

STELLENBOSCH MUNICIPALITY

Stellenbosch Municipality, by virtue of the powers vested in it by section 156 (2) of the constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has made the By-law set out below:

BY-LAW ON THE IMPOUNDMENT OF ANIMALS

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Definitions

2. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and 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 whether and a kid;

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

"municipality" means the Municipality of Stellenbosch established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 5642 dated 4 December 2000 and includes any political structure, political office-bearer, councillor, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated sub-delegated to such political structure, political office-bearer, councillor, or employee;

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

"owner", in relation to an animal, includes 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 created for the housing and care of stray animals which are astray, lost or at large;

"pound master" means a person who may be either-

(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;

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

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

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

"stock inspector" means a person competent and qualified to inspect stock and who has been appointed by the Department of Agriculture for this purpose;

"veterinary surgeon" means a person who is qualified as such in

STELLENBOSCH MUNISIPALITEIT

Stellenbosch Munisipaliteit het uit hoofde van die gesag aan hom verleen deur artikel 156 (2) van die Grondwet van die Republiek van Suid-Afrika, soos gewysig, saamgelees met artikel 13 van die Munisipale Stelsels Wet, 2000 (Wet 32 van 2000) soos gewysig, die volgende verordening aanvaar, soos aangedui in die onderstaande skedule.

VERORDENING T.O.V. DIE SKUT VAN DIERE

INHOUDSGANGAWE

Woordomskrywing

In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in; sluit die enkelvoud die meervoud in, en omgekeerd; geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste; en tensy dit uit die samehang anders blyk, beteken:-

"bees" 'n bul, koei, os, vers, tollie en kalf;

"bok" 'n ram, ooi, kapater en lam;

"dier" 'n lid van die perdefarmilie, 'n bees, skaap, bok, vark, hoender, volstruis, hond, kat of ander huisdier of voel of 'n wilde dier, wilde vael of reptiel wat in gevangenskap verkeer of onder iemand se beheer is;

"eienaar" met betrekking tot 'n dier, enige iemand wat in besit is van of belas is met die sorg, bewaring of beheer van 'n dier,

"grondeienaar" 'n eienaar, huurder of okkupant van grond;

"hings" 'n perd, donkie- of muilhings wat nie gekastreer is nie of wat gedeeltelik gekastreer is;

"munisipaliteit" beteken die Munisipaliteit van Stellenbosch gestig ingevolge artikel 12 van die Wet op Plaaslike Regering Munisipale Strukture, 1998 (Wet 117 van 1998), Provinciale Kennisgewing 5642 van 4 December 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, of enige werknemer daarvan handelende ingevolge hierdie verordening in hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur politieke ampsbekleer, raadslid of werknemer;

"okkupant" 'n persoon wat werklik grond okkuper, of wat as eienaar geregtig is om grond te okkuper;

"perd" 'n hings, merrie, reunperd, hingsvul, merrievul, donkie en muil;

"skaap" 'n ram, ooi, hamel en lam;

"skut" 'n afgeslote area bestaande uit een of meer kampe onder die beheer van 'n skutmeester, wat geskep is om afgedaalde, verdwaalde, verlore of loslopende diere te huisves en te versorg;

"skutmeester" 'n persoon wat of-

(a) 'n deeltydse of heeltydse werknemer van 'n munisipaliteit is; of (b) kragtens'n diensleveringsooreenkoms aangestel word om 'n skut aan te hou en te bedryf;

"veearts" 'n persoon wat as sodanig gekwalificeerd is ooreenkoms die bepalings van die Wet op Veterinere en Para Veterinere Beroepe, 1)182 (Wet 19 van 1982), en

"vee-inspekteur" 'n persoon wat bevoeg en gekwalificeerd is om

accordance with the provisions of the Veterinary and ParaVeterinary Professions Act, 1982 (Act 19 of 1982).

Impoundment for trespassing

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

Pound to which animals are to be sent

3. Any proprietor upon whose land any animals are found trespassing may send such animals 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.

