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General Notice

ONGWEDIVA TOWN COUNCIL

No. 802

2023

ONGWEDIVA DOG CONTROL REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1)(af) of the Local Authorities Act, 1992 (Act No. 23 of 1992), the Council of the Ongwediva Town Council has, after consultation with the Minister of Urban and Rural Development, made the regulations set out in the Schedule.

T. SHALYEFU
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Ongwediva, 20 November 2023

SCHEDULE

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Definitions

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

“agricultural property” means a land zoned for agricultural use in terms of the Ongwediva Town Planning Scheme or any other law;

“Animal Protection Act” means the Animal Protection Act, 1962 (Act No. 71 of 1962);

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

“chief executive officer” means the town clerk of the Council appointed in terms of section 27(1)(a) of the Act;

“Council” means the Council of the Town Council of Ongwediva;

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

“environmental health practitioner” means a person who is registered as an environmental health practitioner in terms of the Allied Health Professions Act, 2004 (Act No. 7 of 2004) and appointed by the Council as an environmental health practitioner;

“fee” means charges, fees and other monies payable in respect of any service, amenity or facility and determined by the Council in terms of section 30(1)(u) of the Act;

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

“kennel” means premises on which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred or kept for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired with or without handlers; or

(d) dogs kept for commercial security purposes;

“licence” means a licence issued in terms of regulation 2;

“local authority area” means the area of the jurisdiction of the Council;

“owner of a dog” includes a person who is in charge of a dog or having possession, custody or control of a dog;

“permit” means a permit issued in terms of regulation 6;

“pound” means a building, enclosure or facility, owned, controlled or approved by the Council for the impounding, sale or destruction of dogs;

“poundmaster” means a staff member or any other person authorised by the Council to be in charge of a pound;

“premises” means a building, tent or any other structure together with its ground 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); and

“veterinarian” means a person registered or deemed to be registered as a veterinarian in terms of the Veterinary and Veterinary Para-Profession Act, 2013 (Act No. 1 of 2013).

Licensing of dogs

2. (1) An owner of a dog kept within the local authority area must apply to the Council for licence to keep a dog.

(2) The application referred to in subsection (1) must be made in the form of Annexure A, which may be obtained from the Environmental Health Division of the Town Council.

(3) The application form must be accompanied by a certified copy of the identity document of the owner of the dog.

Granting or refusal of dog license

3. The Council may, after receiving the application form of the dog license from the dog owner, –

(a) grant the licence with or without conditions; or

(b) refuse the licence and give written reasons for such refusal.

Payment and exemption of payment of dog license fees

4. (1) Once the application for a dog license is approved, the dog owner must pay the prescribed license fee at the Council’s cashier whereafter a receipt must be issued.

(2) The amount of the license fee to be paid is determined and approved by the Council and published in the Government Gazette.

(3) The dog license is valid for a period of 12 months and is renewable and subject to renewal fees determined by the Council.

- (4) The amount of the dog license fee may differ according to the –
- (a) the breed of the dog;
 - (b) the sex of the dog; or
 - (c) whether the dog has been spayed or neutered.

(5) An owner of a dog may make an application in the form in Annexure B, to be exempted from paying a dog license fee, where a dog is used for the following purposes:

- (a) a guide dog;
- (b) dogs owned by the Namibian Police, or any other law enforcement agency;
- (c) dogs brought into the town for purposes of an exhibition and provided that such dog will not remain in the town for a period exceeding thirty days; or
- (d) dogs under the control of any society or institution for the prevention of cruelty to animals.

Badge issuance

5. (1) The Council must, after the owner of the dog has paid the prescribed licence fee, issue the owner of the dog with a dog badge displaying the name of the local authority area and the licence number.

(2) The owner of the dog must make sure the dog badge is always worn by the dog.

(3) The owner of the dog must report to the Council, if the dog badge is lost or misplaced for him or her to be issued another badge on a prescribed fee.

Restriction of dogs kept

6. (1) A person may not keep or allow more than –

- (a) three dogs to be kept on premises; or
- (b) six dogs to be kept on agricultural property,

unless the person holds a permit to keep more than three or six dogs, respectively.

