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WITZENBERG MUNICIPALITY:**BYLAW RELATING TO THE IMPOUNDMENT OF ANIMALS**

(13-2004)

Purpose of by-law

- To promote the achievement of a safe, and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the impoundment of animals.

Definitions

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

“animal” means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

“cattle” means bulls, cows, oxen, heifers, steers and calves;

“goat” means an adult male or female goat, a wether and a kid;

“horse” means a stallion, mare, gelding, colt, filly, donkey and mule;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, 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 political structure, political office bearer, councillor, agent or employee;

“occupier” means any person in actual occupation of land or entitled as owner to occupy land;

“owner”, in relation to an animal, includes any person having possession, charge, custody or control of such animal;

“pound” means a fenced-off area consisting of one or more camps under the control of a pound master, which was created for the housing and care of stray animals which are astray, lost or at large;

“pound master” means a person who may be either

- (a) a part-time or full-time employee of a municipality, or
- (b) appointed under a service delivery agreement to keep and operate a pound;

“sheep” means a ram, an ewe, a wether and a lamb;

“stallion” means a male horse, donkey or mule not castrated or partially castrated;

“proprietor” means any owner, lessee, or occupier of land;

“stock inspector” means any owner, lessee, or occupier of land;

“veterinary surgeon” means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

Impoundment for trespassing

2. Any person may impound an animal found abandoned upon any street, road, road reserve or other public place.

WITZENBERG MUNISIPALITEIT:**VERORDENING INSAKE DIE SKUT VAN DIERE**

(13-2004)

Doel van Verordening

- Om die verwesenliking van 'n gesonde en veilige omgewing te bevorder tot voordeel van inwoners binne die regsgebied van die munisipaliteit;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die skut van diere te reguleer;

Woordomskrywing

1. In hierdie Verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“bees” ’n bul, koei, os, vers, tollie en kalf;

“bok” ’n ram, ooi, kapater en lam;

“dier” ’n lid van die perdefamilie, ’n bees, skaap, bok, vark, hoender, volstruis, hond, kat of ander huisdier of voël of ’n wilde dier, wilde voël of reptiel wat in gevangenissskap verkeer of onder iemand se beheer;

“eienaar” “met betrekking tot ’n dier, enige iemand wat in besit is van of belas is met die sorg, bewaring of beheer van ’n dier;

“grondeienaar” ’n eienaar, huurder of okkupeerder van grond;

“hings” ’n perd, donkie- of muilhings wat nie gekastreer is nie of wat gedeeltelik gekastreer is;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“okkupeerder” ’n persoon wat werklik grond okkupeer, of wat as eienaar geregtig is om grond te okkupeer;

“perd” ’n hings, merrie, reunperd, hingsvul, merrievul, donkie en muil;

“skaap” ’n ram, ooi, hamel en lam;

“skut” ’n afgeslote area bestaande uit een of meer kampte onder die beheer van ’n skutmeester wat geskep is om afgedwaalde, verdwaalde, verlore of loslopende diere te huisves en te versorg;

“skutmeester” ’n persoon wat of-

- (a) ’n deeltydse of heeltydse werknemer van ’n munisipaliteit is; of
- (b) kragtens ’n diensleweringsooreenkoms aangestel word, om ’n skut aan te hou en te bedryf;

“veearts” ’n persoon wat as sodanig gekwalifiseer is ooreenkomstig die bepaling van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet 19 van 1982), en

“vee-inspekteur” ’n persoon wat bevoeg en gekwalifiseer is om vee te inspekteer, en wat vir hierdie doel deur die Departement van Landbou aangestel is.

Skut vir oortreding

2. Enige persoon kan ’n dier wat hom in of op ’n straat, pad, padreserwe of openbare plek bevind en wat nie in die sorg van iemand is nie, skut.

Pound to which animals are to be sent

3. Any proprietor upon whose land any animals are found trespassing may send such animals to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality.

Offer by owner before impoundment of animals

4. The owner of any animals liable to impoundment for trespassing may, before the animals are removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him. Such offer shall be made to the complainant himself or to his servant or agent charged with the duty of taking the animals to the pound.

Receiving of animals by pound master

5. (1) It shall be the duty of every pound master to receive into his charge all animals brought to his pound, during such hours as the municipality may determine, by the proprietor, or by any person authorized in writing thereto by such proprietor or caretaker, to be impounded for having been found trespassing upon the land of such proprietor.
- (2) Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid shall be guilty of an offence and shall, in addition, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure; provided that, if any animal suffering from any contagious disease is brought to the pound, such animal shall be kept separate from all other impounded animals, and the pound master may cause such animals to be finished off under the provisions of section 8.

