



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

Page

GENERAL NOTICE

No. 55	Regulations relating to prohibition, restriction, control and keeping of dogs: Local Authorities Act, 1992	1
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General Notice

LÜDERITZ TOWN COUNCIL

No. 55 2012

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

The Lüderitz Town Council has, 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, made the following regulations set out in the Schedule.

BY ORDER OF THE COUNCIL

S. H. NDJALEKA
CHAIRPERSON OF THE COUNCIL

Lüderitz, 22 February 2012

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Restriction on number of dogs kept on premises
3. Control over dogs
4. Nuisance

5. Prohibited behaviour
6. Destruction of dogs
7. Impounding
8. Licences
9. Keeping of a register
10. Notices, documents and orders
11. Compliance
12. Offences and penalties

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 -

“authorized officer” means any person appointed or authorized by council to administer, implement or enforce the provisions of these regulations or any member of the Namibian police appointed in terms of section 4 of the Police Act, 1990 (Act No. 19 of 1990);

“Chief Executive Officer” means a town clerk of the Lüderitz Town Council appointed in terms of section 27(1)(a) of the Local Authorities Act, 1992 (Act No. 23 of 1992) and includes any person duly appointed and authorized to act as a Chief Executive Officer to exercise the powers or perform the functions granted or imposed upon him or her in terms of these regulations;

“Council” means the Lüderitz Town Council;

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

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

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

“local authority area” means the area of jurisdiction of the town council of Lüderitz;

“owner” in relation to a dog includes any person having the possession, charge, custody or control of that dog;

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

“premises” means any structure together with its grounds and appurtenances;

“SPCA” means the Society for the Prevention of Cruelty to Animals;

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

“veterinarian” means a person registered or deemed to be 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) Subject to the provisions of subregulation (2), a person may not keep more than three dogs on his or her premises, irrespective of whether such dogs have been licensed or not, provided that this provision shall not apply to -

- (a) a breeder;
- (b) the litter of a bitch when such a litter is younger than six months;
- (c) dogs kept on the premises of 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.

(2) Notwithstanding the provisions of subregulation (1), a person who prior to the date on which these regulations come into effect, keeps more than three dogs on his or her premises, may continue to keep such number of dogs, but should any of such dogs die or be disposed of, such person may not replace such dogs, unless such number has reduced to three.

- (3) The exemption in terms of subregulation (2) only applies where -
 - (a) the person keeping such number of dogs in excess of three has, within sixty days from the date of coming into effect of these regulations, applied in writing for exemption to the Chief Executive Officer and delivered such application to the office of the Chief Executive Officer; and
 - (b) the Chief Executive Officer has issued to such person a certificate of exemption.

Control over dogs

3. An owner of a dog shall not allow such dog to be at large in a public place and must when such dog is in a public place be kept at all times on a leash by a person capable of maintaining control of such dog.

Nuisance

4. (1) A person shall not allow any dog owned or kept by him or her to be a nuisance to the public.

(2) A person shall not keep a dog that suffers from mange or some other infectious or contagious disease, but this provision does not prohibit such dog from being kept at an animal clinic for treatment or kept in quarantine by the owner on his or her premises while treating such dog for such infectious or contagious disease.

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

(4) Where the Chief Executive Officer is of the opinion that a dog is a dog contemplated in subregulation (1) or subregulation (2), the Chief Executive Officer may cause a notice to be served on the owner of the dog requiring such owner to take such steps to effectively abate such nuisance or take such dog to an animal clinic for treatment at the dog owner's cost.

(5) Where any dog defecates in a public place or in premises other than that occupied by the dog owner, the dog owner, except an owner assisted by a guide dog, must remove the product of defecation immediately and dispose of it in a way that does not cause a nuisance.

(6) Where a dog is or a complaint is made to the Chief Executive Officer by any 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 such dog is kept; or
- (c) strays beyond the boundaries of its owner's property or premises,

the Chief Executive Officer may cause a notice to be served by an authorized officer to the owner of the dog, requiring such owner to take steps to effectively abate such nuisance.

- (7) Any notice referred to under regulation (4) 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 or authorized officer considers necessary, to stop the contravention; and
 - (c) the period within which the action referred to in paragraph (b) must be taken.

(8) The owner of a dog must comply with any notice issued under regulation (4) within 96 hours from the time when such notice was served.

(9) A person who fails to comply with a notice referred to in subregulation (7) is guilty of an offence and the Chief Executive Officer may cause such dog to be impounded or, subject to subregulation (3), to be destroyed.

Prohibited behaviour

5. (1) A person shall not permit or incite any dog owned or kept by him or her to attack, or terrify any person or animal except where necessary to defend such owner, or such owner's property, or to defend another person or such other person's property against harm.

- (2) A person may not with the intention to cause harm or aggravation -
 - (a) provoke, harass or tease a dog; or
 - (b) cause undue stress or fear to a dog.

Destruction of dogs

6. Subject to section 5 of Animal Protection Act, 1962 (Act No. 71 of 1962), a police officer may destroy any dog so severely injured, diseased or in such a physical condition that it ought to be destroyed in order to prevent such dog from undue suffering.

Impounding

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

(2) Where a dog is impounded in a pound, the Council shall 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 5 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.

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

(6) Any person who forcibly or otherwise takes away or attempts to take away any dog being lawfully brought to or impounded in a pound or who frees or attempts to free any dog which has been lawfully impounded by the Council or an authorized officer is guilty of an offence.

Licenses

8. (1) Every owner of a dog must, within the local authority area, pay in respect of every dog kept by him or her, an annual dog tax determined by the Council and the Council must issue to such owner a license in respect of each dog for which such tax is paid.

(2) Payment of the licence referred to in subregulation (1) by the owner of a dog must be made to the Lüderitz Town Council.

(3) Any person keeping a dog in respect of which a dog tax has not been paid is guilty of an offence.

Keeping of register

9. (1) The Council must cause a register to be kept 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 such license.

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

Notices, documents and orders

10. A notice, order or document required or permitted to be given by the Council in terms of these regulations shall be given in the manner and deemed to have been received in the manner prescribed by section 93 of the Act.

Compliance

11. For purposes of compliance with these regulations, an authorized officer may perform the duties or exercise the powers given or conferred upon him or her in terms of section 91 of the Act.

Offences and penalties

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

(a) contravenes or fails to comply with any provision of these regulations;

(b) obstructs or hinders an authorized 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.
