

# MBHASHE LOCAL MUNICIPALITY



## ANIMAL IMPOUNDEMENT POLICY

### TABLE OF CONTENTS

Table of contents.....	1
Purpose of the policy.....	2
Preamble.....	2

Definition of terms .....	2-3
Establishment of the pound.....	3
Duty of care of animals.....	3
Impounding of animals.....	4
Care of impounded animals.....	4
Appointment and duties of the Pound Master.....	4
Pound sale .....	5
Setting of the pound fees.....	5
Reporting.....	5-6
Transfer and closure of a pound.....	6
Name of the policy.....	6
Commencement of the policy.....	6

## PURPOSE OF THE POLICY

The purpose of the policy is as follows:-

- a) To provide for the establishment and management of the pounds within the Mphashe Local Municipal area of jurisdiction;
- b) To provide for the administration and conducting of the pound sale;
- c) To provide for the receiving and releasing of the impounded animals;
- d) To provide for the care of impounded animals and
- e) To provide for any matters connected therewith.

## 1. PREAMBLE

Whereas the establishment and management of pounds have been identified as a critical issue in the movement of animals within the urban areas as well as public roads in Mphashe municipal area;

And whereas the existing pounds are establishment without any policy guidance and the absence of national guidance (except for the National Animal Pounds Bill of 2010);

And whereas the existing pounds are not properly management and open to abuse to the detriment of the animal welfare;

## 2. Definitions of terms

In this policy, unless the context indicates otherwise:-

**Pound** means the animal pound as established in terms of clause 4 of this policy

**Animal** means any cattle, donkey, horse, goat and sheep (including their offspring's)

**Pound Master** means an official appointed in terms of clause 8 of this policy

**Owner in relation to:-**

- a) **Animal** includes the owner and any other person who may have lawful custody or possession of such animal or the authorised agent of such owner or other person
- b) **Land** includes owner, lessee or lawful occupier of such land, or such land, or the agent of such owner, lessee or lawful occupier
- c) **Pound** includes a person, traditional council, municipal entity or a municipality who establishes or has established a pound

**Municipality** means a municipality as contemplated in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000)

**Municipal entity** means a municipality entity as contemplated in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000)

**Council** means Mphashe Municipal Council as constituted in terms of the section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)

**Identification mark or mark** has the meaning ascribed to it in the Animal Identification Act, 2002 (Act No 6 of 2002)

**Traditional authority/ council** has the meaning ascribed to it in the Traditional Leadership and governance framework act, 2003 (Act No 41 of 2003)

**Public road** means the public road as contemplated in the National Road Traffic Act of 1996 (Act No 93 of 1996)

**Trespass** means unlawful entry or access to property

**Damage** means any loss, injury or damage incurred to the person, property or surroundings as a result of the stray animal

**Registrar** means a person appointed in terms of section 8 of National Animal Pound Bill of South Africa, 2010

### **3. Establishment of pound**

- 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 be 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. Duty of care for animals**

- 1) The owner of an animal must exercise care and control over his or her animal so as 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

### **5. Impounding of animals**

- 1) 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 N2 and R408 within Mbhashe Local Municipality boundaries shall be impounded.
- c) The Municipality shall involve department of Transport in order 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.
- g) Where animals have caused damage to private property and/or trespassing obtain letter of authority from headman and/or ward councillor

## **6. Care of impounded animals**

- 1) Impounded animals must be kept and handled according to acceptable standards of animal care and applicable legislation at all times
- 2) The pound owner shall be liable to the animal owner for the loss, injury and death of the impounded animal as a result of the negligence of the pound owner.
- 3) Every pound owner must take reasonable care of animals, whilst impounded, by:-
  - a) Providing nutritious food and clean water on a daily basis
  - b) Administering medication to the needy animals
  - c) Providing sufficient shelter and protection against the elements
  - d) Putting in place security measures to ensure that the animals are safe from theft and predators
  - e) Keeping animals in a manner that ensures that there would be no improper breeding and may not harm each other.

