



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.80

WINDHOEK - 1 September 2006

No. 3687

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General Notices

REHOBOTH TOWN COUNCIL

No. 246 2006

AMENDMENT OF THE AMOUNT OF DOG TAX AND REGULATIONS FOR THE CONTROL OF DOGS IN MUNICIPAL AREAS

The Rehoboth Town Council, under section 3 of the Dog Tax Ordinance, 1967 (Ordinance 13 of 1967) further amends the dog tax as set out in the Schedule.

SCHEDULE AMOUNT OF DOG TAX

1. The annual tax for any dog or bitch in the Town area shall be **N\$ 5.00**
2. If a certificate by a registered veterinary surgeon can be produced as proof that a dog or bitch has been spayed, the annual tax for such dog or bitch shall be **N\$10.00**
3. The dog tax provided for in this Notice shall be effective from **1 July 2006**.

BY ORDER OF THE COUNCIL**G.P. DAX
CHAIRPERSON OF THE COUNCIL****REGULATIONS FOR THE CONTROL OF DOGS IN MUNICIPAL AREAS**

[Amount of dog tax promulgated under General Notice No. 270, 15 September 1999, amending Dog Tax Ordinance, 13 of 1967, under la-law/tax]

**Promulgated by Government Notice 131 of 1968
Government Gazette 2921 of 3.9.1968****MODEL REGULATIONS FOR THE CONTROL OF DOGS IN MUNICIPAL AREAS**

The Administrator has been pleased under and by virtue of the powers vested in him by section 15 of the Municipal Dog Tax Ordinance, 1967 (Ordinance 13 of 1967) to approve the following regulations.

DEFINITIONS

1. For the purpose of these regulations, unless the context indicates otherwise, words and expressions shall have the meanings assigned to them in Ordinance 13 of 1967 and on the application thereof to any village management board area the words "council" and "municipal area" shall mean "management board" and "management board area".

REGISTER

2. The authorized officer of the council shall keep a register of all licences issued and shall note therein the name and place of residence of the person taking out the licence, a description of the dog, its sex and the number of the licence and metal badge, as well as its period of validity. Such register shall be open for inspection by any person during office hours.

FORM OF LICENCE

3. The licence shall be in the form set out in Annexure A to these regulations and shall serve as the only proof that the tax in respect of the particular municipal area has been paid.

CERTIFICATE OF EXEMPTION

4. The certificate of exemption shall be in the form set out in Annexure B to these regulations and shall serve as the only proof that the owner has been exempted from tax in respect of the particular municipal area.

METAL BADGE

5. The metal badge shall display the name of the Town area with the words "Dog Tax", the year for which it is valid and a number which shall appear on the licence.

ISSUE OF LICENCE AND METAL BADGES

6. The authorized officer may, on payment of the prescribed tax fees issue licences and metal badges, as well as duplicates thereof on payment of twenty cents for every duplicate.

TRANSFER OF LICENCES

7. If the holder of a valid licence transfers his ownerships in the dog to which the licence refers to any other person he may also cause the licence be transferred on the following conditions:
 - (a) The holder shall give his consent in writing to such transfer and the person to whom it is transferred shall apply to the authorized officer for the transfer and shall hand in for transfer the licence as well as the metal badge. The particulars required in regulation 2 shall then be noted in the register and a new licence with the number of the metal badge issued.
 - (b) An appropriate note shall be made opposite the old entry and the old licence shall then be cancelled in red ink and kept for the remainder of its **validity and thereafter destroyed.**

IMPOUNDING

8. (1) **Any dog found in any place, except on the property of the person keeping the dog, without the metal badge issued in respect of that dog or transferred to it, may be impounded by an authorized officer.**
 - (2) A council may, at the expiry of the period referred to in section 12 of the Ordinance, sell or destroy a dog impounded under subregulation (1).
 - (3) Notwithstanding subregulation (2) the council shall immediately notify the impounding of a dog by displaying a notice to that effect at the council's offices.
 - (4) The owner of an impounded dog may claim it on payment of any tax or late fee owing and of the custody fee contemplated in subregulation (5).
 - (5) **A custody fee** includes the actual cost of keeping an impounded dog and the Veterinary expenses incurred by the council in respect of the dog, but the Custody fee shall not be less than **R10.00 per day or part thereof.**
 - **Reg 8 amended by GN 267/73; 33/78**
 - **Reg 8 amended by GN 159/92**

PROCEEDS OF SALE OF DOG

9. The proceeds of the sale of a dog impounded and sold by the council shall be used to defray the cost of maintenance of such dog in the pound and costs entailed by the sale thereof and balance remaining shall accrue to the council's revenue.

