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General Notice

TOWN OF ARANDIS

No. 7 2007

REGULATIONS RELATING TO KEEPING OF ANIMALS: LOCAL AUTHORITIES ACT, 1992

The Town Council of Arandis, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

F. CLOETE
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Arandis, 30 November 2006

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PART I
DEFINITIONS

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and

“authorised officer” means a staff member authorised by the Council to implement these regulations;

“animal” includes any member of the animal kingdom except a human being;

“at large” in relation to an animal, means to be off the erf or premises of the owner and not under control, by means of a leash;

“breeder” means a person who is registered as a breeder with the Council;

“Council” means the Town Council of Arandis;

“dog” means a dog which is six months old or older;

“erf” means an erf as defined in section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963);

“fee” means a fee, charge or other monies payable to the Council and determined by the Council in terms of section 30(1)(u) of the Act;

“leash” means a strap or chain attached to a collar or harness on the dog strong enough to ensure that the dog is restrained and controlled by the person using the leash;

“impound” means the taking into physical custody of any animal;

“owner” includes -

- (a) the person having in possession, in charge under control or in custody, or harbouring; and
- (b) where the minor is the owner of an animal, the person responsible for the custody of the minor;

but does not include -

- (i) keeping or harbouring of an animal in a veterinary hospital or clinic for the prevention, diagnosis or treatment of a disease of or an injury to the animal; and
- (ii) keeping of an animal at an approved animal shelter or pound;

“pound” means an erf or premises approved by the Council as an impoundment facility;

“poundkeeper” means a person who administers a pound;

“scheme” means the Arandis town planning scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954);

“SPCA” means the Society for the Prevention of Cruelty to Animals;

“secure enclosure” means -

- (a) secure confinement indoors; or
- (B) secure confinement outdoors in a locked pen or structure which is designed to prevent the animal from escaping;

“structure” means a structure used for the keeping, housing or enclosing of animals;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“town area” means the area of jurisdiction of the Council;

“unsanitary condition” means, where an animal is exposed to -

- (a) the accumulation of manure,
- (b) an odour;

- (c) insect infestation; or
- (d) rodent attraction.

PART II PROVISIONS RELATING TO DOGS

Limitation on keeping of dogs

2. (1) A person may not keep more than two dogs, on an erf or premises in the town area, except under the following circumstances:

- (a) newborn puppies;
- (b) registered breeders;
- (c) dogs kept at a veterinary hospital or clinic;
- (d) dogs kept at an animal shelter by an animal welfare organisation, such as SPCA, authorised by law for the protection of animals; or
- (e) dogs kept at a pound.

(2) A person who contravenes subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

Dogs at large

3. A person who keeps a dog may not allow the dog to run at large.

Dogs on heat

4. (1) A person who keeps a female dog in oestrus or in a condition commonly known as “in heat” or “in season” may not to knowingly allow the animal to run at large.

- (2) Any dog in oestrus must be confined in a secure enclosure.

Dogs not to be urged to attack

5. A person who keeps a dog may not -
- (a) set any dog on any person or animal, or
 - (b) allow or urge any dog kept by him to attack, worry or terrify any person or animal, except where necessary for the defence of the person or his property or of any other person.

Sanitation in respect of dogs

6. A person who keeps a dog may not keep the dog in an unsanitary condition, so as to cause public nuisance.

Complaints

7. (1) Any person may make a written complaint to the clerk of the Council that a dog -

- (a) is vicious, dangerous or is a dog in heat and is not kept in a secure enclosure;
- (b) is causing a hazard to traffic along any street or public place or is a source of danger to any person outside the property on which the dog is kept;
- (c) strays beyond the boundaries of property where it is kept or trespasses on any other property; or
- (d) causes public nuisance.

(2) If the clerk of the Council receives a complaint in terms of subregulation (1), the clerk, must notify -

- (a) the owner of the dog, of the nature of complaint; and
- (b) the owner of the dog that the owner may lodge an objection to the complaint made,

within a period specified in the notice,

(3) If the clerk of the Council is satisfied, after an investigation carried out by an authorised officer, that the circumstances complaint against exists, the clerk may instruct the owner of the dog, to -

- (a) take measures to silence or control the dog; or
- (b) comply with conditions determined by the Council,

within a period specified by the Council in the instruction.

