

**CITY OF JOHANNESBURG**

**METROPOLITAN MUNICIPALITY**

**DRAFT BY-LAWS RELATING TO  
DOGS AND CATS**

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**BY-LAWS RELATING TO DOGS AND CATS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Dogs and Cats for the City of Johannesburg Metropolitan Municipality as approved by its Council, as set out hereunder.

**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

**BY-LAWS RELATING TO DOGS AND CATS**

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**CHAPTER 1**

**INTERPRETATION**

**Definitions**

1. (1) In these By-laws, unless the context otherwise indicates –

“authorised official” means any official of the Council who has been authorized by the Council to administer, implement and enforce the provisions of these By-laws;

“cat” means a male and a female cat;

“cat breeder” means a person who is registered as a cat breeder with a registered cat breeders association approved by the Council;

“cattery” means premises in or upon which –

(a) boarding facilities for cats are provided; or

(b) cats are bred for commercial purposes;

“Council” means –

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or

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- (d) a service provider fulfilling a responsibility under these By-laws assigned to it in terms of section 81(2) of the Local Government : Municipal Systems Act, 2000, or any other law;
- (e) any person or body to whom the Council is leasing a pound as contemplated in section 71 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939),

as the case may be;

“dog” means a male and a female dog;

“dog breeder” means a person who is registered as a dog breeder with a registered dog breeders association approved by the Council;

“dwelling house” means a single building designed for use as a residence for a single family;

“flat” means a single dwelling unit in any residential building other than a dwelling house;

“kennel” means premises in or upon which –

- (a) boarding facilities for dogs are provided; or
- (b) dogs are bred for commercial purposes;

“owner”, in relation to a dog or cat, means any person who keeps a dog or cat or has a dog or cat in his or her possession or care or under his or her control or, in relation to a dog, on whose private premises a dog is present ;

“pound” means a place designated by the Council in terms of any law for the impounding, sale and destruction of dogs, or cats, or both;

“poundmaster” means the person who has been appointed by the Council to be in charge of a pound;

“premises” means any unit of land, whether built on or not and whether public or private;

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“prescribed” means prescribed by the Council from time to time by resolution; and

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use;

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on any employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government : Municipal Systems Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

**CHAPTER 2**

**CONTROL OF DOGS**

**Restriction on number of dogs**

2. (1) Subject to the provisions of subsection (2), no person may keep more than two dogs or allow more than two dogs to be kept on any premises or in any flat.
- (2) Notwithstanding the provisions of subsection (1) -
- (a) any person who, at the date of commencement of these By-laws, is keeping a dog in contravention of subsection (1), may continue to keep such dog but may not replace any dog that dies or is lost or disposed of if it would result in such a contravention;

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- (b) the foregoing restriction does not apply to any person who-
  - (i) is a dog breeder who has the written consent of the Council to keep such greater number of dogs as the Council may approve;
  - (ii) is the holder of a permit issued by the Council in terms of section 134 of the Public Health By-laws published under Notice No. 830 of 2004, dated 21 May 2004, to keep a kennel;
  - (iii) is the owner or manager or is in charge of, a pet shop;
  - (iv) is the owner or is in charge of premises where guide dogs for the blind are being kept or trained; or
  - (v) is the owner or manager of a veterinary clinic.

**Registration of dogs**

- 3. The Council may from time to time deliver a prescribed form for the registration of dogs to any resident of the municipality, which such resident must complete fully and return to the Council without delay.

**Dogs which may not be kept**

- 4. No person may keep a dog –
  - (a) which is wild, dangerous or fierce to such an extent that the dog is a danger to any person who legally enters upon the premises occupied by the owner of that dog;
  - (b) which barks, whimpers or howls to such an extent that it, or has another habit which, causes a disturbance or nuisance to inhabitants of the neighbourhood;

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- (c) which suffers from an infectious disease, which, in the opinion of a veterinary surgeon, is of such a nature that such dog cannot be beneficially treated or boarded at a veterinary clinic;
- (d) on premises that are not fenced in such a manner that such dog is at all times confined to the premises;
- (e) which is an unsterilised female dog over the age of six months, unless–
  - (i) the Council's prior written permission thereto has been obtained; or
  - (ii) it is kept by a dog breeder at a kennel or at other premises where it is securely confined within a building or enclosure; and
  - (iii) any other precaution specified in writing by an authorized official is taken to prevent a nuisance being caused to the inhabitants of the neighbourhood; or
  - (iv) the provisions of section 9 apply in respect of the dog concerned.