VICIOUS OR DANGEROUS DOGS

10. (a) **No person keeping a vicious or dangerous dog shall allow it to be in any street, on any road or in any public place unless it is on an effective lead**

or is muzzled. If any such dog, whether licensed or not, attacks persons, animals or other dogs, an authorized officer may seize it and deal therewith in accordance with the instructions of the council;

- (b) Any person keeping a dog that can be vicious or dangerous, **shall take the necessary precautions to prevent such dog attacking any person visiting the premises for the execution of his duties at all reasonable times;**
- (c) Notwithstanding the provisions of subregulation (b), any person keeping a dog that can be vicious or dangerous shall erect at every entrance to the premises a notice board with the words "**Pasop vir die hond / Beware of the dog**" in legible writing. Such notice board shall at all times be kept in all legible condition.

- **Reg 10 amends by GN 267/73.**
- **Reg 10(a) and (b) inserted by GN 267/73**

DOGS SUFFERING FROM INFECTIOUS OR CONTAGIOUS DISEASES

- 11. Any dog suffering from mange or any other infectious or contagious disease found in a street, on a road in a public place may be seized/or destroyed by an authorized officer.

INCITEMENT OF DOGS

- 12. No person shall incite or encourage any dog to attack, hinder or frighten any other person or any other animal.

DOGS WHICH ARE A NUISANCE

- 13. No person shall keep any dog which disturbs the neighbours or is a nuisance to them by barking or whining or howling continually or excessively.

BITCHES ON HEAT

- 14. **No person shall allow a bitch on heat to run loose in a street or public place.**
- 14A. **Nobody may allow any dog, licensed or not, to walk around unattended in public places or on public places or on private property except the properly-fenced property of its owner.**

- **Reg 14.A inserted by GN 33/78**

DOGS ON THE COMMONAGE

- 15. **Any dog running loose on the commonage may be destroyed by an authorized officer.**
 - **Reg 15 amends by 33/78**
- 16. **Council shall have the right to restrict the number of dogs on any premises.** Any concession made by the council may be withdrawn without its giving any reasons whatsoever. It shall be on conviction to keep more dogs than the number to which the council has restricted it.
 - **Reg 16 substituted by GN 267/73**

PENALTY

17. Any person who contravenes the provisions of these regulations shall be guilty of an offence and shall on conviction be subject to a fine not exceeding **two hundred rand** or to **imprisonment not exceeding one month.**

- **Reg 17 substituted by GN 119/88**

ANNEXURE A

No.

LICENCE FOR THE KEEPING OF A DOG

Issued in terms of Ord. 13/1967.

TOWN AREA Received from

Address the amount ofcent

being dog tax for the year in respect of the under-mentioned

dog sex

Metal badge No.

Date

AUTHORIZED OFFICER

ANNEXURE B

No.

CERTIFICATE OF EXEMPTION

Issued in terms of Ord. 13/1967

MUNICIPAL DOG TAX ORDINANCE

TOWN AREA

Name Address

In terms of Section 6 of the Ordinance

Is hereby exempted from the payment of tax for the period

To

Reason for exemption

Metal badge No.

Date

AUTHORIZED OFFICER

REHOBOTH TOWN COUNCIL

No. 247

2006

INSPECTION REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Council of the Rehoboth Town Council makes, under Section 94 (1) of the Local Authorities Act, 1992 (Act No. 23 of 1992) and after consultation with the Minister of Regional and Local Government, Housing and Rural Development, the Regulations set out in this Schedule.

