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General Notice

ORANJEMUND TOWN

No. 388

2013

REGULATIONS RELATING TO KEEPING OF DOGS: LOCAL AUTHORITIES ACT, 1992

The Oranjemund Town Council has, under section 94(l)(af) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Regional and Local Government, Housing and Rural Development, made the regulations set out in the Schedule.

TOIVO ETEGAMENO ANGULA
CHAIRPERSON OF THE COUNCIL ORANJEMUND
BY ORDER OF THE COUNCIL

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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates -

“authorised officer” means a staff member of the Council authorised by the Council to administer or enforce these regulations or a member of the Namibian Police Force;

“Chief Executive Officer” means the Chief Executive Officer of the Council;

“Council” means the Oranjemund Town Council;

“dog” means a dog over the age of six months;

“dog licence” means a licence referred to in regulation 8;

“environmental health officer” means a person appointed by the Council as an environmental health officer;

“guide dog” means a dog which has been trained to assist a blind or partially-sighted person and includes a dog which has been trained to assist a person who is mentally or physically incapacitated;

“keep” includes having in possession, in charge, under control or in custody or harbouring;

“local authority area” means the local authority area of the Town of Oranjemund;

“pound” means a building or structure used or approved by Council for impounding, selling or destroying dogs;

“poundmaster” means a person in charge of the pound;

“premises” means a building or structure together with the land on which it is situated;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“veterinarian” means a person registered as a veterinarian in terms of section 25 of the Veterinary and Para-Veterinary Proclamation, 1984 (Proclamation AG No. 14 of 1984).

Restriction on number of dogs kept on premises

2. (1) A person may not in local authority area, keep more than three dogs on a premises owned or occupied by him or her.

(2) Subregulation (1) does not apply to -

- (a) a person who keeps dogs at premises for breeding or training purposes and in respect of which a permit has been issued in terms of regulation 3;
- (b) a veterinarian who keeps dogs at the veterinary clinic for treatment;
- (c) an animal welfare society who keeps dogs for animal welfare purposes; or

- (d) the Namibian Police Force or Defence Force who keeps dogs for breeding or operational purposes.

(3) Despite subregulation (1), a person who before the date on which these regulations come into effect, has kept more than three dogs on his or her premises, may continue to keep the greater number of dogs, but if any of the dogs die or is disposed of, the person may not replace the dogs, unless the number has reduced to three.

- (4) The exemption in terms of subregulation (3) only applies where -

- (a) the person keeping the number of dogs in excess of three has, within 60 days from the date of coming into effect of these regulations, applied in writing for exemption to the Chief Executive Officer and delivered the application to the office of the Chief Executive Officer; and
- (b) the Chief Executive Officer has issued a certificate of exemption to the person referred to in subregulation (3).

Permit to keep dogs

3. (1) A person who intends to keep a greater number of dogs than that prescribed in regulation 2 must apply to the Council to do so.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee.

(3) The Council must consider the application referred to in subregulation (1) having regard to applicable laws on building and public health and safety, the Council's town planning scheme and the conditions of establishment of the applicable township, and may -

- (a) approve the application and issue the permit subject to conditions, if any;
- (b) refuse the application and provide the applicant with reasons of the refusal.

(4) The permit issued in terms of this regulation is valid for one year and the holder of the permit must apply for renewal of the permit before it expires.

Dogs in public places

4. (1) A person may not allow a dog kept by him or her to be in a public place and must when the dog is in a public place at all times have the dog under control.

(2) Where any dog defecates in a public place or premises other than that on which the dog is kept, the person who keeps the dog, except a person assisted by a guide dog, must remove the defecation immediately and dispose of it in a way that does not cause a nuisance.

Compliance notice

5. (1) A person may not allow a dog kept by him or her to be a nuisance to the public.

(2) A person may not keep a dog that suffers from mange or other infectious or contagious disease, but this provision does not prohibit the keeping of a dog at a veterinary clinic for treatment or the keeping of a dog at the premises while treating the dog for the infectious or contagious disease.

(3) A dog suffering from mange or other infectious or contagious disease, found in any public place may be seized by an authorised officer and on the recommendation of, and in the manner recommended by, the environmental health officer or a veterinarian, be destroyed.

(4) If the Chief Executive Officer is of the opinion that a dog falls within the provisions of subregulation (1) or subregulation (2), the Chief Executive Officer may cause a notice to be served on the person who keeps the dog requiring the person to take steps to effectively abate the nuisance or take the dog to a veterinary clinic for treatment at the dog owner's cost.

