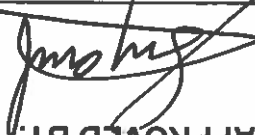
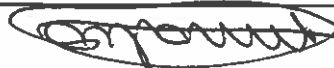


APPROVED BY: 
 Cllr JANDA
 EXECUTIVE MAYOR
 DATE: 19/06/2025

APPROVED BY: 
 MR M NAKO
 MUNICIPAL MANAGER
 DATE: 19/06/25



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1. Policy Background

A pound may be established, subject to any applicable national or provincial legislation by Municipality. An application for the establishment of the pound, in a form of prescribed by the municipality

2. Purpose of Policy

To provide for the establishment and management of the pounds within the Mhhashe Local Municipal area of jurisdiction.

3. DEFINITIONS

1.1 "Animal" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person.

1.2 "Authorised official" means an official, authorised in terms of Section 8 of the Animal Protection Act, 1962 (Act No. 71 of 1962), or any peace officer authorised in terms of Section 334 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) or any employee of the Mhhashe Local Municipality who is authorised to enforce the provisions of this By-law;

1.3 "Cattle" means bulls, cows, oxen, heifers, steers and calves.

1.4 "Goat" means an adult male or female goat, a wether or a kid.

1.5 "Horse" means a stallion, mare, gelding, colt, filly, donkey and mule.

1.6 "Municipality" means the Municipality of Mhhashe established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 481 dated 4 December 2000 and includes any political structure, political office-bearer or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office-bearer or employee and also includes a service provider in terms of a service delivery agreement;

1.7 "occupant" means any person in actual occupation of land or entitled as owner, lessee or resident to occupy land.

1.8 "owner" in relation to an animal, includes any person having possession, charge, custody or control of such animal.

- 1) A pound may be established, subject to any applicable national or provincial legislation, by: -
 - a) Municipality
 - b) Municipal entity
 - c) Traditional authority
 - d) Any other entity as prescribed by the national or provincial legislation
- 2) An application for the establishment of the pound, in a form prescribed by the Municipality, shall be made through the Council and no pound shall operate without the approval by the Council
- 3) A maximum of thirty (30) days shall be allowed for the affected parties to object to the establishment of the pound
- 4) Where an application for the establishment of a pound is not granted by the Council, the applicant shall furnish with reasons for such a non-approval within thirty (30) days from the date of resolution
- 5) Any party aggrieved by the decision of the Council may appeal to the MEC for Cooperative Governance in the Eastern Cape within seven (7) days of receipt of the non-approval notice from the Council
- 6) A pound must meet the national and/or standards set by the Municipality from time to time. Any pound that does not meet the set standards must be closed by the Municipality.
- 7) A person or entity establishing the pound in terms of clause 4 of this policy shall be deemed as the owner of the pound.

4. APPLICATION OF SCOPE

- 1.9 "Pound" means a fenced-off area consisting of one or more camps under the control of a pound master, which was created for the housing and care of stray animals which are astray, lost or at large.
- 1.10 "Pound master" means a person tasked to fulfill the duties and functions of a pound master in terms of this By-law and who may be either-(a) a part-time or full-time employee of the Municipality; or (b) appointed under a service-delivery agreement to keep and operate a pound.
- 1.11 "Sheep" means a ram, an ewe, a wether and a lamb

- An animal may be impounded for the following reasons-
- a) Grazing or found along the public roads and posing a potential danger to the motorists.
 - b) Animals grazing along CBD, provincial & national roads within Mhhashe Local Municipality boundaries shall be impounded.
 - c) The Municipality shall involve department of Transport in order to utilise the services of the rangers on the national and provincial roads respectively
 - d) Grazing or found in town and trespassing in private property
 - e) Suspected to be in possession of unauthorised person.
 - f) Causing damage to the property of another person.

7. IMPOUNDMENT OF ANIMALS

- identification
- 1) The owner of an animal must exercise care and control over his or her animal to avoid damage and potential danger to another person's property
 - 2) The owner of an animal is responsible for the damage caused by the animal and expenses associated with the impounding of the animal.
 - 3) Where there is a dispute with regard to the damages or any other matter, such disputes must be directed to the Council for resolution.
 - 4) It is encouraged that the owner of the animals should brand their cattle for easily identification

6. DUTY AND CARE FOR ANIMALS

- The Animal protection Act 71 of 1962
- National Road Traffic Act (No 93 of 1996)
- The National Environmental Management Act 9No 107 of 1998) that guides for the environmental management.
- Municipal Structures Act (No 117 of 1998)
- Municipal Systems Act (No 32 of 2000)
- The National Environmental Management Act 9No 107 of 1998) that guides for the law of the country.
- Constitution of the Republic of South Africa Act No 108 of 1996 which is the supreme

5. LEGISLATIVE FRAMEWORK

- a) Appoint a Pound Master who is competent to manage the pound
- (1) The owner of the pound (Mbashe LM) must: -

8. APPOINTMENT AND DUTIES OF POUND MASTER OR PERSON DESIGNATED AS SUCH

- e) Keeping animals in a manner that ensures that there would be no improper breeding and may not harm each other.
- d) Putting in place security measures to ensure that the animals are safe from theft and predators
- c) Providing sufficient shelter and protection against the elements
- b) Administering medication to the needy animals
- a) Providing nutritious food and clean water daily
- (3) Every pound owner must take reasonable care of animals, whilst impounded by - a) responsible for the damages incurred.
- (2) The animals impounded at Mbashe Local Municipality pounds entered at the owner of animals' risks. If animals lost or died whilst in the pound the Municipality cannot be responsible for the damages incurred.
- (1) Impounded animals must be kept and handled according to acceptable standards of animal care and applicable legislation at all times

1.2. Care of impounded animals

- Only animals trespass in towns, provincial and national roads will be impounded and also in the cultivated lands.
- The process of payment for the farmers must be facilitated as soon as the owner of livestock pays the damage to Municipality.