(4) If the owner of the dog fails to comply with an instruction given or a condition determined by the Council in terms of subregulation (3), the clerk of the Council may order the owner to remove the dog and the dog must be removed within four days from the date of order.

(5) If the owner of the dog fails to comply with an order made in terms of subregulation (4) the clerk may cause the dog to be removed and recover the fee for the removal from the owner.

Seizing and impounding of dogs

8. (1) An authorised officer or any other person may take any dog which may be found straying or is at large in any street or public place or which appears to have been abandoned, to a pound.

(2) An authorised officer -

- (a) may, seize and impound any dog which may be found straying or is at large in any street or public place or which appear to have been abandoned;

- (b) may, enter any erf or premises for the purpose of capturing any dog found straying or at large as contemplated in paragraph (a), or for the recapturing any dog which may escape from the officer's control, using any methods of capture approved by Council;
- (c) must, deal with an impounded dog according to the following rules:
 - (i) when an dog has been impounded, the poundkeeper must record such impounding in a book to be kept for that purpose;
 - (ii) the poundkeeper must immediately place a notice of impoundment in an approved form and manner;
 - (iii) if the dog impounded wears a licence tag the poundkeeper must immediately notify, the owner of the dog that the dog has been impounded, at the address shown in the records;
 - (iv) the owner of the dog may recover the dog impounded on such proof of ownership as the poundkeeper may require and upon payment of the impounding fee specified in the regulation 19, together with the licence fee for the current year, if unpaid; and
 - (v) the poundkeeper may keep any unclaimed dog in the pound for such period, not exceeding five days and may, after the expiration of such period, sell the dog by public or private sale or destroy the dog.

(3) When a dog has been impounded at the SPCA, the Council may on the production by the SPCA of records of the impounded dogs, reimburse the SPCA, for dogs impounded, an amount determined by the Council.

(4) A person may not, forcibly or otherwise take away or attempt to take away or free or attempt to free a dog that has been lawfully impounded.

Keeping of more than two dogs

9. (1) Despite regulation 1, a person who complies with subregulation (2), and who at the date of commencement of these regulations, keeps more than two dogs may continue to keep such greater number, but may not replace any dog in excess of two when a dog dies or is disposed of.

(2) The person referred to in subregulation (1), must within sixty days from the date of commencement of these regulations submit to the clerk of the Council a written request for exemption from subregulation 1.

(3) The clerk may issue to the person referred to in subregulation (2), an authorisation for exemption, in the form determined by the Council.

PART III PROVISIONS RELATING TO OTHER ANIMALS

Prohibition on keeping of animals

10. (1) A person may not keep an animal, on an erf or premises in the town area, without the written authorisation of the Council.

(2) Certain types, classes or categories of animals are exempted from subregulation (1).

Application for authorisation to keep animals

11. (1) A person who intends to keep an animal on an erf or premises must, on a form determined by the Council, apply to the Council for authorisation to do so.

(2) An application made under subregulation (1) must, unless the Council otherwise determines, be accompanied by a site plan -

- (a) of the erf or premises where the animal is to be kept;
- (b) showing the surrounding buildings on the site; and
- (c) showing the proposed structure, where the animal is to be kept.

(3) The completed application form, together with the documents, information and the appropriate fee, must be submitted to the Council.

(4) On receipt of a completed application form, documents, information and the fee contemplated in subregulation (3), the Council may request the applicant to submit to the Council such further information as may be reasonable and necessary in respect of the application.

Consideration of application

12. (1) The Council must consider every application submitted to it in terms of regulation 11, having regard to the provisions of the -

- (a) Municipal Dog Tax Ordinance, 1967 (Ordinance No. 13 of 1967);
- (b) Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975);
- (c) scheme; and
- (d) the township conditions applicable to the erf or premises where the animal is to be kept.

