

**MBHASHE ANIMAL POUND BY--LAW**



**APPROVED BY:**

A handwritten signature in black ink, appearing to read "M Nako", written over a horizontal line.

**MR M NAKO**  
**MUNICIPAL MANAGER**  
DATE: 22/06/21....

**APPROVED BY:**

A handwritten signature in black ink, appearing to read "Janda", written over a horizontal line.

**CLLR JANDA**  
**EXECUTIVE MAYOR**  
DATE: 22/06/21....

- (b) a member of the South African National Defence Force;
- (c) a member of the Provincial Road Traffic Inspectorate;
- (d) an authorised municipal official; or
- (e) the owner of any land through or alongside which such road passes or which abuts on such public place.

(3) A person may not keep an animal, seized for purposes of impounding in terms of in subsections

(1) and (2), for a period longer than six hours without supplying such animal with adequate food and water.

(4) Any person who has seized an animal for purposes of impounding must comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1.

#### **Animals too vicious, injured, intractable or wild to be impounded**

. If a Veterinarian or official referred to in section 5(2)(a) to (d) is satisfied that an animal found trespassing on any land, or straying untended upon any public road or public place, is too dangerously vicious, injured, intractable or wild to be impounded, he or she may authorise the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal.

#### **Release of animals before removal to pound**

. (1) The owner of an animal, seized in terms of section 5(1) may apply to the owner of land referred to in section 5(2) for the release of such animal prior to its removal to the pound.

(2) The owner of land referred to in section 5(1) –

(a) may release such animal forthwith; or

(b) may refuse the release of the animal, whereupon he or she may apply to Court for authority to impound the animal or to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.

(3) The owner of an animal seized in terms of section 5(2) may apply for the release of such animal prior to its removal to the pound, in which event the person who seized the animal must release such animal forthwith.

#### **Care of trespassing animals**

A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.

#### **Pound to which animals must be taken**

An animal seized for the purposes of impounding as referred to in section 5, must be removed to the nearest accessible pound, by the shortest practical route, and within the shortest practical time, but animal of different species must be separated at all times according to their species.

#### **Information to be supplied to pound keeper**

A person sending animals to the pound must advise the pound keeper in writing of –

(a) the number and descriptions of the animals;

(b) the land upon which they were found trespassing; and

(c) the distance in kilometers, by the shortest practical route, between the place on such land where they were seized and the pound.

#### **Acceptance at pound of animals to be impounded**

The pound keeper may not refuse to accept an animal for impounding.

#### **Pound register**

- (1) The pound keeper must –
- (a) maintain a pound register containing the information referred to in Schedule 2, which must be available for public inspection at all reasonable times; and
  - (b) complete the pound register immediately upon the acceptance into the pound of any animal.
- (2) If the pound keeper –
- (a) neglects or refuses to comply with any of the provisions of Subsection (1);
  - (b) Knowingly makes a false entry in the pound register;
  - (c) Fraudulently destroys or erases any previous entry in the pound register; or
  - (d) wilfully delivers a false copy or extract from the pound register to any person, he or she commits an offence.

#### **Notice to owners of animals**

The owner of an animal referred to in sections 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b), and

- (a), must be notified by –
- (a) Addressing a written notice to him or her; or
  - (b) Placing a copy of the notice to the owner on the Municipal Notice Board; and
  - (c) publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

#### **Care of impounded animals**

- (1) The pound keeper –
- (a) is responsible for the proper care of all impounded animals;
  - (b) Must ensure that fresh water and sufficient food is available to impounded animals at all times; and
  - (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.
- (2)(a) If the pound keeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he or she, in consultation with a veterinarian or other suitably qualified person, may authorise the destruction or other disposal of the impounded animal.
- (b) The pound keeper must immediately notify the owner in writing of the authorisation and the destruction or disposal of the animal.

#### **Isolation of infected animals**

- (1) If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease referred to in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he or she must –
- (a) Provide separate accommodation for such animal;
  - (b) Immediately isolate the animal, and report the disease to the nearest State Veterinarian; and
  - (c) Immediately notify the owner of the animal of such disease in writing.
- (2) If there is no State Veterinarian available, the pound keeper may request a report from a private veterinarian and if such a veterinarian is not available, he or she may apply to the court, which may authorise the destruction or other disposal of the impounded animal.
- (3) The pound keeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal.