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

- (a) dogs kept on the premises of a veterinarian for treatment;
- (b) dogs kept at a pound;
- (c) dogs kept on the premises of SPCA or any other animal welfare society; or
- (d) dogs owned by the Namibian Police Force or Namibian Defence Force for operational or breeding purposes.

(3) A person who intends to keep a number of dogs, other than the number of dogs permitted in terms of subregulation (1) must –

- (a) apply to the Council on the prescribed form for a permit to keep such number of dogs;
- (b) indicate the reasons for keeping the number of dogs exceeding the number prescribed; and
- (c) erect, install or keep a kennel within the local authority area.

(4) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Transfer of licence

7. (1) A person who intends to transfer a dog licence to a new owner of the dog may make an application to the Council in the prescribed form and on applicable fee for such transfer of licence, provided that the new owner keeps the dog within the same local authority area.

- (2) The application form must be accompanied by –
 - (a) a certified copy of the identity document of the current owner of the dog and the new owner of the dog; and
 - (b) a written consent from the current owner of the dog agreeing on the transfer of ownership of the dog and licence into the name of the new owner of the dog.
- (3) After the application of transfer of licence has been approved by the Council, –
 - (a) the new owner must pay the prescribed transfer of licence fees;
 - (b) the changes to the particulars must be effected in the register by the Council; and
 - (c) a new dog licence with the same licence number and a badge must be issued to the new owner.

Disqualification from holding licence or permit

8. (1) A person is disqualified from being issued with a licence or permit in terms of these regulations, if such person –

- (a) is convicted of an offence relating to a dog in terms of the Animals Protection Act or these regulations;
- (b) has been ordered by a court of law not to own a dog in terms of the Animals Protection Act or any other law;
- (c) is the owner of a dog and his or her dog has on more than three occasions been impounded in terms of regulation 16, unless that person satisfies the Council that such impounding was beyond his or her control.

(2) A person who is disqualified in terms of subregulation (1) may in writing apply to the Council for reconsideration and the removal of the disqualification.

- (3) After considering the application made in subregulation (2), the Council may –
 - (a) grant the application if there are reasonable grounds to do so; or

- (b) refuse the application and give the applicant reasons for the refusal.

Suspension and cancellation of licence or permit

- 9.** (1) The Council may suspend or cancel a licence or a permit, if –
- (a) a condition of the licence or permit is not complied with; or
- (b) it is in the public interest that the licence or permit be suspended or cancelled.
- (2) A suspension or cancellation under subregulation (1) is for the period and subject to the conditions that the Council determines and specifies in the notice of cancellation or suspension.
- (3) Before the Council cancels or suspends the licence or permit, the Council must –
- (a) in writing inform the holder of the licence or permit of the intention to cancel or suspend the licence or permit and the grounds for the intended cancellation or suspension as well as the period of such cancellation or suspension;
- (b) grant the holder of the licence or permit an opportunity to make representations to the Council within a period specified in the notice;
- (c) obtain a report, with recommendations from an authorised officer, an employee, an environment health officer or a veterinarian, on the intended cancellation or suspension, if the Council considers it necessary; and
- (d) grant an opportunity to the owner of the dog to make representations if the owner of the dog would like to do so.
- (4) If a person fails to comply with any condition imposed on the suspension of his or her permit, the Council may cancel the permit.
- (5) Despite subregulations (3) and (4), the Council may with immediate effect suspend or cancel a licence or permit if the Council considers it necessary to eliminate or reduce a significant risk to the public posed by a public health hazard.
- (6) If the Council suspends or cancels a licence or permit under this regulation, the Council may take necessary measure to ensure the safeguarding of dogs that have been kept under the licence or permit of the holder whose licence or permit has been cancelled or suspended.

Keeping of register

- 10.** (1) The Council must cause a register to be kept of licences and permits issued in terms of these regulations which register must contain –
- (a) the full names of the licence or permit holder;
- (b) the place of residence of the licence or permit holder;
- (c) a description of the dog, including the sex of the dog;
- (d) the licence or permit number; and
- (e) the period of validity of the licence or permit.

(2) The register referred to in subregulation (1) must be open for inspection by any member of public during office hours.