G.P. DAX
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Rehoboth, 27 July 2006

Definitions

“Act” means the Public Health Act, 1992 (Act No. 36 of 1919 as amended)

“Owner” shall have the same meaning as prescribed in the Local Authorities Act, 1992 (Act No. 23 of 1992), as amended and person in charge shall have a corresponding meaning

“Premises” means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle

“Foodstuff” means any article or substance (except a medicine as defined in the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965) ordinarily eaten or drunk by man, or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance

“Environmental Health Practitioner” means an Environmental Health Practitioner employed by the Local Authority and identified by name or post description in terms of the Section 13 of the Allied Health Service Profession Act, 1993.

“Nominee” any person who is the owner, manager in charge of operation, conducting of business and therefore accordingly responsible

INSPECTION REGULATIONS**Inspection Powers**

2. (1) An Environmental Health Practitioner may, with regard to premises in respect of which any provision of the Act is applicable -

- (a) demand that the owner or occupier or the person in charge or apparently in charge of, or any employee on or in, such premises, submit to him any book, document or thing that must be kept or displayed in terms of the Act or that relates to any matter provided for by the Act and that is or was in the possession or in the custody or under the control of such owner, occupier, person or employee or that is on or in such premises;

- (b) make an extract from or a copy of a book or document referred to in (a);
- (c) question the person referred to in (a) with regard to any matter provided for in the Act and obtain information regarding any activity or process or entry in a book or document referred to in (a)
- (d) for the purpose of combating a communicable disease, demand any information from a person referred to in (a) or from any other person who has at any time been on or in such premises;
- (e) examine any foodstuff that is found in or on such premises, and any appliance, product, material, or is suspected to be used, or destined or intended for use, for, in or in connection with the manufacture, treatment, grading, packing, marking, labelling, storage, conveyance, serving or administering of any foodstuff, or for in or in connection with any other operation or activity with or in connection with any foodstuff, and open any package or container of such foodstuff, product, material, object or substance;
- (f) without making any payment take so much of such foodstuff, in whatever kind of package or container it may be, as he may reasonably require as a sample for the purpose of testing or analyzing it if the health officer has reason to suspect that such foodstuff is unsound or unwholesome or unfit human consumption; and
- (g) inspect and take samples, of any container, article, implement, utensil, cloth or water or on any work surface or hands of food handlers for the purpose of a bacteriological examination.

Sampling of food

3. (1) Any sample taken by an Environmental Health Practitioner in terms of the Act shall be taken and handled according to these regulations.

(2) Any food sample shall be representative of the foodstuff where from such sample originate and such sample shall conform to the requirement of this regulations and/or any standard in terms of the Foodstuffs, Cosmetic and Disinfectant Ordinance of 1979 (Ordinance 18 of 1979).

(3) Any sample shall be taken by an Environmental Health Practitioner in the presence of:

- (a) The owner of the foodstuff concerned; or
- (b) The person in charge of such foodstuff if such owner is not in or on the premises; or
- (c) Any other adult person as a witness if neither such owner nor such supervisor is present.
 - (i) If such owner or supervisor is present at the taking of a sample, the Environmental Health Practitioner shall ascertain from the owner or supervisor, as the case may be, whether he requires a part of such sample for examination or analysis.
 - (ii) The Environmental Health Practitioner shall

- I. if such owner or supervisor requires a part of such sample as referred to in paragraph (b); or
 - II. in the case where a witness in the circumstances referred to in paragraph (a)
 - III. (iii), is present,
- (iii) without delay divide the sample in such manner as its nature permits in the presence of the owner, supervisor or witness, as the case may be, into two separate parts as near as possible identical.
- (d) An undivided sample or each of the two parts referred to in paragraph (c) shall be packed and sealed by the inspector in the presence of such owner, supervisor or witness, as the case may be, and marked with
- i) an identification number allocated by the inspector;
 - ii) concise details regarding
 - aa. the contents; and
 - bb. the nature of the examination or analysis required;
 - iii) the date on which the sample was taken; and
 - iv) the name and work address of the inspector.

(4) The sample may be delivered to the analyst by any convenient means provided the health officer's seal remains intact.

(5) Samples for bacteriological analysis shall be taken and handled with sterilised equipment and transferred to approved sterile sample containers taking precautions to prevent the contamination of the sample. The sample container shall be stoppered and, within 15 minutes of the sample being taken, shall be surrounded by a suitable refrigerant which comes into contact with the container and is capable of reducing the temperature of the sample to and maintaining it until delivered to an analyst at a temperature not exceeding 7°C. On arrival at laboratory the temperature shall not be above 7°C. At no time shall the sample be frozen.