#### **Treatment of impounded animals**

The pound keeper –

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) Must ensure that all impounded male animals are at all times kept apart from female animals.

**Death of or injury to impounded animals**

If an impounded animal is injured or dies, the pound keeper must –

- (a) Record the injury or cause of death in the pound register referred to in section and
- (b) Notify the owner of the animal in writing of the injury or death.

**Copies of By-Laws**

The pound keeper must ensure that copies of These By-Laws are available at the pound for inspection.

**Fees and costs payable**

The pound keeper must –

- (a) Charge the owner of an impounded animal the fees as set by the Municipality from time to time as referred to in section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) Recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of these By-Law or in accordance with any other law.

©It is the responsibility of the finance department to calculate the amount the owner will pay in order to avoid the miscalculations by the pound officials.

- (d)The template of the releasing will be developed which will be signed by the pound master or Supervisor Facilities.

**Release of impounded animals**

(1) The pound keeper must immediately release an impounded animal, and give the owner a receipt, upon the owner –

- (a) Providing proof of ownership of such animal; and
- (b) paying the fees and costs referred to in section 19.

(2) If the owner of an impounded animal is unable to pay the fees or costs referred to in section 19, the pound keeper may retain such animal in order to recover such fees or costs as may be due and payable.

**Discount to the impounded animals**

(1) The Municipality may allow discount to the following category of people:

- (a)To the indigent households as confirmed by the indigent policy
- (b)To child headed households

©To the pensioners who depend on social grants.

- (d)The discounts of the animals in the pound will be approved by the HOD but will delegate the function to the Manager from time—time

**Sale of impounded animals**

(1) The pound keeper must –

- (a) Whenever any impounded animal has not been released within seven days from the date of its impoundment, apply to the Court for authority to sell the animal; and

(b) In the application referred to in paragraph (a), provide the Court with proof that he or she lodged a statement as referred to in sub-section (2) with the owner.

- (2) The statement referred to in subsection (1)(b) must include –

- (a) The fees and costs due in terms of These By-Laws; and
- (b) The amount of any damages that the owner of the land on which the Impounded animal trespassed, may have suffered.
- (3) The Court, whether the amounts set forth in the statement referred to in subsection (1)(b) are disputed or not, must –
  - (a) summarily enquire into the matter;
  - (b) Enquire whether notice was given to the owner of the animal by the pound keeper; and
  - (c) Make such order as it considers just and equitable, including an order –
    - (i) as to costs; and
    - (ii) On the process to be followed by the pound keeper in the sale of the animal.

#### 4. BY—LAW DEFINITION

In these By-Laws, unless inconsistent with the context –

“**animal**” includes a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or the hybrid of any such animal, and “**animals**” will have a corresponding meaning; “**Council**” means –

(a) The Council of Mbhashe Municipality exercising its legislative and executive authority through the Municipality;

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-Laws has been delegated or sub delegated or an Instruction given, as referred to in section 59 of the Act; or

(d) a service provider fulfilling a responsibility under these By-Laws, assigned to it in terms of section 81(2) of the Act, or any other By-law, as the case may be; “**Court**” means a Magistrate’s Court as referred to in section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated; “**Gazette**” means the official Provincial Gazette of the Province of the Eastern Cape; “**Municipality**” means Mbhashe Local Municipality and its legal successors, and when referred to as-

(a) a legal entity, means Mbhashe Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000); and

(b) a geographic area, means the municipal area of the Mbhashe Local Municipality as determined from time to time in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“**owner**” includes an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained, and in relation to any –

(a) animal, includes the agent of the owner or other person having the lawful custody or possession of such animal; or

(b) land, includes the owner, lessee or lawful occupier of such land or his or her agent; “**pound**” means a pound established as referred to in section 3; “**pound keeper**” means the person appointed from time to time as referred to in section 4 and includes any person acting for or on behalf of the appointed pound keeper; “**public place**” means any place to which the public has access including, -

(a) square;

(b) park;

- (c) recreation ground;
- (d) sports ground;
- (e) open space;
- (f) beach;
- (g) shopping centre on municipal land;
- (h) unused or vacant municipal land; or
- (i) cemetery;