### **Dogs in public places**

- 5. (1) Subject to any provision to the contrary in these By-laws or any other law, no person may bring a dog into any public place or allow it to be done if that dog –
  - (a) is wild, dangerous or ferocious;
  - (b) is in a habit of charging at or chasing people or vehicles; or
  - (c) is an unsterilised female dog which is in heat.
- (2) No person may permit any dog to be in a public place unless it is kept on a leash and under control of a person.

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- (3) Any person in control of a dog in a public place, excluding a blind person who is led by a guide-dog, must remove any defecation of such dog.

**Prohibited behaviour in respect of dogs**

6. (1) No person may without reasonable grounds –
- (a) incite a dog against a person, animal or bird; or
  - (b) allow a dog in his or her custody or under his or her control to attack or put fear into any person, animal or bird.
- (2) No person may provoke a dog or harass or tease any dog.
- (3) No person may terrify or cause stress or fear to any dog with fireworks or by any other means.

**Council's power to sterilise**

7. The Council may sterilise a female dog at the request of its owner, subject to payment of the costs thereof by the owner.

**Proof of sterilisation**

8. The owner of a female dog that has been sterilised must obtain a document as proof that the dog has been sterilised and must produce such document for inspection to any authorised official on demand.
9. If, at the commencement of these By-laws, any person is the owner of an unsterilised female dog over the age of six months, such dog may, notwithstanding anything to the contrary in these By-laws, continue to be kept for a period of 12 months after such commencement, provided such dog is sterilised before the expiry of that period.

**CHAPTER 3**

**CONTROL OF CATS**

**Restriction on number of cats**

10. No person may keep more than three cats over the age of six months or allow more than three cats to be kept on any premises or in any flat : Provided that the provisions to section 2(2), except paragraph (b)(iv) thereof, read with the necessary changes, apply in respect of the foregoing restriction.

**Sterilisation of cats**

11. (1) No person may keep a female cat over the age of six months unless such cat is sterilised : Provided that this provision does not apply in respect of cats kept by a cat breeder or at a cattery or during the period of grace specified in section 13.
- (2) The Council may sterilise a female cat at the request of its owner, subject to payment of the costs thereof by the owner.

**Proof of sterilisation**

12. The owner of a cat that is sterilised must obtain a document as proof that the cat has been sterilised and must produce it for inspection to any authorised official on demand.

**Period of grace in respect of sterilisation**

13. If, at the commencement of these By-laws, any person is the owner of an unsterilised female cat over the age of six months, such cat may, notwithstanding anything to the contrary in these By-laws, continue to be kept for a period of 12 months after such commencement, provided such cat is sterilised before the expiry of that period.

**CHAPTER 4**

**IMPOUNDING OF DOGS AND CATS**

**Duties of poundmaster**

14. A poundmaster must -
- (a) keep the pound open between 08:00 and 16:30 from Monday to Friday and Saturday between 08:00 and 12:00 unless any such day is a public holiday;
  - (b) accept, take charge of and impound any dog or cat brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this Chapter, detain that dog or cat in the pound: Provided that the poundmaster may refuse to receive, or may release, any dog or cat if he or she reasonably believes that such dog or cat was not lawfully taken into custody or impounded;
  - (c) keep a register in which the following particulars in respect of every impounded dog and cat are recorded :
    - (i) The name of the authorised official or the name, residential address and telephone number of any other person who brought the dog or cat to be impounded;
    - (ii) the time at which and date on which the dog or cat was impounded;
    - (iii) the place where the dog or cat was found immediately before it was taken into custody;
    - (iv) the date on which and the time at which the dog or cat was taken into custody before being brought to the pound;
    - (v) the reason for impounding the dog or cat;

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- (vi) a description of the dog or cat indicating the estimated age, breed, sex, colour, markings and any injury found on the dog or cat when the poundmaster accepted it;
  - (vii) whether the dog or cat was released, sold or destroyed and the date and time of such release, sale or destruction;
  - (viii) the amount of money realised in respect of such release or sale;
  - (ix) the amount of veterinary expenses, if any, incurred in respect of the dog or cat;
- (d) ensure that the pound and all equipment used in connection with impounded dogs and cats are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Council's Director : Health;
  - (e) ensure that every dog and cat in the pound is properly fed and cared for;
  - (f) isolate any female dog or cat on heat;
  - (g) take all reasonable steps to prevent fighting amongst dogs or cats in the pound;
  - (h) isolate any diseased dog or cat from the healthy dogs or cats, have such dog or cat attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known; and
  - (i) take all necessary steps to have any dog or cat destroyed as contemplated in section 18 and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known.

