

**COMMUNITY SERVICES  
QUEENSTOWN MUNICIPALITY**

P.K. 611/1982

22 October 1982

Die Administrator het sy goedkeuring geheg aan die volgende verordening opgestel deur die Municipale Raad van Queenstown.

**MUNISIPALITY OF QUEENSTOWN: VERORDENING INSAKE DIE AANHOU VAN HONDE**

**Woordbepaling**

**1. In hierdie verordening betrekken—**

"belasting" die belasting ingevolge artikel 2 (1) van die Ordonaansluiting, 1978 (Ordonnansie 19 van 1978), op gesigte op Hondbelasting, 1978 (Ordonnansie 19 van 1978), opgeleë;

"eienaar", met betrekking tot 'n hond, iemand wat 'n hond aanhou, en omvou dit enige persoon aan wie 'n hond toevertrou is of wat behoor oor 'n hond het, ten opsigte van enige terrein binne die raadsgebied waar enige hond aangethou word of toegeleant word om te lewe of te bly, tensy sodanige persoon daar toe in staat is om te bewys dat hy nie die eienaar van sodanige hond is nie en dat die hond sonder sy goedkeuring of wete op sodanige terrein aangethou is of toegeleant is om daarop te lewe of te bly;

"gemaglike beampie" enige persoon wat deur die raad aangestel is vir die doel van die uitvoering van die Ordonnansie op Hondbelasting en hierdie verordening;

"gesteriliseerde teef" 'n teef ten opsigte waarvan 'n veterinaar wat geregistreer is kragtens die Vecertswet, 1933 (Wet 16 van 1933), 'n certifikat uitgereik het ten effekte dat sodanige teef gesteriliseer is;

"hond" 'n reën sowel as 'n teef;

"jaar" of "jaarlike" of verwys dit na 'n tydperk van 12 maande wat op 31 Desember eindig;

"openbare plek" enige pad, straat, deurgang, brug, duikweg, syppasjies, open veld, tuin, park, omhulende gebied of gebou binne die raadsgebied wat vir die publiek toeganklik is;

"raad" die stadsrand van die Municipality Queenstown;

"raadsgebied" die municipale gebied van Queenstown; en

"verwyderingsgeld" die geldie wat betaalbaar is wanneer 'n hond ingevolge die bepalings van hierdie verordening deur 'n gemaglike beampie of ander persoon gevang en vervoer word na die skut.

**Vereistes vir die aanhou van honde**

1. Niemand mag binne die raadsgebied 'n hond wat ses maande oud of ouer is, aanhou nie, tensy hy die voorgeskrewe belasting ten opsigte van die hond betaal het.

2. Aan iedereen wat ten genoeg van die raad bewys kan lewer dat hy 'n liseniese of metaalplaatjie wat deur die raad ten opsigte van 'n hond aan hom uitgereik is, verloor of verbyval vernietig het, kan 'n duplike liseniese of metaalplaatjie uitgereik word teen betaling van 'n bedrag soos deur die raad vastgestel.

**Persoon vir belasting aanspreeklik**

4. Vir die toepassing van hierdie verordening is die eienaar aanspreeklik vir die betaling van die belasting vir die hond, en enige persoon onder wie se totig of in wie se besit of binne wie se huis of op wie se persoon 'n hond aangetref of gesien word, word geag die eienaar te wees, totdat hy die teentsel bewys.

**Beperking op die aanhou van honde**

5. Behalwe met die voorafverkroei skriftelike toestemming van die raad, mag niemand wat nie 'n behoorlik geregistreerde telor is of die houer is van 'n liseniese om hondehokke aan te hou, op sy perseel meer as twee honde aanhou nie; met dien voorstaande dat 'n persoon wat op die datum van aankondiging van hierdie verordening meer as twee honde aangethou het, mag voortgaan om sodanige groter getal aan te hou, maar hy mag nie enige hond bo twee in getal vervang as sodanige hond vry of weggedoen word nie. Hierdie bepaling is nie van toepassing op 'n teef se werpsel as sodanige werpsel jonger as ses maande oud is nie.

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The Administrator has approved the subjoined by-law framed by the Municipal Council of Queenstown.

