

ARRANGEMENT OF SECTIONS

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SCHEDULE: Guidelines for action

Title

1. These By-laws may be cited as the Mberengwa Rural District Council (Control of Dogs) By-laws, 2023

Interpretation

2. In these By-laws—

“Council” means Mberengwa Rural District council;

“council area” means the area under the jurisdiction of the Council;

“collecting officer” means the officer appointed by Council to receive payment of licence fees;

“fixed date” means the date of coming into operation of these by-laws;

“public pound” means any pound established by Council in terms of these regulations.

Application

3. These by-laws shall apply within the Mberengwa Rural District Council area and any local government area the administration, control and management of which is vested in Mberengwa Rural District Council.

Registration of dogs

4. Every dog owner shall register their dogs with Council.

Register of dogs

5. The collecting officer shall keep the register of all dogs licenced by him, in which he shall record the name and address of every dog owner together with the number and year of issue of the licence badge allotted to each dog, and such other particulars as Council may deem necessary for the purpose of identifying each dog.

Keeping of dogs

6.—

(a) no person shall keep a dog within the Council area unless the dog is licensed;

(b) no person shall keep a dog in any property unless that property is fenced and gated;

(c) no person shall keep more than two dogs at a time unless he has permission from the Council;

(d) no person shall keep more than one bitch on his property at any time unless he has permission from Council;

(e) all dogs kept within Council area are required to have a current rabies vaccination certificate;

(f) no dog owner shall permit their dog to be found outside the boundaries of their property, unless the dog is being walked on a leash which is not more than 2 metres long;

- (g) no dog owner shall keep a dog in inhumane conditions.

Diseased animals

7. The owner of any animal, including a domestic pet, suffering from infectious disease shall—

- (a) prevent the animal from being at large; and
- (b) take all measures necessary to prevent the spread of the disease.

Licensing of dogs

8.—

- (a) the owner of any dog over the age of six months which is ordinarily kept within the Council area at fixed date shall cause the dog to be licensed by the collecting officer within one month thereof;
- (b) the owner of any dog over the age of six months which is ordinarily kept within the Council area and which has been—

- (i) acquired by the owner after the fixed date; or
- (ii) brought into the Council after a fixed date, shall cause the dog to be licensed by the collecting officer within the month of the date on which the dog was acquired or brought into the Council area, as the case may be:

Provided that, where the dog has been licensed in terms of by-laws made by any other local authority outside the Council area, a licence shall be required;

- (iii) the owner of any dog which is ordinarily kept within the Council area and which attains the age of six months after the fixed date shall cause the dog to be licensed by collecting officer within one month of the date on which the dog attains six months.

Licence fees

9.(1) Subject to the provision of subsection (2), the owner of any dog licensed in terms of section 4 shall, at the time of licensing and thereafter annually not later than the 31st January, pay such licence fees as may be fixed by council from time to time.

(2) The owner of the dog which has been brought into Council area after the fixed date and in respect of which a licence has been issued by the local authority other than Council shall pay, in respect of the remaining period of currency of the said licence or in respect of the remainder the period in respect of which the said fee has been paid, as the case may be, such licence fee as may from time to time be determined by Council.

Licence badges

10.(1) The Collecting Officer shall issue to the owner of any dog in respect of which a licence fee has been paid in terms of section 5, a licence badge upon which shall be

stamped or otherwise impressed, distinctive number and the year for which the licence badge is used.

(2) Upon receipt of the licence badge issued in terms of subsection (1), the owner of the dog shall forthwith affix, or cause to be affixed, the licence badge to a collar ordinarily fastened around the neck of the dog.

(3) The owner of the dog shall ensure that the collar to which the badge is affixed is fastened around the neck of the dog.

Duplicate licence badges

11.(1) Should any licence badge issued in accordance with the provisions of section 6 be lost or destroyed, the owner of the dog in respect of which the licence badge was issued forthwith apply to the Collection Officer for the issue to him of a duplicate licence fee as may be levied from time to time by Council.