Analyses of samples

4. For the purposes of tests or any other alternative acknowledged tests and methods approved by the Permanent Secretary, the reports issued by an acknowledged pathologist, bacteriologist, biochemist or a registered medical technologist or by some person who is by reason of his training and experience in the field of pathology, bacteriology or biochemistry, competent to carry out the tests and methods, may be accepted by the Permanent Secretary or Environmental Health Practitioner, as the case may be, as decisive.

(1) The onus of proof that any article of food forming the subject of a charge and alleged to have been dealt with in any manner whatsoever, in contravention of any provision of these regulations, was not so dealt with or was not intended for human consumption, shall be on the person charged.

Detention of foods

5. (1) (a) An Environmental Health Practitioner or any authorised official in the case of meat and/or fish may, pending the examination or analysis of a sample, by written order signed by him, detain the whole lot or consignment of food in whatever kind of package or container it may be, on or in the premises concerned from which that sample was taken.
- (b) An Environmental Health Practitioner or authorised official may lock up, seal, mark, fasten or otherwise secure such detained food in or upon such premises or any other premises.
- (2) An order referred to in subregulation (1) -
- (a) shall be served on the owner or occupier or any other person in charge or apparently in charge or apparently in charge of the premises concerned;
- (b) is binding for the period stated in the order, which shall not exceed a period of 30 days;
- (c) may -
- (i) during that period be withdrawn; or
- (ii) if it was not issued for the full period of 30 days, be extended to such period.

by the Environmental Health Practitioner or authorised official who was issued the order.

(3) No person may, without the written permission of the Environmental Health Practitioner or of a person referred to in subregulation (2) (c) remove any food detained in terms of this regulation from the place where it is being detained, or deal with it in any other manner.

Seizure of food

6. (1) An Environmental Health Practitioner or any authorised official in the case of meat and/or fish, may -
- (a) If, after an examination of any food contemplated in regulation 2 (1) (e), he is satisfied that such food is unsound,
- (b) by written order signed by him seize the food concerned or, in the case of an unsound,
- (c) where it appears from an examination or analysis of a sample referred to in regulation 2 (1) (f), that the sample or any part of it is unsound,
- (d) by written order signed by him seize the food concerned or, in the case of an unsound, unwholesome or contaminated sample, the lot or consignment of food from which the sample was taken if he is satisfied that the food in that lot or consignment is in the same condition or possesses the same properties as the sample.

- (2) An order referred to in sub regulation (1).
- (a) shall be served on the owner or occupier or any other person in charge or apparently in charge of the premises referred to in Regulation 2 (1).
- (b) Is binding from the time of such service until such food that has been seized -
- (i) has been used for purposes other than human consumption;
 - (ii) has been destroyed; or
 - (iii) has, in terms of subregulation (6), been released for human consumption;
- (c) may at any time, be withdrawn by the Environmental Health Practitioner or authorised official who issued such and
- (d) shall clearly set out the provisions of this regulation.
- (e) shall clearly set out the provisions of this regulation.

(3) Wherever food has been seized under sub regulation (1), the owner thereof may choose at his expense and with the permission of the Environmental Health Practitioner or authorised official, to have such food treated, disposed of or used for purposed other than human consumption or destroyed in a manner approved by the Environmental Health Practitioner or authorised official.

(4) A choice referred to in sub regulation (3) shall be made known in writing to the Environmental Health Practitioner or authorised official within 24 hours after such seizure; or

(5) If the owner of food which has been seized by an Environmental Health Practitioner or authorised official in terms of sub regulation (1) -

- (a) refuses or fails to exercise a choice referred to in sub regulation (3) within 24 hours after such seizure; or
- (b) exercises such choice but thereafter refuses or fails to act in accordance with that choice within a further period of 24 hours,

the Environmental Health Practitioner or authorised official may, at any time thereafter, and for the account and risk of such owner, destroy such food or cause such food to be destroyed or otherwise disposed of.

(6) An Environmental Health Practitioner or authorised official in the case of meat and/or fish, may release for human consumption food which, after treatment referred to in sub regulation (3), is in his opinion fit for human consumption, by withdrawing or amending the order pertaining to such food that was issued in terms of sub regulation (1).