Offer by owner before impoundment of animals

4. The owner of any animals liable to impoundment for trespassing may, before the animals are 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. Such offer shall be made to the complainant himself or to his servant or agent charged with the duty of taking the animals to the pound.

Receiving of animals by pound master

5. (1) It shall be the duty of every pound master to receive into his charge all animals brought to his pound, during such hours as the municipality may determine, by the proprietor, or by any person authorised in writing thereto by such proprietor or caretaker, to be impounded for having been found trespassing upon the land of such proprietor.

(2) Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid shall be guilty of an offence and shall, in addition, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal of failure; provided that, if any animal suffering from any contagious disease is brought to the pound, such animal shall be kept separate from all other impounded animals, and the pound master may cause such animals to be put down under the provisions of section 8.

Receipt for impounded animals

6. Every pound master shall give the person delivering animals into his charge a written receipt, indicating the number and description of the animals so delivered, and specifying the trespassing for which the said animals, as reported, are to be impounded.

Number of enclosures

7. Every pound master shall maintain in good repair and, as far as possible, free from all infection, not less than five separate enclosures for:
 - (a) ostriches and horses;
 - (b) cattle;
 - (c) sheep, goats and pigs;
 - (d) canine; and
 - (e) feline;

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.

Putting down of dangerous or contagious animals

8. A pound master may cause any impounded animal suffering from a contagious disease or which may prove dangerous to human life or it and has agreed with the pound master as to the necessity for it being put down.

vee te inspekteer, en wat vir hierdie doel deurdie Departement van Landbou aangestel is.

Skut vir betreding

2. Enige persoon kan 'n dier wat hom in of op 'n straat, pad, padreserwe of openbare plek bevind en wat nie in die sorg van iemand is nie, skut.

Skut waarheen diere gestuur moet word

3. 'n Grondeienaar op wie se grond diere gevind word wat daarop oortree, kan sodanige diere na die skut stuur wat met 'n begaanbare pad of verkeersweg langs die naaste is aan die grond waarop aldus oortree is, of sodanige ander skut wat deur die munisipaliteit aangewys is.

Aanbod deur eienaar voor skut van diere

4. Die eienaar van diere wat weens oortreding geskut kan word, kan voordat die diere verwijder word van die eiendom waarop hulle oortree het, die persoon wat oor die oortreding kla, 'n som geld aanbied om hom te vergoed vir die skade wat hy gely het. So 'n aanbod word aan die klaer self of sy opsigter gedoen. Indien sodanige diere reeds op pad na die skut is, kan die eienaar daarvan 'n som geld aanbied om vir die skade of enige ander koste te vergoed. Sodanige aanbod kan gedoen word aan die klaer self of sy eienaar of agent belas met die plig om die diere na die skut te neem.

Aanneem van diere deur skutmeester

5. (1) Dit is die plig van elke skutmeester om alle diere onder sy sorg te neem wat gedurende die ure, soos deur die munisipaliteit vastgestel, na sy skut gebring word deur die grondeienaar of deur 'n persoon wat skriftelik deur sodanige grondeienaar of opsigter daartoe gemagtig is, om geskut te word omrede hulle oortree het op die grondvand sodanige grondeienaars.

(2) 'n Skutmeester wat onredelik weier of versui om diere te ontvang wat soos vernoem na sy skut gebring word, is skuldig aan'n misdryf, en is bykomend aanspreeklik vir alle skade wat die eienaar van genoemde diere of enige ander persoon ly weens sodanige weiering of versuim; met dien verstande dat indien 'n dier wat sigbaar aan 'n aansteeklike siekte ly, na die skut gebring word, sodanige dier van alle ander geskutte diere afgesonder moet word, en die skutmeester sulke diere van kant kan laat maak kragtens die bepalings van artikel 8

Ontvangsbewys vir geskutte diere

6. Elke skutmeester moet aan die persoon wat diere onder sy sorg laat, 'n skriftelike ontvangstbewys gee waarin die getal en beskrywing van die diere aldus in sy sorg gelaat en die oortreding waarvoor genoemde diere geskut moet word, uiteengesit word.

