strukture waarin diere aangehou word, moet op gepaste wyse van enige straat afgeskerm word.

9. AFSTANDDOENING VAN VEREISTES EN HERROEPING VAN TOESTEMMING

Ondanks voormelde bepalings, kan die munisipaliteit ná oorweging van die voorwaardes met betrekking tot die eiendom, en mits geen beswaar van die eienaars of besetters van die omliggende persele ontvang word nie, afstand doen van enige van of al die vereistes van hierdie gedeelte, en ander voorwaardes oplê waar dit van toepassing is, en kan die munisipaliteit voorts enige toestemming ingevolge **artikel 7(3)** herroep indien enige van die voorwaardes daarin verontagsaam word.

10. GELDIGHEID VAN TOESTEMMING

Alle toestemming vir die aanhou van diere wat verleen is ingevolge enige verordening of regulasie wat intussen herroep is, word beskou asof dit ingevolge hierdie verordening verleen is.

11. PLIGTE VAN DIEGENE WAT DIERE BESIT OF AANHOU

Diegene wat diere besit of aanhou:

- (a) mag nie veroorsaak of toelaat dat 'n dier met die gewone gerief, gemak, rus of vrede van ander mense inmeng nie;
- (b) moet sodanige dier daagliks van slaapgoed, skuiling, water en behoorlike kos voorsien asook die nodige veeartsenykundige behandeling; en
- (c) moet te alle tye die perseel waarop die diere aangehou word in stand hou en alle by- en toebehore in 'n goeie en netjiese toestand hou ten einde 'n openbare steurnis te voorkom.

12. DIERE WAT OP 'N ONBEVREDIGENDE WYSE AANGEHOU WORD

Wanneer diere ook al op enige perseel aangehou word, ongeag of sodanige perseel ingevolge hierdie verordening deur die munisipaliteit goedgekeur is, en sodanige diere veroorsaak 'n openbare steurnis, kan die munisipaliteit by wyse van 'n skriftelike kennisgewing die eienaar of besetter van sodanige perseel versoek om binne 'n tydperk wat in sodanige kennisgewing bepaal word, dog minstens 24 uur na die datum van die kennisgewing, die oorsaak van die steurnis uit die weg te ruim en so op te tree of sodanige stappe te doen as wat nodig kan wees om die voorkoming van sodanige steurnis te verseker.

13. GENADEDOD VAN DIERE

(1) Die munisipaliteit kan gelas dat 'n dier van kant gemaak word wat:

- (a) gevaarlik of verwoed is;
- (b) in so 'n mate beseer of siek is dat dit menslik sou wees om dit te doen.

(2) Diere wat ingevolge **artikel (1)** van kant gemaak word, moet deur 'n gekwalifiseerde veeartsenykundige of onder die toesig van 'n gekwalifiseerde veeartsenykundige, met sodanige instrumente of toestelle en op so 'n wyse van kant gemaak word dat dit die minste moontlike lyding veroorsaak.

14. SMOUS MET DIERE

- (1) Geen persoon mag met 'n dier smous:
 - (a) in 'n straat of openbare plek nie; of
 - (b) in of vanaf/vanuit 'n nie-vaste struktuur of verskuifbare voertuig nie.
- (2) 'n Persoon wat in stryd is met enige van die bepalings van **artikel 4, 5, 7, 10 en 11** sowel as **subartikel (1)** hierbo begaan 'n oortreding.

HOOFSTUK III: BEPALINGS MET BETREKKING TOT DIE AANHOU VAN HONDE, KATTE EN TROETELDIERE

DEEL 1 – ALGEMENE BEPALINGS MET BETREKKING TOT HONDE, KATTE EN TROETELDIERE

15. GETAL HONDE EN KATTE

- (1) Onderworpe aan die bepalings van **artikel 16** mag geen persoon op enige perseel:
 - (a) meer as twee honde; en
 - (b) meer as twee katte,sonder die toestemming van die munisipaliteit aanhou nie.
- (2) 'n Aansoek ingevolge **subartikel (1)** moet ingedien word op 'n aansoekvorm wat by die munisipaliteit beskikbaar is, en moet 'n uiteensetting insluit van die ras, geslag en getal honde en katte waarom daar aansoek gedoen word.
- (3) 'n Beperking ingevolge **artikel 18** op die getal diere wat op die perseel aangehou mag word, geld nie vir 'n tydperk van 10 weke na die geboorte van die werpsel van 'n dier ingevolge 'n permit nie.
- (4) Die bepalings van hierdie gedeelte sal nie van toepassing wees op 'n persoon wie se permit om 'n hond, kat of enige ander dier aan te hou gekanselleer was of voorheen 'n hond, kat of ander dier verwyder was van sy of haar sorg of voorheen 'n kriminele skuldigbevinding of siviele bevel teen hom of haar geahd het insover dit wreedheid van diere aangaan, mag nie 'n hond, kat of ander dier aanhou, tensy deur 'n hof anders besluit is.

16. HONDE- EN KATTETELERS

- (1) 'n Hondeteler wat meer as twee honde wil aanhou, of 'n katteteler wat meer as twee katte wil aanhou, moet toestemming van die munisipaliteit bekom.

- (2) 'n Aansoek ingevolge **subartikel (1)** moet ingedien word in die vorm wat die munisipaliteit voorskryf, en moet 'n uiteensetting bevat van die ras, geslag en getal honde of katte waarom daar aansoek gedoen word.
- (3) Planne en spesifikasies van voorgestelde strukture vir die aanhou van honde en katte, sowel as 'n terreinplan wat alle bestaande of voorgestelde strukture en omheinings aandui op die perseel waarvoor die permit vereis word, moet die aansoek in **subartikel (1)** vergesel, en sodanige planne moet deur die munisipaliteit goedgekeur word.

17. TROETELDIERTEELERS

- (1) 'n Persoon wat met troeteldiere teel, moet toestemming van die munisipaliteit bekom.
- (2) Die bepalings van **artikel 16(2)** en **(3)** is, met die nodige aanpassings, van toepassing op 'n aansoek ingevolge **subartikel (1)**.

18. VOORWAARDES EN BEPERKINGS

Die munisipaliteit se toestemming ingevolge **artikel 4, 15(1), 16(1)** en **22(1)** word verleen onderworpe aan sodanige voorwaardes en beperkings as wat die munisipaliteit in oorleg met 'n ander verantwoordelike owerheid goeddink om op te lê.

19. HERROEPING VAN TOESTEMMING

- (1) Waar 'n persoon in stryd is met óf versuim om te voldoen aan 'n voorwaarde of beperking wat **artikel 18** beoog, kan die munisipaliteit, nadat daardie persoon aangehoor is, die toestemming herroep en gelas dat die diere van die perseel verwyder en in die sorg en bewaring van 'n dierewelsynsorganisasie of skut geplaas word.
- (2) Enige koste wat die munisipaliteit vir die verwydering en bewaring van diere in **subartikel (1)** aangaan, is verhaalbaar van die persoon wat sodanige diere besit of aanhou.

20. HONDE IN OPENBARE PLEKKE

- (1) 'n Persoon wat 'n hond besit of aanhou, mag nie sodanige dier in 'n straat of openbare plek bring of toelaat nie, tensy 'n verantwoordelike persoon die hond aan 'n leiband hou.
- (2) Buiten in die geval van 'n blinde persoon wat deur 'n gidshond gelei word, moet 'n persoon in beheer van 'n hond in 'n straat of openbare plek enige ontlasting van die hond verwyder deur dit in papier of plastiek toe te draai en in 'n houer te plaas wat vir rommel of vullis voorsien is.

- (3) 'n Persoon wat in stryd is met enige van die bepalings van **artikel 15, 16 of 20** is skuldig aan 'n oortreding.

DEEL 2 – SPESIFIEKE BEPALINGS OOR HONDE

21. BEHEER VAN HONDE

- (1) Geen persoon mag:

- (a) toelaat dat 'n teef wat hy besit of aanhou en wat op hitte is, sonder toesig in 'n straat of openbare plek kom nie;
- (b) 'n hond aanhits om enige persoon of dier aan te val, lastig te val of af te skrik nie, buiten waar dit vereis word vir die verdediging van sodanige eersgenoemde persoon of sy eiendom;
- (c) 'n hond aanhou indien die perseel waar die hond aangehou word, nie behoorlik en voldoende omhein is om die dier binne te hou wanneer dit nie aan 'n leiband is nie;
- (d) toelaat dat 'n hond wat hy besit of aanhou:
 - (i) op privaat eiendom oortree nie;
 - (ii) in enige openbare pad of plek kom terwyl sodanige hond aan 'n aansteeklike of infeksiesiekte ly nie;
 - (iii) 'n gevaar vir die verkeer op enige openbare pad inhou nie;
 - (iv) 'n bron van gevaar of besering uitmaak, of na sy wete waarskynlik kan uitmaak, vir persone buite die perseel waarop sodanige hond aangehou word nie;
 - (v) 'n bron van gevaar uitmaak vir werknemers van die munisipaliteit wat sodanige perseel betree om hulle pligte uit te voer nie, en die persoon moet 'n kennisgewing met die strekking dat 'n hond op sodanige perseel aangehou word, op 'n opvallende plek vertoon.
- (e) enige hond aanhou wat:
 - (i) deur 'n geblaf, gekef, getjank of gekerm;
 - (ii) met die gewoonte om enige voertuig, diere, pluimvee, duiwe of persone buite enige perseel waarop die hond aangehou word, agterna te sit; of
 - (iii) deur enige ander gedrag,wesenlik met die gewone gerief, gemak, rus of vrede van bure inmeng nie.

- (2) Die munisipaliteit kan beslag lê op 'n hond wat in stryd met die bepalings van **artikel 21(1)(d)** in 'n straat of openbare plek aangetref word, en kan die hond skut by 'n plek wat die munisipaliteit aanwys.
- (3) Nieteenstaande die bepalings van subartikel 21 (2) , mag geen persoon of gemagtige beamppte enige hond of ander dier op beslag lê met die doel om dit te skut indien daar redelike gronde bestaan dat die hond of ander dier 'n vroulike

dier is met 'n ongespeende werpsel of kleintjies, tensy sodanige dier en die ongespeende werpsel of kleintjies ook op beslag gelê word.

- (4) 'n Hond wat ingevolge **subartikel (2)** geskut word, kan by die betaling van 'n fooi wat die munisipaliteit bepaal, vrygelaat en aan die betrokke eienaar oorhandig word.
- (5) 'n Hond wat ingevolge **subartikel (2)** geskut word, kan ná sewe dae van aanhouding verkoop of van kant gemaak word.
- (6) 'n Persoon wat in stryd is met enige bepaling van hierdie artikel begaan 'n oortreding.

22. OMHEINING VAN EIENDOM

- (1) Niemand mag 'n hond aanhou op sy of haar perseel aanhou as dit nie behoorlik en voldoende omhein is om sodanige hond binne te hou wanneer dit nie aan 'n leiband is nie, tensy die hond beperk is tot die perseel op 'n ander wyse, met dien verstande dat sodanige beperkings nie onmenslik na die mening van die gemagtigde beampte is nie.

23. VUURWERKE

- (1) Niemand mag skrik, stres of angs veroorsaak aan enige dier met vuurwerke of op enige ander wyse nie.

24. DIERE WREEDHEID

- (1) Enige persoon wat
 - (a) beskik, hou, invoer, koop, verkoop, oplei, teel of onder sy of haar beheer 'n dier met die oog om te veg teen 'n ander dier,
 - (b) enige dier uitlok, tart of aanhits om 'n ander dier aan te val of om voort te gaan met die veg van 'n ander dier,
 - (c) vir finansiële gewin of as 'n vorm van vermaak dieregevegte bevorder;
 - (d) toelaat dat enige van die optrede in paragrafe (a) tot (c) plaasvind op enige perseel of plek in sy of haar besit of onder sy of haar beheer of beheer te neem;
 - (e) besit, gebruik of beheer 'n perseel of plek vir die doeleindes of gedeeltelik vir die doel van die aanbieding van dieregevegte op sodanige perseel of plek of wat optree of help met die bestuur van so 'n perseel of plek, of wat enige vergoeding daarvoor ontvang die toelating van 'n persoon om so 'n perseel of plek; of
 - (f) teenwoordig is as 'n toeskouer by 'n perseel of plek waar enige van die handeling in paragrafe (b) om plaas te vind of waar voorbereidings getref word vir sulke dade,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van R20, 000.00 (twintig duisend rand) of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

- (2) In enige vervolging word daar vermoed, tensy die teendeel bewys word, dat 'n dier wat gevind is op 'n perseel of plek is die eiendom of onder die beheer van die eienaar van die perseel of haar woonplek of is die eiendom of onder die beheer van die persoon wat gebruik of in beheer van die perseel of plek.

HOOFSTUK IV: HONDEHAWENS, KATTEHAWENS, TROETELDIERWINKELS EN TROETELDIERSALONNE

25. BEDRYFSTOESTEMMING

- (1) Geen hondehawe, kattehawe, troeteldierwinkel of troeteldiersalon mag sonder die toestemming van die munisipaliteit bedryf word nie, welke toestemming aan voorwaardes onderworpe kan wees.
- (2) Aansoek om toestemming moet geskied op 'n aansoekvorm wat by die munisipaliteit beskikbaar is.
- (3) Die persoon wat 'n hondehawe, kattehawe, troeteldierwinkel of troeteldiersalon bedryf, mag nie die onderneming so bedryf dat dit enige steurnis of ergernis vir ander mense veroorsaak nie.
- (4) 'n Persoon wat in stryd is met enige bepaling van hierdie artikel begaan 'n oortreding.

HOOFSTUK V: SAMEWERKING TUSSEN MUNISIPALITEITE

26. DIENSLEWERINGSREËLINGS

In 'n poging om optimale dienslewering ingevolge hierdie verordening te bewerkstellig, kan die munisipaliteit 'n ooreenkoms aangaan met die distriksmunisipaliteit met wie hy wetgewende en uitvoerende magte deel, met betrekking tot die volgende:

- (a) die praktiese reëlins met betrekking tot die uitvoering van die bepalings van hierdie verordening;
- (b) die oplegging en afdwinging van voorwaardes met betrekking tot enige aansoek ingevolge hierdie verordening in soverre sodanige voorwaardes betrekking het op die magte en bevoegdhede van die distriksmunisipaliteit;
- (c) die verhalings van koste en uitgawes met betrekking tot enige handeling ingevolge hierdie verordening;
- (d) onderworpe aan die bepalings van **artikel 86** van die Wet op Munisipale Strukture, meganismes vir die beslegting van geskille met betrekking tot die

uitoefening van magte en bevoegdhede ingevolge hierdie verordening of die aangeleentheid waaroor daar ooreengekom is;

- (e) enige ander aangeleentheid wat die partye as nodig ag om optimale dienslewering ingevolge hierdie verordening teweeg te bring.

