

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 212

LEPHALALE LOCAL MUNICIPALITY IMPOUNDMENT OF ANIMALS BY-LAW

The Municipal Manager of Lephalale Local Municipality hereby in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) publishes Impoundment of Animals By-law for the municipality as approved by its council, as set out hereunder.

TABLE OF CONTENTS

1. Definitions
2. Purpose of by-law
3. Establishment of pound
4. Impoundment for trespassing
5. Pound to which animals are to be sent
6. Offer by owner before impoundment of animals
7. Receiving of animals by pound master
8. Receipt for impounded animals
9. Number of enclosures
10. Destruction of dangerous or contagious animals
11. Notice of impounded animals
12. Keeping of pound register
13. Inspection of and extracts from pound register
14. Submission of pound register entries after pound sales
15. Inspection of pound register at place of sale
16. Pound master's fees
17. Fees payable
18. Notice of sale
19. Auctioneer
20. Sale of animals
21. Recovery of loss in respect of impoundment of animals from area of another municipality
22. Use, detention and ill-treatment of animals
23. Exemptions
24. Offences and penalties
25. Repeal of by-law
26. Short title and commencement

1. Definitions

In this by-law, unless the context otherwise indicates –

"**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;

"**cattle**" means bulls, cows, oxen, heifers, steers and calves;

"**goat**" means an adult male or female goat, a wether and a kid;

"horse" means a stallion, mare, gelding, colt, filly, donkey and mule;

"municipality" means the Municipality of Lephalale and includes any political structure, political office bearer, municipality or duly authorised agent thereof 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, municipality, agent or employee;

"occupier" means any person in actual occupation of land or entitled as owner to occupy land;

"owner", in relation to an animals, means any person having possession, charge, custody or control of such animal;

"pound" means a fenced-off area consisting of one or more camps under the control of a pound master, which was established by the municipality for the housing and care of animals which are astray, lost or at large;

"pound master" means a person who may be –

- (a) a part-time or full-time employee of a municipality, or
- (b) appointed under a service delivery agreement to keep and operate a pound;

"proprietor" means any owner, lessee, or occupier of land;

"sheep" means a ram, an ewe, a wether and a lamb;

"stallion" means a male horse, donkey or mule not castrated or partially castrated;

"veterinary surgeon" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

2. Purpose of by-law

The purpose of this by-law is to promote the achievement of a safe, and healthy environment for the benefit of residents within the area of jurisdiction of the municipality, and to provide for procedures, methods and practices to regulate the impoundment of animals.

3. Establishment of a pound

The municipality must for the purpose of impounding animals establish a pound in its area of jurisdiction.

4. Impoundment for trespassing

Any person may impound animals found abandoned upon any street, road, road reserve or other public place.

5. Pound to which animals are to be sent

Any proprietor upon whose land an animal is found trespassing may send such animal to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality.

6. Offer by owner before impoundment of animals

The owner of an animal liable to impoundment may, before the animal is removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him or her, and such offer may be made to the complainant himself or herself or to his or her servant or agent charged with the duty of taking the animal to the pound.

7. Receiving of animals by pound master

It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to the pound, during such hours as the municipality may determine.

8. Receipt for impounded animals

A pound master must give the person delivering an animal into the pound a written receipt, indicating the number and description of the animal so delivered, and specifying the trespassing for which the animal, as reported, is to be impounded.

Number of enclosures

- (1) A pound master must maintain in good repair and, as far as possible, free from all infection, separate enclosures for-
- (a) ostriches and horses;
 - (b) cattle;
 - (c) sheep, goats and pigs;
 - (d) dogs; and
 - (e) cats,

provided that a municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

10. Destruction of dangerous or contagious animals

- (1) A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, however, no such animal may be destroyed unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its destruction.
- (2) If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals.

11. Notice of impounded animals

- (1) A pound master who knows the name of the owner of an animal must forthwith give written notice to such owner that the said animal has been impounded.
- (2) Where the owner of an impounded animal is not known to the pound master, the pound master must upon receipt of such animal report the impoundment to the nearest South African Police Services office.

12. Keeping of pound register

- (1) A pound master must keep a pound register with the following particulars:
 - (a) the date when and the cause for which, all animals received are impounded;
 - (b) the number and description of such animals;
 - (c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
 - (d) the date and particulars of the release or sale of the animals, as the case may be; and
 - (e) any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.

- (3) In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

13. Inspection of and extracts from pound register

- (1) A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, an authorised official in terms of the Animal Diseases Act, 1984 (Act 35 of 1984), any member of the police service or the public.