Getalkampe

7. Elke skutmeester moet minstens vyf afsonderlike kampe in 'n goeie toestand en sover moontlik vry van alle besmetting in stand hou vir:
 - (a) volstruise en perde;
 - (b) beeste,
 - (c) skape, bokke en varke; (d) honde; en
 - (e) katte;

met dien verstande dat 'n munisipaliteit ten opsigte van enige skut in sy gebied verlof aan die skutmeester kan gee om 'n kleiner getal kampe daarop in stand te hou.

Van kant maak van gevaarlike of aansteeklike diere

8. 'n Skutmeester mag enige geskutte dier wat aan 'n aansteeklike siekte ly of wat moontlik gevaarlik vir mense of vir ander geskutte diere kan wees, van kant maak of laat maak; met dien verstande dat die dier ondersoek het en met die skutmeester ooreengekomm het oor die noodsaklikheid

om dit van kant te maak.

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Notice of impounded animals

9. Every pound master who knows the name of the owner of any animal impounded in his pound shall forthwith give written notice to such owner that the said animal has been impounded.

Keeping of Pound Register

Every pound master shall keep a pound register with the following particulars-

- (a) the date when, and the cause for which, all animals received by him 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 of 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) shall be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) shall be made as soon as the pound master obtains the necessary information; provided that no entry shall be made after a dispute has arisen.
- (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.

Inspection of and extracts from pound register

11. Every pound register shall be kept at the pound or any other approved place and shall at a reasonable times be open for inspection, free of charge, to any authorised officer of the municipality, veterinary surgeon, stock inspector, and any member of the police service or the public.

Submission of pound register entries after pound sales

12. Every pound master shall within a fortnight after the date of each pound sale submit to the municipality a copy of all entries in his pound register made since the date of the preceding submission. The municipality shall preserve all such copies for inspection by any person desirous of seeing them.

Inspection of pound register at place of sale

13. Whenever a sale of impounded animals is to take place, the pound master or a person authorised to conduct the sale, shall take the pound register with him to the place of sale, and such register shall be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

Pound master's fees

14. (1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and 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 shall be entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

Fees payable

- 15.(1) The fees and charges or tariffs determined by the municipality

Kennisgiving van geskutte diere

9. Elke skutmeester wat bekend is met die naam van die eienaar van' n dier wat in sy skut is, moet sonder versuim skriftelike kennis aan sodanige eienaar gee dat genoemde dier geskut is.

Byhou van skutregister

10. (1) Elke skutmeester moet 'n skutregister hou waarin die volgende besonderhede aangeteken word-
 (a) die datum waarop en die rede waarom alle diere wat deur hom ontvang is, geskut is
 (b) die getal en beskrywing van sodanige diere;
 (c) die naam en woonplek van die persoon wat sodanige diere laat skut, en die naam en woonplek van die eienaar of vermeende eienaar;
 (d) die datum en besonderhede van die los of verkoop van die diere, na gelang van die geval; en
 (e) alle ander sake wat die munisipaliteit hom gelas om vas te stel en aan te teken.
 (2) Die inskrywings onder subartikel (I)(a), (b) en (c) moet gedoen word wanneer die diere geskut word en die inskrywings onder subartikel (I)(d) en (e) moet gedoen word sodra die skutmeester in besit kom van die nodige besonderhede; met dien verstande dat geen inskrywing gedoen mag word nadat 'n geskil ontstaan het me.
 (3) In geval van die dood of besering van 'n geskutte dier moet die skutmeester 'n beschrywing van sodanige dier en die oorsaak van die dood of besering daarvan in sy skutregister aanteken.

Insaai en uittreksels uit skutregister

10. Elke skutregister moet by die skut of 'n ander goedgekeurde plek gehou word en moet op alle redelike tye ter insae wees van enige gemagtigde amptenaar van die munisipaliteit, veerarts, veeinspekteur, en enige lid van die polisiemag of van die publiek.