HOOFSTUK VI: BEVOEGDHEDE VAN MUNISIPALITEIT IN GEVAL VAN VERSUIM DEUR DISTRIKSMUNISIPALITEIT

27. VERSUIM OF NALATING DEUR 'N DISTRIKSMUNISIPALITEIT

- (1) Indien die munisipaliteit van mening is dat die optimale dienslewering waarna **artikel 26** verwys in sy bevoegdheidsgebied verhinder word deur die weiering of versuim deur die distriksmunisipaliteit om enige van die praktiese reëlings wat **artikel 26(a)** beoog uit te voer, kan die munisipaliteit skriftelike kennis aan die distriksmunisipaliteit gee om sodanige reëling binne 'n redelike tyd uit te voer of na te kom. Indien die distriksmunisipaliteit sou versuim om aan sodanige kennisgewing gehoor te gee, kan die munisipaliteit voortgaan om sodanige reëling self uit te voer.
- (2) Enige uitgawes of koste wat die munisipaliteit aangaan om enige reëling ingevolge **subartikel (1)** uit te voer, kan van die distriksmunisipaliteit verhaal word.

HOOFSTUK VII: GERAASSTEURNIS

28. GERAASSTEURNIS

Geen persoon mag in 'n openbare plek:

- (1) 'n steurnis veroorsaak of toelaat deur uit te roep, te skreeu of enige ander harde of aanhoudende geraas of geluid te maak, met inbegrip van 'n versterkte geraas of klank, wat 'n steurnis vir ander persone veroorsaak nie;
- (2) toelaat dat geraas vanuit 'n privaat woning of onderneming in 'n openbare plek hoorbaar is nie, buiten vir die doel van luidsprekeraankondigings van openbare vergaderings of weens die werksaamhede van straatkunstenaars;
- (3) in enige stadium van die dag of nag die openbare vrede in enige openbare of privaat plek, perseel of straat versteur deur 'n onbehoorlike geraas te maak, of te skreeu, aanhoudend te toet, te stry of te twis, of harde musiek uit enige motorvoertuig of voertuig te speel, of 'n skare byeen te bring of enige demonstrasie te reël, of 'n geveg te veg of te ontlok, of met enige stok of ander wapen te slaan, te swaai of te slinger of enige dreigende handeling uit te voer, of enige ander oproerige, gewelddadige of onbehoorlike gedrag, of deur in enige straat of openbare plek rond te hang, of skares op sypaadjies byeen te bring nie;

- (4) goedere of dienste in enige straat of openbare plek adverteer met behulp van enige megafoon, luidspreker of soortgelyke toestel of deur 'n aanhoudende geskreeu, die slaan van 'n ghong, 'n getoet of die gelui van klokke nie;
- (5) in of op enige eiendom of perseel die openbare vrede in die omgewing van sodanige perseel versteur deur daarin of daarop enige onbehoorlike geraas te maak, te skreeu, te stry of te twis, te sing of 'n musiekinstrument daarin of daarop te bespeel, of enige luidspreker of ander toestel vir die reproduksie of versterking van klank te gebruik of te laat gebruik op so 'n manier, op so 'n tyd of in sodanige omstandighede dat die klank daarvan buite die grense van sodanige eiendom of perseel dermate hoorbaar is dat dit 'n openbare steurnis veroorsaak en wesenlik met die gewone gerief, gemak, rus of vrede van ander mense inmeng nie.

HOOFSTUK VIII: ALGEMENE BEPALINGS

29. REG VAN TOEGANG EN INSPEKSIE

- (1) Enige behoorlik gemagtigde werknemer van die munisipaliteit is by magte om enige perseel in die munisipale gebied te inspekteer waar daar redelike gronde bestaan om te vermoed dat daar nie-nakoming van die bepalings van hierdie verordening is.
- (2) Wanneer die gemagtigde werknemer 'n perseel ingevolge **subartikel (1)** betree, moet die werknemer op versoek van enige persoon homself identifiseer deur 'n skriftelike magtigingsbewys te voorsien.
- (3) Die gemagtigde werknemer kan vergesel word van 'n persoon wie se bystand redelikerwys vir die inspeksie vereis word.
- (4) Enige persoon wat op versoek versuim of weier om enige gemagtigde werknemer van toegang tot enige grond of perseel te voorsien, of wat die werknemer in die uitvoering van sy pligte ingevolge hierdie verordening verhinder, of wat versuim of weier om inligting te verstrek wat hy volgens wet aan die werknemer moet verstrek, of wat willens en wetens vals of misleidende inligting voorsien, is skuldig aan 'n oortreding.

30. BETEKENING VAN DOKUMENTE, EN PROSES

- (1) Wanneer ook al 'n kennisgewing, bevel, aanmaning of ander dokument ingevolge hierdie verordening gemagtig of vereis word vir betekening aan 'n persoon, word dit as doeltreffend en voldoende beteken beskou indien dit persoonlik by sodanige persoon afgelewer is;
 - (a) indien dit by sy woon- of werkplek in die Republiek by 'n persoon wat blykbaar ouer is as 16 jaar gelaat is;
 - (b) indien dit per geregistreerde pos na die persoon se laaste bekende woon- of werkadres in die Republiek gestuur is en 'n bewys van versending voorsien word;

- (c) waar sy adres in die Republiek onbekend is, indien dit beteken is aan sy agent of verteenwoordiger in die Republiek op die wyse waarvoor **artikel (a) en (b)** voorsiening maak; of
 - (d) waar sy adres en agent in die Republiek onbekend is, indien dit op 'n opvallende plek op die vaste eiendom (indien enige) waarop die betekening betrekking het, aangebring is.
- (2) Indien enige kennisgewing, bevel, aanmaning of ander dokument hierbo gemagtig of vereis word vir betekening aan 'n persoon omdat hy die eienaar of besetter of reghebbende van vaste eiendom is, hoef die persoon nie by name genoem te word nie, maar is dit voldoende indien die dokument hom beskryf as die eienaar, besetter of reghebbende van sodanige vaste eiendom, na gelang van die geval.

31. OORGANGSBEPALINGS

'n Persoon wat by die inwerkingtreding van hierdie verordening meer diere besit of aanhou as die getal wat **artikel 15** beoog, kan sodanige groter getal diere behou, maar mag nie enige dier bo daardie getal vervang indien een of meer van die diere sou vrek of verkoop word nie, tensy toestemming van die munisipaliteit bekom word om daardie getal te oorskry.

32. APPÈL

- (1) 'n Persoon wie se regte geraak word deur 'n besluit van 'n politieke struktuur, politieke ampsdraer, raadslid of personeellid van 'n munisipaliteit ingevolge 'n bevoegdheid of mag wat 'n opdraggewende owerheid aan die politieke struktuur, politieke ampsdraer, raadslid of personeellid oordra, kan teen daardie besluit appelleer deur die munisipale bestuurder, binne 21 dae na die datum van kennisgewing van die besluit, skriftelike kennis van en redes vir die appèl te gee.
- (2) Die munisipale bestuurder moet die appèl onverwyld indien by die toepaslike appèlowerheid ingevolge **subartikel (4)**.
- (3) Die appèlowerheid moet die appèl oorweeg en die besluit bevestig, wysig of herroep, maar geen sodanige wysiging of herroeping mag afbreuk doen aan enige regte wat as gevolg van die besluit ontstaan het nie.
- (4) Wanneer daar appèl aangeteken word teen 'n besluit deur:
 - (a) 'n personeellid buiten die munisipale bestuurder, is die munisipale bestuurder die appèlowerheid;
 - (b) die munisipale bestuurder, is die uitvoerende komitee of uitvoerende burgemeester die appèlowerheid, of indien die munisipaliteit nie oor 'n uitvoerende komitee of uitvoerende burgemeester beskik nie, die raad van die munisipaliteit, of 'n politieke struktuur of politieke ampsdraer, of 'n raadslid.

- (i) Die munisipale raad is die appèlowerheid waar die raad uit minder as 15 raadslede bestaan.
 - (ii) 'n Komitee van raadslede wat nie by die besluit betrokke was nie en vir hierdie doeleinde deur die munisipale raad aangestel word, is die appèlowerheid waar die raad uit meer as 14 raadslede bestaan.
- (5) 'n Appèlowerheid moet binne ses weke met 'n appèl begin en binne 'n redelike tydperk daaroor beslis.
- (6) Die bepalings van hierdie artikel doen geen afbreuk aan enige toepaslike appèlprosedure waarvoor enige ander toepaslike wet voorsiening maak nie.

33. OORTREDINGS EN STRAWWE

- (1) 'n Persoon wat—
- (a) oortree of versuim om te voldoen aan 'n bepaling van hierdie Verordening of enige bevel wat wettig uitgereik is ingevolge daarvan, pleeg 'n misdryf; en
 - (b) voort gaan om 'n misdryf te pleeg nadat kennis beteken is aan hom of haar om sodanige misdryf te staak of nadat hy skuldig bevind is aan sodanige misdryf, is skuldig aan 'n voortdurende misdryf.
- (2) Iemand wat skuldig bevind aan 'n misdryf ingevolge hierdie Verordening, is strafbaar met 'n boete wat nie R20 000 oorskry of gevangenisstraf vir 'n tydperk van hoogstens twee jaar.
- (3) 'n Hof wat iemand skuldig bevind van die behoud van 'n dier wat nie onder beheer in ooreenstemming met die bepalings van die Verordening gehou word nie, behoudens die vermelde in subartikel (2), kan die bevel van die vernietiging van die betrokke dier magtig, en daarna mag 'n gemagtigde amptenaar sodanige dier vernietig.

34. VRYSTELLING

Ondanks die bepalings van hierdie verordening, kan die munisipaliteit enige persoon en/of klas persone vrystel van enige van of al hierdie vereistes, en enige ander vereistes omlê wat die munisipaliteit as toepaslik beskou.

35. HERROEPING VAN VERORDENINGE

Die verordening in **bylae A** word hiermee herroep in die mate wat die derde kolom van die bylae aandui.

36. KORT TITEL EN INWERKINGTREDING

Hierdie verordening is bekend as die “Verordening insake openbare steurnisse en die aanhou van diere” en tree in werking op die datum waarop dit in die Provinsiale Koerant verskyn.

BYLAE A

VERORDENINGE VAN DIE ONTBINDE MUNISIPALITEIT VAN STELLENBOSCH		
PK-nr.	Kort titel	Omvang van herroeping
<i>PK 683/1984</i>	Stellenbosch Munisipaliteit: Verordening insake die beheer en aanhou van honde	In die geheel
<i>PK 667/1994</i>	Wysiging van Verordening op Hondebeheer	In die geheel
<i>PK 539/1995</i>	Munisipaliteit vir die area Franschhoek: Verordening op die voorkoming en onderdrukking van steurnisse	In die geheel
<i>PK 180/1998</i>	Plaaslike Oorgangsraad Stellenbosch: Verordening op die voorkoming en onderdrukking van steurnisse	In die geheel
<i>PK 6011/2003</i>	Stellenbosch Munisipaliteit: Verordening vir die beheer van sekere oortredings in openbare plekke	In die geheel

STELLENBOSCH MUNICIPALITY

Stellenbosch Municipality, by virtue of the powers vested in it by Section 156 (2) of the Constitution of the Republic of South Africa as amended, read with Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has made the By-law set out below:

BY-LAW ON IMPOUNDMENT OF ANIMALS BY-LAW**PREAMBLE**

The purpose of this by-law is—

- i) to provide for facilities for the accommodation and care of animals which are astray, at large or lost; and
- ii) to provide for procedures, methods and practices to manage the impoundment of animals.

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1. DEFINITIONS

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context otherwise indicates—

“animal”, means any equine, bovine, donkey, mule, camel, sheep, goat, pig, fowl or other bird, poultry, ostrich, hare, rabbit, dog, cat or other domestic animal or bird, or a wild animal, wild bird or reptile which is in captivity or kept in captivity or under the control of somebody.

“authorized official”, means an official, authorized in terms of Section 8 of the Animal Protection Act, 1962 (Act No 71 of 1962), as amended, or any peace officer authorized in terms of Section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Stellenbosch Municipality, who is authorized by the Stellenbosch Municipality to enforce the provisions of this by-law;

“cattle”, means an adult bull or cow, an ox or young ox, or a heifer or bull calve;

“Court”, means a Magistrates Court, as referred to in Section 166(d) of the Constitution of the Republic of South Africa, 1996, whose area of jurisdiction the transgression occurred in;

“goat”, means an adult ram or she-goat, castrated goat or a wether or a kid;

“horse”, means a stallion, mare gelding, colt, filly, male or female donkey or mule;

“identification mark”, means a prescribed mark on an animal, as required by the Animal Identification Act, 2002 (Act No 6 of 2002), as amended;

“land”, means any premises or property or public place, within the area of jurisdiction of the Stellenbosch Municipality;

“microchip”, means an electronic mechanism which is affixed to an animal, on which data of the animal and the owner of the animal are stored;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“Municipality”, means the Stellenbosch Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Stellenbosch Municipality;

“newspaper”, means any newspaper registered as a newspaper, and
“newspapers” has a similar meaning;

“occupant”, means a person who occupies and control land or a premises, and includes a resident of a premises;

“owner”, means with regard to the ownership of an animal, any person who lawfully owns or who is the agent of such an owner, and is responsible for the care, custody or control of an animal

“owner of property”, means in relation to the ownership of any property, any person, who as owner, legal lessee or occupant resides on a premises or a portion of land, or use or utilize it for whatever purpose, or who as agent of the owner exercise control over it;

“person”, means and includes for purpose of this by-law, a natural person or a juristic person or any agricultural, industrial or commercial undertaking or and an organ of State;

“pig”, means a boar, sow, or any sucking pig or pet pig;

“poultry”, means a chicken, goose, duck, turkey or muscovy duck, either tame or wild;

“pound”, means any fenced-off area consisting of one or more buildings, structures, cages or camps, which is provided by the Stellenbosch Municipality or a service provider to be used as a pound, and which is under the control of a pound master or a service provider in terms of a service delivery agreement, and which functions as a pound where stray, lost or animals at large can be temporarily accommodated;

“Pound Master”, means a person:

- (a) who is a temporary or fulltime employee of the Stellenbosch Municipality, and who has been tasked and / or authorized to fulfill the functions and responsibilities of a pound master; or
- (b) who in terms of a service delivery agreement with the Stellenbosch Municipality has been appointed to fulfill the functions and responsibilities of a pound master;

“private property”, means all properties not in possession of an organ of state or another municipality or the Stellenbosch Municipality;

“property”, means—

- (a) immovable property registered in the name of a person, including in the case of a Sectional title scheme, a Sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right or land right registered in the name of a person or granted to a person in terms of legislation;
- (d) a public place registered in the name of the Stellenbosch Municipality or any other organ of state or entity; and
- (e) public service infrastructure, including any public road;

“public road”, means any public road as referred to in Section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;

“public place”, means any premises or property or land, under the control of the Stellenbosch Municipality, to which the public have access, and includes, but are not restricted to: any square; building; park; recreational area; sports grounds; open space; nature reserve; municipal street, alley or road reserve; public road; parking area, municipal commonage; unused, used, build-up or vacant municipal land; or a cemetery;

“public property”, means all properties in possession of an organ of state or another municipality or the Stellenbosch Municipality;

“sheep”, means an adult ram or ewe, a wether or a lamb;

“stallion”, means a male horse, donkey or mule, not castrated or partially castrated;

“services level agreement”, means a service level agreement as contemplated in Section 1 of the Local Government: Municipal Systems Act 2000 (Act No 32 of 2000), as amended; and

“veterinary surgeon”, means a person who is qualified and registered in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No 19 of 1982), as amended, to practice as veterinary surgeon.