**QUEENSTOWN MUNICIPALITY: BY-LAW RELATING TO THE KEEPING OF DOGS**

**Definitions**

**1. In this by-law—**

"area of the Council" means the municipal area of Queenstown;

"authorised officer" means any person appointed by the Council for the purpose of administering the Dog Tax Ordinance and this by-law;

"dog" means both a dog and a bitch;

"Council" means the Town Council of the Queenstown Municipality;

"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 of a dog, in respect of any site within the area of the Council where any dog is kept or is permitted to live or remain, unless such person is able to prove that he is not the owner of such dog and that the dog was kept or allowed to live or remain on such site without his knowledge or consent;

"public place" means any road, street, throughfare, bridge, subway, sidewalk, open field, garden, park, fenced area or building within the area of the Council which is accessible to the public;

"removal fees" mean the fees payable when a dog is caught and transported to the pound by an authorised officer or any other person in terms of the provisions of this by-law;

"spayed bitch" means a bitch in respect of which a veterinarian, registered under the Veterinary Act, 1933 (Act 16 of 1933), has issued a certificate to the effect that such bitch has been spayed;

"tax" means the tax imposed in terms of section 2 (1) of the Dog Tax Ordinance, 1978 (Ordinance 19 of 1978); and

"year" or "yearly" means or refers to a period of 12 months ending on 31 December.'

**Requirements for the keeping of dogs**

2. No person shall, within the area of the Council, keep a dog that is six months old or older unless he has paid the prescribed tax in respect of the dog.

3. Any person who can adduce proof to the satisfaction of the Council that he has lost or accidentally destroyed any licence or metal badge issued to him by the Council in respect of any dog, may be issued with a duplicate licence or metal badge on payment of a sum fixed by the Council.

**Person liable for tax**

4. For the purpose of this by-law the owner shall be responsible for the payment of the tax for the dog and any person in whose custody, charge or possession, or within whose house or on whose premises any dog is found or seen, shall be deemed to be the owner, until he shall have proved the contrary.

**Restriction on the keeping of dogs**

5. Except with the prior written permission of the Council, no person not being a duly registered breeder or holder of a licence to keep kennels shall keep on his premises more than two dogs; provided that a person who at the date of promulgation of this by-law kept more than two dogs may continue to keep such greater number, but shall not replace any dog in excess of two when such dog dies or is disposed of. This provision shall not apply to the litter of a bitch when such litter is younger than six months.

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*Gemagtigde beampies*

6. (1) Die raad kan een of meer persone as gemagtigde beampies aanstaan.

(2) 'n Gemagtigde beompie kan, vir die doel om vas te stel of daar aan die bepalings van hierdie verordening voldoen word—

(a) op alle redelike tye enige grond of perseel betrek;

(b) die naam en adres van enige persoon wat die eiensar van 'n hond is of wat oënskynlik in beheer van 'n hond is, verges en sodanige persoon aansê om die lisense en die hond ten opsigte waarvan die lisense uitgerik is, vly inspeksie te toon of te laat toon, of

(c) enige persoon ondervra met betrekking tot enige aangeleentheid wat by sodanige doel ter sake is.

(3) Die persoon in beheer van enige grond of perseel moet, ten tyde van 'n besoek van 'n gemagtigde beompie wat hom behoorlik kan identifiseer, op verzoek van die beompie, die beompie toelaat om sodanige perseel te betrek om sy beweginghouding en pligte ingevolge hierdie verordening op sodanige perseel uit te oefen en te vervul.

*Inbestagneming, verkoop of afname van honde*

7. Elke hond wat op straat aangelof word sonder 'n pleklike of wat op 'n perseel aangehou word sonder die nodige lisense wat ten opsigte van sodanige hond uitgerik of op hom vorgedra is, kan deur 'n gemagtigde beompie in beslag geneem en verkoop of afgemaak word nadat dit vry volle dae lank deur die skut in bewaring gehou is, en gedurende dié tydperk moet die inbewaringhouding op die kannabiegewingbord buitekant die kantoor van die raad bekend gemaak word; met dien verstande dat iedereen wat sodanige hond aanhou, dit kan opels op vrystel teen betaling van enige verskuldige belasting ten opsigte van sodanige hond en die gelde vir die inbewaringhouding daarvan.

*Die afname van honde*

8. Die raad of sy gemagtigde beompie kan, behoudens die bepalings van artikel 6, gelas dat 'n hond afgemaak word—

(a) indien dit blyk dat sodanige hond beantwoord aan die beskrywing in artikel 9 (1) en dat die persoon wat sodanige hond opels, dit ingevolge artikel 9 (3) nie kan terugkry nie;

(b) indien sodanige hond op 'n openbare plek losloop en skybaar sonder eiensar is of nie opgedis word nie, en

(c) indien sodanige hond op 'n openbare plek losloop en die eiensar of persoon wat oor die hond toegang het, weier of in gebreke bly om die belangstelling te betrek wat ingevolge hierdie verordening ten opsigte van sodanige hond verskuldig is.

*Boosaardige honde en loopse tewe*

9. (1) Niemand mag toelaat dat enige hond wat—

(a) wild of boosaardig is of aldus voorkom;

(b) in die gewoonte geraak het om af te storm op enige voertuie, diere, pluimvlerke, duwe of persone buiten enige perseel waar die hond aangehou word;

(c) persone baster of skade aan eiendom aanrig, of

(d) 'n loopse tewe is,

op 'n openbare plek kom of mag dit daarna toe bring nie.