**"public road"** means a public road as referred to in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996); and **"service delivery agreement"** means a service delivery agreement as defined in section of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## 5. EGISLATIVE FRAMEWORK

The policy will be guided by the following legislative framework:

- Constitution of the Republic of South Africa Act No 108 of 1996 which is the supreme law of the country.
- 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 environmental management.
- National Road Traffic Act (No 93 of 1996)
- Criminal Procedure Act (51 of 1977)

## 6. POLICY PROCEDURE

### **Information to be supplied to pound keeper**

10. A person sending animals to the pound must advise the pound keeper in writing of –

- (a) the number and descriptions of the animals;
- (b) the land upon which they were found trespassing; and
- (c) the distance in kilometers, by the shortest practical route, between the place

on such land where they were seized and the pound.

**Acceptance at pound of animals to be impounded**

11. The pound keeper may not refuse to accept an animal for impounding.

**Pound register**

12. (1) The pound keeper must –

(a) maintain a pound register containing the information referred to in Schedule 2, which must be available for public inspection at all reasonable times; and  
(b) complete the pound register immediately upon the acceptance into the pound of any animal.

(2) If the pound keeper –

(a) neglects or refuses to comply with any of the provisions of subsection (1);  
(b) knowingly makes a false entry in the pound register;  
(c) fraudulently destroys or erases any previous entry in the pound register;  
or  
(d) wilfully delivers a false copy or extract from the pound register to any person, he or she commits an offence.

**Notice to owners of animals**

13. The owner of an animal referred to in sections 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b), and

23(a), must be notified by –

(a) addressing a written notice to him or her; or  
(b) placing a copy of the notice to the owner on the Municipal Notice Board;  
and  
(c) publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

**Care of impounded animals**

14. (1) The pound keeper –

(a) is responsible for the proper care of all impounded animals;  
(b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and  
(c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.

(2)(a) If the pound keeper is of the opinion that an impounded animal is dangerously vicious,  
permanently disabled or terminally ill, he or she, in consultation with a veterinarian or other suitably  
qualified person, may authorise the destruction or other disposal of the impounded animal.

(b) The pound keeper must immediately notify the owner in writing of the authorisation and the  
destruction or disposal of the animal.

**Isolation of infected animals**

15. (1) If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be

impounded, is infected with any disease referred to in the Animal Diseases Act, 1984 (Act No. 35 of

1984), he or she must –

(a) provide separate accommodation for such animal;  
(b) immediately isolate the animal, and report the disease to the nearest

State Veterinarian; and

c) immediately notify the owner of the animal of such disease in writing.

(2) If there is no State Veterinarian available, the pound keeper may request a report from a private

veterinarian and if such a veterinarian is not available, he or she may apply to the court, which may

authorise the destruction or other disposal of the impounded animal.

(3) The pound keeper must immediately notify the owner in writing of the order of Court and the

destruction or disposal of the animal.

#### **Treatment of impounded animals**

16. The pound keeper –

(a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and

(b) must ensure that all impounded male animals are at all times kept apart from female animals.

#### **Death of or injury to impounded animals**

17. If an impounded animal is injured or dies, the pound keeper must –

(a) record the injury or cause of death in the pound register referred to in section 12; and

(b) notify the owner of the animal in writing of the injury or death.

#### **Copies of By-Laws**

18. The pound keeper must ensure that copies of These By-Laws are available at the pound for

inspection.

#### **Fees and costs payable**

19. The pound keeper must –

(a) charge the owner of an impounded animal the fees as set by the Municipality from time to time as referred to in section 75A of the Local

Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

(b) recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of these By-Law or in accordance with any other law.

©It is the responsibility of the finance department to calculate the amount the owner will pay in order to avoid the miscalculations by the pound officials.

(d)The template of the releasing will be developed which will be signed by the pound master or Supervisor Facilities.

#### **Release of impounded animals**

20. (1) The pound keeper must immediately release an impounded animal, and give the owner a

receipt, upon the owner –

(a) providing proof of ownership of such animal; and

(b) paying the fees and costs referred to in section 19.

(2) If the owner of an impounded animal is unable to pay the fees or costs referred to in section 19,

the pound keeper may retain such animal in order to recover such fees or costs as may be due and

payable.