Receipt for impounded animals

6. Every pound master shall give the person delivering animals into his charge a written receipt, indicating the number and description of the animals so delivered, and specifying the trespassing for which the said animals, as reported, are to be impounded.

Number of enclosures

7. Every pound master shall maintain in good repair and, as far as possible, free from all infection, not less than five separate enclosures for—

- (a) ostriches and horses;
- (b) cattle
- (c) sheep, goats and pigs;
- (d) canine;
- (e) feline;

provided that a municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

Finishing off of dangerous or contagious animals

8. A pound master may cause to be finished off any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded; provided that no such animal shall be finished off unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its finishing off.

Notice of impounded animals

9. Every pound master who knows the name of the owner of any animal impounded in his pound shall forthwith give written notice to such owner that the said animal has been impounded.

Skut waarheen diere gestuur moet word

3. 'n Grondeienaar op wie se grond diere gevind word wat daarop oortree kan sodanige diere na dié skut stuur wat met 'n begaanbare pad of verkeersweg langs die naaste is aan die grond waarop aldus oortree is, of sodanige ander skut wat deur die munisipaliteit aangewys is.

Aanbod deur eienaar voor skut van diere

4. Die eienaar van diere wat weens oortreding geskut kan word, voordat die diere verwyder word van die eiendom waarop hulle oortree het, die persoon wat oor die oortreding kla 'n som geld aanbied om hom te vergoed vir die skade wat hy gely het. So 'n aanbod word aan die klaer self of sy opsigter gedoen. Indien sodanige diere reeds op pad na die skut is, kan die eienaar daarvan 'n som geld aanbied om vir die skade of enige ander koste te vergoed. Sodanige aanbod kan gedoen word aan die klaer self of sy eienaar of agent belas met die plig om die diere na die skut te neem.

Aanneem van diere deur skutmeester

5. (1) Dit is die plig van elke skutmeester om alle diere onder sy sorg te neem wat gedurende die ure, soos deur die munisipaliteit vasgestel, na sy skut gebring word deur die grondeienaar of deur 'n persoon wat skriftelik deur sodanige grondeienaar of opsigter daartoe gemagtig is, om geskut te word omrede hulle oortree het op die grond van sodanige grondeienaar.
- (2) 'n Skutmeester wat onredelik weier of versuim om diere te ontvang wat soos voornoem na sy skut gebring word, is skuldig aan 'n misdryf, en is bykomend aanspreeklik vir alle skade wat die eienaar van genoemde diere of enige ander persoon ly weens sodanige weiering of versuim; met dien verstande dat indien 'n dier wat sigbaar aan 'n aansteeklike siekte ly na die skut gebring word, sodanige dier van alle ander geskutte diere afgesonder moet word, en die skutmeester sulke diere kan laat afmaak kragtens die bepalings van artikel 8.

Ontvangsbewys vir geskutte diere

6. Elke skutmeester moet aan die persoon wat diere onder sy sorg laat, 'n skriftelike ontvangsbewys gee waarin die getal en beskrywing van die diere aldus in sy sorg gelaat en die oortreding waarvoor genoemde diere geskut moet word, uiteengesit word.

Getal kampe

7. Elke skutmeester moet minstens vyf afsonderlike kampe in 'n goeie toestand en sover moontlik vry van alle besmetting in stand hou vir—

- (a) volstruise en perde;
- (b) beeste, en
- (c) skape, bokke en varke;
- (d) honde
- (e) katte

met dien verstande dat 'n munisipaliteit ten opsigte van enige skut in sy gebied verlof aan die skutmeester kan gee om 'n kleiner getal kampe daarop in stand te hou.

Afmaak van gevaarlike of aansteeklike diere

8. 'n Skutmeester mag enige geskutte dier afmaak of laat afmaak wat aan 'n aansteeklike siekte ly of wat moontlik gevaarlik vir mense of vir ander geskutte diere kan wees; met dien verstande dat geen sodanige dier afgemaak mag word nie tensy 'n veearts dit ondersoek het en met die skutmeester ooreengekom het oor die noodsaaklikheid daarvan om dit af te maak.

Kenningsgewing van geskutte diere

9. Elke skutmeester wat bekend is met die naam van die eienaar van 'n dier wat in sy skut is, moet sonder versuim skriftelike kennis aan sodanige eienaar gee dat genoemde dier geskut is.