Voorlegging van skutregisterinskrywings na skutverkoping

12. Elke skutmeester moet binne veertien dae na die datum van elke skutverkoping 'n afskrif aan die munisipaliteit voorlê van alle inskrywings in sy skutregister wat gedoen is sedert die datum van die vorige voorlegging. Die munisipaliteit moet al sodanige afskrifte bewaar ter insae van enige persoon wat dit verlang.

Insaai in skutregister op plek van verkoping

13. Wanneer 'n verkoping gehou gaan word van diere wat geskut is, moet die skutmeester of 'n persoon wat gemagtig is om die verkoping waar te neem, die skutregister met hom saamneem na die plek van verkoping, en sodanige register moet op die plek van verkoping kosteloos ter insae wees van alle persone wat dit verlang.

Skutmeestergelde

14. (1) Die munisipaliteit kan geldie, koste of tariewe vasstel vir die aanhou van diere in 'n skut en kan by die vasstelling van sodanige geldie en koste of tariewe onderskei tussen verskillende soorte diere en voorsiening maak vir die hou en voer van diere in afsonderlike kampe.
 (2) Elke skutmeester is geregtig om die geldie, koste of tariewe wat deur die munisipaliteit ingevolge subartikel (1) vasgestel word, te eis ten opsigte van elke dier wat hy ingevolge hierdie verordening skut.

Gelde betaalbaar

15. (1) Die geldie, koste en tariewe wat ingevolge artikel 14 vasgestel

in terms of section 14 shall be paid to be the pound master by the owner of the animals impounded, and the said fees and charges or tariffs, together, with any costs which the pound master may have incurred and such animals may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that-

- (a) 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 shall detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and shall deliver the remainder of the animals to the said owner;
 - (b) any pound master who retains any greater number of such animals than is reasonably necessary to secure, such amount shall be liable to the owner for any damages sustained by him on account of such retention.
- (2) If the pound master is an official of the municipality, he shall pay the fees and charges or tariffs received by him in terms of this by-law into the revenue of the municipality.
- (3) No pound master shall release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

Notice of sale

16. Every pound master shall-

- (1) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the municipality in whose area of jurisdiction the pound is situated, 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;
- (2) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near his pound, there to remain until the day of the sale; and
- (3) 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 shall be recoverable from the owner of the impounded animal and shall be deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it shall be recoverable from the owner of such animal if the said proceeds are less than the amount due; provided further that-
 - (a) 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;
 - (b) 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 deficit.

Auctioneer

17. (1) Every sale of impounded stock shall-

- (a) be conducted by the pound master or some other person duly authorised thereto by the municipality concerned; and
 - (b) commence at a time and be held on a day to be fixed by the auctioneer.
- (2) No person conducting a pound sale shall have any direct or indirect interest in any purchase at any sale so held by him

word, moet deur die eienaar van die diere wat geskut is, aan die skutmeester betaal word tesame met enige onkoste wat die skutmeester aangegaan het, en die skutmeester kan sodanige diere as waarborg hou vir die betaling van sodanige geld, koste en tariewe; met dien verstande dat-

- (a) indien die waarde van die diere wat geskut is, meer is as die totale bedrag wat daarop verskuldig is, soos bepaal kragtens hierdie verordening, en indien die eienaar nie in staat is om genoemde bedrag te betaal nie, die skutmeester slegs soveel van genoemde diere moet aanhou as wat voldoende is om die totale bedrag verskuldig op al die diere te verkry, en die res van die diere aan genoemde eienaar moet afggee;
 - (b) 'n skutmeester wat 'n groter getal van sodanige diere aanhou as wat redelik nodig is om sodanige bedrag te verhaal, teenoor die eienaar aanspreeklik is vir skade wat deur hom gely word weens die aanhou van sy diere.
- (2) Indien die skutmeester 'n amptenaar van 'n munisipaliteit is, moet hy die geld, koste en tariewe hy ingevolge hierdie verordening ontvang, in die inkomste van die munisipaliteit stort.
- (3) Geen skutmeester mag 'n geskutte dier laat los nie, tensy die voor-geskreve geld, koste en tariewe aan hom betaal is nie.