2. PURPOSE OF BY-LAW

The purpose of this by-law is to provide facilities for the housing and care of animals which are astray, lost or at large and for procedures, methods and practices to manage the impoundment of such animals.

3. ESTABLISHMENT OF A POUND

- (1) The Municipality may establish a pound and any places of safe-keeping at any chosen or convenient place within the area of jurisdiction of the Municipality, as required, provided that the Municipality also may enter into a service delivery agreement with an Animal Welfare Organisation or an institution or person, as contemplated in Section 76(b) of the Municipal Systems Act, to provide for the establishment and operation of a pound and places of safe-keeping to service the area of jurisdiction of the Municipality as a whole or partially.
- (2) The Municipality shall give notice of the establishment of a pound, by publishing a notice in at least one (1) newspaper circulating in the area of jurisdiction of the Municipality.
- (3) The Municipality may close any pound under its control.

4. IMPOUNDING OF ANIMALS

- (1) Any owner of private property, may detain any animal which has trespassed or strayed on his or her property for purpose of impounding the animal concerned or moving an animal to a place of safe-keeping, on condition that before such animal may be removed, the following conditions shall be complied with—

- (a) The owner of the property on which the animal is found, may detain the animal concerned, and when a property owner does not have the resources or ability to detain such an animal himself or herself, such person may request the assistance of the Municipality to detain such animal, on condition that such animal may not be removed to a pound, before a written notice to remove the animal from the property concerned within twenty four (24) hours has been served on the owner of the animal by the property owner, when the particulars of the owner of the animal is known or when ownership can be determined by means of an identification mark on the animal or a microchip affixed to the animal
 - (b) The owner of the property on which the animal is detained shall in instances where the owner of the animal concerned is unknown, make a reasonable attempt to identify the owner of the animal, and when unsuccessful, the owner of the property or the Municipality may remove the animal to a place of safe-keeping or a pound for impoundment.
 - (c) The owner of the animal that was detained, may on submission of proof of ownership, petition the owner of the property where the animal was found and detained, for the release of such animal.
 - (d) The person who detained the animal concerned, may release the animal, after consideration of the petition of the owner of the animal and after the penalties payable in terms of the provisions of this by-law and the Public Nuisances and Nuisances resulting from the Keeping of Animal's By-law of the Stellenbosch Municipality, have been imposed by the Municipality on the owner of the animal, and have been paid by the owner of the animal, but shall retain the right to submit a claim to the Court for damages in relation to the incident.
 - (e) When the owner of the property on which an animal was detained, refuse to release the animal to the owner after consideration of the petition for release of the animal, the animal concerned shall within a period of forty eight (48) hours be handed over to an authorized official or the Pound master to be removed to a pound, and the authorized official or the Pound master may only release such animal when such release comply to the provisions of Section 18 of this by-law.
 - (f) The owner of the property shall have the right to apply to the Court to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.
- (2) Any person may request an authorized official, or an authorized official may at his or her discretion decide, to detain or impound, as applicable, an animal which is found grazing unauthorized or at large or straying unattended in or on any public place or public road.

- (3) Any animal found at large, grazing or straying unattended upon any public road, municipal street, road reserve, alley or residential area including informal settlements which is a danger for road traffic and / or vehicles and the community, or disease carrying animal or unwanted animal found in any residential area shall be detained for impounding by—
- (a) a member of the South African Police Services;
 - (b) a member of the South African National Defence Force;
 - (c) a member of the Provincial Traffic;
 - (d) a member of any animal protection organization; or
 - (e) an authorized municipal official.
- (4) The owner of any property through or alongside which a public road passes or which abuts a public road, may if a valid reason exist for it, request an authorized official to detain and remove any animal for impoundment, when an animal is found at large, grazing or straying unattended upon the public road concerned.
- (5) A person may not keep an animal, detained for any purpose, or for purpose of impounding the animal in terms of in Section 4(1), 4(2), 4(3) and 4(4) of this by-law, for a period longer than six (6) hours without supplying such animal with adequate food and water.
- (6) Any person who has detained an animal for any purpose, or for purpose of impounding the animal, shall comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1 of this by-law.

5. APPOINTMENT OF A POUND MASTER

The Municipality shall, in terms of the appointment policy of the institution, appoint a suitably skilled and experienced person as a Pound Master.

6. INFORMATION THAT SHALL BE PROVIDED TO THE POUND MASTER

A person who send or take animals to a pound, shall provide the Pound master in writing with the following information—

- (a) the number and description of the animal or animals to be impounded;
- (b) the property or land upon which the animal or animals were found trespassing;
- (c) the distance in kilometres, by the shortest and most practical road route, between the place where the animal or animals were seized and the pound;
- (c) where an animal or animals have been detained on private property, proof of the required written notice of removal to the owner of the animals concerned and other processes as contemplated in Section 4(1) of this by-law, as applicable;

- (e) where the owner of the animal or animals which have been seized on a private property, could not be traced, an affidavit stating that the identity of the owner of the animal and / or animals is unknown and that a reasonable attempt has been made by the owner of the property to identify the owner of the animal or animals; and
- (f) the condition of the animal impounded and the circumstances under which an animal has been impounded.

7. RECEIPT FOR IMPOUNDED ANIMALS

The Pound master shall provide every person who left an animal or animals in the care of the Pound master with a written receipt, and the receipt shall indicate the number and description of the animals impounded and the particulars of the person leaving the animal for impoundment.

8. THE PROVISION OF PADDOCKS AND / OR CAGES IN A POUND

The Municipality shall for purpose of a pound, provide and properly maintain separate paddocks and / or cages, free from all infectious diseases, for—

- (a) ostriches and equine;
- (b) bovine;
- (c) sheep, goats and pigs;
- (d) dogs;
- (e) cats; and
- (f) any other type of animal, as determined from time to time,

on condition that the Municipality may grant permission to the Pound master to provide and maintain less paddocks and / or cages for any pound in the area of jurisdiction of the Municipality.

9. DESTRUCTION OF DANGEROUS AND INJURED ANIMALS AND ANIMALS WITH CONTAGIOUS DISEASES

- (1) Whenever a Pound master is of the opinion that an impounded animal is so diseased or so severely injured or in such a poor physical condition or a danger to people or other animals in the pound, that it ought to be destroyed, the Pound master shall request a veterinary surgeon to examine the animal concerned, to determine in collaboration with the Pound master the necessity for the humane destruction of the animal, on condition that before such animal is destroyed—

- (a) a written notice be served on the owner of the animal, informing him or her of the intention to destroy the animal concerned and the reasons for the intended action, when the particulars of such an owner is known and / or when ownership can be determined by means of an identification mark on the animal or a microchip affixed to the animal;

- (b) when it is impractical or impossible to inform the owner of the animal concerned of the intended action, a verbal notification or any other practical method of notification, shall be considered as sufficient; and
 - (c) when an emergency situation exist, and it is impractical or impossible to give the owner of an animal concerned any form of notice of the intended action to destroy an animal, a veterinary surgeon may authorize the humane destruction of the animal concerned, on condition that the owner of such animal, be notified as soon as possible about the destruction of the animal and the reasons for the action.
- (2) When any animal or animals suffering from a contagious Disease as contemplated in the Animal Diseases Act, 1984 (Act No 35 of 1984), as amended, is impounded at a pound or becomes Infected while impounded in a pound—
- (a) such animal or animals shall be kept separate from other impounded animals, as long as it is needed, if the animal is not immediately destroyed;
 - (b) such animal or animals shall be isolated from other impounded animals and the presence of the infected animal or animals shall be reported to the nearest State Veterinarian; and
 - (c) the owner or owners of the animal or animals shall immediately be notified in writing of the impoundment of the infected animal or animals and the actions taken to curtail the infectious disease, where the particulars of the owner or owners are known and / or can be determined by the Pound master.

10. NOTICES TO OWNERS OF IMPOUNDED ANIMALS

- (1) When the particulars of an owner of an impounded animal are known to the Pound master or can be determined by means of o an identification mark on the animal or a microchip affixed to the animal, the Pound master shall notify the owner of the animal concerned immediately that the animal has been impounded.
- (2) When the impounded animal has an identification mark, as required by the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, the Pound master shall follow the procedures for the confirmation of ownership, as contemplated in Section 14 of the Regulations for Animal Identification, as amended, and promulgated in terms of GN R1683 of 21 November 2003.
- (3) When the details of the owner of an animal are unknown to the Pound master and / or cannot be determined, the Pound master shall on receipt of the animal at the pound report the impoundment of the animal concerned at the nearest office of the South African Police Service, and post a notice of the impoundment of the animal on a notice board in the immediate vicinity where the animal was seized.

11. RECEIVING AND TREATMENT OF ANIMALS BY POUND MASTER

- (1) It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.
- (2) any pound master who unreasonably refuses or fails to receive animals brought to his or her pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.
- (3) The pound master—
 - (a) is responsible for the proper care of all impounded animals;
 - (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
 - (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.
 - (d) A person who catches an animal for the purpose of impounding it under sub-Sections (1) and (2) may not keep the animal for more than six continuous hours without adequate food and water.
- (4) Any pound master who fails to comply with the requirements of this section commits an offence.

12. IMPOUNDED ANIMALS THAT DIE OR ARE STOLEN OR INJURED

When an impounded animal is injured or dies or is stolen, the Pound master shall –

- (a) record the cause of death or injury or theft in the pound register as referred to in Section 16 of this by-law;
- (b) notify the owner of the animal in writing of the injury, death or theft of the animal concerned, where the particulars are known to or obtainable by to the Pound master; and
- (c) in the case of the theft of an animal from the pound, report the theft to the nearest office of the South African Police Service.

13. COPY OF BY-LAW

The Pound master shall ensure that a copy of this by-law is available at all times for information at a pound.

14. FEES, TARIFFS AND COSTS PAYABLE

- (1) The Municipality shall annually determine fees and tariffs in terms of the Tariff By-law of the Stellenbosch Municipality, for the keeping, transport and / or care of impounded animals, and may levy different fees and tariffs for different types of animals.

(2) The Pound master shall—

- (a) charge the owner of an impounded animal the fees and tariffs as determined by the Municipality annually; and
 - (b) recover the costs for any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of the Animal Diseases Act, 1984 (Act No 35 of 1984), as amended, from the owner of an impounded animal.
- (3) If the pound master is an official of the municipality, he must pay the fees received by him or her in terms of this by-law into the revenue of the municipality, the frequency of which will be determined by the department responsible for finance.
- (4) No pound master may release any impounded animal until the prescribed fees have been paid to him or her.

15. PAYMENTS

- (1) The tariffs and fees that are determined in terms of Section 18(1) of this by-law, and all other costs incurred, shall be paid to the Municipality by the owners of the animals that have been impounded and the Municipality shall issue a receipt for all monies received; and
- (2) The owner of an animal shall supply the Pound master with a valid receipt, before an impounded animal may be released.
- (3) The animals which have been impounded, may be kept by the Municipality as surety for the payment of the applicable pound fees and tariffs, and any other costs incurred by the Municipality in relation to the impounding of an animal, provided that when the value of the impounded animals are in excess of the total amount owed for fees, tariffs and costs, and when the owner of an animals is unable to pay the amount owed, the Pound master may only retain the number of animals that are sufficient to cover the amount owed, and shall release the remainder of the animals to the owner concerned.
- (4) A Pound master who unlawfully retain animals after the required payments for the release of animals have been received or for purpose of surety for unpaid amounts, as contemplated in Section 18 (1) and 18(3) of this by- law, shall be liable towards the owner and / or owners of the animals for any injury to such animals or any damage caused as result of the retention of the animals.
- (5) The fees, tariffs and costs paid in terms of this by-law, shall be deposited in terms of the instructions and procedures dictated by the Municipality, as income of the Municipality.
- (6) No pound keeper may release an animal impounded in terms of the provisions of this by-law, without the required fees, tariffs and costs being paid.

16. COMPULSORY POUND REGISTER

- (1) Every Pound master shall keep a pound register, containing the following information—
 - (a) the date when every animal was impounded and the reasons for the impoundment of the animal concerned;
 - (b) the number and description of each animal impounded;
 - (c) the name and address of the person who impounded an animal, and the name and address of the owner or presumed owner of an animal, if the information is known to the Pound master;
 - (d) the date and particulars of the release and / or sale of impounded animals;
 - (e) the fees, tariffs and costs paid in cases where animals have been released and the receipts numbers for each individual payment received; and
 - (f) any other matter determined by the Municipality to be recorded.
- (2) The entries referred to in Sections 16(1)(a), 16(1)(b) and 16(1)(c) of this by- law shall be done when an animal is impounded, and the entries referred to in Sections 16(1)(d), and 16(1)(e) of this by-law, shall be entered into the pound register when the information is obtained by the Pound Keeper, provided that no entry shall be done when a dispute exist with regard to the impoundment of an animal.
- (3) When an animal die or is stolen or is injured while impounded, the Pound master shall enter a description of such animal in the pound register, and the reasons for the death, injury or theft of the animal concerned.

17. INSPECTION OF POUND REGISTER

The pound register of a pound shall be kept at the pound or any other designated place, and shall be available free of charge for inspection at all reasonable times, by any authorized official of the Municipality, any veterinary surgeon, any livestock inspector, any member of the South African Police Service or any member of the public.

18. RELEASE OF IMPOUNDED ANIMAL

- (1) The Pound master shall immediately release an impounded animal, subject to the provisions of Section 15(2) of this by-law and give the owner a receipt of release, provided that the owner—
 - (a) provides proof of ownership of such animal; and
 - (b) pays the fees, tariffs and costs as contemplated in Section 14 of this by- law and provide the Pound master with a receipt of such payment.

- (2) The Pound master shall provide to the owner of an impounded animal a calculation of costs, when the particulars of the owner of an animal are known to the Pound master, which shall include—
- (a) the tariffs, fees and costs due in terms of this by-law, for the impoundment of an animal or animals;
 - (b) the amount of any damages that the owner of the land on which the impounded animal or animals trespassed, may have suffered; and
 - (c) all estimated costs associated with the publication of notices and the auctioning of the animal or animals, as applicable.
- (3) When an impounded animal is an animal that is required to bear an identification mark as set out in the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, and if such animal does not display such mark, the Municipality shall report the matter to the South African Police Services and shall refuse the release of such animal upon receipt of a written instruction by the South African Police Services that the animal should remain impounded.
- (4) When the owner of an impounded animal is unable to pay the fees, tariffs or costs as contemplated in Section 14 of this by-law, the Pound master may retain such animal in order to recover such fees, tariffs or costs as may be due and payable to the Municipality.
- (5) All risks attached to ownership of an animal shall pass to the person who provided proof of ownership, as soon as the Pound master can confirm that sufficient proof of ownership has been provided.

19. SALE OF IMPOUNDED ANIMALS

- (1) The Pound master shall—
- (a) whenever any impounded animal has not been released on payment of the applicable fees, tariffs and costs, as contemplated in Section 18(2) (a), Section 18(2) (b) and Section 21(2) of this by-law by its owner, within seven (7) days from the date of its impoundment, or when the owner of an animal cannot be traced, apply to the Court to sell such animal to recover costs; and
 - (b) in the application contemplated in Section 19(1)(a) of this by-law, submit to the Court evidence, when the particulars of the owner of an animal are known to the Pound master, that a calculation of costs as contemplated in Section 21(2) of this by-law, has been provided to the owner
- (2) An application to the Court to sell an animal in terms of the provisions of this by-law, shall comply to the procedures contained in Rule 55 of the Magistrate's Court Act, 1944 (Act No 32 of 1944), as amended, on condition that the application concerned may be brought *ex parte*, when the Municipality can provide proof that in spite of all reasonable efforts, the owner of the involved animal could not be found.