The Mbashe Local Municipality working with the Farmers Cooperatives will impound livestock confiscated in the cultivated fields of the farmers.

1.1 Animals impounded in the cultivated lands:

- (g) Where animals have caused damage to private property and/or trespassing obtain letter of authority from headman and/or ward councillor

- a) If the animal is not claimed within thirty (30) days, the Pound Master must issue out notice to the public places and local newspapers setting out the date of the auction and details about the animals to be auctioned.
- b) In the notice for the auction, a date should be set for further claim on the impounded animals, before the date of the auction.

If an animal has not been claimed by its owner or its owner is not known to the municipality Pound Master at the expiry of thirty (30) days from the day of impounding.)

Municipal Pound Sale shall involve only animals impounded and/or kept in the MLM pound and procedure of disposing such animals shall be as contained below: -

For the purpose of this policy, differentiation should be made between the Municipal Pound Sale and the Community Pound Sale, as follows: -

9. POUND SALE

- i) perform any other duties and functions as may be necessary municipal area
 - h) monitor the operations of non-municipal pounds that may exist within Mbashe
 - g) keep up-to-date record of the existing pounds in the Mbashe municipal area
 - f) perform pound sale
 - e) ensures that the impounded animals are taken care of
 - d) supervise the staff working with him/her
 - c) submit regular reports to the Chief Law Enforcement officer about the pound activities pound
 - b) keep records of all impounded animals and how they have been released from the
 - a) at all reasonable times accept animals brought for impounding
- 2) As his/ her duties and functions, the Pound Master must: -
- b) The appointed Pound Master should be fit and proper to manage the pound
 - c) Notify the Registrar of Pounds of such appointment

Municipality, annually through the budgeting process.

1) The pound fees shall be set and/or reviewed, as part of the tariff structure of the

11. SETTING THE POUND FEES

(c) a bar-coded South African Identity Document

councillor

b) proof of ownership in the form of confirmation from traditional leaders and ward

a) case number opened with the nearest SAPS office, where the animal were lost

provide the following documents

Wherever the owner of the animal makes claim of the impounded animal, she/he shall

10. CLAIMING OF THE IMPOUNDED ANIMALS

Auctioneers for the standardisation of the pound sale.

e. In conducting the pound sale, the Mbhashe Local Municipality shall use professional

d. The MLM would provide the pound facilities for use by the animal owners

maintenance of the animals until the animal is disposed.

c. The owners of the animals shall be responsible for the transportation, keeping and

Department of Rural Development and Agrarian Reform extension officer

proof from the local ward Cllr, clearance from SAPS as well as the stock card from

including but not limited to certified copy of ID, proof from the local traditional leader,

b. Such individuals would have to produce adequate proof of ownership of such animals,

facilitate such disposal.

a. Interested community members with animals to be disposed may apply to MLM to

animals owned by the individuals members of the Mbhashe community as follows:-

people. The Community Pound Sale shall be organised on a regular basis, using the

professionally and avoid any problems that may arise due to the use of ordinary

B. The auction will be conducted by the Professional Auctioneer in order to do the process

the Magistrate court in order for the auction to be legal.

(d) The Department of Community Services before the auction must request the approval from

structures of Council.

(c) The proceeds of each pound should be accounted for and reported separately through the

- 2) The pound fee structure should be comprised of the following aspects: -
- a) Driving fees, calculated according to the distance covered driving an impounded animal
 - b) Herding fees, determined by the number of days an impounded animal spent in a pound
 - c) Damage fees, calculated as per the size of the animal like big animals (horse, donkey, cattle) and small animal (goat, sheep) and is applicable when there is damage associated with the impounded animal
 - d) Admission fees – charged on when the impounded animals get into the pound for the first time, and it is once off payment. These fees are charged according to the size of the animal (big or small)
 - e) Subsistence fees are charged when an animal had to be treated for sickness or poor state of health. Such a charge may also be levied when the pound owner has incurred some costs relating to the feeding of the impounded animal. It will be charged based on the size of the animal (big or small)
 - f) The calculation of the fees shall be done by the Budget and Treasury in order to avoid the miscalculation by the Pound Assistants.
 - g) A double charge may be applied in the following circumstance:
Where the owner or delegate tries to resist impoundment of the animals in whatever way ii. Where the owner or delegate attempts to break in or steal the impounded animal
 - h) Anyone found to be deliberately grazing the animals in prohibited areas along the CBD, provincial and national roads.
 - i) The Municipality should charge animals for nights during weekends and public holidays.
 - j) Weekly pound reconciliation should be performed by Pound Master as part of monitoring, where pound register will be compared to the animals recorded by the securities.
 - k) Pound animals released and the variance must be reported to the (Chief Law Enforcement Officer) Pound Master and corrected.
 - l) Pound Register should be maintained and separate book which record number of animals impounded, date and record which time the animals released.
 - m) Revenue section should not accept money from the employees of the pound section.

n) Revenue section should accept documentation from the pound master detailing the number of days of impoundment, excluding week ends and public holidays

12. IMPLEMENTATION

1. The pound employees of the section to implement the policy to the latter.
2. The revenue through finance department will be implementing the policy
3. The external people will be affected by the policy as their livestock will be impounded by the Municipality.

13. REVIEWAL

The Mbashe Local Municipality Animal Pound Policy will be reviewed annually, during policy reviewal.