Prohibitions relating to keeping of dogs

11. (1) An owner of a dog may not allow the dog to be at large at any place, other than –

- (a) the premises of the owner or the premises of any other person with the consent of that person; or
- (b) at an area designated by the Council as a free running area for dogs, unless the owner of the dog accompanies the dog and keeps it under control.

(2) A person may not keep a dog –

- (a) which barks, whimpers or howls to such an extent that it causes, or has a habit of causing, disturbance or nuisance to any other person;
- (b) which suffers from an infectious or contagious disease which in the opinion of a veterinarian cannot be treated, boarded at a veterinary clinic for treatment or quarantine at premises of an owner for treatment; or
- (c) on premises which is not fenced or in a manner that the dog is outside the premises, unless the dog is confined to the premises.

(3) A person may not allow a dog to be in any public place, if the dog –

- (a) is wild, dangerous or ferocious;
- (b) has a habit of chasing people or vehicles;
- (c) is an unsterilised female dog on heat;
- (d) suffers from mange or any other infectious or contagious disease;
- (e) constitutes a hazard to traffic using any public road; or
- (f) causes damage to any public property.

(4) A person may not incite a dog to attack or terrify another person or an animal, except where necessary to defend the person property of that person, or to defend another person or the property of that other person.

(5) A person may not –

- (a) provoke, harass or tease a dog; or
- (b) terrify a dog or cause stress or fear to a dog.

(6) A person who contravenes or fails to comply with this regulation commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Defecation

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

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Complaints to Council

13. (1) A person may make a written complaint to the chief executive officer if regulation 11 is contravened.

(2) If the chief executive officer is satisfied that there is a contravention of regulation 11, the chief executive officer may cause a notice to be served on the owner of the dog.

(3) A notice referred to in subregulation (2) must –

- (a) specify the nature of the alleged contravention;
- (b) specify any action to be taken by the owner of the dog that the chief executive officer considers necessary to stop or prevent further contravention;
- (c) specify the period within which the action referred to in paragraph (b) must be taken; and
- (d) inform the owner of the dog to lodge an objection to the complaint made, if the owner so wishes, within a period specified in the notice.

(4) A person who fails to comply with a notice served in terms of subregulation (2) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Sterilisation of dogs by Council

14. The Council may cause a dog to be sterilised at the request of the owner of the dog and on payment of a fee by the owner of the dog.

Keeping of pound

15. The Council may establish and operate a pound or may enter into an agreement with a person to operate a pound on its behalf subject to any condition that the Council may impose.

Seizure, impounding and destruction of dogs

16. (1) An authorised officer or any other person may take a dog which is at large to a pound if he or she reasonably believes that the dog –

- (a) suffers from an infectious or contagious disease;
- (b) is not owned or cared for by a person;

- (c) is not under control of a person; or
- (d) is being kept in contravention of these regulations.

(2) Despite subregulation (1), a person may not impound a dog, if there are reasonable grounds to believe that the dog is a female with unweaned young, unless such dog and unweaned young are impounded together.

(3) If a dog is impounded, the Council must cause a notice to be displayed on the notice board of the Council or in any other manner that is appropriate.

(4) The notice displayed by the Council in terms of subregulation (3) must –

- (a) specify that the dog has been impounded;
- (b) give a full description of the dog; and
- (c) specify the reason for impounding the dog.

(5) An owner of an impounded dog may claim the impounded dog, if such owner –

- (a) satisfies the poundmaster that he or she is the owner of the dog impounded; and
- (b) pays the impounding fee and the amount of veterinary expenses, if any, incurred in respect of the impounded dog.

(6) If the provisions of subregulation (5) have been complied with, the poundmaster must return the dog to the person claiming to be the owner the dog.

(7) The owner of the dog must claim his or her dog within three days from the date of issue of the notice contemplated in subregulation (3), if the owner of the dog has not claimed the impounded dog within the three days, the Council may sell, donate or destroy such dog or cause such dog to be sold, donated or destroyed.

(8) Unless the Council has instructed the poundmaster to the contrary, the poundmaster must sterilise the impounded dog before it is sold in terms of subregulation (7) and may recover the costs incurred from the buyer of the dog.