Keeping of pound register

10. (1) Every pound master shall keep a pound register with the following particulars:
- the date when, and the cause for which, all animals received by him are impounded;
 - the number and description of such animals;
 - the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
 - the date and particulars of the release or sale of the animals, as the case may be, and
 - any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) shall be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) shall be made as soon as the pound master obtains the necessary information; provided that no entry shall be made after a dispute has arisen.
- (3) In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

Inspection of and extracts from pound register

11. Every pound register shall be kept at the pound or any other approved place and shall at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, stock inspector, and any member of the police service of the public.

Submission of pound register entries after pound sales

12. Every pound master shall within a fortnight after the date of each pound sale submit to the municipality a copy of all entries in his pound register made since the date of the preceding submission. The municipality shall preserve all such copies for inspection by any person desirous of seeing them.

Inspection of pound register at place of sale

13. Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, shall take the pound register with him to the place of sale, and such register shall be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

Pound master's fees

14. (1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.
- (2) Every pound master shall be entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

Fees payable

15. (1) The fees and charges or tariffs determined by the municipality in terms of section 14 shall be paid to be the pound master by the owner of the animals impounded, and the said fees and charges or tariffs, together with any costs which the pound master may have incurred and such animals may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that:
- if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of

Byhou van skutregister

10. (1) Elke skutmeester moet 'n skutregister hou waarin die volgende besonderhede aangeteken word:
- die datum waarop en die rede waarom alle diere wat deur hom ontvang is, geskut is;
 - die getal en beskrywing van sodanige diere;
 - die naam en woonplek van die persoon wat sodanige diere skut, en die naam en woonplek van die eienaar of vermeende eienaar;
 - die datum en besonderhede van die los of verkoop van die diere, na gelang van die geval, en
 - alle ander sake wat die munisipaliteit hom gelas om vas te stel en aan te teken.
- (2) Die inskrywing onder subartikel (1)(a), (b) en (c) moet gedoen word wanneer die diere geskut word en die inskrywings onder subartikel (1)(d) en (e) moet gedoen word sodra die skutmeester in besit kom van die nodige besonderhede; met dien verstande dat geen inskrywing gedoen mag word nadat 'n geskil ontstaan het nie.
- (3) In geval van die dood of besering van 'n geskutte dier moet die skutmeester 'n beskrywing van sodanige dier en die oorsaak van die dood of besering daarvan in sy skutregister aanteken.

Insae in en uittreksels uit skutregister

11. Elke skutregister moet by die skut of 'n ander goedgekeurde plek gehou word en moet op alle redelike rye ter insae wees van enige gemagtigde amptenaar van die munisipaliteit, veearts, vee-inspекteur, en enige lid van die polisiemag of van die publiek.

Voorlegging van skutregisterinskrivings na skutverkoop

12. Elke skutmeester moet binne veertien dae na die datum van elke skutverkoop 'n afskrif aan die munisipaliteit voorlê van alle inskrivings in sy skutregister wat gedoen is sedert die datum van die vorige voorlegging. Die munisipaliteit moet al sodanige afskrifte bewaar ter insae van enige persoon wat dit verlang.

Insae in skutregister op plek van verkoping

13. Wanneer 'n verkoping gehou gaan word van diere wat geskut is, moet die skutmeester of 'n persoon wat gemagtig is om die verkoping waar te neem, die skutregister met hom saamneem na die plek van verkoping, en sodanige register moet op die plek van verkoping kosteloos ter insae wees van alle persone wat dit verlang.

Skutmeestergelde

14. (1) Die munisipaliteit kan gelde, koste of tariewe vasstel vir die aanhou van diere in 'n skut en kan by die vasstelling van sodanige gelde en koste of tariewe onderskei tussen verskillende soorte diere en voorsiening maak vir die hou en voer van diere in afsonderlike kampe.
- (2) Elke skutmeester is geregtig om die gelde, koste of tariewe wat deur die munisipaliteit ingevolge subartikel (1) vasgestel word te eis ten opsigte van elke dier wat hy ingevolge hierdie verordening skut.