## **7. Appointment and duties of Pound Master or person designated as such**

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

## **8. Pound sale**

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

- A. 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:-
- 1) 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.
  - 2)
    - a) Within twenty (20) days of impounding, publish a notice to public places, giving details of the impounded animals and advising the owners to claim the animals;
    - b) The owner of the animal must, to the satisfaction of the Pound Master, be able to describe the animal and produce positive identification. The onus to prove ownership of the animal resides with the owner of the animal.
    - c) It is encouraged that the owner of the animals should brand their cattle for easily identification.
    - d) If the animal is not claimed within thirty (30) days, the Pound Master must issue out notice to the public places, setting out the date of the auction and details about the animals to be auctioned.
    - e) In the notice for the auction, a date should be set for further claim on the impounded animals, before the date of the auction.
    - f) The proceeds of each pound should be accounted for and reported separately through the structures of Council.
- B. The Community Pound Sale shall be organised on a regular basis, using the animals owned by the individuals members of the Mbhashe community as follows:-
- a. Interested community members with animals to be disposed may apply to MLM to facilitate such disposal.
  - b. Such individuals would have to produce adequate proof of ownership of such animals, including but not limited to certified copy of ID, proof from the local traditional leader, proof from the local ward Cllr, clearance from SAPS as well as the stock card from Department of Rural Development and Agrarian Reform extension officer
  - c. The owners of the animals shall be responsible for the transportation, keeping and maintenance of the animals until the animal is disposed;
  - d. The MLM would provide the pound facilities for use by the animal owners
  - e. In conducting the pound sale the Mbhashe Local Municipality shall use professional Auctioneers for the standardisation of the pound sale.

## **9. Claiming of the impounded animals**

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

- a) case number opened with the nearest SAPS office, where the animal were lost
- b) proof of ownership in the form of confirmation from traditional leaders and/or ward councillor
- c) a bar-coded South African Identity Document

## 10. Setting the pound fees

- 1) The pound fees shall be set and/or reviewed, as part of the tariff structure of the Municipality, annually through the budgeting process.
- 2) The pound fee structure should comprised 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 – these 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) The municipality may provide discounts at the discretion of the Head of the Department. Such discounts shall be counted for the structure of the council on a regular basis
  - h) The discount provided may not more than 50% of the amount to be paid
  - i) A double charge may be applied in the following circumstance:
    - i. Where the owner or delegate tries to resist impounded of the animals in wherever way
    - ii. Where the owner or delegate attempts to break-in or steal the impounded animal
    - iii. Anyone found to be deliberately grazing the animals in prohibited areas(along N2 and R408 as well as in town

## 15. Reporting

- 1) Regular reports on pound activities shall be prepared and processed through the structures of the Council, at least on a quarterly basis. Such reports would include, but not limited to the following matters:-
  - a) Pound sale
  - b) Impounded animals and the releases made
  - c) Awareness campaigns to the surrounding communities and affected stakeholders
  - d) Expenses and revenue related to the pound management
  - e) Proposals on improvements on the pound management
  - f) Activities and monitoring of non-municipal pounds existing within Mbhashe municipal area

**16. Transfer and closure of a pound**

- 1) When an owner of a pound is transferring ownership to another person and/or body, or may not be interested in operating the pound, the original owner of the pound must:-
  - a) Inform the Council through the Municipal Pound Master in writing of his/ her intention
  - b) The receiving owner of the pound must apply for the establishment of the pound in terms of clause 4 of this policy

**17. Name of the policy**

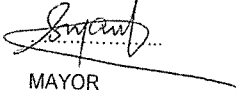
This policy shall be known as Mbhashe Animal Pound Policy, otherwise referred to as MAPP for short.

**18. Commencement of the policy**

The Council on approval of the policy, shall spelt out the date of commencement of the policy

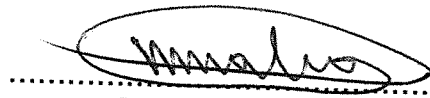
**APPROVED BY THE COUNCIL AND SIGNED BY:-**

Cllr. Janda S.N



MAYOR

.....  
CLLR JANDA S N  
MAYOR



.....  
MR. NAKO M  
ACTING MUNICIPAL MANAGER

DATE: 07/08/17

DATE: 07/08/2017