



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 4 October 2013

No. 5309

CONTENTS

Page

GENERAL NOTICE

No. 402	Katima Mulilo Town: Regulations relating to prohibition, restriction, control and keeping of dogs: Local Authorities Act, 1992	1
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General Notice

KATIMA MULILO TOWN

No. 402

2013

REGULATIONS RELATING TO PROHIBITION, RESTRICTION, CONTROL AND KEEPING OF DOGS LOCAL AUTHORITIES ACT, 1992

The Katima Mulilo Town Council, under section 94(1)(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, and subject to the provisions of the Municipal Dog Tax Ordinance, 1967 (Ordinance No. 13 of 1967) and the Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975), has made the regulations set out in the Schedule.

CHAIRPERSON
BY ORDER OF THE COUNCIL

Windhoek, 9 August 2013

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Restriction on number of dogs kept on premises
3. Dogs to be kept under control

4. Incitement of dogs
5. Vicious, dangerous, stray dogs
6. Destruction of dogs
7. Impoundment of dogs
8. Liability
9. Offences and penalties

Definitions

1. In these regulations, unless the context otherwise indicates, a word or an expression defined in the Local Authority Act, 1992 (Act No. 23 of 1992), the Municipal Dog Tax Ordinance, (Ordinance No. 13 of 1967), or the Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975) has that meaning, and -

“authorized officer” means a person appointed or authorised by the Council to administer, implement or enforce these regulations;

“Council” means the Town Council of Katima Mulilo;

“dog” means a dog over the age of 6 months;

“owner” in relation to a dog, means a person having possession, charge, custody or control over a dog;

“Chief Executive Officer” means a town clerk of the Katima Mulilo Town Council appointed in terms of section 27(1)(a) of the Local Authorities Act, 1992 (Act No. 23 of 1992) and includes a person duly appointed and authorised to act as Chief Executive Officer;

“leash” means a string or thong cord or tie up of not more than 1.5 meters in length through which control can be kept over a dog;

“pound” means premises owned or controlled by the Council for the purpose of impounding, selling or destroying dogs; and

Restriction on number of dogs kept on premises

2. (1) A person may not keep more than four dogs on a single erf measuring less than 900 m².

(2) Subsection (1) does not apply in respect of -

- (a) a dog breeder;
- (b) a litter younger than 6 months;
- (c) dogs kept in a veterinary surgeon’s clinic for treatment; or
- (d) dogs kept on premises occupied by any animal welfare society within the area of jurisdiction of the Council.

Dogs to be under control

3. An owner of a dog must at all times keep the dog on a leash or by any other means necessary to maintain control over the dog when the dog is in a public place.

Incitement of dogs

4. A person may not incite a dog owned or kept by him or her by -
- (a) setting a dog on a person or animal; or
 - (b) permitting or urging a dog owned or kept by him or her to attack or terrify a person or animal.

Vicious, dangerous and stray dogs

5. (1) Upon a written complaint to the Chief Executive Officer that a dog -
- (a) is ferocious, vicious or dangerous or is a bitch on heat and is not kept under proper control;
 - (b) is a hazard to traffic along any public street or a source of danger or injury to any person outside the premises on which such dog is kept; or
 - (c) strays beyond the boundaries of the property where it is usually kept or trespasses on any other property,

an authorised officer must establish to the satisfaction of the Chief Executive Officer that such dog is kept under control.

(2) In execution of provision contemplated in subparagraph (1) the authorised officer must display a notice, directed to the owner of the dog, on the notice board of the Council requiring the owner of such dog to take such steps as will effectively abate such nuisance.

Destruction of dogs

6. Destruction of dogs takes place in accordance with and under the conditions as set out under section 5 of the Animal Protection Act, 1962 (Act No. 71 of 1962).

Impoundment of dogs

7. (1) A person may take a dog which is at large to a pound, if he or she reasonably believes such dog not to be owned or cared for by any person., where such dog is detained until the person claiming such dog produces to the poundmaster proof of ownership or proof of licence of such dog, and such person must pay to the poundmaster such fees, if any, for the impounding or keeping of such dog.

(2) Where a dog is impounded in a pound, the Council must cause a notice to be displayed on the notice board of the Council of such fact, giving a full description of such dog and the reasons for such impounding.

(3) The owner of the dog must claim his or her dog within a period of five days from the date on which a notice has been displayed in terms of subregulation (2).

(4) The Council may cause a dog not claimed by the owner within the period referred to in subregulation (3) to be sold or destroyed.

Liability

8. Despite anything to the contrary contained in these regulations and unless gross negligence can be established to the contrary neither the Council nor any authorised officer or any

employee of the Council is liable for any damage caused to any dog or loss suffered by the owner thereof as a result of any act or omission committed during the normal exercise of their duties in terms of these regulations.

Offences and penalties

9. A person who contravenes or fails to comply with any of these regulations is liable to a fine not exceeding N\$300 or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.