Gelde betaalbaar

15. (1) Die gelde, koste en tariewe wat ingevolge artikel 14 vasgestel word, moet aan die skutmeester deur die eienaar van die diere wat geskut is, betaal word tesame met enige onkoste wat die skutmeester aangegaan het, en sodanige diere kan deur die skutmeester as waarborg vir die betaling van sodanige gelde, koste en tariewe gehou word; met dien verstande dat—
- indien die waarde van die diere wat geskut is meer is as die totale bedrag wat daarop verskuldig is, soos bepaal

this by-law, and if the owner is unable to pay the said amount, the pound master shall detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and shall deliver the remainder of the animals to the said owner, and

- (b) any pound master who retains any greater number of such animals than is reasonably necessary to secure such amount shall be liable to the owner for any damages sustained by him on account of such retention.
- (2) If the pound master is an official of the municipality, he shall pay the fees and charges or tariffs received by him in terms of this by-law into the revenue of the municipality.
- (3) No pound master shall release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

Notice of sale

16. Every pound master shall—

- (1) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the municipality in whose area of jurisdiction the pound is situated, a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;
- (2) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near his pound, there to remain until the day of the sale, and
- (3) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated a notice of the sale of an impounded animal; provided that the cost of such notice shall be recoverable from the owner of the impounded animal and shall be deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it shall be recoverable from the owner of such animal if the said proceeds are less than the amount due; provided further that—
- (a) if such notice refers to more than one animal, the municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein, and
- (b) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the municipality shall make good the deficiency.

Auctioneer

17. (1) Every sale of impounded stock shall

- (a) be conducted by the pound master or some other person duly authorized thereto by the municipality concerned, and
- (b) commence at a time and be held on a day to be fixed by the auctioneer.
- (2) No person conducting a pound sale shall have any direct or indirect interest in any purchase at any sale so held by him.

Sale of Animals

18. At every such sale—

- (1) no animal shall be put up for sale unless impounded for at least two weeks;

kragtens hierdie verordening, en indien die eienaar nie in staat is om genoemde bedrag te betaal nie, die skutmeester slegs soveel van genoemde diere moet aanhou as wat voldoende is om die totale bedrag verskuldig op al die diere te verkry, en die res van die diere aan genoemde eienaar moet afgee, en

- (b) 'n skutmeester wat 'n groter getal van sodanige diere aanhou as wat redelik nodig is om sodanige bedrag te verhaal, teenoor die eienaar aanspreklik is vir skade wat deur hom gely word weens die aanhou van sy diere.
- (2) Indien die skutmeester 'n amptenaar van 'n munisipaliteit is moet hy die gelde, koste en tariewe hy ingevolge hierdie verordening ontvang, in die inkomste van die munisipaliteit stort.
- (3) Geen skutmeester mag 'n geskutte dier los nie tensy die voorgeskrewe gelde, koste en tariewe aan hom betaal is nie.

Kennisgewing van verkoping

16. Elke skutmeester moet—

- (1) wanneer ook al 'n geskutte dier nie gelos is binne ses dae na die datum waarop dit geskut is nie, aan die munisipaliteit in wie se regsgebied die skut geleë is 'n kennisgewing stuur waarin die soort, merke en onderskeidende kenmerke (as daar is) van sodanige dier aangegee word, en ten opsigte van perde en beeste ook hul kleur, met vermelding van die feit dat die dier wat daarin genoem word tydens die volgende verkoping van geskutte diere verkoop sal word, asook die tyd en plek van sodanige verkoping;
- (2) wanneer hy sodanige kennisgewing aan die munisipaliteit stuur, 'n afskrif daarvan op een of ander duidelik sigbare plek by of naby die skut opplak tot die dag van die verkoping, en
- (3) 'n kennisgewing dat 'n geskutte dier verkoop gaan word, publiseer in 'n nuusblad wat sirkuleer in die regsgebied van die munisipaliteit waar die skut geleë is; met dien verstande dat die koste van sodanige kennisgewing op die eienaar van die geskutte dier verhaalbaar is en geag word deel uit te maak van die bedrag wat afgetrek moet word die opbrengs van die verkoop van 'n dier, en verhaalbaar is op die eienaar van sodanige dier indien genoemde opbrengs minder is as die bedrag wat verskuldig is; met dien verstande dat—
- (a) indien sodanige kennisgewing betrekking het op meer as een dier, die munisipaliteit na goeiddunke die koste van sodanige kennisgewing pro rata moet verdeel ten opsigte van die diere wat daarin genoem word, en
- (b) indien die eienaar van 'n geskutte dier onbekend is en die opbrengs van die verkoop nie die bedrag soos voornoem dek nie, die munisipaliteit die tekort moet goed maak.