**Taking dogs into custody**

15. (1) An authorised official may, for the purpose of having a dog impounded, take into custody any dog which –
- (a) is at large and apparently ownerless;
  - (b) suffers from a contagious disease;
  - (c) is found in a public place and is not on a leash and in control of a person;
  - (d) overturns, damages or tears any refuse receptacle or refuse bag;
  - (e) is brought into a public place in contravention of the provisions of Section 5;
  - (f) is being kept in contravention of the provisions of section 2 or 4; or
  - (g) enters any premises or flat in an effort to escape being taken into custody.
- (2) Any person may on premises or in a flat of which he or she is the owner or occupier take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.
- (3) Notwithstanding the provisions of subsections (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- (4) Any person who has taken a dog into custody in terms of this section –
- (a) must ensure that the dog is not ill-treated;
  - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.

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- (5) No person may free any dog which has been taken into custody, or is being kept in custody, or which has been impounded, in terms of this Chapter.

**Taking cats into custody**

16. (1) An authorised official may, subject to the provisions of section 13, impound a female cat that has not been sterilised in compliance with section 11, or a cat in respect of which its owner cannot in terms of section 12 provide written proof regarding its sterilisation.
- (2) The provisions of section 15(2) and (4), read with the necessary changes, apply to the taking into custody of cats.
- (3) No person may free any cat which has been taken into custody, is kept in custody or which has been impounded in terms of this Chapter.

**Claiming of impounded dogs and cats**

17. (1) Any person may claim an impounded dog or cat if he or she –
- (a) satisfies the poundmaster that he or she is the owner of the dog or cat;
  - (b) satisfies the poundmaster that releasing the dog or cat into his or her custody will not result in any provision of section 2, 4, 10 or 11(1) being contravened;
  - (c) furnishes the poundmaster with written proof of sterilisation of the dog or cat concerned, if applicable; and
  - (d) pays to the poundmaster the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog or cat.
- (2) The poundmaster must, if the provisions of subsection (1) have been complied with, surrender the dog or cat concerned to the person claiming it.

**Destruction or sale of unclaimed dogs and cats**

18. (1) If an impounded dog or cat is not claimed by a person entitled thereto within 96 hours after the dog or cat has been impounded, the poundmaster may in the manner prescribed in section 5(1) of the Animals Protection Act, 1962 (Act No. 71 of 1962), destroy such dog or cat or cause it to be destroyed, or may sell such dog or cat or cause it to be sold.
- (2) The poundmaster must have any unsterilised female dog or cat sterilised before it is sold in terms of subsection (1) and must recover the costs incurred from the buyer.

**CHAPTER 5**

**MISCELLANEOUS**

**Powers of authorised officials**

19. An authorised official who is authorised as a designated officer in terms of section 22 of the Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998), may for the purposes of these By-laws exercise the powers specified in Chapter 5 of that Act.

**Offences and penalties**

20. (1) Any person who –
- (a) contravenes or fails to comply with any provision of these By-laws; or
  - (b) fails to comply with any notice issued for the purposes of these By-laws; or
  - (c) fails to comply with any lawful instruction given for the purposes of these By-laws; or

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- (d) obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

### **Presumptions**

21. If in any legal proceedings instituted under these By-laws against any person it is alleged that –

- (a) he or she is keeping a dog or cat over the age of six months;
- (b) he or she is keeping an unsterilised female dog or cat over the age of six months; or
- (c) he or she is keeping a female dog or cat over the age of six months without having written proof regarding its sterilisation,

such dog or cat is deemed to be over the age of six months or to be unsterilised, as the case may be, until the contrary is proved.

### **Application to the State and Council**

22. These By-laws bind the State and the Council.

### **Repeal**

23. The By-laws listed in Schedule 1 are hereby repealed.

### **Short title**

24. These By-laws are called the By-laws relating to Dogs and Cats, 2005.

**SCHEDULE 1**

**REPEALED BY-LAWS**

<b>Number and year</b>	<b>Name of By-laws</b>	<b>Extent of Repeal</b>
Administrator's Notice 2045 dated 24 December 1980	Randburg Municipality: By-laws relating to dogs	Whole
Administrator's Notice 21 December 1983 as amended by Administrator's Notice 57 dated 18 January 1984, LA Notices dated 23 December 1987, 28 September 1988 and no 347 dated 31 January 1990	Sandton Municipality: By-laws relating to Dogs	Whole
Notice 4580 dated 24 August 1988	Roodepoort Municipality: By-laws relating to Dogs	Whole