(2) After considering an application in terms of subregulation (1), the Council may, having regard to all accompanying documents and information -

- (a) grant the application; or
- (b) refuse the application and in writing provide the applicant with reasons for the refusal.

(3) If an application is granted under subregulation (2)(a), the Council must issue to the applicant a written authorisation to keep an animal, subject to the conditions, if any, imposed by the Council and specified in that authorisation.

- (4) An authorisation issued in terms of this regulation must specify -
 - (a) the erf or premises on which the animals are to be kept; and

- (b) the type and number of animals authorised to be kept.

Non-compliance with conditions of authorisation

13. (1) If the person to whom the Council has granted authorisation under regulation 12, fails to comply with a condition imposed by the Council in terms of that regulation, the Council may -

- (a) withdraw or amend the authorisation and in writing inform that person of the withdrawal or amendment; or
- (b) in writing, instruct the person to comply with any condition which the Council may determine, within a period specified by the Council in the instruction.

(2) If the person contemplated in subregulation (1), fails to comply with a condition determined by the Council in terms of that subregulation, the Council may impound the animal in respect of which authorisation has been granted, to ensure compliance by that person with the condition, and thereafter the Council may recover from that person the appropriate fee for the impounding.

(3) Where an animal is impounded under subregulation (2), the Council must return the animal to the owner or the person contemplated in that subregulation, if the owner or the person -

- (a) complies with a condition imposed by the Council or gives the Council a written undertaking to comply with a condition imposed by the Council; and
- (b) pays to the Council the fee for impounding contemplated in that subregulation.

Keeping of poultry

14. A person may not keep any live poultry on any erf or premises, other than in a structure constructed in accordance with the requirements of regulation 15.

Poultry structures

15. (1) A poultry structure may not be -

- (a) within 4,50 metres of any door or window of any building, dairy milk shop, food store, food preparation room or street;
- (b) on the wall of any building, dairy, milk shop, food store, food preparation room or street, or
- (c) at any point of a vertical height greater than 2,40 metres or lower than 1,20 metres, but where pigeons are kept the height must not exceed 3,60 metres.

(2) A poultry structure must be constructed in accordance with the following requirements:

- (a) the walls, floor and roof of the structure must be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites;

- (b) the floor must be of brick, concrete, asphalt or other approved material, and the surface of the floor must be graded to allow swill and washings to be drained off;
 - (c) the walls of the structure must be made of brick or concrete or other approved material and must, except in the case of a structure used for the keeping of pigeons, be plastered with cement plaster, brought to a smooth finish and be white-washed or painted with an oil paint on the inside and outside; and
 - (d) the roof of the structure must be of asbestos or corrugated iron or other approved material.
- (3) A person who keeps poultry must -
- (a) maintain the poultry structure in a clean condition and free from rodents, vermin and parasites;
 - (b) cause all poultry manure to be properly stored in a non-corrugated bin with a close-fitting cover,
 - (c) feed the poultry in a proper manner so as not to cause public nuisance or to attract rodents, flies or other vermin;
 - (d) remove residual food or other putrefying matter at least once a day from the structure;
 - (e) deodorise, disinfect, disinfect and repair the poultry structure when the Council, by written notice, requires the person to do so;
 - (f) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
 - (g) keep only one bird in any one structure and in the case of pigeons two birds, per 9,36 square metres of the floor area of the structure.
- (4) A person may not construct or use for the keeping of poultry, any waterpool in any structure unless the waterpool is properly constructed of concrete or other impervious material and capable of being easily cleaned and drained and the cleaning and draining must be done at least once a week.

Sanitation in respect of poultry

16. (1) A person who keeps poultry may not keep the poultry in an unsanitary condition, so as to cause public nuisance.