Afslaer

17. (1) Elke verkoping van geskutte diere moet—

- (a) geleë word deur die skutmeester of 'n persoon wat behoorlik deur die betrokke munisipaliteit daartoe gemagtig is, en
- (b) begin op 'n tyd en gehou word op 'n dag wat deur die afslaer vasgestel is.
- (2) Niemand wat 'n skutverkoping waarneem, mag regstreeks of onregstreeks belang hê by enige koop by 'n verkoping aldus deur hom waargeneem nie.

Verkoping van diere

18. By elke sodanige verkoping—

- (1) mag geen dier te koop aangebied word nie tensy dit minstens twee weke geskut is;

- (2) all animals, except sheep and goats shall be sold individually;
- (3) sheep and goats shall be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands shall in no circumstances be sold together in the same lot;
- (4) animals shall be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals shall forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights; provided that—

- (a) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds shall be first utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation shall be paid to the pound master by the municipality;
- (b) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of twelve months without being claimed by the owner of such animal, shall become the property of such municipality;
- (c) it shall be competent for the municipality to make good to any pound master any loss which he may incur in the keeping of animals where the selling price does not cover the costs incurred;
- (d) it shall be competent for any pound master, after compliance with the procedure prescribed by section 8 relating to diseased animals, to cause to be finished off any aged or otherwise permanently unfit animal presented at the pound;
- (e) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
- (f) the municipality or an authorized officer may fix a reserve price for any animal offered for sale, and
- (g) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his opinion satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

Illegal impounding and penalties

19. Any person who illegally impounds any animal shall be guilty of an offence and shall in addition be liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

Recovery of loss in respect of impounding of animals from area of another municipality

20. Any loss suffered by a municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered by such first-mentioned municipality from such other municipality.

Use, detention and ill-treatment of animals

21. No person shall furiously drive away any animal found trespassing, worry or ill-treat it.

- (2) moet alle diere, uitgesonder skape en bokke, stuksgewys verkoop word;

- (3) moet skape en bokke in troppe van hoogstens tien verkoop word en mag skape en bokke, of skape of bokke met verskillende oor of brandmerke in geen omstandighede saam in dieselfde trop verkoop word nie;

- (4) moet diere vir kontant verkoop word, en moet die opbrengs, min die bedrag van skutgelde en ander gelde, koste en tariewe betaalbaar ten opsigte van sodanige diere dadelik by ontvangs daarvan deur die skutmeester aan die munisipaliteit oorhandig word om aan die eienaars van die diere wat verkoop is betaal te word al na hul onderskeie regte; met dien verstande dat—

- (a) indien in enige besondere geval die diere wat verkoop word nie voldoende opbring om die bedrag van sodanige skutgelde en skadevergoeding en gelde, koste en tariewe soos voornoem te lewer nie, die opbrengs in die eerste instansie aangewend moet word om die vergoeding wat aan die skutmeester verskuldig is te betaal, en indien genoemde opbrengs onvoldoende is om sodanige vergoeding te dek, die saldo van die vergoeding deur die munisipaliteit aan die skutmeester betaal word;
- (b) geld wat die opbrengs is van die verkoop van 'n geskutte diere soos voornoem wat vir 'n tydperk van twaalf maande in besit van die munisipaliteit bly sonder dat dit deur die eienaar van sodanige diere opgeëis word, die eiendom van sodanige munisipaliteit word;
- (c) die munisipaliteit die bevoegdheid het om 'n skutmeester te vergoed vir enige verlies wat hy weens die aanhou van diere ly waar die verkoopprijs nie die onkoste dek wat aangegaan is nie;
- (d) 'n skutmeester die bevoegdheid het om, nadat by voldoen het aan die procedure in verband met besette diere voorgeskryf by artikel 8, enige diere wat na die skut gebring is en wat weens ouderdom of andersins permanent onbruikbaar geword het, af te maak;
- (e) indien 'n diere in die skut doodgaan en die eienaar nie opgespoor kan word nie, die onkoste in verband met die begrawing van die karkas deur die munisipaliteit gedra word;
- (f) die munisipaliteit 'n reserweprijs kan vasstel vir enige diere wat te koop aangebied word, en
- (g) die afslaer enige diere aan die verkoping kan onttrek as die hoogste bod wat gedoen word, na sy mening nie bevredigend is nie, ongeag of 'n reserweprijs deur die munisipaliteit vasgestel is of nie.

Onwettige skut van diere en boetes

19. Enige persoon wat 'n diere onwettig skut, is skuldig aan 'n misdryf en is bykomend aanspreeklik teenoor die eienaar vir alle skutgelde, skadevergoeding, onkoste wat daaruit ontstaan, en vir gelde, koste en tariewe in verband daarmee.

