

LOCAL GOVERNMENT ACT
(Cap. 40:01)

CITY OF FRANCISTOWN COUNCIL (DOGS) BYE-LAWS, 2019
(Published on 20th September, 2019)

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BYE-LAW

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SCHEDULES

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and with the approval of the Minister of Local Government and Rural Development, the City of Francistown Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the City of Francistown Council (Dogs) Citation
Bye-laws, 2019.

2. In these Bye-laws, unless the context otherwise requires — Interpretation

“authorised officer” means the Town Clerk or any other officer of the Council authorised in writing by the Council Secretary to perform the duties under these Bye-laws;

“breeding kennel” means any animal hospital, home, boarding house or any establishment where a dog older than three months is accommodated for reward or payment for the purpose of treatment, custody and whelping;

“Council” means the City of Francistown Council;

“impound” means the seizure, taking into custody or receiving into custody, confinement or other exercise of control over a dog by any duly authorised officer;

“leash or lead” means a collar chain or harness of appropriate material, not more than six meters in length and is securely attached to a correctly fitted dog collar;

“menacing or dangerous dog” means a dog that poses a threat to any person, animal or property;

“owner” means a person who has full possession, charge, custody or control of a dog;

“prohibited areas” means any of the places set out in Schedule 3;

“rabies certificate” means a certificate signed by a veterinary officer stating that a dog has been vaccinated against rabies;

“special purpose dog” means any guide dog, guard dog, sniffer dog, therapeutic dog, educational or entertainment dog; and

“veterinary officer” includes veterinary officer, livestock officer or stock inspector employed by the Government as a veterinary surgeon as defined under the Veterinary Surgeons Act.

Cap.61:04
Licensing of
dogs

3. (1) A person shall not keep a dog which is over three months old unless he or she has been issued a licence under these Bye-laws.

(2) An owner of a dog shall, within four weeks of the dog attaining the age of three months, apply to an authorised officer for a dog licence in Form A as set out in Schedule 1.

(3) An authorised officer shall, on receipt of an application under subbye-law (2), upon payment of a fee set out in Schedule 2 and after the production of a rabies certificate by the applicant, issue the applicant with a dog tag and dog licence in Form B as set out in Schedule 1.

(4) A person who seeks to keep an additional dog shall make an application to an authorised officer for an additional licence.

(5) An authorised officer shall in considering an application for an additional dog under subbye-law (4) have regard to adequacy of the land, premises or danger to any other animal, person or property due to the additional dog.

(6) This bye-law shall not apply to a special purpose dog.

(7) In case of any dispute as to whether a dog is over the age of three months or not, the opinion of a veterinary officer shall be final.

Duration of
licence

4. A licence issued under bye-law 3 shall be valid for 12 months and be renewable for a further period of 12 months upon application by the owner of a dog under bye-law 5.

Renewal of
licence

5. (1) A holder of a licence issued under these Bye-laws may, upon expiry of the licence, apply to an authorised officer for the renewal of the licence in Form C as set out in Schedule 1.

(2) An application for the renewal of a licence in terms of subbye-law (1) shall be made not later than one month before the expiry of the licence.

(3) An authorised officer may, on receipt of an application, renew the licence upon payment of a fee set out in Schedule 2 of these Bye-laws.

Transfer of
licence

6. A holder of a licence issued under these Bye-laws shall not transfer the licence to another person.

Issue of
duplicate
licence

7. (1) Where a licence is lost or destroyed, the owner of the dog may apply to an authorised officer in writing for a duplicate licence.

(2) An authorised officer shall issue a duplicate licence to the applicant, on being satisfied that a licence issued in terms of these Bye-laws has been lost or destroyed, and upon payment of the fee set out in Schedule 2.

(3) Where a licence which has been lost and replaced is recovered by the licence holder, he or she shall return the duplicate licence to an authorised officer.

8. An authorised officer may, at any time, withdraw or cancel a licence if he or she is satisfied that —

- (a) it is in the public interest to do so; and
- (b) the owner failed to comply with any of the conditions of the licence.