(2) Upon the production of proof to the satisfaction of Collection Officer that a licence badge issued in terms of section 6 has been lost or destroyed upon the payment of a fee referred in section 1 the Collection Officer shall issue a duplicate licence badge to the owner of the dog in respect of the licence badge issued.

(3) The provisions of subsection (2) and (3) of section 6 shall apply to the owner of the dog in respect of the licence badge issued.

(4) A duplicate licence badge issued in terms of subsection (1) and (2) shall be valid only for a period for which the original was issued.

Transfer of licence badges prohibited

12. (1) No person shall transfer a licence badge issued in terms of these by-laws to any other person or from one dog to another.

(2) No person shall remove any licence badges issued in accordance with these by-laws without consent of the owner of the dog.

Inspection and enforcement

13. (1) Any authorised officer may at any reasonable time during the day and with the consent of owner of the property, enter any property in order to ascertain whether these by-laws are complied with.

(2) An authorised officer may require any person found on the property to truthfully answer any question that he or she may ask in order to ascertain the true identity and whereabouts of the owner of the dog.

(3) For the purpose of these by-laws, every person in which custody, charge or possession, or whose premises any dog is found, shall be deemed to be the owner of such dog until the contrary is proven.

Exemption from liability of Council and authorized officials from any loss to any dog

14. The council or any authorised officer shall not be liable for any loss or damage to any dog which—

- (a) is sold, killed or otherwise disposed of; or
- (b) sustains injury or contracts any disease during its conveyance to or during its detention in a pound, for the purpose of these by-laws.

Impoundment, sale and destruction of dogs

15. (1) No person shall permit to be at large—

- (a) any ferocious or dangerous dog unless such dog is effectively muzzled; or
- (b) any dog suffering from any contagious or infectious disease; or
- (c) any bitch on heat or in season.

(2) If any dog is at large in contravention of this section, an authorized officer may seize such dog and cause it to be detained in a pound.

(3) Upon the seizure and detention of a dog in terms of subsection (2), the council shall—

- (a) if the owner is known, forthwith notify him or her of the fact;
- (b) if the owner is unknown, forthwith publish in a newspaper circulating within the area, a notice—
 - (i) giving a full description of the dog;
 - (ii) containing a warning that the dog may be killed or sold if the owner does not claim it within seven days of the publication of the notice.

(4) If, within seven days of a notice being in terms of subsection (4) the owner of any dog seized and detained in terms of subsection (3)—

- (a) claims the dog, the council shall ensure that the dog is licensed in terms of the by-laws and then release the dog upon payment by the owner of any expense which the council may have reasonably incurred during the detention of that dog; or
- (b) fails to claim the dog, having claimed it, fails or refuses to comply with paragraph (a), the council may without any liability for compensation, sell, kill or otherwise dispose of the dog as it thinks fit.

(5) Notwithstanding anything to the contrary in this section, an authorised officer may kill any dog found at large if such dog poses danger to the public, or is incurably injured or diseased.

(6) The Schedule provides the manner and circumstances in which the authorised officer may deal with any nuisance dog.

Offences and Penalties

16. Any person who contravenes any provision of these by-laws shall be guilty of an offence liable to a fine not exceeding level 3 or to imprisonment for a period not exceeding one week, or to both such fine and such imprisonment.

SCHEDULE (*Section 15(6)*)

Guidelines for Action:

Dog at large but vaccinated:	1. Dog may be impounded
	2. Dog may be shot
Dog at large but not vaccinated:	1. Dog may be impounded
	2. Dog may be shot
Dog at large but vaccinated and person bitten:	1. Dog may be impounded
	2. Dog may be shot
	3. Owner to pay for health bills incurred
	4. Compensation to the aggrieved person be determined by the court
Dog at large but not vaccinated and person bitten:	1. Dog may be impounded
	2. Dog may be shot
	3. Owner to pay health bills incurred
	4. Compensation to the aggrieved person to be determined by the court
	5. Verification of rabisd status of dog to be done and expenses to be met by the owner
Nuisance dog (not at large):	1. Dog may be impounded
	2. Dog may be shot”.