(2) Enige gemagtigde beompie kan enige sodanige hond skut of laai skut.

(3) Niemand wat 'n hond opels wat aldus geskut is, kry dit terug nie tosy en voordat die skutgelyke bestaan is.

*Honde wat 'n oorlaas veroorsaak*

10. (1) Niemand mag 'n hond aanhou wat—

(a) 'n steurnis of oorlaas veroorsaak deur aanhouwend of te veel te blaaf, te tjank of te huil of bom op enige ander wys sodanig gedra, dat hy die gewone gemak, gesel, vrede of rus van bure wesenlik versteur nie;

*Authorised officers*

6. (1) The Council may appoint one or more persons as authorised officers.

(2) An authorised officer may, for the purpose of ascertaining whether the provisions of this by-law are being complied with—

(a) at all reasonable times enter upon any land or premises;

(b) demand the name and address of any person who is the owner of a dog or who is apparently in control of a dog, and require such person to produce or cause to be produced for inspection the licence and the dog in respect of which the licence was issued, or

(c) question any person in respect of any matter relevant to any such purpose.

(3) The person in control of any land or premises shall, at the time of the visit of an authorised officer who is able duly to identify himself, upon the request of the officer, permit him to enter upon such premises and to exercise his powers and to carry out his duties in terms of this by-law on such premises.

*Seizure, sale or destruction of dogs*

7. Every dog found in a street without a badge or kept on premises without the necessary licence issued in respect of or transferred to such dog may be seized by an authorised officer and may be sold or destroyed after it has been impounded for five clear days by the Council during which time its detention shall be notified on the notice board outside the offices of the Council; provided that any person keeping such dog may claim and release it on payment of any tax due in respect of such dog and fees for its detention.

*Destruction of dogs*

8. The Council or its authorised officer may, subject to the provisions of section 6, order the destruction of any dog—

(a) where it appears that such dog is of the type described in section 9 (1) and that the person claiming such dog is not entitled to its return in terms of section 9 (3);

(b) where such dog is at large in any public place and appears to be ownerless or is unclaimed, and

(c) where such dog is at large in a public place and the owner or person having custody thereof refuses or fails to pay the tax due in terms of this by-law in respect of such dog.

*Vicious dogs and bitches on heat*

9. (1) No person shall permit any dog that—

(a) is wild or vicious, or appears to be so;

(b) has acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept;

(c) causes damage to persons or property, or

(d) is a bitch on heat,

to be in a public place, or bring it into such place.

(2) Any authorised officer may impound any such dog or have it impounded.

(3) No person claiming any dog so impounded shall have it released, unless and until the pound fees have been paid.

*Dogs causing a nuisance*

10. (1) No person shall keep a dog that—

(a) creates a disturbance or a nuisance by constant or excessive barking, howling or whining or behaves in any other manner so as to interfere materially with the ordinary comfort, convenience, peace or quiet of neighbours.

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(b) aan 'n sansteeklike siekte ly nie;

met dié verstande dat die bepaling dit nie belet dat sodanige hond in 'n kliniek by 'n veearts vir behandeling gehuisves word nie,

(2) Indien 'n gemagtigde beämpte van mening is dat 'n hond 'n hond is soos bedoel in subartikel (1), kan hy aan die eienaar van sodanige hond skriftelik opdrag gee om sodanige hond uit die raadgebied te verwyder, en die eienaar moet sodanige hond binne 96 uur, bereken vanaf 12h00 op die dag waarop sodanige kennisgewing aan hom beteken is, aldus verwyder, en indien die eienaar van sodanige hond naast om aan sodanige skriftelike opdrag te voldoen, kan die gemagtigde beämpte die hond skur en ooreenkomsdig artikels 7 en 8 daarmee handel.

(3) Die raad is nie aanspreeklik vir die betaling van skadevergoeding aan enige persoon wat aanspraak maak op 'n hond bedoel in subartikel (1) ten opsigte van enige handeling ingevolge hierdie verordening nie.

11. 'n Eienaar van 'n hond mag nie toelaat dat sodanige hond op enige straat of openbare plek los rondloop nie, maar moet sodanige hond binne die grense van sy perseel hou. 'n Hond wat onbheet op enige plek buite die eienaar se perseel aangeset word, kan geskuwel word en daar word met sodanige hond gchändel ooreenkomsdig artikel 7 of 8 van hierdie verordening.

**Honde mag nie aangehuis word om een te val nie**

12. Niemand mag sonder redelike gronde—

(a) enige hond aanpoor om enige persoon of dier aan te val, lastig te val of bang te maak nie behalwe waar dit nodig is vir die verdediging van sodanige eersgaceerde persoon of sy eiendom of van enige ander persoon, of

(b) toelaat dat 'n hond onder sy toesig of in sy besit 'n persoon of dier aanval of die skrik op die lyf jaag nie.