Revocation or
cancellation of
licence

9. An owner of a dog shall take all steps reasonable steps to —

- (a) ensure that the dog is kept under control at all times;
- (b) ensure that the dog has adequate shelter;
- (c) prevent the keeping of a dog in a basement any building;
- (d) restrain the dog behind a fence so as to allow reasonable public access to private property;
- (e) prevent a dog becoming a nuisance or danger to any other animals, person or property;
- (f) ensure that the dog receives proper care and is supplied with sufficient food and water;
- (g) ensure that the dog wears a collar and a tag at all times bearing a registration number; and
- (h) display in a prominent place on the land or premises, a legible sign indicating that there is a dog on the premises, reading “BEWARE OF THE DOG” or “TSHABA NTSA”.

Standard for
keeping dogs

10. (1) An authorised officer may serve on the owner of a dog a written notice if he or she considers that the keeping of a dog is such that these By-laws are contravened.

Written notice

(2) The notice may specify all or any of the following actions to be taken and, except in the case of ongoing action, to —

- (a) reduce the number of dogs kept;
- (b) construct, alter or reconstruct kennels or other places where dogs are kept;
- (c) keep dogs confined, controlled, or restrained in specified ways in specified areas;
- (d) clean kennels and other place where dogs are kept; or
- (e) take such action as may be reasonably necessary to properly house any dog or to reduce or eliminate any nuisance or injury to health caused by or to such dogs.

(3) The notice issued by an authorised officer may be given to that person physically, posted or delivered to that person or affixed to the premises and shall be deemed to have been served.

11. (1) An owner or a person responsible for a dog shall keep the dog under control and shall have in his or her possession a leash or lead at all times.

Control of dogs

(2) The Council shall through resolution designate some places as off-lead exercise areas as set out in Schedule 3.

(3) An owner or a person responsible for a dog shall ensure that the dog is restrained by a lead or leash which is secured or held by a person capable of physically controlling the dog while in any public place or area, except in an off-lead exercise area.

(4) A female dog that is in heat or season is prohibited from any off-lead exercise areas set out in Schedule 3.

	<p>(5) An owner or person responsible for a dog shall ensure that the dog cannot leave any private property unless it is under the control of its owner or responsible person.</p> <p>(6) Any dog found in a public place not being an off-lead exercise area and not being on a leash or lead shall be considered to be uncontrolled and may be seized and impounded by any authorised officer.</p> <p>(7) Any menacing or dangerous dog shall be muzzled when on lead or in any public place or area.</p>
Dogs in vehicle	<p>12. A person shall not transport a dog unattended in a motor vehicle or in an open cargo area of the motor vehicle unless the dog is securely attached to a motor vehicle and cannot cause any nuisance.</p>
Areas prohibited to dogs	<p>13. An owner or a person responsible for a dog shall not take a dog to any prohibited area set out in Schedule 3.</p>
Fouling	<p>14. (1) The owner of a dog which fouls in any public place or private place shall remove and dispose of any excrement immediately in a way that does not cause a nuisance.</p> <p>(2) An owner or person responsible for a dog, shall not be excused for being unaware or not having a suitable device for removing excretion from any place.</p>
Dangerous or infected dogs	<p>15. An owner or person responsible for a dog shall –</p> <p>(a) keep every dog in heat or season on the premises confined within a dog-proof enclosure for the duration of the estrus cycle;</p> <p>(b) take such steps as necessary to prevent a dog from intimidating any passerby; and</p> <p>(c) not allow any dog suffering from a contagious or infectious disease to be at large outside the premises on which the dog is normally kept.</p>
Vaccination and treatment of dogs	<p>16. An owner of a dog shall ensure that –</p> <p>(a) a dog which is suffering from any disease is properly treated, and if the dog is not treated the owner shall ensure that the dog is confined to land occupied by the owner while it is so affected; and</p> <p>(b) a dog is vaccinated at such time as the Veterinary Services may deem necessary.</p>
Impoundment and destruction of abandoned or diseased dog	<p>17. (1) The Council may establish kennels where impounded dogs shall be kept.</p> <p>(2) An authorised officer may impound and remove to the kennels or other premises owned by the Council, any dog that is at large in a public place.</p> <p>(3) If a dog impounded under subbye-law (2) is a dog for which a licence has been issued under bye-law 3 and is wearing a dog collar, an authorised officer shall in writing, notify the person to whom the licence was issued of the impoundment of the dog and the place where it is detained, and the owner may receive his or her dog for a fee specified in Schedule 2.</p> <p>(4) If a dog impounded under this bye-law is not claimed by or on behalf of the owner within seven days of the detention of the dog, or of the notice under subbye-law (3), the authorised officer may cause the destruction of the dog or otherwise dispose of the dog in a way the Council deems fit.</p> <p>(5) An authorised officer may destroy a dog before the expiry of the seven days if he or she has reason to believe that the dog is suffering from an infectious or contagious disease.</p>
Breeding kennel	<p>18. A person shall not establish or maintain any breeding kennel for a dog except on a site approved by the Council and subject to such conditions as may be imposed.</p>