(7) Subject to the provisions of this regulation no person shall, without the written authority and direction of a health officer or meat inspector in the case of meat and/or fish, remove any food seized in terms of sub regulation (1) from the premises referred to in that sub regulation, sell such food or deal with it in any other manner.

(8) An Environmental Health Practitioner or authorised official in the case of meat and/or fish, who grants a written authority referred to in sub regulation (7), may in such authority, impose any condition regarding the transportation and further storage of the food concerned.

(9) An Environmental Health Practitioner or authorised official acting in terms of this regulation shall, at the request of any person who is affected by such action, issue to such person a written document under his signature and designation stating the kind and quantity of food seized and the reason for the seizure.

Rectifying of certain conditions

7. If an Environmental Health Practitioner is of the opinion that any conditions exist which are dangerous or harmful or likely to be dangerous or harmful to health, or which are likely to favour the spread or impede the eradication of a communicable disease, he may issue a written order signed by him and addressed to the owner or occupier or any other person in charge of such premises, in which he instructs that -

- (a) any condition stated in the order shall be rectified immediately or within a specified period determined by the Environmental Health Practitioner; or
- (b) if such a condition is due to failure to comply with the requirements of the Act, such owner, occupier or other person shall comply with the requirements of the Act.

8. An Environmental Health Practitioner, shall within 14 days after completing an investigation referred to in these regulations, compile an investigation report and hand or send by registered post a copy thereof to the owner or occupier or the person supervising the premises concerned.

ANNEXURE 1

Code of practice for taking bacteriological samples

9. (1) Samples shall be taken by means of swabbing from a group of four articles or components of the same kind, and shall not include samples taken from any article or component of any other kind: Provided that if the number of articles or components of one kind sampled on the premises is less than four, the sample shall be taken from such lesser number.

(2) Swabs used in the taking of bacteriological samples shall be prepared on wooden sticks from absorbent cotton wool and sterilised and maintained in a sterile condition until used.

(3) Quarter strength Ringer's Solution shall be prepared in screw topped McCartney bottles in quantities of 10 ml and then sterilised for use.

(4) For the purpose of sampling two bottles of solution, prepared in terms of paragraph 9.3, shall be used for each article or group of articles or component or group of components.

- (5) In taking samples the following procedure shall be followed:

(I) Area to be swabbed

- (a) In the case of cups, glasses and other drinking utensils the sample shall be taken from the exterior and interior surfaces to a depth of at least 12 mm from the top of the rim.
- (b) In the case of spoons and ice-cream scoops the sample shall be taken from the entire inner and outer surface of the bowl of such spoon or ice-cream scoop.
- (c) In the case of plates, saucers, bowls and the like, over an area of 100 mm, or as near to this as possible, of the surface which comes into contact with food.
- (d) In the case of all other articles or components, from all parts of the surface likely to come into contact with food.

(II) Method of sampling by means of swabbing

The defined area or areas of each article or component or group of articles or components from which a sample is to be taken shall be swabbed -

- (a) Firstly with a swab moistened with Ringer's Solution from one of the McCartney bottles, after the excess moisture has been expressed from the swab on the inside of the bottle before removal.

The swab shall, after the sample has been taken, immediately be replaced in the same bottle and the protruding portion of the stick above the neck of the bottle broken off and the screw top replaced;

- (b) Secondly, and immediately afterwards, over the same defined area or areas, a sample shall be taken with a dry swab, which shall be placed in the second bottle of Ringer's Solution.

(6) In each case the bottles shall be suitably marked so as to identify the article or component from which the sample was taken and to distinguish the wet from the dry swab.

(7) The person taking such sample shall at the time of taking the sample record in duplicate the name and address of the premises, the number of articles or components in the group samples, the time when the sample was taken and the identification mark on each bottle as required by paragraph 9.6.

(8) As soon as possible after taking the sample the bottles containing the swabs together with the duplicate copy of the particulars recorded under paragraph 9.7 shall be delivered to a bacteriological laboratory for examination within three hours of the taking of such sample. Where this is not possible, such sample shall be despatched forthwith to such laboratory and at all times be kept at a temperature not higher than 5°C.
