

POUND BYLAWS FOR NYANDENI MUNICIPALITY

1. DEFINITIONS

In these bylaws, unless inconsistent with the context –

“animal” means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

“impounded animal” means any animal received into a pound as contemplated in section 5;

“owner” in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

“owner” in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;

“pound” means any premises on which a pound has been established by or on behalf of the municipality for the impounding of animals under these bylaws; and

“pound manager” means the person appointed from time to time by the municipality to manage a pound established by the municipality and includes such person’s deputy and any other person appointed by such person to act in his stead during his absence from the pound.

2. APPLICATION

Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

3. ESTABLISHMENT OF POUND

- (1) The municipality may establish a pound at any convenient place within its area of jurisdiction and, whenever the municipality deems it necessary, may disestablish such pound.
- (2) The municipality shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the municipality.

4. DETENTION AND REMOVAL OF ANIMALS

- (1) Any animal -
 - (a) found trespassing on land; or
 - (b) straying or wandering unattended in a public road or other public place,may be detained and removed to a pound by the owner of such land, an official of the municipality, a member of the South African Police Services or the pound manager.
- (2) Any person who has detained an animal for the purpose of impounding shall -
 - (a) remove such animals to a pound within 24 hours after seizure; and
 - (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

5. RECEIPT OF ANIMALS

- (1) Any person removing an animal to the pound shall provide the pound manager with –
 - (a) his or her name and permanent residential address;
 - (b) the time and place of detention; and
 - (c) the capacity in which he or she detained the animal.
- (2) The pound manager shall, upon receipt of a detained animal -
 - (a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;
 - (b) furnish the person delivering the animal with a receipt reflecting –
 - (i) his or her name;
 - (ii) a description of the animal; and
 - (iii) the date and time of receipt of the animal at the pound; and
 - (c) keep a copy of each receipt issued in terms of section 5(2)(b).
- (3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

6. CARE OF ANIMALS

- (1) The pound manager shall take proper care of any animal impounded in terms of these bylaws.
- (2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.
- (3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.
- (4) The pound manager shall keep records of any expense incurred in respect of an impounded animal.

7. RELEASE OF ANIMALS

The pound manager shall release an impounded animal to any person who has -

- (1) satisfied the pound manager that he or she is the owner of the impounded animal;
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the municipality from time to time; and
- (3) paid any veterinary or other expenses incurred in the impounding of the animal.

8. REGISTER OF ANIMALS

- (1) The municipality shall keep a register in which is recorded -
 - (a) a description, including any distinctive brands or markings, of any animal within its area of jurisdiction; and

- (b) the name and address of the owner of such animal.
- (2) The owner of an animal kept within the municipality's area of jurisdiction shall-
 - (a) ensure that the animal is distinctively branded, where the animal has no existing distinctive brand or marking; and
 - (b) register such animal with the municipality; and
 - (c) inform the municipality of the death of any such animal or any change of address of the owner.

9. DISPOSAL OF ANIMALS

- (1) The pound manager may sell by public auction and for cash any impounded animal –
 - (a) which is listed in the register of animals referred to in section 8 and whose owner has been given 10 day's notice to remove the impounded animal; and
 - (b) which is not listed in the register of animals, which has not been claimed within 30 days of being impounded, and in respect of which –
 - (i) the municipality has taken all responsible steps to locate and notify the owner;
 - (ii) the owner has not been located or, despite having been given 10 day's notice, has failed to removed the impounded animal; and
 - (iii) 10 day's prior notice of the proposed sale has been given in terms of section 9(2).
- (2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the municipality for that purpose -
 - (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
 - (b) stating that the animal will be sold by public auction not claimed within 10 days.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the municipality if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.
- (4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the municipality.
- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 9(4), may be claimed by the municipality from the owner.

10. INDEMNITY

The municipality, the pound manager and any officer, employee, agent or councilor of the municipality shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

11. CONFLICT OF LAWS

If there is any conflict between these bylaws and any other bylaws of the council, these bylaws will prevail.