(2) A person who keeps poultry may not confine the poultry in crates, unless the crates comply with the following requirements:

- (a) the floor area of a crate containing fowl, geese, ducks or turkeys may be not less than 0,09 square metres in respect of each bird and the height of the crate may be not less than 750 millimetres;
- (b) the floor area of a crate containing poultry, other than those specified in paragraph (a), may not be less than 0,045 square metres in respect of each bird and the height of a crate may not be less than 500 millimetres;

- (c) the floors of crates must be constructed of solid wood or other solid material;
- (d) each crate must be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water and the vessels must be of unspillable type and not less than 125 millimetres in depth and 100 millimetres in diameter;
- (e) each crate must be provided with suitable receptacles containing food; and
- (f) different species of poultry may not be placed in the same crate.

Keeping of other animals

17. (1) A person may not keep any pig, on an erf or premises, in the town area -

- (a) which is situated in a residential area; or
- (b) which is 500 square metres or less in extent.

(2) A person may not keep any animal -

- (a) in a structure within a distance of 15 metres from any residential erf or premises or a public building; or
- (b) within 6 metres from any roadway or street boundary, unless the person obtains the authorisation of the Council to do so.

(3) A structure may not be under the same roof with, or form part of any wall of any residential erf or premises or public building.

(4) The owner or occupier of the erf or premises on which a structure is constructed must ensure that the structure is at all times maintained in good repair and that the structure -

- (a) has a proper roof;
- (b) has an inclined floor, properly constructed of impermeable material;
- (c) has proper means of drainage;
- (d) has sufficient means of lighting and ventilation;
- (e) has suitable and sufficient means for the collection and disposal of manure and refuse;
- (f) has sufficient water supply; and
- (g) is clean and hygienic.

(5) The height of the walls up to the wall-plates of every structure must be -

- (a) 2,40 metres in the case of a pitched roof;
- (b) 3 metres in the case of a flat roof; and

- (c) a mean height of 3 metres with a minimum of 2,40 metres on the side in the case of a lean to type of roof,

but the Council may approve lower walls in any particular case.

(6) All parts of a structure must be properly limewashed as often as the Council considers it necessary.

(7) If the Council is satisfied that an animal causes public nuisance or constitutes a danger to persons or health, the Council may by written notice instruct the owner of the animal to remove the nuisance or danger within the period specified in the notice.

(8) If the owner of an animal fails to comply with an instruction given under subregulation (7), the Council may prohibit the owner from keeping the animal on the erf or premises.

Sanitation in respect of animals

18. (1) A person who keeps an animal may not keep an animal in an unsanitary condition, so as to cause a public nuisance.

(2) Any person who maintains a structure in which manure or animal refuse may accumulate must provide for the efficient storage of the manure or refuse at a suitable place in the structure.

(3) A person who keeps an animal must, at least twice a week, cause all manure and refuse to be removed from the storage area and be deposited at such place as the Council indicates.

(4) The Council may, if it is considers it necessary, order that manure and other animal refuse be removed more frequently.

(5) A person may, with the approval of the chief health inspector of the Council, and subject to the conditions determined by the inspector, keep manure on an erf or premises for the cultivation of land.

PART V GENERAL PROVISIONS

Fees

19. Unless, the Council otherwise determines under section 30(1)(u) of the Act, the fee payable for the impounding of dogs is N\$ 50.00.

Service of notices, instructions or documents

20. Any notice, instruction or document to be served or given in terms of these regulations must be served or given in accordance with section 93 of the Act

Enforcement

21. For the purpose of enforcing these regulations an authorised officer may perform the duties or exercise the powers given or conferred in terms of section 91 of the Act.

Offences and penalties

- 22.** (1) A person commits an offence if that person -
- (a) contravenes or fails to comply with an instruction or requirement set out in a notice issued under these regulations and served on him or her in accordance with section 93 of the Act;
 - (b) intentionally makes a false statement when making an application under these regulations;
 - (c) contravenes or fails to comply with any provision of these regulations, other than a provision contemplated in paragraph (a), or a condition, imposed under these regulations; or
 - (d) threatens, resists, hinders or obstructs any authorised officer in the performance of his or her functions under these regulations.

(2) A person convicted of an offence under subregulation (1), is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

Exemption

23. If, due to exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these regulations the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption is not in conflict with the Act.