Verhaal van verlies ten opsigte van diere geskut uit gebied van ander plaaslike owerheid

20. Enige verlies wat 'n munisipaliteit ly ten gevolge van die skut van diere in 'n skut onder sy beheer en bestuur wat binne die regsgebied van 'n ander munisipaliteit oortree, kan deur sodanige eersgenoemde munisipaliteit op sodanige ander munisipaliteit verhaal word.

Gebruik, aanhouding en mishandeling van diere

21. Niemand mag 'n diere wat gevind word waar dit oortree, buitensporig vinnig aanjaag of dit pla of mishandel nie.

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Offences and Penalties

22. Any person who—
- (1) contravenes or fails to comply with a provision of this by-law, whether or not such contravention or failure has been declared an offence elsewhere in this by-law;
 - (2) deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law, or
 - (3) furnishes false, incorrect or misleading information shall be guilty of an offence and liable upon conviction to—
 - (a) a fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment 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 found by the court to have been incurred by the municipality as result of such contravention or failure.

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Misdrywe en Straf

22. Enige persoon wat—
- (1) 'n bepaling van hierdie verordening, oortree of versuim om daaraan te voldoen, ongeag of sodanige oortreding of versuim elders in hierdie verordening tot 'n misdryf verklaar is, al dan nie;
 - (2) enige ander persoon in die uitoefening van enige bevoegdheid of die verrigting van enige plig of funksie ingevolge 'n bepaling van hierdie verordening opsetlik dwarsboom, hinder of belemmer, of
 - (3) valse, onjuiste of misleidende inligting verstrek, is skuldig aan 'n misdryf en by skuldigebevinding strafbaar met—
 - (a) 'n boete of gevangenisstraf, of óf sodanige boete óf sodanige gevangenisstraf óf beide sodanige boete óf sodanige gevangenisstraf;
 - (b) in die geval van 'n voortdurende misdryf, met addisionele boete, of 'n addisionele tydperk van gevangenisstraf of óf sodanige addisionele boete óf sodanige addisionele gevangenisstraf, óf beide sodanige addisionele boete en gevangenisstraf vir e dag wat sodanige misdryf voortduur, en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitga wat na bevinding van die hof deur die munisipal aangegaan is as gevolg van sodanige oortreding of versuim.

WITZENBERG MUNICIPALITY**BY-LAW RELATING TO THE KEEPING OF ANIMALS**

(14-2004)

Purpose of By-Law

- To promote the interests of animals and residents by exercising control over the numbers and kinds of animals that may be kept as well as the conditions under which such animals may be kept, sheltered and cared for and to provide for the prevention of nuisances through the keeping of such animals.

Definitions

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

"animals" mean members of the equine family, cattle, sheep, goats, pigs, fowls, dogs, cats, or other domestic animals or birds, of any wild animal, wild bird or reptile which is in captivity or under the control of a person;

"municipality" means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, 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 political structure, political office bearer, councillor, agent or employee;

"nuisance" means, any act, omission or condition which is, in the opinion of the municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

"pets" means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

"premises" means any land, whether vacant, occupied or with buildings thereon;

WITZENBERG MUNISIPALITEIT**VERORDENING INSAKE DIE AANHOU VAN DIERE**

(14-2004)

Doel van Verordening

- Om in belang van diere en inwoners beheer uit te oefen oor die getalle en soorte diere asook die omstandighede waaronder diere aangehou, geberg en versorg mag word en om voorsiening te maak vir die voorkoming van van oorlaste deur die aanhouding van sodanige diere.

Woordbepaling

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud in meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

"diere" lede van die perdefamilie, beesste, skape, bokke, varke, hoenders, volstruise, honde katte of ander huisdiere of voëls, wilde voëls of wilde diere of reptiele wat in gevangenskapskap verkeer of onder die beheer van iemand is.

"munisipaliteit" die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

"oorlas" onder meer enige handeling, versuim of toestand wat na die mening van die munisipaliteit skadelik vir die gesondheid of aanstootlik of nadelig is of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of die veiligheid van die publiek nadelig raak of wat inbreuk maak op die stilte van die omgewing;

"perseel" enige grond, hetsy onbebou, ge-okkupeer of met geboue daarop;

"troeteldiere" enige honde, katte, marmotjies, hamsters, konyne, pelmsuise, voëls of reptiele wat nie vir aantel- of handelsdoeleindes aangehou word nie;