- (3) When the Court is satisfied that the provision of this by-law with regard to the impoundment of the animal concerned, has been complied with, the Court may order the sale of the involved animal per auction, as provided for in this by-law.
- (4) The Court shall, irrespective whether the calculation of costs as contemplated in Section 21(1) and (2) of this by-law, is in dispute or not—
- (a) summarily investigate the matter;
 - (b) where the particulars of the owner of the animal or animals concerned are known, determine whether the Pound master has given the owner concerned proper notice of the costs associated with the impoundment and release; and
 - (c) make an order as it considers just and equitable, including an order—
 - (i) as to costs; and
 - (ii) on the process to be followed by the Pound master in the sale of the animal concerned.
- (5) At such authorized auctions of impounded animals—
- (a) only animals ordered by the Court to be sold, may be offered for sale;
 - (b) all animals shall be sold one by one, except for sheep and goats;
 - (c) sheep and goats shall be offered for sale in lots of maximum ten (10), and sheep and goats with different identification marks shall under no circumstance be sold together in the same lot;
 - (d) animals shall be sold for cash;
 - (e) the total proceeds of the fees, tariffs and costs contemplated in Section 17 of this by-law, shall be deposited in the municipal revenue fund, on provision that when an animal is sold for a higher amount at an auction—
 - (i) as the pound fees and tariffs payable and the costs of the impounding of an animal; and
 - (ii) as any compensation for damages as ordered by the Court in terms of Section 21(2) of this by-law, the surplus of the amount received shall be paid out to the owner of the animal or animals concerned within thirty (30) days after the auction, except when the identity of such owner cannot be determined;
 - (f) the Municipality may determine a reserve price for any animal to be sold; and
 - (g) any animal may be withdrawn from the auction by the auctioneer, if the highest bid received is considered not to be fair or reasonable, irrespective whether a reserve price has been determined by the Municipality or not.
- (6) The auction of impounded animals shall—
- (a) be attended to by the Pound Keeper or a person properly authorized thereto by the Municipality; and

- (b) begin at a time and be held on a day as determined by the Pound master in terms of Section 20(1) (a) of this by-law.
- (7) The Pound master or any municipal official or any other person designated to handle an auction, or a close associate or a family member or a fellow employee or a municipal employee, or a family member of any of aforesaid persons, may not purchase an animal offered for sale at an auction as contemplated in Section 19(6) of this by-law, either personally or through any other person, directly or indirectly.
- (8) The owner of an animal shall remain liable for any costs to the Municipality, not covered by the proceeds from the sale of an animal or animals.

20. NOTICE OF AN AUCTION

- (1) The Pound master shall—
 - (a) when an order has been granted by the Court for the sale of an impounded animal or animals, give notice that such animal or animals shall be sold at a public auction at a specified date, time and place;
 - (b) provide particulars in the notice with regard to the specie, breed, identification marks and distinguishing marks of the animal or animals to be sold;
 - (c) provide such notice to the Municipality, and post a notice on the official notice board of the Municipality, and at or near a pound, until the day of the auction;
 - (d) publish a notice in a registered newspaper that is distributed in the area of jurisdiction of the Municipality, that an animal and / or animals shall be sold;
- (2) The costs of a notice as contemplated in Section 23(1) of this by-law, shall be recovered from the owner of the impounded animal, and such costs shall be considered to form part of the costs that shall be recovered from the proceeds of the sale of the animal concerned.

21. ANIMALS UNSUCCESSFULLY OFFERED FOR SALE

- (1) In the event that any animal is not sold—
 - (a) the Pound master shall immediately advise the Court and the owner, where the particulars of such owner are known, of the situation and the estimated value of the animal concerned, and the fees, tariff and costs incurred with regard to the impounding of the animal concerned; and
 - (b) the Court may based on the information provided, make any such order as it may deem just and equitable to address the situation, including the humane destruction of the animal concerned.
- (2) When a dog or cat or any similar animal, which normally cannot be sold at an auction, are not claimed within seven (7) days after a notice, as contemplated in Section 10 of this by-law, has been served on the owner of such animal informing the owner that the animal has been impounded, or within seven (7) days after a

notice has been published in a local newspaper with regard to the impounding of the animal concerned, when the particulars of the owner of the animal concerned are unknown, such animal may be destroyed and the costs incurred for the care and destruction of such animal, may be recovered from the owner of the animal, if the particulars of the owner are known.

- (3) When an animal which is normally sold at an auction, is not sold, the Municipality may arrange a further auction in the prescribed manner, including notices and advertisements, or may approach the Court for an order for the humane destruction of the animal concerned, in terms of the provisions of Rule 55 of the Magistrate's Court Act, 1944 (Act No 32 of 1944), as amended, on condition that the application concerned may be brought *ex parte*, when the Municipality can provide proof that in spite of all reasonable efforts, the owner of the involved animal could not be found.

22. SUBMISSION OF POUND REGISTER AFTER AUCTIONS

The Pound master shall within fourteen (14) days after the date of each auction submit to the Municipality a copy of all entries in the pound register, made since the date of the preceding submission of the pound register to the Municipality, and the Municipality must properly keep such copies for inspection by any person desirous to see the records.

23. INSPECTION OF POUND REGISTER AT PLACE OF AUCTION

Whenever an auction of impounded animals is to take place, the Pound master or a person authorized to conduct the auction, shall make the pound register available for inspection free of charge to any person desirous to see the pound register.

24. ARRANGEMENTS FOR SERVICE DELIVERY

- (1) The Municipality may enter into a service delivery agreement with another municipality or any other entity, for optimal service delivery in terms of this by-law, and any other municipalities or entity shall be allowed per agreement, to utilize a pound or similar facility of Stellenbosch Municipality.
- (2) The fees and tariffs payable for services rendered as contemplated in Section 24(1) of this by-law, shall be determined by the service level agreement involved.

25. LIABILITY

The Municipality, the Pound master or any authorized official shall not be liable for the death or theft of, or injury to any animal, as a result of the seizure, transport, impoundment or release of any such animal during the impounding process or as a result of impoundment.

26. OFFENCES AND PENALTIES

A person who—

- (a) releases an animal that was lawfully detained for safe-keeping or for the purpose of being impounded or which has been lawfully impounded;

- (b) unlawfully seizes an animal for the purpose of impounding it;
- (c) unlawfully impounds an animal;
- (d) intervenes with the Pound master in the execution of his or her duties;
- (e) releases any animal from his property onto a public road or municipal street or road reserve or alley;
- (f) allows an animal to unlawfully roam around or graze on or in a public place;
- (g) unlawfully opens gates, cut fences or wantonly release animals;
- (h) ignores an instruction of an authorized official or an instruction on a notice board;
- (i) who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, is guilty of an offence and is liable on conviction, for—
 - (i) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
 - (ii) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
 - (iii) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

27. MALTREATMENT OF ANIMALS

No person may chase or tease or maltreat any animal found trespassing and / or seized for impoundment.

28. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

29. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

30. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served—
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in Sections 30(2) (a), 30(2) (b) or 30(2) (c) of this by-law;
 - (e) if that person's address and agent or representative in the country of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupier, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

31. PROCEDURES TO BE FOLLOWED IN APPLICATION TO COURT

An application to Court for—

- (a) The impoundment of an animal in terms of this by-law, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and

- (b) the sale of an impounded animal in terms of this by-law, must comply with the procedure contemplated in Section 66 of the Magistrate Court Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court made by the Rules of Board for Courts of Law in terms of Section 6 of the Rules for Courts Act, 1985 (Act No. 107 of 1985), and published under the Government Notice No. R.1108 in Regulation Gazette No.980 of 21 June 1968, as amended from time to time, read with the necessary changes.

32. SCHEDULES 1 AND 2 FORM PART OF THE BY-LAW

Schedules 1 and 2 of this by-law, form part of this by-law for all practical purposes.

33. SHORT TITLE

This by-law is called the Impoundment of Animals By-law of Stellenbosch Municipality.

34. OPERATIVE DATE

This by-law shall take effect on the date of publication.



SCHEDULE 1

Code of Good Practice on the Handling, Transportation and Care of

Impounded Animals

PART I: Paddock requirements

1. For purpose of this schedule kraal, paddock and cage have a similar meaning, and any reference to a kraal is also a reference to a paddock or a cage or similar structure, where animals can be kept.
2. Different species of animals shall be kept in separate paddocks.
3. Animals may not be penned in overcrowded paddocks, and the space provided in any paddock shall be sufficient to permit all animals to lie down at the same time and the space provided shall not be less than one point five (1.5) square meters floor area available for each animal.
4. Fractious animals may not be kept with other animals.
5. Young, weaned or juvenile animals, may not be penned together with adult animals in a paddock, except in the case of a mother and her offspring.
6. Provision shall be made in paddocks for—
 - (a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which shall allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - (b) water troughs which can provided an adequate supply of suitable fresh water at all times;
 - (c) sufficient facilities for the adequate cleaning of paddocks; and
 - (d) facilities for the safe handling of animals.
7. (a) Paddocks shall at all times be maintained in a good state of repair.
 - (b) Sharp points of wire ends, broken boards, jagged ends and protruding hinges or bolts, which could cause injury to animals shall be removed or otherwise suitably covered.
8. The floor of each paddock, including the off-loading banks, races, and passages of the off-loading facility at a pound, shall be constructed in such a way as to provide for non-slip surfaces that can be efficiently and suitably cleaned, and kept dry and in a proper condition for the holding and / or handling of animals.

PART II: Handling of animals

9. Animals shall always be handled humanely, and with patience and tolerance
10. The following shall be kept in mind when handling animals—
 - (a) animals respond more readily to being driven, when the person driving them stands behind the animal, but within the field of vision of the animal; and
 - (b) animals in a herd respond more readily to being driven, than alone.
11. Animals may not be dragged by their legs, or be carried by their heads, ears or tails.
12. Young calves shall be carried if they cannot walk themselves with ease, by lifting the calf around the chest and hindquarters. Alternatively they shall be guided with one hand on the hindquarters and the other near the shoulder or neck, and be steered in the required direction at an appropriate and comfortable pace.
13. Only sticks with canvas or belting flaps may be used when driving animals, and it is preferable to strike the ground behind the animals, rather than to hit the animals themselves.
14. Electric prodders, sticks or goads may not be used on young animals.
15. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III: Movement of animals

16. Animals driven on the hoof shall always be under proper and competent supervision.
17. Animals shall be moved along in a calm manner, at a gait which is relaxed, comfortable and natural for such animal, and the gait shall never be faster than that of the slowest animal in the herd or flock.
18. Animals may not be driven continuously for periods in excess of ten (10) hours, without being given rest of at least one (1) hour. Sufficient and suitable fresh water shall be made available to all the animals during the drive.
19. No animal on the hoof may be moved in excess of the following distances—
 - (a) during a journey of not more than one day's duration—
 - (i) twenty (20) kilometres for sheep and goats; and
 - (ii) thirty (30) kilometres for cattle; and
 - (b) during a journey of more than one day's duration—
 - (i) twenty (20) kilometres during the first day and fifteen (15) kilometres during each subsequent day for sheep and goats; and
 - (ii) twenty five (25) kilometres during the first day and twenty (20) kilometres during each subsequent day for cattle.

20. On reaching their night camp or final destination, animals shall immediately be watered and fed with sufficient food of a quality and of a type compatible with each species concerned.
21. Animals may not be moved in the dark.
22. No sick, injured or disabled animal may be moved on the hoof.

PART IV: Vehicles used in transporting animals

23. Vehicles and all trailers used in the transport of hoofed animals shall be suitable for the transport of such animals and in a roadworthy condition.
24. All vehicles and trailers referred to in paragraph 23 shall have—
 - (a) a suitable non-slip floor, which may not impede the cleaning of the floor of the vehicle, and which may be fastened with hinged or removable battens or steel grids;
 - (b) adequate ventilation and light whilst in motion, as well as when stationary, and no vehicle shall be totally enclosed;
 - (c) adequate protection against exhaust fumes, as exposure to exhaust fumes could interfere with the respiration of animals or cause distress;
 - (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle, provided that the sides and / or partitions—
 - (i) the sides and partitions, when used in a vehicle to separate animals transported therein, shall be of a height not lower than the shoulder joint of the largest animal being transported;
 - (ii) in the case of cattle other than calves, the minimum height shall be one thousand eight hundred (1 800) millimetres; and
 - (iii) the minimum height shall be seven hundred and fifty (750) millimetres in the case of any smaller animals;
 - (e) in multi-tier vehicles, heights between decks shall be adequate, and in case of sheep and pigs not less than one thousand (1 000) millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for free flow of air above the animals;
 - (f) floors that are solid and impervious;
 - (g) openings for the loading and off-loading of animals at the rear of the vehicle that are the full width of the vehicle, or if at the side of a vehicles, with a width not less than two thousand four hundred (2 400) millimetres; and

(h) gates, with or without partitions—

- (i) of a design and construction strong enough and suitable for the intended conveyance of the consignment of animals; and
- (ii) that are able well-secured, and can open and close freely.

25. The amount of animals packed into any given space to be transported, shall be as such, to ensure the safety and comfort of the animals during transport, and the recommended floor space to be provided per animal is—

(a) one point four (1.4) square meters surface area per large animal; and

(b) zero point five (0.5) square meters surface area per small animal.

PART V: Watering and feeding of live animals prior to loading

26. Animals shall be provided with sufficient and suitable food and fresh water until the commencement of the journey.

PART VI: Loading and off-loading procedures

27. The loading and off-loading of animals into or out of a vehicle shall be done as quietly and calmly as possible, with patience and tolerance, and without harassing, terrifying, bruising, and injuring the animals, or suffering and undue stress to the animals.

28. No animal may be loaded or off-loaded by lifting of the animal by the head, fleece, skin, ears, tails, horns or legs.

29. No animals may be loaded or off-loaded otherwise than—

- (a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than twenty five (25) degrees; or
- (b) at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than three hundred and ten (310) millimetres below the level of the off-loading vehicle and with an incline not exceeding twenty five (25) degrees.

30. Where a vehicle is equipped with an on-board removable loading ramp it shall have a non-slip surface and be of such a sufficient length when lowered, that the inclination is not steeper than twenty five (25) degrees, with the distance from the ground to the heel of the ramp not exceeding one hundred and twenty (120) millimetres.

31. Loading ramps shall be correctly adjusted for each loading or off-loading, to the exact height of the floor of a vehicle.