(5) If a dog or a complaint is made by a person that a dog -

- (a) is ferocious, vicious or dangerous or is a bitch on heat and is not kept under proper control;
- (b) is constituting a hazard to traffic along any public street or is a source of danger or injury to any person outside the premises on which the dog is kept; or
- (c) strays beyond the boundaries of the premises on which it is kept,

the Chief Executive Officer may cause a notice to be served by an authorised officer to the person who keeps the dog, requiring the person to take steps to effectively abate the nuisance.

(6) A notice referred to under regulation (4) or (5) must clearly state -

- (a) the nature of the contravention;
- (b) the action to be taken by the owner of the dog, which the chief executive officer considers necessary, to stop the contravention; and
- (c) the period within which the action referred to in paragraph (b) must be taken.

(7) The person on whom a notice has been served under subregulation (4) or (5) must comply with the notice within 96 hours from the time the notice has been served.

(8) A person who fails to comply with a notice served under this regulation commits an offence.

Prohibited behavior in respect of dogs

6. (1) A person may not without reasonable grounds -

- (a) incite a dog against a person, animal or bird; or
- (b) allow a dog kept by him or her to attack or put fear into any person, animal or bird.

(2) A person may not provoke, harass or tease a dog.

(3) A person may not terrify or cause stress or fear to any dog with fireworks or by any other means.

Impounding of dogs

7. (1) An authorised officer or any person may take a dog which is at large to a pound to be impounded.

(2) If a dog is impounded under subregulation (1), the poundmaster must within 48 hours cause a notice to be displayed on the notice board of the premises used for impounding dogs, giving a full description of the dog and the reasons for the impounding.

(3) A person may claim an impounded dog, if the person -

- (a) satisfies the poundmaster that he or she is the owner or is entitled to the possession, custody or control of the dog; and
- (b) pays the appropriate fee and veterinary expense, if any, incurred in respect of the dog.

(4) If a dog is not claimed within five days of its impounding the poundmaster may subject to section 5 of Animal Protection Act, 1962 (Act No. 71 of 1962), sell or destroy the dog.

(5) The Council or the poundmaster is not liable for any damages or loss suffered by the owner or any other person entitled to the dog referred to in subregulation (1) in respect of any action taken in good faith.

(6) The poundmaster must keep a register in which to record -

- (a) the name of authorised officer or person who brought the dog to be impounded;
- (b) the time at which and date on which the dog has been impounded;
- (c) the place the dog has been found before it has been taken into custody;
- (d) the reason for impounding;
- (e) description of the dog indicating estimate age, breed, sex, markings and any injury found on the dog;
- (f) whether the dog was released, sold or destroyed and the date and time of release, sale or destruction;
- (g) the amount of money realised in respect of release or sale of the dogs; and
- (h) the amount of veterinary expenses incurred in respect of the dog.

(7) A person commits an offence if that person by force or otherwise takes away or attempts to take away a dog lawfully brought to or impounded in a pound or frees or attempts to free a dog which has been lawfully impounded.

Dog licences

8. (1) Every person who keeps a dog must, pay in respect of every dog kept an annual dog tax determined by the Council and the Council must issue to the person a license in respect of each dog for which the tax is paid.

(2) Subregulation (1) does not apply to persons exempted from payment of dog tax in terms of the Dog Tax Ordinance, 1967 (Ordinance No. 13 of 1967).

Keeping of register

9. (1) The Council must cause keep a register of licenses issued in terms of these regulations, which register must contain the name and place of residence of each license holder, a description of the dog including its sex, the license number and the period of validity of the license.

(2) A register referred to in subregulation (1) is open for inspection at the Council by any person of the public during office hours.

Notices and documents

10. A notice, order or document required or permitted to be given by the Council in terms of these regulations must be given in accordance with section 93 of the Act.

Enforcement

11. For purposes of enforcing these regulations an authorised officer may perform the duties or exercise the powers given or conferred upon him or her under section 91 of the Act.

Offences and penalties

12. (1) A person commits an offense, if the person -

- (a) contravenes or fails to comply with a provision of these regulations;
- (b) obstructs or hinders an authorised officer in the execution of his or her duties under these regulations.

(2) A person convicted of an offence under subregulation (1) is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