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| <p>19. A person who obstructs or hinders any authorised officer in the exercise of any power conferred by these Bye-laws commits an offence and is liable to a fine of P500.</p> | Obstructing or hindering authorised officer |
| <p>20. A person who commits an offence under these Bye-laws —</p> <ul style="list-style-type: none">(a) may be issued with a warning;(b) may be disqualified from owning a dog;(c) may have his or her dog impounded by the Council; or(d) shall be liable to a fine not exceeding P3000 or to imprisonment for a term not exceeding three months, or to both. | Offences and penalties |
| <p>21. The City of Francistown Council (Dogs) Bye-Laws, 1970 are hereby revoked.</p> | Revocation of S.I. No. 18 of 1970 |

SCHEDULE 1

FORM A

APPLICATION FOR A DOG LICENCE

(bye-law 3)

Name.....

Surname.....

Sex.....

Ward.....

Dog breed.....

Identity number.....

Plot number.....

Telephone number.....

Description of the dog and all its details
.....
.....
.....

Have you ever been convicted of any offence related to dogs? Yes/No

Signature of the Applicant.....

Date.....

For Official use

Recommendation

Approved/Not Approved.....

Recommended by.....

Designation.....

Signature.....

Fee paid.....

Receipt Number.....

Official Stamp.....

FORM B
DOG LICENCE
(bye-law 3(3))

Full name.....

Identity number.....

Plot Number.....

Ward.....

Dog breed.....

Conditions

.....

.....

.....

Date issued.....

Receipt number.....

Signature of issuing officer.....

Designation.....

FORM C

APPLICATION FOR RENEWAL OF DOG LICENCE

(bye-law 5 (1))

Name of applicant.....

Address.....

Renewal date.....

Dog licence number.....

Date of last renewal.....

Issued.....

Number of current dog licence.....

Plot number.....

Street/ward/kgotla.....

Dog name.....

Colour of dog.....

Tag number of dog.....

Vaccination report number.....

Signature of applicant.....

Date.....

Revenue official stamp.....

Date of approval.....

Registrar.....

Official Stamp.....

SCHEDULE 2

FEES

(bye-laws 3, 5 (3),7 and 17)

	FEES
Dog Licence	P50
Additional Dog	P50
Renewal Licence	P10
Duplicate Licence	P10
Detention of a dog in kennel per day	P10

SCHEDULE 3

PROHIBITED AREAS

(bye-law 11 and 13)

- (a) City of Francistown Council premises, Civic Centre building, Outpost Council premises;
- (b) City of Francistown Council Public Library;
- (c) Children's playing areas in City of Francistown Council;
- (d) All areas in City of Francistown Council set for sport and all other areas zoned as Sports Parks in Francistown City;
- (e) All trading premises;
- (f) All Schools;
- (g) Hospitals or Clinics; and
- (h) All Government Offices.

MADE this 23rd day of August, 2019.

*Town Clerk,
City of Francistown Council.*

APPROVED this 5th day of September, 2019.

FRANS VAN DER WESTHUIZEN,
*Minister of Local Government
and Rural Development.*