32. Journeys must commence as soon as possible after the animals have been loaded and the animals shall be promptly off-loaded upon arrival at the destination.
33. Unless adequate provision has been made for the effective separation of different species of animals, different species of animals may not be loaded and transported in the same vehicle.
35. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle, unless adequate provision has been made for the effective separation of such animals.
36. Adult horned cattle may not be transported with polled cattle and they shall always be penned separately.
37. When there is reason to believe that an animal is likely to give birth in the course of a planned journey, such an animal may not be loaded onto a vehicle to be transported.
38. In the case of an animal giving birth during transport, the necessary precautionary measures shall be implemented, to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
39. In the event of—
 - (a) a breakdown of the transport vehicle;
 - (b) an accident or collision in which the transport vehicle is involved; or
 - (c) injury to, or death of, any animal in transit, the cartage contractor shall immediately report the details to, and request assistance from—
 - (i) in the case of paragraph (a), a breakdown service;
 - (ii) in the case of paragraph (b), the South African Police Service and the involved traffic authorities; or
 - (iii) in the case of paragraph (c), a veterinarian surgeon.
39. Where the transport of any animal may cause injury to itself or any other animal, such animal shall be restrained in such a manner, as to prevent any such injury.
40. No animals may be restraint for more than four (4) hours in any twenty four (24) hour period.
41. No wire or bailing twine may be used for tying the legs or feet of an animal.
42. To avoid strangulation or a neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope shall be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.



SCHEDULE 2

Pound register information

A pound register shall at least, contain the following information—

- (a) Name of the pound.
- (b) The date of receipt of the animal.
- (c) The number and description of animals impounded.
- (d) The brands or markings on animals.
- (e) The ear tag number assigned by the Pound Keeper to each animal impounded.
- (f) Name and address of person who seized the animal.
- (g) Name and address of the owner of the land where the animal was seized.
- (h) Name and address of owner of the animal.
- (i) The reason why the animal has been impounded.
- (j) Address or description of place where animal was found.
- (k) Distance between the place where the animal was seized and the pound.
- (l) Particulars of the damage caused by the animal.
- (m) Transport fees payable.
- (n) Details of the destruction or disposal of an animal.
- (o) Cause of death, theft of or injury to an impounded animal.
- (p) Description and amount of pound fees payable.
- (q) Damages awarded by the Court.
- (r) Date of release of an animal.
- (s) Date of sale of an animal.
- (t) Proceeds of the sale of an animal.
- (u) Name and address of purchaser of an animal.
- (v) Excess amount of the proceeds of the sale of an animal, if any, paid to the owner of the animal.
- (w) Receipt number of monies received.
- (x) Details of the court order, with regard to the future disposal of the animal concerned, if not sold at an auction.

STELLENBOSCH MUNISIPALITEIT

Stellenbosch Munisipaliteit uit hoofde van die gesag aan hom verleen deur Artikel 156 (2) van die Grondwet van die Republiek van Suid-Afrika, soos gewysig, saamgelees met Artikel 13 van die Wet op Plaaslike Regering: Munisipale Stelsels Wet, 2000 (Wet 32 van 2000), die volgende verordening aanvaar, soos aangedui hieronder

VERORDENING OP DIE SKUT VAN DIERE**AANHEF**

Die doel van die verordening is om—

- i) voorsiening te maak vir geriewe vir die huisvesting en versorging van diere wat afgedwaal het, los rondloop of verlore is; en
- ii) om voorsiening te maak vir prosedures, metodes en praktyke om die skut van diere te bestuur.

INHOUDSOPGAWE

- 1. Definisies
- 2. Toepassing
- 3. Vestiging van 'n skut
- 4. Skut van diere
- 5. Aanstelling van 'n Skutmeester
- 6. Inligting wat aan 'n Skutmeester verstrekk moet word
- 7. Ontvangsbewyse vir diere wat geskut word
- 8. Die voorsiening van kampe en / of hokke in 'n skut
- 9. Afmaak van gevaarlike en beseerde diere of diere met aansteeklike siektes
- 10. Kennisgewings aan eienaars oor diere wat geskut is
- 11. Versorging van geskutte diere
- 12. Diere wat geskut word wat vrek of beseer raak of gesteel word
- 13. Verordening ter insae
- 14. Fooie, tariewe en kostes betaalbaar
- 15. Betalings
- 16. Verpligte skutregister
- 17. Insae in skutregister
- 18. Vrylating van diere wat geskut is
- 19. Verkoping van diere wat geskut is
- 20. Kennisgewing van verkoping
- 21. Diere wat nie verkoop kan word nie
- 22. Voorlegging van skutregisterinskrywings na verkoping van diere
- 23. Insae in skutregister tydens verkopings
- 24. Reëlins vir dienslewering
- 25. Vrywaring
- 26. Strafbepalings
- 27. Mishandeling van diere
- 28. Appèlle
- 29. Teenstrydighede met ander wetgewing
- 30. Bediening van kennisgewings en ander dokumente
- 31. Prosedures wat gevolg moet word in aansoek by die Hof
- 32. Bylaes 1 en 2 vorm deel van die verordening
- 33. Kort titel
- 34. Inwerkingtreding

1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy dit uit die konteks anders aandui, beteken—

“diensleweringssooreenkoms”, ’n diensleweringssooreenkoms soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“bees”, ’n volwasse bul of koei, ’n os of tollie, of ’n vers of bulkalf;

“bok”, ’n volwasse ram of ooi, ’n kapater of hammel, of ’n boklam;

“dier”, wat die begrip **“diere”** insluit, enige perd, bees, donkie, muil, kameel, skaap, bok, vark, hoender of ander voël, pluimvee, volstruis, haas, kony, hond, kat of ander huisdier of voël, of ’n wilde dier, wilde voël of reptiel wat in gevangenisskap verkeer of aangehou word of onder iemand se beheer is;

“eienaar”, met betrekking tot die eienaarskap van ’n dier, enige persoon wat wetlik besit het van of wat as agent van of met die instemming van die eienaar, wetlik belas is met die sorg, bewaring of beheer van ’n dier;

“eienaar van grond”, met betrekking tot die eienaarskap van enige grond, enige persoon, wat as eienaar, wettige huurder of okkupeerder ’n perseel of gedeelte grond bewoon, of gebruik en / of benut vir watter doeleindes ook al, of as agent namens die eienaar daarvoor beheer uitoefen;

“eiendom”, is:

- (a) onroerende eiendom geregistreer in die naam van ’n persoon, insluitend in die geval van ’n deeltitelskema, ’n deeltiteleenheid wat in die naam van ’n persoon geregistreer is;
- (b) ’n reg geregistreer teen onroerende eiendom in die naam van ’n persoon, met uitsluiting van ’n verbandlening wat teen die eiendom geregistreer is;
- (c) ’n grondbesitreg of grondbrief geregistreer in die naam van ’n persoon ingevolge wetgewing;
- (d) ’n openbare plek geregistreer in die naam van Stellenbosch Munisipaliteit of enige ander staatsinstelling of -entiteit; of
- (e) openbare dienste infrastruktuur, wat insluit enige openbare pad;

“gemagtigde beampte”, ’n beampte, gemagtig ingevolge artikel 8 van die Wet op Dierebeskerming, 1962 (Wet No 71 van 1962), soos gewysig, of enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig of enige beampte van die Stellenbosch Munisipaliteit wat gemagtig is deur die Stellenbosch Munisipaliteit om die bepalings van hierdie verordening af te dwing;

“grond”, enige perseel of eiendom of openbare plek binne die regsgebied van Stellenbosch Munisipaliteit;

“grondeienaar”, met betrekking tot die eienaarskap van enige grond, enige persoon, wat as eienaar, wettige huurder of okkupeerder 'n perseel of gedeelte grond bewoon, of gebruik en / of benut vir watter doeleindes ook al, of as agent namens die eienaar daarvoor beheer uitoefen;

“hings”, 'n manlike perd, donkie of muil, wat nie gekastreer is nie of wat gedeeltelik gekastreer is;

“Hof”, 'n Landdroshof soos verwys na in subartikel 166(d) van die Grondwet van die Republiek van Suid-Afrika, 1996, met jurisdiksie in die gebied waarbinne die skut geleë is;

“identifikasiemerk”, 'n voorgeskrewe merk op 'n dier, soos vereis deur die Wet op die Identifisering van Diere, 2002 (Wet No 6 van 2002), soos gewysig;

“mikroskylie”, 'n elektroniese meganisme wat op 'n dier aangebring of aan 'n dier geheg is, waarop data oor die dier en / of die gegewens van die eienaar gestoor word;

“Munisipale Stelselwet”, die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“Munisipaliteit”, die Stellenbosch Munisipaliteit, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringsooreenkomste van Stellenbosch Munisipaliteit;

“nuusblad”, wat insluit **“nuusblaai”**, enige koerant wat as nuusblad geregistreer is;

“okkupeerder”, 'n persoon wat grond of 'n perseel okkupeer en beheer daarvoor het, wat insluit 'n bewoner van 'n perseel;

“openbare pad”, wat insluit enige munisipale straat of steeg of padreserwe, of enige openbare pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

“openbare plek”, enige perseel of eiendom of grond waartoe die publiek toegang het, wat insluit, maar nie beperk is tot, enige plein; gebou; park; ontspanningsgebied; sportgronde; oop ruimte; reservaat; munisipale straat of steeg of straatreserwe; openbare pad; parkeerarea; munisipale meent; ongebruikte, gebruikte, beboude of onbeboude munisipale grond; of 'n begraafplaas, waaroor Stellenbosch Munisipaliteit jurisdiksie het;

“perd”, 'n hings, merrie, reunperd, hingsvul, merrievul, manlike of vroulike donkie of muil;

“persoon”, vir doeleindes van hierdie verordening, 'n natuurlike persoon, 'n regs persoon, enige landbou, industriële of handelonderneming, of 'n staatsinstelling;

“pluimvee”, 'n hoender, gans, eend, kalkoen of makou, hetsy mak of wild;

“privaat grond”, alle grond wat nie in besit is van 'n staatsinstelling of 'n ander munisipaliteit of Stellenbosch Munisipaliteit nie;

“publieke grond”, alle grond wat in besit is van ’n staatsinstelling of ’n ander munisipaliteit of Stellenbosch Munisipaliteit;

“skaap”, ’n volwasse ram of ooi, ’n hamel of ’n lam;

“skut”, enige omheinde fasiliteit bestaande uit een of meer geboue, strukture, hokke of kampe, wat deur Stellenbosch Munisipaliteit of ’n diensverskaffer, voorsien word vir gebruik as skut, en wat onder die beheer van ’n skutmeester of ’n diensverskaffer, ingevolge ’n diensleweringsooreenkoms met Stellenbosch Munisipaliteit, funksioneer, en wat geskep is om afgedwaalde, verdwaalde, verlore of loslopende diere tydelik te huisves en te versorg;

“Skutmeester”, ’n persoon wat:

- (a) ’n deeltydse of permanente werknemer van Stellenbosch Munisipaliteit is, en wie getaak en / of gemagtig is om die funksies en bevoegdhede van ’n skutmeester vervul; of
- (b) kragtens ’n diensleweringsooreenkoms met Stellenbosch Munisipaliteit ,aangestel is deur ’n diensverskaffer, om die funksies en bevoegdhede van ’n skutmeester te vervul

“vark”, ’n beer of sog, of enige speenvark of enige troetelvark;

“veearts”, ’n persoon wat ooreenkomstig die bepalings van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet No 19 van 1982), soos gewysig, as sodanig gekwalifiseer is en as sulks praktiseer; en

2. TOEPASSING

Die doel van hierdie verordening is om voorsiening te maak vir geriewe vir die huisvesting en versorging van diere wat afgedwaal het, los rondloop of verlore is en om voorsiening vir prosedures, metodes en praktyke om die skut van diere te bestuur.

3. VESTIGING VAN ’N SKUT

- (1) Die Munisipaliteit mag ’n skut en enige plekke van bewaring, op enige gekose en gerieflike plek binne die regsgebied van die Munisipaliteit vestig soos benodig, met dien verstande dat die Munisipaliteit ook ’n diensleweringsooreenkoms mag aangaan met ’n diere welsynsorganisasie of enige instelling of persoon soos bedoel in artikel 76(b) van die Munisipale Stelselwet, ten einde vir die vestiging en bestuur van ’n skut en plekke van bewaring, wat die hele of gedeeltes van die regsgebied van die Munisipaliteit bedien, voorsiening te maak.
- (2) Die Munisipaliteit moet in ten minstens een (1) geregistreerde nuusblad wat binne die regsgebied van die Munisipaliteit versprei word, kennis gee van die voorname om ’n skut te vestig.
- (3) Die Munisipaliteit mag ’n skut onder sy beheer sluit.

4. SKUT VAN DIERE

- (1) Enige eienaar van privaat eiendom, kan 'n dier wat ongemagtig op sy of haar eiendom is of rond dwaal, laat aanhou met die doel om dit te laat skut of na 'n plek van veilige bewaring te laat verwyder, met dien verstande dat alvorens sodanige diere verwyder mag word, daar aan die volgende vereistes voldoen moet word—
- (a) die eienaar van die eiendom waarop 'n dier oortree, mag sodanige dier aanhou, en wanneer 'n eiendomseienaar nie oor die hulpbronne of vermoë beskik om sodanige dier aan te hou nie, die Munisipaliteit versoek om te assisteer met die aanhou van sodanige dier, met dien verstande dat die dier nie na 'n skut afgevoer mag word, alvorens die persoon wat op die dier beslag gelê het om dit aan te hou, skriftelike kennis van minstens vier-en-twintig (24) uur, in gevalle waar die besonderhede van die eienaar van die dier bekend is of eienaarskap bepaal kan word deur middel van 'n identifikasiemerk en / of 'n mikro skyfie, aan die eienaar van die dier verskaf het om die dier te kom verwyder.
 - (b) Die eienaar van die eiendom waarop 'n dier oortree het, moet in die geval waar die eienaar van die dier onbekend is, 'n redelike poging aanwend om vas te stel wie die eienaar van die dier is, maar indien die eienaar van die dier onopspoorbaar bly, kan die eienaar van die eiendom of die Munisipaliteit die dier na 'n plek van veilige bewaring of 'n skut laat afvoer om geskut te word .
 - (c) Die eienaar van 'n dier wat aangehou word om geskut te word, mag met bewys van eienaarskap, verhoë rig tot die eienaar van die eiendom waarop die dier gevind was en wie op die dier beslag gelê het, vir die vrylating van die dier aldus aangehou
 - (d) Die persoon wat die dier aanhou, mag die betrokke dier vrylaat, nadat oorweging verleen is aan die verhoë van die eienaar van die betrokke dier en nadat die toepaslike boetes in terme van die bepalings van hierdie verordening en die Verordening insake Openbare Oorlaste en Oorlaste wat Spruit uit die Aanhou van Diere van Stellenbosch Munisipaliteit, gehef en deur die eienaar van die betrokke dier betaal is, met dien verstande dat die eienaar van eiendom die reg het om by die Hof aansoek te doen vir skadevergoeding na aanleiding van die betrokke voorval.
 - (e) Indien die eienaar van die eiendom wat die betrokke dier aanhou, na die oorweging van die verhoë van die eienaar van die dier, die vrylating van 'n dier weier, moet die eienaar van die eiendom die betrokke dier binne 'n periode van agt-en-veertig (48) uur aan 'n gemagtigde beampte of die Skutmeester oorhandig, om na die skut af te voer, met dien verstande dat die gemagtigde beampte of die Skutmeester die dier slegs kan vrylaat indien sodanige vrylating aan die bepalings van artikel 18 van hierdie verordening voldoen.
 - (f) Die eienaar van die eiendom sal geregtig wees om enige dispuut oor die skut van sodanige dier en / of eise vir skadevergoeding, binne die agt-en-veertig (48) uur periode na die Hof te verwys vir beslegting, in welke geval

die Hof 'n bevel vir die skut van die betrokke dier mag uitreik, insluitend 'n koste- en skadevergoeding bevel wat die Hof as billik en regverdig beskou.