**Vaders**

13. Die raad of iemand wat deur hom daaroor gemagtig is, skryf enige vorm voor wat nodig is vir die behoorlike toepassing van hierdie verordening.

**Vermoedens**

14. Indien daar kragtens hierdie verordening geregtlike slappe teen iemand gedoen word op grond daarvan dat hy—

(a) 'n hond wat ouer as ses maande is, aanhou sonder dat hy die belasting ten opsigte van die hond betaal het, of

(b) 'n teef aanhou wat nie gesteriliseer is nie,

word sodanige hond geag ses maande oud of ouer te woes, of geag nie gesteriliseer te woes nie, sonny en tot tyd so wyl die teendeel bewyx word.

**Misdryf en strawwe**

15. Iederen wat—

(a) enige bepaling van hierdie verordening oorskot;

(b) enige verklaring niet betrekking tot die eienaarskap van 'n hond aan 'n gemagtigde beämpte doen wat in enige belangrike opsig vals is, wetende dat dit vals is;

(c) waier of in gebreke bly om na sy beste vermoe te antwoord op enige vraag wat 'n gemagtigde beämpte by die uitvoering van sy bevoegdhede of die vervulling van sy pligte ingevolge hierdie verordening aan hom gestel het;

(d) waier of in gebreke bly om na sy beste vermoe te voldoen aan enige verzoete van 'n gemagtigde beämpte by die uitvoering of vervulling van 'n gemagtigde beämpte by die uitvoering of vervulling van sy genoemde bevoegdhede of pligte;

(e) hom verset teen enige 'gemagtigde beämpte' of wat sodanige beämpte hinder of dwarsboom by die uitvoering of vervulling van enige van die bevoegdhede of pligte wat aan hom verleen of opgedra is by hierdie verordening of,

(f) valslik voorgee dat hy 'n gemagtigde beämpte is,

(b) suffers from a contagious disease;

provided that the provision does not prohibit that such dog be kept in a veterinary surgeon's clinic for treatment.

(2) In the event of an authorised officer being of the opinion that a dog is a dog contemplated in subsection (1), he may order the owner of such dog in writing to remove such dog from the area of the Council and the owner shall thus remove such dog within 96 hours of 12h00 on the day when such notice was served and if the owner of such dog fails to comply with such written order the authorised officer may impound the dog and deal with it in terms of sections 7 and 8.

(3) The Council shall not be liable to pay any compensation to any person who lays claim to any dog contemplated in subsection (1) in respect of any action in terms of this by-law.

**Dogs to be kept under control**

11. An owner of any dog shall not allow such dog to roam or stray on any street or public place but shall keep such dog within the precincts of his premises. Any dog found uncontrolled anywhere outside the owner's premises may be impounded and dealt with in accordance with section 7 or 8 of this by-law.

**Dogs not to be urged to attack**

12. No person shall, without reasonable cause—

(a) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his property or of any other person, or

(b) permit any dog in his custody or possession to attack or terrify any person or animal.

**Fines**

13. The Council or any person authorised to do so by it shall prescribe any form which may be necessary for the proper execution of this by-law.

**Presumptions**

14. In any proceedings in terms of this by-law against any person on the grounds that—

(a) he is keeping a dog older than six months without having paid the levy in respect of the dog, or

(b) he is keeping an unspayed bitch,

such dog shall be deemed to be six months of age or older or to be unspayed, until and unless the contrary is proved.

**Offences and penalties**

15. Any person who—

(a) contravenes any of the provisions of this by-law;

(b) makes any statement in respect of the ownership of a dog to any authorised officer which is false in any material particular, knowing the same to be false;

(c) refuses or fails to answer to the best of his ability any question which an authorised officer has put to him in the execution of his powers or duties in terms of this by-law;

(d) refuses or fails to comply to the best of his ability with any requirement of an authorised officer in the execution of his said powers or duties;

(e) resists or hinders or obstructs any authorised officer in the execution of any of the powers or duties conferred or imposed upon him in this by-law, or

(f) falsely represents himself to be an authorised officer.

1. Oct. 2009 10:33

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begaan miedryf, en is by skuldighevinding strafbaar met 'n boete van hoogstens R50 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

*Herraeping*

16. Die Verordening insake die Aanhou van Honde, afgekondig by Provinciale Kennisgewing 634 van 2 Julie 1971 word hierby herroep.

shall commit an offence and shall on conviction be liable to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding three months.

*Repeal*

16. The By-law relating to the Keeping of Dogs, promulgated under Provincial Notice 634 dated 2 July 1971 is hereby repealed.