

### KNYSNA MUNICIPALITY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, (Act 108 of 1996), the By-Law Relating to the Keeping of Dogs, which shall come into operation on the date of publication thereof.

### BY-LAW RELATING TO THE KEEPING OF DOGS

#### Purpose of By-Law

The purpose of this by-law is to provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impounding of stray dogs and the prevention of nuisances through the keeping of dogs.

#### Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of any inconsistency between the different texts and unless the content otherwise indicates:

“**dangerous dogs**” means any dog that according to the records of the Knysna Municipality:

- (a) has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- (b) has severely injured or killed a domestic animal while off the owner’s property; or
- (c) has when unprovoked, chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in sworn statement by one or more persons;

“**keep**” in relation to a dog, includes to have such a dog in possession, under control or in custody or to harbour such dog;

“**Municipality**” means the Municipality of Knysna established in terms of section 12 of the Municipal Structures Act, Act 117 of 1998, and includes any duly authorised agent thereof 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 agent or employee;

“**nuisance**” means any conduct or condition which brings about or may bring about a state of affairs or conditions that is obnoxious and or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;

“**owner**” in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control over a dog on any premises within the area of jurisdiction of the Municipality;

“**premises**” means any piece of land registered in a deeds registry as an erf, plot, or stand as part of a township or subdivision, or a stand or lot forming part of a piece of land laid out as a township or subdivision, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

“**proper enclosure**” means a fenced and locked enclosure, suitable to prevent the entry of young children between the ages of 0-7 years, and to prevent the animal from escaping. Such enclosure shall be designed and constructed to prevent the dangerous dog from escaping over, under, or through the structure and shall provide adequate space for the dangerous dog to move around freely and afford protection from the elements;

“**public place**” means any beach, square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General’s records or utilised by the public or zoned as such as in terms of the applicable zoning scheme or at any time declared or rendered such by the Municipality or any other competent authority;

“**public road**” means any road, street or thoroughfare or any other place which is commonly used by the 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 footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge or drift traversed by any such road, street or thoroughfare;
- (d) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

“**vicious**” for the purpose of this by-law includes a dog, which has bitten or attempted to bite a person or animal other than in defence of itself or its custodian.

#### Application of by-law

2. The provisions of section 4 and 9 of this by-law shall not apply to premises, which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of this by-law or any other legislation, which may be applicable to such premises.
3. The provision of section 14 shall not apply to a guide dog, which is *bona fide* utilised to accompany a blind person.

#### Number of dogs

4. (1) Subject to the provisions of section 5, no person shall keep more than the prescribed number of dogs on any premises without the prior written consent of the Municipality. A person, who, at the date of promulgation of this by-law keeps more than the prescribed number of dogs, may continue to do so for as long as the dogs may live.
- (2) No person may keep more than –
  - (a) one dog or allow more than one dog, over the age of two months, to be kept in or at a dwelling; i.e flat/duplex with an erf size of 500 square metres or less;
  - (b) two dogs, or allow more than two dogs, over the age of two months, to be kept in or at a dwelling house; i.e an erf more than 500 square metres, allowing the dog reasonable access to the property for movements.
5. No person is allowed to be a breeder without a license.  
A licensed breeder of dogs who wishes to keep a greater number of dogs on premises, than the number permits in section 4, must obtain prior written consent from the Municipality.
6. An application for the Municipality's consent in terms of section 4 shall not be considered by the Municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is adequate for the safety and health of the animals and the ordinary comfort, convenience, peace or quiet of the neighbours.
7. The Municipality's consent in terms of section 4 to keep more than the prescribed number of dogs on premises shall be granted subject to such conditions and restrictions as the Municipality may deem fit to impose.

#### Control of dogs

8. No person shall -
  - (a) urge any dog to attack, worry or frighten any person or animal, except where reasonably necessary for the defence of such first-mentioned person or his property or the property of any other person;
  - (b) keep any dog which-
    - (i) by barking, yelping, howling or whining;
    - (ii) by having acquired the habit of charging any vehicles, animals, poultry 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 of neighbours, or
  - (c) permit any dog owned or kept by such person-
    - (i) to be in any public road or public place except on a leash and under control of some responsible person, unless in a free running area specifically designated for that purpose by the Municipality;
    - (ii) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
    - (iii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person;
    - (iv) to trespass on private property;
    - (v) to constitute a hazard to traffic using any public road.

#### Fencing of property

9. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced.

#### Dogs shall not be a source of danger

10. Any person who keeps a dog on any premises shall keep such dog in such manner as not 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 shall be displayed in a conspicuous place.

#### Classification of dogs as dangerous

11. (a) Dogs shall be classified as dangerous according to the definition of "dangerous dogs" in section 1 of the definition clause above.
- (b) A dog shall not be declared dangerous, if the threat, injury, or damage was sustained by a person, who, at the time was unlawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
- (c) No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

#### Restrictions applicable to dangerous dogs

12. (a) A dangerous dog may not be permitted to be kept unless it is under proper control and supervision if it –
  - (i) is wild or vicious; or
  - (ii) has acquired the habit of charging passing vehicles, bicycles or persons.
- (b) The owner shall immediately notify the Municipality when a dog that has been classified as dangerous:
  - (i) is loose or unconfined;
  - (ii) has bitten a human being or attacked another animal;

- (iii) is sold, given away or dies;
- (iv) is moved to another address.
- (c) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Municipality.
- (d) Should the new owner reside within the jurisdictional area of the Municipality, he or she must comply with all the requirements of this by-law.
- (e) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and under the control of a competent person i.e. a person over the age of 18 years.
- (f) When being transported, such dog must be safely and securely restrained within a vehicle.
- (g) This by-law does not apply to dogs used by law enforcement officials carrying out official duties.
- (h) Any person, who fails to comply with any part of this section, shall be guilty of an offence.

#### **Removal of offensive matter**

13. If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

#### **Dogs on premises where food is sold**

14. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or at such shop or place.

#### **Seizure, impounding and destruction of dogs**

15. The Municipality or an authorised official, may seize and impound at a place designated by it, any dog –
- (a) that is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the council as a free running area;
  - (b) that is at large and apparently without its owner; or
  - (c) that is in a public place, not under the control of any person and appears to suffer from mange or any other contagious disease;
  - (d) that is ferocious, vicious or dangerous in any public road or public place without a leash or under proper control and which poses a danger to the public; or
  - (e) is being kept in contravention of the provisions of this by-law.
16. A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, which the Municipality may have incurred in respect of such dog.

#### **Liability**

17. The Municipality shall not be liable for any injury suffered, disease contracted by, or damage caused to any dog as a result or during its seizure, impoundment, detention or destruction in terms of this by-law.

#### **Penalty clause**

18. Any person who contravenes or fails to comply with any provisions of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding-
- (a) a fine of one thousand rand or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
  - (b) in the case of a continuing offence, to an additional fine of fifty Rands or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (c) a further amount equal to any costs and expenses by the court to have been incurred by the Municipality as result of such contravention or failure.

#### **Repeal of by-laws**

19. The provisions of any by-law previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the Knysna Municipality, are hereby repealed as far as they relate to matters provided for in this by-law.