(9) Despite anything to the contrary in these regulations, if a dog has been impounded in terms of this regulation and the chief executive officer is satisfied that the dog –

- (a) suffers from any incurable, infectious or contagious disease;
- (b) is badly injured; or
- (c) is ferocious, vicious or dangerous,

the chief executive officer may cause such dog to be destroyed immediately in accordance with subregulation (10).

(10) The destruction of a dog under these regulations must be carried out in such a manner as to inflict as little suffering as practical to the dog and by means of a method approved by a veterinarian.

(11) The Council may use the proceeds of any sale in terms of this regulation to defray any costs incurred in connection with such sale or the impounding of a dog.

(12) A person who –

- (a) forcibly or otherwise takes away or attempts to take away a dog which is lawfully impounded; or
- (b) frees or attempts to free a dog lawfully impounded in terms of this regulations, commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Duties of poundmaster

17. A poundmaster must –

- (a) display an easily legible notice of the opening hours of the pound at the entrance of the premises where the pound is located and at the notice board of the Council;
- (b) keep a register in which he or she records the following particulars in respect of every dog impounded –
 - (i) the name of the person, residential address and telephone number of person who brought the dog to be impounded;
 - (ii) the time and date on which the dog has been impounded;
 - (iii) the place where the dog was found immediately before it was impounded;
 - (iv) the reason for impounding the dog;
 - (v) full description of the dog, including the estimated age, breed, sex, colour, any markings and any injury found on the dog when the dog was impounded;
 - (vi) whether the dog is released, sold or destroyed and the date and time of such release, sale or destruction;
 - (vii) the amount of money realised in respect of such sale; and
 - (viii) the amount of veterinary expenses, if any, incurred in respect of the impounded dog;
- (c) ensure that the pound and all equipment used in connection with the impounded dog are at all times kept clean and free from flies and other vermin to the satisfaction of the environmental health practitioner;
- (d) ensure that every dog in the pound is properly fed and cared for;
- (e) isolate any female dog on heat;
- (f) take reasonable steps to prevent fights among dogs in the pound; and
- (g) must isolate any dog suffering from any disease from the other dogs and have such dog treated by a veterinarian and take steps to recover the expenses incurred from

the owner of the dog if the identity and the address of the owner is known.

Notices, documents, and orders

18. A notice, order or document required to be served to any person in terms of these regulations must be served in the manner provided for by section 93 of the Act and is considered to have been received as provided for by that section.

Powers of an authorised officer

19. (1) An authorised officer may for any purpose or and any time –

- (a) request any person found with a dog to produce a licence in respect of a dog found within the premises;
- (b) demand the name and address of any person found with a dog outside the premises of the owner;
- (c) request any owner or occupier of land or premises to furnish the number of dogs on such land or premises; or
- (d) and without previous notice enter upon any land or premises.

(2) The authorised officer must at all times carry his/her Identification Card while exercising their duty.

(3) For the purpose of enforcing these regulations an authorised official may perform any additional duties or exercise the powers given or conferred to him/her in terms of section 91 of the Act.

Offences and penalties

20. A person who –

- (a) fails to comply with any notice issued in terms of these regulations; or
- (b) obstructs or hinders an authorised official or an employee of the Council in the exercise or performance of his or her powers or functions in terms of these regulations, commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

ANNEXURES

**ANNEXURE A
(Regulation 2)**

APPLICATION OF A DOG LICENCE

Dog owner: Mr/Ms/Dr/Prof:

Erf No. _____; Extension: _____

Street Name: _____

Postal address: _____

Email address: _____

Tel and mobile: _____

Number of dogs to be licenced: _____

Name of the Dog: _____

—

Breed: _____ Sex: _____ Age: _____

AUTHORIZED OFFICER

Name: _____

Rank/Position: _____

Signature: _____

____/____/____
Date



ANNEXURE B

**APPLICATION FOR DOG LICENCE FEE EXEMPTION
(Regulation 4(5))**



Dog owner: Mr/Ms/Dr/Prof:

Erf No. _____; Extension: _____

Street Name: _____

Postal address: _____

Email address: _____

Tel and mobile: _____

No. of dogs to be exempted: _____

Reason for exemption: _____

Breed _____ Sex _____ Age: _____

AUTHORIZED OFFICER

Name: _____

Rank/Position: _____

Signature _____

Date ____/____/____

DATE STAMP