- (g) Die eienaar van die eiendom sal geregtig wees om enige dispuut oor die skut van sodanige dier en / of eise vir skadevergoeding, na die Hof te verwys vir beslegting, insluitend 'n koste- en skadevergoeding bevel wat die Hof as billik en regverdig beskou.
- (2) Enige persoon kan 'n gemagtigde beampte versoek om, of 'n gemagtigde beampte, kan self volgens sy of haar eie diskresie, 'n dier wat ongemagtig in of op 'n openbare plek of openbare pad is, of wei, of rondloop, en wat nie in die sorg van 'n persoon is nie, aankeer met die doel om dit aan te hou of te skut, wat ook al die geval mag wees.
- (3) Enige dier wat met of sonder toesig op 'n openbare pad, munisipale straat of padreserwe of steeg is, of wei of rondloop binne 'n residensiële woongebied insluitend 'n informele woongebied en 'n gevaar vir padverkeer en / of voertuie inhou en die gemeenskap, of 'n siekdraende dier of 'n ongewenste dier in enige residensiële woonarea gevind, moet aangehou word met die doel om dit te skut, deur—
- (a) 'n lid van die Suid-Afrikaanse Polisie; of
- (b) 'n lid van die Suid-Afrikaanse Weermag; of
- (c) 'n lid van die Provinsiale Verkeer; of
- (d) 'n lid van enige dierebeskermingsorganisasie; of
- (e) 'n gemagtigde munisipale beampte.
- (4) Die eienaar van enige eiendom waardeur of waarlangs 'n openbare pad loop of wat aan sodanige openbare pad grens, mag indien 'n grondige rede daarvoor bestaan, 'n gemagtigde beampte versoek om enige dier wat met of sonder toesig op sodanige openbare pad aangrensend tot die betrokke eiendom rondloop of wei, te laat aanhou met die doel om dit te skut.
- (5) 'n Persoon wat 'n dier aanhou vir enige doel of met die doel om dit te laat skut, ingevolge sub-artikels 4(1), 4(2), 4(3) en 4(4) van hierdie verordening, mag nie die dier langer as ses (6) uur aanhou, sonder om dit van genoemte voedsel en water te voorsien nie.
- (6) Enige persoon wat 'n dier aanhou met die doel om dit te skut, moet voldoen aan die bepalings van die Kode van Goeie Praktyk insake die Hantering en Vervoer van Geskutte Diere, soos vervat in Bylae 1 van hierdie verordening.

5. AANSTELLING VAN SKUTMEESTER

Die Munisipaliteit moet in ooreenstemming met die aanstellingsbeleid van die instelling, 'n geskikte gekwalifiseerde en ervare persoon as Skutmeester aanstel.

6. INLIGTING WAT AAN 'n SKUTMEESTER VERSTREK MOET WORD

'n Persoon wat diere na 'n skut stuur of neem, moet die Skutmeester skriftelik van die volgende inligting voorsien—

- (a) die getal en beskrywing van die dier of diere wat geskut moet word;
- (b) die eiendom of grond waarop die dier of diere gevang was;
- (c) die afstand in kilometer, langs die kortste en mees praktiese padroete, tussen die plek waar die dier of diere gevang is en die skut;
- (d) in die geval van 'n dier of diere wat op privaat eiendom oortree het en aangehou was, bewys van die vereiste skriftelike kennisgewing van verwyderig gerig aan die eienaar van die diere betrokke, en ander prosesse soos voorsien in subartikel 3(1) van hierdie verordening, soos toepaslik;
- (e) in die geval waar die eienaar van 'n dier of diere wat op die privaat eiendom gevang was nie opgespoor kon word nie, 'n verklaring wat bevestig dat die identiteit van die eienaar van die dier of diere nie bekend is nie en dat die eienaar van die grond 'n redelike poging aangewend het om die eienaar van die dier of diere op te spoor; en
- (f) die toestand van die dier en omstandighede waaronder die dier geskut is.

7. ONTVANGSBEWYSE VIR DIERE WAT GESKUT WORD

Die Skutmeester moet aan elke persoon wat 'n dier of diere onder die sorg van die Skutmeester laat, 'n geskrewe ontvangsbewys gee, waarin die getal en beskrywing van die diere uiteengesit word, asook die besonderhede van die persoon wat 'n dier of diere in die sorg van die Skutmeester laat.

8. DIE VOORSIENING VAN KAMPE EN / OF HOKKE IN 'n SKUT

Die Munisipaliteit moet vir doeleindes van 'n skut, afsonderlike kampe en / of hokke voorsien en in stand hou, wat deurlopend in 'n goeie toestand, en sover moontlik vry van alle besmetting sal wees, vir—

- (a) volstruise en perde;
- (b) beeste;
- (c) skape, bokke en varke;
- (d) honde;
- (e) katte; en
- (f) enige ander tipe dier, soos van tyd tot tyd bepaal, met dien verstande dat die Munisipaliteit ten opsigte van enige skut in sy gebied, verlof aan die Skutmeester kan verleen om 'n kleiner aantal kampe of hokke, aldaar te voorsien en in stand te hou.

9. AFMAAK VAN GEVAARLIKE EN BESEERDE DIERE OF DIERE MET AANSTEEKLIKE SIEKTES

- (1) 'n Skutmeester mag enige dier wat geskut is, wat aan 'n aansteeklike siekte ly of beseer is of in 'n baie swak fisiese kondisie is of wat moontlik gevaarlik vir mense of vir ander diere in die skut is, op 'n menslike wyse laat afmaak, met dien verstande dat geen sodanige dier afgemaak mag word nie, alvorens 'n veearts dit ondersoek het en met die Skutmeester ooreengekom het oor die noodsaaklikheid om die dier van kant te maak, aldan nie, en op voorwaarde dat alvorens 'n dier afgemaak word:

- (a) 'n skriftelike kennisgewing oor die voorgenome afmaak van die betrokke dier, met verstrekking van redes vir die beoogde aksies, op die eienaar van die dier bestel word, in die geval waar die besonderhede van sodanige eienaar bekend is en / of die eienaar opgespoor kan word deur middel van die identifikasiemerke op of 'n mikroskyfie aan die dier;
 - (b) indien dit onprakties of onmoontlik is om die eienaar van die dier skriftelik kennisgewing te gee, sal 'n mondelingse kennisgewing of 'n ander praktiese wyse van kennisgewing, as voldoende beskou word; en
 - (c) indien daar 'n noodsituasie bestaan en dit onprakties of onmoontlik sal wees om die eienaar van 'n dier enige vorm van kennisgewing te gee, mag 'n veearts toestemming gee, dat die betrokke dier op menslike wyse van kant gemaak word, met dien verstande dat die eienaar van die betrokke dier so gou doenlik van die gebeurlikheid in kennis gestel word, met 'n opgaaf van redes vir die aksie geneem.
- (2) Indien enige dier of diere wat aan 'n aansteeklike siekte ly, soos bepaal ingevolge die Wet op Dieresiektes, 1984 (Act No. 35 van 1984), soos gewysig, na 'n skut gebring word, of infekteer raak terwyl dit in 'n skut is—
- (a) moet sodanige infekteerde dier of diere afsonderlik van ander diere aangehou word, solank dit nodig is, indien dit nie onmiddelik van kant gemaak word nie;
 - (b) moet sodanige infekteerde dier of diere in isolasie weg van ander geskutte diere aangehou word en moet die teenwoordigheid van die geïnfekteerde dier of diere aan die naaste Staatsveearts rapporteer word; en
 - (c) moet die eienaar of eienaars van sodanige infekteerde dier of diere onmiddelik skriftelike kennis gegee word oor die skut van die geïnfekteerde dier of diere, en die aksies onderneem om die aansteeklike siekte te beperk, waar die besonderhede van die eienaar of eienaars van sodanige infekteerde dier of diere bekend is aan of bepaal kan word deur die Skutmeester.

10. KENNISGEWINGS AAN EIENAARS OOR DIERE WAT GESKUT IS

- (1) Indien die Skutmeester bekend is met die besonderhede van die eienaar van 'n dier of eienaarskap kan bepaal deur middel van identifikasiemerke of 'n mikroskyfie aan 'n dier wat geskut is, moet die Skutmeester sonder versuim skriftelike kennis aan sodanige eienaar gee, dat die betrokke dier geskut is.
- (2) Indien enige dier wat geskut word 'n identifikasiemerk het, soos omskryf in die Wet op die Identifisering van Diere, 2002 (Wet No 6 van 2002), soos gewysig, moet die Skutmeester die prosedure volg vir die bevestiging van eienaarskap van 'n dier, soos voorgeskryf in artikel 14 van die Regulasies op die Identifisering van diere, soos gewysig, en afgekondig ingevolge GK R1683 gedateer 21 November 2003.

- (3) Waar die gegewens van die eienaar van 'n geskutte dier nie aan die Skutmeester bekend is nie en / of nie bepaal kan word nie, moet die Skutmeester by ontvangs van sodanige dier by 'n skut, die skut van die betrokke dier by die naaste kantoor van die Suid-Afrikaanse Polisie diens aanmeld, en 'n kennisgewing met betrekking tot die skut van die betrokke dier, op 'n kennisgewingbord in die onmiddellike omgewing waar die dier gevang was, plaas.

11. VERSORGING VAN GESKUTTE DIERE

Die Skutmeester—

- (a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;
- (b) moet verseker dat water en voldoende voedsel te alle tye vir geskutte diere beskikbaar is; en
- (c) is aanspreeklik teenoor die eienaars van die geskutte diere vir enige skade aan diere berokken as gevolg van sy of haar opsetlike of nalatige optrede of versuim.
- (2) Indien die skutmeester van mening is dat 'n geskutte dier gevaarlik, boosaardig, permanent gebrekkig of dodelik siek, beseer of in so 'n fisiese toestand is dat dit vernietig behoort te word, moet hy 'n polisiebeampte in kennis stel en hom versoek om ingevolge artikel 5 van die Wet op Dierebeskerming, 1962 (Wet van 1962) op te tree.

12. DIERE WAT GESKUT WORD WAT VREK OF BESEER RAAK OF GESTEEL WORD

Indien 'n dier wat geskut is vrek of beseer of gesteel word, moet die Skutmeester—

- (a) die oorsaak van die vrek of besering of die feit dat die dier gesteel is, in die skutregister bedoel in artikel 16 van hierdie verordening aanteken;
- (b) indien die besonderhede van die eienaar beskikbaar of bekombaar is, die eienaar verwittig van die dier wat aldus gevrek het of wat beseer of gesteel is; en
- (c) in die geval van die diefstal van 'n dier uit die skut, die diefstal by die naaste kantoor van die Suid Afrikaanse Polisie diens aanmeld.

13. VERORDENING TER INSAE

Die Skutmeester moet toesien dat 'n afskrif van hierdie verordening ten alle tye by 'n skut ter insae beskikbaar is.

14. FOOIE, TARIWE EN GELDE BETAALBAAR

- (1) Die Munisipaliteit sal jaarliks in terme van die Tariwe Verordening van Stellenbosch Munisipaliteit, fooie en tariwe vasstel vir die aanhou, vervoer en / of bewaring van diere in 'n skut, en mag verskillende fooie en tariwe hef vir verskillende soorte diere.

(2) Die Skutmeester moet—

- (a) die vereiste fooie en tariewe wat jaarliks deur die Munisipaliteit vasgestel word, van die eienaar van 'n dier wat geskut is, verhaal; en
- (b) die kostes vir dip, dosering, mediese behandeling, inenting of ander behandeling wat nodig geag word vir die behandeling van 'n siek of beseerde dier, of wat vereis word ingevolge die Wet op Dieresiektes, 1984 (Wet No 35 van 1984), soos gewysig, van die eienaar van 'n dier wat geskut is, verhaal.

15. BETALINGS

- (1) Die fooie en tariewe wat ingevolge subartikel 18(1) van hierdie verordening vasgestel word, en alle ander kostes aangegaan, moet aan die Munisipaliteit deur die eienaars van die diere wat geskut is, betaal word, en die Munisipaliteit moet 'n kwitansie uitreik vir alle gelde aldus ontvang.
- (2) Die eienaar van 'n dier moet die Skutmeester van 'n geldige kwitansie voorsien, alvorens die Skutmeester 'n dier wat geskut is kan vrylaat.
- (3) Die diere wat geskut is, mag deur die Skutmeester gehou word as sekuriteit vir die betaling van die toepaslike skutfooie en-tariewe, en enige ander kostes deur die Munisipaliteit aangegaan verbandhoudend tot die skut van die diere, met dien verstande dat indien die waarde van die diere wat aldus geskut is, meer is as die totale bedrag wat verskuldig is, en indien die eienaar van 'n dier nie in staat is om die verskuldigde bedrag te betaal nie, mag die Skutmeester slegs daardie aantal diere terughou as betaling, as wat voldoende is om die totale verskuldigde bedrag te vereffen, en die res van die diere moet aan die betrokke eienaar terug besorg word.
- (4) 'n Skutmeester wat onwettig diere terughou na ontvangs van betalings vir die vrylating van diere, of meer diere terughou as betaling as wat redelik nodig mag wees om die verskuldigde bedrae soos bedoel in subartikels 18(1) en 18(3) van hierdie verordening te verhaal, is teenoor die eienaar en / of eienaars van die betrokke diere aanspreeklik vir enige skade gely, weens die weerhouding van die vrylating van die diere.
- (5) Die fooie, tariewe en / of gelde wat ingevolge hierdie verordening ontvang en of gevorder word, moet gedeponeer word as inkomste van die Munisipaliteit, ingevolge die voorskrifte en prosedures soos voorgeskryf deur die Munisipaliteit.
- (6) Geen Skutmeester mag 'n dier wat geskut is in terme van die bepalings van hierdie verordening, loslaat nie tensy die voorgeskrewe fooie, tariewe en gelde betaal is nie.

16. VERPLIGTE SKUTREGISTER

- (1) Elke Skutmeester moet 'n skutregister byhou waarin die volgende besonderhede aangeteken word—

- (a) die datum waarop en die rede waarom elke dier geskut is;
 - (b) die getal en beskrywing van diere wat geskut is;
 - (c) die naam en adres van die persoon wat 'n dier geskut het, en die naam en adres van die eienaar of vermoedelike eienaar van 'n dier, indien dit aan die Skutmeester bekend is
 - (d) die datum en besonderhede van die loslating en / of verkoping van diere;
 - (e) fooie, tariewe en gelde betaal in die gevalle waar diere vrygelaat was en die betrokke kwitansienommers van betalings; en,
 - (f) alle ander sake wat die Munisipaliteit bepaal het, wat aangeteken moet word.
- (2) Die inskrywings onder subartikel 16(1)(d), 16(1)(b) en 16(1)(c) van hierdie verordening moet gedoen word wanneer die diere geskut word, en die inskrywings onder subartikel 16(1)(d) en 16(1)(e) van hierdie verordening moet gedoen word in die skutregister, sodra die Skutmeester in besit kom van die nodige besonderhede, met dien verstande dat geen inskrywing gedoen mag word, indien 'n dispuut oor die skut van 'n dier ontstaan het nie.
- (3) In geval van die dood of diefstal of besering van 'n dier wat geskut is, moet die Skutmeester 'n beskrywing van sodanige dier en die oorsaak van die dood, besering of diefstal daarvan, in die skutregister aanteken.