14. Submission of pound register entries after pound sales

- (1) A pound master must within 14 days after the date of each pound sale submit to the municipality a copy of all entries in the register made since the date of the preceding submission, and the municipality must preserve all such copies for inspection by any person.

15. Inspection of pound register at place of sale

- (1) Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, must take the pound register to the place of sale, and such register must be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

16. Pound master's fees

- (1) The municipality shall fix fees, charges or tariffs for the keeping of animals in a pound and may in determining such fees, charges or tariffs, distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.
- (2) Every pound master is entitled to claim the fees, charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded.

17. Fees payable

- (1) The fees, charges or tariffs determined by the municipality in terms of section 16 must be paid to the pound master by the owner of the animals impounded.

- (2) The said fees, charges or tariffs, together with any costs which the pound master may have incurred, as well such animals, may be detained by the pound master in security of payment of the said fees, charges or tariffs, provided that if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this by-law, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.
- (3) A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained on account of such retention.
- (4) The pound master must pay the fees, charges or tariffs received into the revenue of the municipality.
- (5) No pound master may release any impounded animal until the prescribed fees, charges or tariffs have been paid.

18. Notice of sale

- (1) Every pound master must –
 - (a) whenever any impounded animal has not been released within seven days from the date of its impoundment, forward to the municipality a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;
 - (b) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near a pound, there to remain until the day of the sale; and
 - (c) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated a notice of the sale of an impounded animal, provided that the cost of such notice is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it is recoverable from the owner of such animal if the said proceeds are less than the amount due, provided further that -
 - (i) if such notice refers to more than one animal, the municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and
 - (ii) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the municipality shall make good the deficiency.

19. Auctioneer

- (1) Every sale of impounded stock must -
 - (a) be conducted by the pound master or some other person duly authorized thereto by the municipality; and
 - (b) commence at the time and date mentioned in the notice in terms of section 18 (1)(a).
- (2) No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held.

20. Sale of animals**(1) At every sale-**

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may shall in no circumstances be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals must forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights, provided that -
 - (i) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds must be first utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the municipality;
 - (ii) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of 12 months without being claimed by the owner of such animal, becomes the accrues to such municipality;
 - (iii) it shall be competent for the municipality to make good to the pound master any loss which he or she may incur in the keeping of animals where the selling price does not cover the costs incurred;
 - (iv) the municipality or an authorized officer may fix a reserve price for any animal offered for sale; and

- (v) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his or her opinion satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

21. Recovery of loss in respect of impoundment of animals from area of another municipality

- (1) Any loss suffered by a municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered from such other municipality.

22. Use, detention and ill-treatment of animals

- (1) No person may furiously drive away any animal found trespassing, worry or ill-treat it.

23. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
 - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2)(a), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

24. Offences and penalties

Any person who contravenes or fails to comply with the provisions of this by-law shall be guilty of an offence and liable to a fine.

25. Repeal of By-law

Any by-law on impounding of animals previously made by the municipality or its constituent predecessors in respect of any portion of the area of the Lephalale Local Municipality, is repealed upon promulgation of this by-law in so far as they are inconsistent with the provisions of this by-law.

26. Short title and commencement

This by-law is called the Lephalale Municipality Impoundment of Animals by-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 213

**LEPHALALE LOCAL MUNICIPALITY
STORMWATER MANAGEMENT BY-LAWS**

The Municipal Manager of Lephale Local Municipality hereby in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) publishes Stormwater Management By-law for the municipality as approved by its council, as set out hereunder.

TABLE OF CONTENTS

1. Definitions
2. Purpose
3. Prohibited conduct
4. Application and conditions which municipality may impose
5. Stormwater systems on private land
6. Powers of municipality
7. Authentication and service of notices and other documents
8. Exemptions
9. Offences and Penalties
10. Repeal of by-law
11. Short title and commencement

1. Definitions

In this by-law, unless the context otherwise indicates –

“**floodplain**” means land adjoining a watercourse which is predisposed to flooding up to the 100 year recurrence interval;

“**municipality**” means the municipal council of Lephale Local Municipality, or any political structure, political office bearer, committee, councilor, official or employee of the municipality, delegated to exercise powers or perform duties in terms of this by-law;

“**private stormwater system**” means a stormwater system which is owned, operated or maintained by a person and not the municipality;

“**pollute**” bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

“**stormwater**” means water resulting from natural rainfall or the accumulation thereof and includes groundwater and spring water ordinarily conveyed by the stormwater system, but excludes water in a drinking water or waste water reticulation system;