#### **Discount to the impounded animals**

21(1) The Municipality may allow discount to the following category of people:



- (a) To the indigent households as confirmed by the indigent policy
- (b) To child headed households
- © To the pensioners who depend on social grants.
- (d) The discounts of the animals in the pound will be approved by the HOD but will delegate the function to the Manager from time—time

### **Sale of impounded animals**

21. (1) The pound keeper must –

(a) whenever any impounded animal has not been released within seven days from the date of its impoundment, apply to the Court for authority to sell the animal; and

(b) in the application referred to in paragraph (a), provide the Court with proof that he or she lodged a statement as referred to in sub-section (2) with the owner.

(2) The statement referred to in subsection (1)(b) must include –

(a) the fees and costs due in terms of These By-Laws; and

(b) the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

(3) The Court, whether the amounts set forth in the statement referred to in subsection (1)(b) are

disputed or not, must –

(a) summarily enquire into the matter;

(b) enquire whether notice was given to the owner of the animal by the pound keeper; and

(c) make such order as it considers just and equitable, including an order –

(i) as to costs; and

(ii) on the process to be followed by the pound keeper in the sale of the animal.

### **Pound keeper may not purchase impounded animals**

22. The pound keeper, or a family member, or a close associate of the pound keeper, or any

municipal employee, may not purchase an animal offered for sale at a pound sale, either personally

or through any other person, directly or indirectly.

### **Animals unsuccessfully offered for sale**

23. In the event that any animal is not sold as referred to in section 21 –

(a) the pound keeper must immediately advise the Court and the owner of its estimated value and the fees and costs incurred; and

(b) the Court may make such order as it may deem just and equitable.

### **Proceeds**

24. All proceeds from the collection of fees and costs referred to in section 19 must be paid into the

municipal revenue fund, provided that in the event that any impounded animal is sold at a price in

excess of –

(a) the fees and costs incurred; and

(b) any damages awarded in terms of section 21(3)(c),

such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner

has not been established, in which event the excess must be paid into the municipal revenue fund.

### **Action for recovery of damages**

. Nothing in these By-Laws prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

## **7. GENERAL POLICY PROVISIONS**

### **Pound register**

- (1) The pound keeper must –
  - (a) maintain a pound register containing the information referred to in Schedule 2, which must be available for public inspection at all reasonable times; and
  - (b) complete the pound register immediately upon the acceptance into the pound of any animal.
- (2) If the pound keeper –
  - (a) neglects or refuses to comply with any of the provisions of subsection (1);
  - (b) Knowingly makes a false entry in the pound register;
  - (c) Fraudulently destroys or erases any previous entry in the pound register; or
  - (d) Wilfully delivers a false copy or extract from the pound register to any person, he or she commits an offence.

### **Notice to owners of animals**

- The owner of an animal referred to in sections 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b), and
- (a), must be notified by –
    - (a) Addressing a written notice to him or her; or
    - (b) Placing a copy of the notice to the owner on the Municipal Notice Board; and
    - (c) publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

### **Care of impounded animals**

- (1) The pound keeper –
  - (a) is responsible for the proper care of all impounded animals;
  - (b) Must ensure that fresh water and sufficient food is available to impounded animals at all times; and
  - (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.
- (2)(a) If the pound keeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he or she, in consultation with a veterinarian or other suitably qualified person, may authorise the destruction or other disposal of the impounded animal.
- (b) The pound keeper must immediately notify the owner in writing of the authorisation and the destruction or disposal of the animal.

### **Isolation of infected animals**

(1) If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease referred to in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he or she must –

- (a) provide separate accommodation for such animal;
- (b) immediately isolate the animal, and report the disease to the nearest State Veterinarian; and
- (c) immediately notify the owner of the animal of such disease in writing.

(2) If there is no State Veterinarian available, the pound keeper may request a report from a private veterinarian and if such a veterinarian is not available, he or she may apply to the court, which may authorise the destruction or other disposal of the impounded animal.

(3) The pound keeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal.

#### **Treatment of impounded animals**

The pound keeper –

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) must ensure that all impounded male animals are at all times kept apart from female animals.