17. INSAE IN SKUTREGISTER

Die skutregister van 'n skut moet by die betrokke skut of 'n ander aangewysde plek gehou word en moet op alle redelike tye kosteloos ter insae wees vir enige gemagtigde beampte van die Munisipaliteit, enige veearts, enige vee-inspekteur, en enige lid van die Suid Afrikaanse Polisiediens of enige lid van die publiek.

18. VRYLATING VAN DIERE WAT GESKUT IS

- (1) Onderworpe aan die bepalings van subartikel 15(2) van hierdie verordening moet die Skutmeester 'n dier wat geskut is, onmiddelik vrylaat en aan die eienaar 'n vrylatingsbewys voorsien, indien die eienaar—
- (a) bewys van eienaarskap van sodanige dier kan verskaf; en
 - (b) die fooie, tariewe en gelde soos beoog in artikel 14 van hierdie verordening betaal het en aan die Skutmeester 'n kwitansie van sodanige betaling voorsien.
- (2) Die Skutmeester moet aan die eienaar van 'n dier wat geskut is, waar die gegewens en adresbesonderhede van sodanige eienaar bekend is, 'n kosteberekening verskaf, wat moet aantoon—
- (a) die fooie, tariewe en gelde betaalbaar met betrekking tot die skut van 'n dier of diere, ingevolge hierdie verordening;

- (b) die bedrag van enige skade wat die eienaar van grond, waarop die betrokke dier of diere oortree het, gelyk het; en
 - (c) alle beraamde kostes verbonde aan die advertering en die opveel van die betrokke dier of diere, soos toepaslik.
- (3) Indien 'n dier wat geskut is, 'n dier is wat 'n identifikasiemerk moet dra soos bedoel in die Wet op Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig, en indien sodanige dier nie die vereiste merk dra nie, moet die Munisipaliteit die aangeleentheid by die Suid-Afrikaanse Polisiediens aanmeld en moet die Munisipaliteit weier om sodanige dier vry te laat, indien die Suid-Afrikaanse Polisiediens die Munisipaliteit aldus skriftelik opdrag gee om die dier verder aan te hou.
- (4) Indien die eienaar van 'n dier wat geskut is nie die fooie, tariewe en gelde soos bedoel in artikel 14 van hierdie verordening kan betaal nie, mag die Skutmeester die vrylating van sodanige dier terughou, totdat die uitstaande fooie, tariewe en gelde verskuldig aan die Munisipaliteit betaal is of andersyds verhaal kan word.
- (5) Alle risiko's verbonde aan die eienaarskap van 'n dier, gaan oor na die persoon wat bewys van eienaarskap lewer, sodra die Skutmeester kan bevestig dat voldoende bewys van eienaarskap verskaf is.

19. VERKOPING VAN DIERE WAT GESKUT IS

- (1) Die Skutmeester moet—
- (a) wanneer enige dier wat geskut is, nie binne sewe (7) dae na betaling van die toepaslike fooie, tariewe en gelde, soos voorsien in subartikel 18(2)(a), subartikel 18(2)(b) en subartikel 21(2) van hierdie verordening, opgeëis word deur die eienaar daarvan nie, of in die geval waar sodanige dier se eienaar nie opgespoor kan word nie, by die Hof aansoek doen om sodanige dier te mag verkoop om kostes te verhaal; en
 - (d) in die aansoek soos beoog in artikel 19(1)(a) van hierdie verordening, bewys lewer aan die Hof dat 'n kosteberekening soos beoog in subartikel 21(2) van hierdie verordening, aan die eienaar van die dier gelewer was, in die geval waar die besonderhede van sodanige eienaar bekend was.
- (2) 'n Aansoek aan die Hof om 'n dier ingevolge hierdie verordening te verkoop, moet voldoen aan die prosedures soos vervat in Reël 55 van die Wet op Landdroshowe, 1944 (Wet No 32 van 1944), soos gewysig, met dien verstande dat die betrokke aansoek *ex parte* gebring mag word, waar die Munisipaliteit kan bewys dat ondanks redelike pogings, die eienaar van die dier nie oopgespoor kan word nie.
- (3) Indien die Hof tevrede is dat daar aan die bepalings van die verordening met betrekking tot die skut van die betrokke diere voldoen is, kan die Hof gelas dat die betrokke dier of diere per veiling, soos voorsien in die verordening, verkoop word.
- (4) Die Hof moet, ongeag of die bedrae in die kosteberekening soos voorsien in subartikel 21 (1) en (2) van die verordening, betwis word al dan nie—

- (a) onmiddellik die saak ondersoek;
 - (b) waar die gegewens van die eienaar van die betrokke dier of diere bekend is, ondersoek instel of die Skutmeester wel die betrokke eienaar van die dier en / of diere behoorlik kennis gegee het van die kostes verbonde aan die skut en vrylating van die dier en / of diere; en
 - (c) 'n bevel maak wat as billik en regverdig beskou word, wat sal insluit 'n bevel, aangaande:
 - (i) kostes; en
 - (ii) prosedures wat gevolg moet word deur die skutmeester om die betrokke dier te verkoop.
- (5) By elke sodanige gemagtigde verkoping van diere wat geskut is—
- (a) mag geen dier te koop aangebied word nie tensy dit deur die Hof gelas is nie;
 - (b) moet alle diere, uitgesonder skape en bokke, stuksgewys verkoop word;
 - (c) moet skape en bokke in troppe van hoogstens tien (10) verkoop word en ag skape en bokke, of skape of bokke met verskillende identifikasiemerke, onder geen omstandighede saam in dieselfde trop verkoop word nie;
 - (d) moet diere vir kontant verkoop word;
 - (e) moet die totale opbrengs van die fooie, tariewe en kostes soos bedoel in artikel 17 van hierdie verordening, in die munisipale inkomstefonds gestort word, met dien verstande dat indien 'n dier teen 'n hoër prys verkoop word op 'n verkoping—
 - (i) as die skutfooie en -tariewe betaalbaar en kostes aangegaan vir die skut van 'n dier; en
 - (ii) as enige skadevergoeding toegeken deur die Hof, ingevolge artikel 21(2) van hierdie verordening, moet sodanige oorskot, binne dertig (30) dae na die verkoping, aan die eienaar van die diere uitbetaal word, behalwe as die identiteit van die eienaar nie vasgestel kan word nie.
 - (f) mag die Munisipaliteit 'n reserweprys vasstel vir enige dier wat te koop aangebied word; en
 - (g) mag die afslaer enige dier aan die verkoping onttrek, as die hoogste bod wat aangebied word, nie billik en redelik is nie, ongeag of 'n reserweprys deur die Munisipaliteit vasgestel is of nie.
- (6) Alle verkoping van diere wat geskut is moet—
- (a) behartig word deur die Skutmeester of 'n persoon wat behoorlik deur die Munisipaliteit daartoe gemagtig is, en
 - (b) begin op 'n tyd en gehou word op 'n dag wat deur die Skutmeester vasgestel is ingevolge artikel 20(1)(a) van hierdie verordening.

- (7) Die Skutmeester of 'n munisipale beampte of enige ander ander persoon aldus aangewys om 'n verkoping te behartig, of enige deelgenoot of enige medewerkers of 'n munisipale werknemer, of enige familielid van die betrokkenes voorvermeld, mag nie regstreeks of onregstreeks deur 'n ander persoon, belang hê by die koop van enige dier by 'n veiling soos voorsien in artikel 19(6) van hierdie verordening.
- (8) Die eienaar van 'n dier bly aanspreeklik teenoor die Munisipaliteit vir enige koste, wat nie gedek word uit die verkoop van sodanige dier of diere nie.

20. KENNISGEWING VAN VERKOPING

(1) Die Skutmeester moet—

- (a) wanneer magtiging deur 'n Hof verleen is vir die verkoping van 'n dier of diere wat geskut is, kennis gee dat sodanige dier op 'n openbare veiling verkoop sal word en die datum, tyd en plek van die verkoping bekend maak;
 - (b) in die kennisgewing besonderhede voorsien aangaande die spesie, ras, identifikasiemerke en onderskeidende kenmerke van sodanige dier of diere, wat verkoop moet word;
 - (c) sodanige kennisgewing aan die Munisipaliteit verskaf, en 'n afskrif daarvan op die amptelike munisipale kennisgewingbord en by of naby die skut vertoon tot die dag van die verkoping; en
 - (d) 'n kennisgewing dat 'n dier of diere verkoop gaan word, publiseer in 'n geregistreerde nuusblad wat versprei word in die gebied van jurisdiksie van die Munisipaliteit.
- (2) Die koste van 'n kennisgewing soos bedoel in subartikel 23(1) van hierdie verordening, moet van die eienaar van die dier wat geskut word, verhaal word, en word geag om deel uit te maak van die kostes wat afgetrek moet word van die opbrengs van die verkoop van 'n dier.

21. DIERE WAT NIE VERKOOP KAN WORD NIE

(1) In die geval waar 'n dier nie verkoop kan word nie—

- (a) moet die Skutmeester die Hof en die eienaar, indien die besonderhede van die eienaar aldus bekend is, in kennis stel van die situasie, en die geskatte waarde van die betrokke dier, asook die fooie, tariewe en kostes betaalbaar ten opsigte van die skut van die betrokke dier verskaf;
- (b) mag die Hof op grond van die inligting verskaf, enige bevel maak wat as billik en regverdig beskou word om die situasie aan te spreek, insluitend die afmaak van sodanige dier.

- (2) Indien 'n hond of kat of enige soortgelyke dier, wat nie normaalweg by 'n veiling verkoop kan word nie, nie binne sewe (7) dae nadat 'n kennisgewing ingevolge artikel 10 van hierdie verordening op die eienaar van sodanige dier bedien is dat die betrokke dier geskut is, of nie binne sewe (7) dae nadat 'n advertensie in 'n plaaslike nuusblad verskyn het oor die skut van die betrokke dier, in die geval waar die eienaar nie bekend of opgespoor kan word nie, deur die eienaar opgeëis word nie, kan sodanige dier afgemaak word en kan die kostes vir die versorging en afmaak van die betrokke dier van die eienaar van die dier verhaal word, indien bekend.
- (3) Indien 'n dier wat normaalweg by 'n veiling aangebied word, nie verkoop word nie, kan die Munisipaliteit 'n verdere veiling reël op die voorgeskrewe wyse, met inbegrip van kennisgewing en advertering, of die Hof nader vir 'n bevel vir die afmaak van die betrokke dier op 'n menslike manier, ingevolge die bepalinge van Reël 55 van die Wet op Landdroshowe, 1944 (Wet No 32 van 1944), soos gewysig, met dien verstande dat 'n aansoek *ex parte* gebring kan word, waar die Munisipaliteit kan bewys dat ondanks redelike pogings, die eienaar van die dier nie oopgespoor kan word nie.

22. VOORLEGGING VAN SKUTINSKRYWINGS NA VERKOPING VAN DIERE

Die Skutmeester moet binne veertien (14) dae na die datum van elke skutverkoop, 'n afskrif van alle skutregisterinskrywings aan die Munisipaliteit voorlê, wat aangeteken is sedert die datum van die vorige voorlegging van die skutregister aan die Munisipaliteit, en die Munisipaliteit moet al sodanige afskrifte van skutregisterinskrywings bewaar, en dit beskikbaar stel ter insae van enige persoon wat dit versoek.

23. INSAE IN SKUTREGISTER TYDENS VERKOPINGS

Wanneer 'n verkoping gehou gaan word van diere wat geskut is, moet die Skutmeester of 'n persoon wat gemagtig is om die verkoping waar te neem, die skutregister beskikbaar stel by die plek van verkoping, en sodanige register moet by die plek van verkoping kosteloos ter insae wees van alle persone wat dit versoek.

24. REËLINGS VIR DIENSLEWERING

- (1) Ten einde optimale dienslewering ingevolge hierdie verordening te verseker, kan die Munisipaliteit diensooreenkomste aangaan met ander munisipaliteite of enige ander instelling, en kan ander munisipaliteite of ander instellings per ooreenkoms, diere na 'n skut of soortgelyke fasiliteit van Stellenbosch Munisipaliteit afvoer.
- (2) Die fooie en tariewe betaalbaar vir dienste gelewer, soos voorsien in subartikel 24(1) van hierdie verordening vir die skut van diere, sal deur die betrokke diensleweringsooreenkoms bepaal word.

25. VRYWARING

Die Munisipaliteit, die Skutmeester en enige gemagtigde beampte, sal nie aanspreeklik wees vir die dood of diefstal van of besering aan enige dier, as gevolg van die aanhouding, vervoer, skut of vrylating daarvan gedurende of as gevolg van die skutproses nie.

26. STRAFBEPALINGS

’n Persoon wat—

- (a) ’n dier wat wettig aangehou word vir veilige bewaring of met die doel om dit te skut of wat wettig geskut is, vrylaat;
- (b) onwettig ’n dier vang met die doel om dit te skut;
- (c) onwettig ’n dier skut;
- (d) met die Skutmeester in die uitvoering van sy of haar pligte inmeng;
- (e) enige dier toelaat om vanaf sy of haar eiendom op ’n openbare pad of munisipale straat of padreserwe of steeg te gaan;
- (f) enige dier toelaat om ongemagtig op of in ’n openbare plek rond te loop of te wei;
- (g) wat hekke oopmaak, drade knip of enige handeling uitvoer om diere moedswillig vry te laat;
- (h) enige instruksie uitgereik deur ’n gemagtigde beampte of aangebring op ’n kennisgewingbord verontagsaam; of
- (i) enige bepalings van hierdie verordening oortree, of versuim om daaraan te voldoen of versuim om te voldoen aan ’n kennisgewing uitgereik ingevolge hierdie verordening, is skuldig aan ’n oortreding en mag by skuldigbevinding—
 - (i) ’n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van ’n boete, of beide sodanige boete en sodanige gevangenisstraf opgelê word;
 - (ii) in geval van ’n voortdurende oortreding, ’n bykomende boete of bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van ’n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
 - (iii) ’n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding.

27. MISHANDELING VAN DIERE

Niemand mag ’n dier wat gevind word waar dit oortree, buitensporig vinnig aanjaag of dit onnodig pla of mishandel nie.

28. APPÈLLE

’n Persoon wie verontreg voel oor ’n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, Munisipale Stelselswet, teen sodanige besluit appèlleer, deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelik kennis aan die Munisipale Bestuurder te gee van die appèl, en redes vir die appèl te verstrek.

29. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

30. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument, wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees, indien 'n beampte wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees –
 - (a) wanneer dit persoonlik aan die persoon afgelewer is;
 - (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestig jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
 - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 30(1)(a), 30(1)(b) of 30(1)(c) van hierdie verordening bepaal;
 - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
 - (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer is.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

31. PROSEDURES WAT GEVOLG MOET WORD IN AANSOEK BY DIE HOF

’n aansoek by die Hof vir—

- (a) Die skut van ’n dier in terme van hierdie verordening, moet voldoen aan die prosedure beoog in Artikel 55 van die Reëls van die Hof; en
- (b) die verkoop van ’n geskutte dier in terme van hierdie verordening moet voldoen aan die prosedure beoog in artikel 66 van die Wet op op Landdroshowe, 1944 (Wet No. 32 van 1944), en Artikel 41 van die Reëls van die Hof, gemaak deur die reëls van die Raad vir Geregshowe ingevolge Artikel 6 van die Reëls vir die Wet, 1985 (Wet No. 107 van 1985), en onder die Goewermentskennisgewing No. R.1108 gepubliseer in Regulasiekoerant No. 980 van 21 Junie 1968, soos gewysig van tyd tot tyd, gelees met die nodige veranderinge.

32. BYLAES 1 EN 2 VORM DEEL VAN DIE VERORDENING

Bylaes 1 en 2 tot hierdie verordening, word vir alle praktiese doeleindes geag om deel van die verordening te wees.

33. KORT TITEL

Hierdie verordening staan bekend as die Verordening insake die Skut van Diere van Stellenbosch Munisipaliteit.

34. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.



BYLAE 1

Kode van Goeie Praktyk insake die Hantering, Vervoer en Versorging van

Diere wat Geskut word

DEEL I: Kraalvereistes

1. Vir doeleindes van hierdie bylae het kraal, kamp en hok dieselfde betekenis, en is enige verwysing na 'n kraal ook 'n verwysing na 'n kamp of 'n hok of 'n soortgelyke struktuur waarin 'n dier bewaar kan word.
2. Verskillende spesies diere moet in afsonderlike krale gehou word.
3. Diere mag nie in oorvol krale opeengehoop word nie en die ruimte moet voldoende wees sodat alle diere gelyktydig kan lê en daar mag nie minder as een-punt-vyf (1.5) vierkante meter beskikbare grondruimte per dier wees nie.
4. Opstandige diere mag nie saam met ander diere aangehou word nie.
5. Jong, gespeende of jeugdige diere mag nie saam met volwasse diere in dieselfde kraal aangehou word nie, met uitsondering van 'n vroulike dier en haar kleintjies.
6. Voorsiening moet in krale gemaak word vir—
 - (a) geriewe soos rakke, voerbakke of ander geskikte houers wat maklik skoonmaak, wat die voer van diere van die grond af moontlik maak en wat gediens kan word sonder om diere te steur;
 - (b) watertroë wat 'n voldoende, geskikte voorraad vars water te alle tye voorsien;
 - (c) voldoende geriewe vir die behoorlike skoonmaak van krale; en
 - (d) geriewe vir die veilige hantering van diere.
7. (a) Krale moet te alle tye in 'n goeie, skoon en werkende toestand gehou word.
 - (b) Skerp punte van drade, gebreekte planke, happerige punte, en skarniere of bonte wat uitsteek, wat beserings aan diere kan veroorsaak moet verwyder of na behore bedek word.
8. Die vloer van elke kraal, insluitend die op-en-aflaai vragwal, toevoerbane en drukgange van die laaifasiliteit by 'n skut, moet voorsien word met oppervlaktes wat glipvry is en wat effektief en behoorlik skoongemaak kan word, sodat dit geskik sal wees vir die aanhou en / of hantering van diere.

DEEL II: Hantering van diere

9. Diere moet te alle tye menslik, met geduld en verdraagsaamheid behandel word.
10. Die volgende moet in gedagte gehou word tydens die hantering van diere—
 - (a) diere reageer beter wanneer hul aanjaer agter hulle staan, maar binne hul gesigsveld.
 - (b) Diere in 'n trop reageer beter wanneer hulle in 'n trop aangejaag word in plaas van een een.
11. Diere mag nie aan hul bene gesleep, of aan hul koppe, ore of sterte gedra word nie.
12. Jong kalfies moet opgelig word by die bors en agterkwart en gedra word indien hulle nie self met gemak kan loop nie. As alternatief moet hulle gerig word deur een hand op 'n agterkwart en die ander hand naby die skof of nek te plaas, en deur saam te stap in die vereiste rigting, teen 'n geskikte en gemaklike pas, gestuur word.
13. Slegs stokke met seildoek oorgetrek of dryfbande mag gebruik word tydens die aanjaag van diere, en dit is verkieslik om op die grond agter die dier te slaan, as op die dier self.
14. Elektriese aanporders, stokke of sambokke mag nie op jong diere gebruik word nie.
15. Elektriese aanporders mag nie oormatig of onnodig gebruik word nie, en mag glad nie op die gesig of anus of geslagsdele van diere gebruik word nie.

DEEL III: Verskuiwing van diere

16. Diere wat aangejaag word, moet te alle tye onder behoorlike en bekwame toesig wees.
17. Diere moet op 'n kalm manier teen 'n pas wat ontspanne, gemaklik, en natuurlik vir sodanige dier sal wees, aangejaag word, wat nie vinniger mag wees, as die pas van die stadigste dier in die trop nie.
18. Diere mag nie vir langer as tien (10) uur aaneen aangejaag word, sonder 'n rustyd van minstens een (1) uur nie. Genoegsame en geskikte vars water moet aan al die diere voorsien word, gedurende die proses van aanjaag.
19. Geen dier mag vir afstande langer as die volgende afstande aangejaag word nie—
 - (a) Gedurende 'n reis wat nie langer as een (1) dag duur nie—
 - (i) 20 km vir skape en bokke; en
 - (ii) 30 km vir beeste;

- (b) Gedurende 'n reis wat meer as een (1) dag duur—
 - (i) twintig (20) km gedurende die eerste dag, en vyftien (15) km vir elke daaropvolgende dag, vir skape en bokke; en
 - (ii) vyf-en-twintig (25) km gedurende die eerste dag, en twintig (20) km vir elke daaropvolgende dag vir beeste;
- 20. Sodra diere hul oornag kamp bereik, moet hulle onmiddellik voer en water kry, welke voer voldoende en geskik moet wees vir elke betrokke spesie.
- 21. Diere mag nie na donker aangejaag word nie.
- 22. Geen dier wat siek, beseer of vermink is, mag aangejaag word nie.

DEEL IV: Voertuie gebruik tydens die vervoer van diere

- 23. Voertuie en alle sleepwaens wat vir die vervoer van gehoeftede diere gebruik word, moet geskik wees vir sodanige diere en in 'n padwaardige toestand wees.
- 24. Alle voertuie en sleepwaens in paragraaf 23 genoem moet—
 - (a) 'n geskikte glipvrye vloerbedekking hê, wat nie die skoonmaak van die voertuie se vloer sal belemmer nie, en wat bevestig mag wees met verwyderbare heglatte of staal roosters, of heglatte of staalroosters wat kan skanier;
 - (c) voldoende lug en lig deurlaat, terwyl dit in beweging of stilstaande is, terwyl geen voertuig geheel en al toegemaak mag wees nie.
 - (d) Voldoende beskerming teen uitlaatgasse hê, aangesien blootstelling aan uitlaatgasse diere se asemhaling kan belemmer en angs kan veroorsaak;
 - (d) sywande hê wat hoog genoeg is, om te voorkom dat diere ontsnap of uit die voertuig val, met dien verstande dat die sywande en / of afskortings—
 - (i) wanneer in gebruik op 'n voertuig om diere van mekaar te skei, van sodanige hoogte moet wees, dat die afskorting nie laer as die skouer van die grootste dier wat vervoer word, sal wees nie;
 - (ii) in die geval van beeste, maar uitgesonderd kalwers, 'n minimum hoogte van eenduisend agthonderd (1800) millimeter moet wees; en
 - (iii) in die geval van kleiner diere, 'n minimum hoogte van sewehonderd-en-vyftig (750) millimeter moet wees.
 - (e) in die geval van multi-dek voertuie, moet die hoogtes tussen dekke voldoende wees, ten einde die grootste diere in staat te stel om natuurlik vry en ten volle regop te staan, en moet voldoende ruimte toegelaat word bokant die diere vir lug om vrylik te vloei. In die geval van skape en varke, mag die vryhoogte nie minder as eenduisend (1000) millimeter wees nie.
 - (f) soliede ondeurdringbare vloere hê;

- (g) op en aflaai openinge aan die agterkant van die voertuig hê, wat oor die volle wydte van die voertuig strek of indien dit aan die kante van die voertuig is, moet dit 'n opening hê, van nie minder as tweeduisend vierhonderd (2400) millimeter nie;
 - (h) hekke hê, met of sonder afskortings, wat—
 - (i) van sodanige ontwerp en konstruksie is, dat dit sterk genoeg is en geskik is vir die beoogde vervoer van die betrokke diere; en
 - (ii) wat goed beveilig is, en vrylik kan oop en toemaak.
25. Die aantal diere wat saam geplaas is in enige ruimte vir doeleindes van die transport van sodanige diere moet sodanige beperk word, dat die veiligheid en gerief van die diere gedurende die vervoer daarvan verseker word en die voorgestelde vloerruimte per dier sal wees—
- (a) een-punt-vier (1.4) vierkante meter oppervlakte per groot dier; en
 - (b) nul-punt-vyf (0.5) vierkante meter oppervlakte per klein dier wees.

DEEL V: Verskaffing van voer en water aan diere voor die oplaai daarvan

26. Diere moet voorsien word van voldoende en geskikte voeding en vars water, totdat hulle afgevoer word per voertuig.

DEEL VI: Op-en-aflaai prosedures

27. Die op- en aflaai van diere, op en vanaf voertuie, moet so stil en kalmmoontlik geskied, en moet met die nodige geduld en verdraagsaamheid plaasvind, sonder die onnodige teistering, verskrikking, verkneusing en besering van diere, of onnodige lyding of spanning.
28. Geen dier mag aan sy kop, wol, vel, ore, stert, horings of bene op- of afgelaai word nie.
29. Geen dier mag op enige ander wyse as die volgende, op- of afgelaai word nie—
- (a) By wyse van 'n glipvry oppervlakte, wat sterk genoeg is om die gewig van die spesie dier wat hanteer word te ondersteun, en wat met voldoende sypaneel of traliwerk toegerus is, wat die ontsnapping of afval van diere vanaf die loopplank sal voorkom. Sodanige loopplank mag nie 'n helling van meer as vyf-en-twintig (25) grade hê nie; of
 - (b) By wyse van 'n laaiwal wat op dieselfde hoogte is as die vloer van die voertuig, of wanneer die afgelaai van diere plaasvind, nie meer as driehonderd-en-tien (310) millimeter onder die vloer van die aflaai voertuig is nie en met 'n helling van nie meer as vyf-en-twintig (25) grade nie.
30. Indien 'n voertuig toegerus is met 'n eie verwyderbare laaibrug, moet dit 'n glipvrye oppervlakte hê, en moet dit van voldoende lengte wees sodat, wanneer dit laat sak is, die helling daarvan nie meer as vyf-en-twintig (25) grade sal wees nie, met die afstand tussen die grond en die haak van die laaibrug nie meer as eenhonderd-en-tien (310) millimeter nie.

31. 'n Laaibrug se hoogte moet elke keer aangepas word, om presies met die voertuig se vloerhoogte ooreen te stem.
32. Die reis vir die afvoer van diere, moet so gou moontlik begin nadat die diere opgelaai is en diere moet onmiddellik afgelaai word, wanneer die bestemming bereik word.
33. Tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van verskillende spesies diere, mag sodanig verskillende spesies diere nie in dieselfde voertuig gelaai en vervoer word nie.
34. Diere van verskillende ouderdom, grootte en geslag mag nie saam gelaai en vervoer word nie, tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van sodanige diere.
35. Volwasse beeste met horings, mag nie saam met poenskopbeeste vervoer word nie en hulle moet altyd afsonderlik gehok word.
36. Indien daar voldoende rede bestaan om te glo dat 'n dier tydens 'n voorgenome reis geboorte mag skenk, mag sodanige dier nie gelaai word vir vervoer daarvan nie.
37. Ingeval 'n dier wel tydens 'n reis geboorte skenk, moet die nodige voorsorg getref word om die ma en kroos te beskerm teen vertrapping of besering of teistering deur ander diere.
38. Ingeval die—
 - (a) transport voertuig onklaar raak;
 - (b) transport voertuig in 'n ongeluk of botsing betrokke raak; of
 - (c) 'n dier of diere in transito beseer raak of vrek, moet die karweier onmiddellik die besonderhede rapporteer aan, of hulp vra van—
 - (i) in die geval van paragraaf (a), 'n insleepdiens;
 - (ii) in die geval van paragraaf (b), die Suid-Afrikaanse Polisie Diens en / of die betrokke verkeersowerheid; of
 - (iii) in die geval van paragraaf (c), 'n veearts.
39. Indien die vervoer van enige dier, 'n besering aan die dier self of ander diere kan veroorsaak, moet dit op so 'n manier onder bedwang gehou word, dat sodanige besering voorkom kan word.
40. Geen dier mag vir meer as vier (4) uur in enige vier en twintig (24) uur tydperk onder bedwang gehou word nie.
41. Geen draad of baaltou mag gebruik word om diere se bene of voete mee vas te bind nie.

42. Ten einde verwurging of nekbreke by diere te voorkom, mag geen dier met 'n skuifknoop aan hul horings of nek aan 'n voertuig vasgemaak word nie. Die tou wat gebruik word om 'n dier onder bedwang te hou, moet op die dier se kniehoogte aan die voertuig vasgemaak word, sodat ingeval die dier sou val, die risiko dat die dier beseer sou raak of sou sterf, verminder word. Die tou aldus gebruik, moet lank genoeg wees, ten einde 'n dier toe te laat om gemaklik in 'n natuurlike posisie te lê, met die kop regop.



BYLAE 2

Skutregister Inligting

'n Skutregister moet ten minste die volgende inligting bevat—

- (a) Naam van die skut.
- (b) Die datum waarop 'n dier ontvang is.
- (c) Die getal en beskrywing van diere wat geskut word.
- (d) Merke of brandmerke op diere.
- (e) Die ooretiketnommer wat deur die Skutmeester aan elke dier wat geskut word, toegeken word.
- (f) Naam en adres van persoon wat die dier gevang het.
- (g) Naam en adres van die eienaar van grond waarop die dier gevang is.
- (h) Naam en adres van die eienaar van 'n dier wat geskut is.
- (i) Rede waarom die dier geslut is.
- (j) Adres of beskrywing van plek waar die dier gevind is.
- (k) Afstand tussen die plek waar die dier gevang is en die skut.
- (l) Besonderhede van skade deur die dier aangerig.
- (m) Vervoerkoste betaalbaar.
- (n) Besonderhede van die uitsit of wegdoening van 'n dier.
- (o) Oorsaak van dood, diefstal of besering van 'n dier wat geskut is.
- (p) Beskrywing en bedrag van skutgelde betaalbaar.
- (q) Skadevergoeding toegestaan deur die Hof.
- (r) Datum van vrylating van 'n dier.
- (s) Datum van verkoop van 'n dier.
- (t) Opbrengs vir die verkoop van 'n dier.
- (u) Naam en adres van die koper van 'n dier.
- (v) Oorskotbedrag van die opbrengs met verkoping van 'n dier, indien enige, wat aan die eienaar van 'n dier betaal moet word.