#### **Death of or injury to impounded animals**

If an impounded animal is injured or dies, the pound keeper must –

- (a) record the injury or cause of death in the pound register referred to in section 12; and
- (b) notify the owner of the animal in writing of the injury or death.

#### **Copies of By-Laws**

The pound keeper must ensure that copies of These By-Laws are available at the pound for inspection.

#### **Fees and costs payable**

The pound keeper must –

- (a) charge the owner of an impounded animal the fees as set by the Municipality from time to time as referred to in section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of these By-Law or in accordance with any other law.

©It is the responsibility of the finance department to calculate the amount the owner will pay in order to avoid the miscalculations by the pound officials.

(d)The template of the releasing will be developed which will be signed by the pound master or Supervisor Facilities.

#### **Release of impounded animals**

(1) The pound keeper must immediately release an impounded animal, and give the owner a receipt, upon the owner –

- (a) providing proof of ownership of such animal; and
- (b) paying the fees and costs referred to in section 19.

(2) If the owner of an impounded animal is unable to pay the fees or costs referred to in section 19, the pound keeper may retain such animal in order to recover such fees or costs as may be due and payable.

**Discount to the impounded animals**

(1) The Municipality may allow discount to the following category of people:

(a) To the indigent households as confirmed by the indigent policy

(b) To child headed households

© To the pensioners who depend on social grants.

(d) The discounts of the animals in the pound will be approved by the HOD but will delegate the function to the Manager from time—time

**Sale of impounded animals**

(1) The pound keeper must –

(a) whenever any impounded animal has not been released within seven days from the date of its impoundment, apply to the Court for authority to sell the animal; and

(b) in the application referred to in paragraph (a), provide the Court with proof that

he or she lodged a statement as referred to in sub-section (2) with the owner.

(2) The statement referred to in subsection (1)(b) must include –

(a) the fees and costs due in terms of These By-Laws; and

(b) the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

(3) The Court, whether the amounts set forth in the statement referred to in subsection (1)(b) are disputed or not, must –

(a) summarily enquire into the matter;

(b) enquire whether notice was given to the owner of the animal by the pound keeper; and

(c) make such order as it considers just and equitable, including an order –

(i) as to costs; and

(ii) on the process to be followed by the pound keeper in the sale of the animal.

## **8. PROCEDURES FOR IMPLEMENTING POLICY**

### **Proceeds**

. All proceeds from the collection of fees and costs referred to in section 19 must be paid into the municipal revenue fund, provided that in the event that any impounded animal is sold at a price in excess of –

(a) the fees and costs incurred; and

(b) any damages awarded in terms of section 21(3)(c), such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid into the municipal revenue fund.

#### **Action for recovery of damages**

Nothing in these By-Laws prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

#### **Procedure to be followed in application to Court**

An application to Court for –

(a) the impoundment of an animal in terms of these By-Laws, must comply with the procedure referred to in Rule 55 of the Rules of Court; and

(b) the sale of an impounded animal in terms of these By-Laws, must comply with the procedure referred to in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court,

made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

#### **Indemnity**

The Municipality, pound keeper and any officer, employee, or agent of the Municipality will 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.

#### **Offences and penalties**

A person who –

(a) releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;

(b) unlawfully seizes an animal for the purpose of impounding it;

(c) unlawfully impounds an animal; or

(d) contravenes any provision of These By-Laws,

is guilty of an offence and is liable on conviction to –

(i) a fine or imprisonment, or either such fine or imprisonment, or to both such fine and such imprisonment; and

(ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment for each day on which such offence is continued; and

(iii) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

#### **Schedules 1 and 2 form part of These By-Laws**

Schedules 1 and 2 to These By-Laws form part of These By-Laws for all purposes.

#### **Repeal of existing By-Laws**

The provisions of any By-Laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality are hereby repealed as far as they relate to matters provided for in These By-Laws.

#### **Short title and commencement**

These By-Laws will be called the By-Laws relating to Impoundment of Animals and will come into effect upon publication in the Provincial Gazette.

#### **SCHEDULE 1**

*Code of Good Practice on the Handling and Transportation of Impounded Animals*  
(Section 5(4))

#### **Paddock requirements**

Different species of animals must be kept in separate paddocks.

Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square metres of floor area for each animal. Fractious animals may not be kept with other animals.

Young, weaned juvenile animals, may not be penned with adult animals, except in the case of mother and offspring. Provision must be made in paddocks for –

(a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;

(b) water troughs with an adequate supply of suitable fresh water at all times;

(c) sufficient facilities for the adequate cleaning of paddocks; and

(d) facilities for the safe handling of animals.

(a) The paddocks must at all times be maintained in a good state of repair.

(b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered. The floor of the entire paddock, including the off-loading banks, races, and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

#### **Handling of animals**

Animals must at all times be handled humanely and with patience and tolerance. The following must be kept in mind when handling animals –

(a) animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and

(b) herd animals respond more readily to being driven when in a group rather than singly. Animals may not be dragged by their legs, or carried by their head, ears or tail. Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck, and walked in the required direction at an appropriate and comfortable pace. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal. Electric prodders, sticks or goads may not be used on young calves. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

#### **Movement of animal**

Animals driven on the hoof must at all times be under proper and competent supervision. Animals on the hoof must be driven in a calm manner at a gait that is

relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.

Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals. No animal on the hoof may be moved in excess of the following distances –

- (a) during a journey of not more than one day's duration –
  - (i) 20 kilometres for sheep and goats; and
  - (ii) 30 kilometres for cattle; and
- (b) during a journey of more than one day's duration –
  - (i) 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and
  - (ii) 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.

Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species. Animals may not be moved in the dark. No sick, injured or disabled animal may be moved on the hoof.

#### **Vehicles used in transporting animals**

Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.

All vehicles and trailers referred to in item 22 must have –

- (a) a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
- (b) adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
- (c) adequate protection from exhaust gasses, as exposure to exhaust fumes could interfere with the animals' respiration or cause distress;
- (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle, but –
  - (i) the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
  - (ii) in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
  - (iii) the minimum height must be 750 millimetres in the case of any smaller animals;
- (e) in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
- (f) floors that are solid and impervious;
- (g) loading and offloading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
- (h) gates, with or without partitions –
  - (i) of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
  - (ii) that open and close freely and are able to be well-secured.

The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is –

- (a) 1,4 square metres per large animal; and
- (b) 0,5 square metre per small animal.

**Watering and feeding of live animals prior to loading**

Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

**Loading and off-loading procedure**

Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.

No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs. No animal may be loaded or off-loaded otherwise than –

(a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or

(b) at a loading bank equal to the height of the floor of the vehicle or, at offloading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees. Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres. Ramps must be correctly adjusted to the exact height of the vehicle's floor.

Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination. Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals. Adult horned cattle may not be transported with polled cattle and they must also be penned separately. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.

In the event of –

- (a) a breakdown of the transport vehicle;
- (b) an accident or collision in which the transport vehicle is involved; or
- (c) injury to, or death of, any animal in transit,

the carrier must immediately report the details to, and request assistance from –

- (i) in the case of paragraph (a), a breakdown service;
- (ii) in the case of paragraph (b), the South African Police and the traffic authorities; or
- (iii) in the case of paragraph (c), a veterinarian.

**Restraining of animals during transportation**

Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.



No animals may be kept in restraint for more than 4 hours in any 24-hour period. No wire or bailing twine may be used for tying the animal's legs or feet. To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

## POLICY GOVERNANCE

### ***MBHASHE ANIMAL POUND BY--LAW***

#### Policy Governance

<b>Policy Title</b>	MBHASHE ANIMAL POUND BY—LAW	
<b>Policy Version</b>	2019/2020	
<b><u>Role &amp; Process</u></b>	<b><u>Responsible Individual Name and/or Date</u></b>	<b><u>Responsibility Accepted Signature</u></b>
<b><i>Senior Manager Community Services</i></b>		
Policy Custodian	Mbhashe Local Municipality	
Policy Author	Manager Community Services	
Community members and the Traditional Authorities		
Council Approval Date	27 March 2019	
Council Approval Reference		
<b><i>(UNIT) eg. Manager Community Services</i></b>		
Policy Approved	May 2019	
Policy Inception Date	01 July 2019	
Review Start Date	March 2020	
Review Completion Date	May 2020	
Legislative References		
Policy Review “Triggers”		

<b>Comments</b>		