Kennisgewing van verkoping

16. Elke skutmeester moet-

- (1) wanneer ook al 'n geskutte dier nie binne ses dae na die datum waarop dit geskut is, laat los is nie, aan die munisipaliteit in wie se regssgebied die skut gelee is, 'n kennisgewing stuur waarin die soort, merke en onderskeidende kenmerke (as daar is) van sodanige dier aangegee word, en ten opsigte van perde en beeste ook hulle kleur; met vermelding van die feit dat die dier wat daarin genoem word, tydens die volgende verkoeling van geskutte diere verkoop sal word, asook die tyd en plek van sodanige verkoping;
- (2) wanneer hy sodanige kennisgewing aan, die munisipaliteit stuur, 'n afskrif daarvan op een of ander duidelik sigbare plek by of naby die skut opplaak tot die dag van die verkoping; en
- (3) 'n kennis gewing dat 'n geskutte dier verkoop gaan word, publiseer in 'n koerant wat in die regssgebied van die munisipaliteit waar die skut gelee is, versprei word; met dien verstande dat die koste van sodanige kennisgewing van die eienaar van diegeskutte dier verhaalbaar is en geag word deel uit te maak van die bedrag wat afgetrek moet word van die opbrengs van die verkoop van 'n dier, en verhaalbaar is van die eienaar van sodanige dier indien genoemde opbrengs minder is as die bedrag wat verskuldig is; met dien verstande dat-
 - (a) indien sodanige kennisgewing betrekking het op, meer as een dier, die munisipaliteit na goeddunke die koste van sodanige kennisgewing *pro rata* moet verdeel ten opsigte van die diere wat daarin genoem word;
 - (b) indien die eienaar van 'n geskutte dier onbekend is en die opbrengs van die verkoop nie die' bedrag soos vernoem dek nie, die munisipaliteit die tekort moet goed maak.

Afslaer

17. (1) Elke verkoping van geskutte diere moet-

- (a) gelei word deur die skutmeester of 'n persoon wat behoorlik deur die betrokke munisipaliteit daartoe gemagtig is;
 - (b) begin op 'n tyd en gehou word op 'n dag wat deur die afslaer vasgestel is.
- (2) Geeneen wat 'n skutverkoping waameem, mag regstreeks of onregstreeks belang hê by enige koop by 'n verkoping aldus deur hom waargeneem nie.

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18. At every such sale-

- (1) no animal shall be put up for sale unless impounded for at least two weeks;
- (2) all animals, except sheep and goats shall be sold individually;
- (3) sheep and goats shall be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands shall in no circumstances be sold together in the same lot;
- (4) animals shall 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 shall 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-
 - (a) 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 shall first be utilised 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 shall be paid to the pound master by the municipality;
 - (b) 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 twelve months without being claimed by the owner of such animal, shall become the property of such municipality;
 - (c) it shall be competent for the municipality to make good to any pound master any loss which he may incur in the keeping of animals where the selling price does not cover the costs incurred;
 - (d) it shall be competent for any pound master, after compliance with the procedure prescribed by section 8 relating to diseased animals, to cause any aged or otherwise permanently unfit animal presented at the pound to be put down;
 - (e) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
 - (f) the municipality or an authorised officer may fix a reserve price for any animal offered for sale;
 - (g) the auctioneer may withdraw any animal from the sale if the highest bid received is in his opinion not satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

illegal impounding and penalties

19. Any person who illegally impounds any animal shall be guilty of an offence and shall in addition be liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

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

20. 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 by such first-mentioned municipality from such other municipality.

Use, detention and ill-treatment of animals

No person shall furiously drive, worry or ill-treat any animal found trespassing.

18. By elke sodanige verkooping-

- (1) mag geen dier te koop aangebied word nie, tensy dit minstens twee weke geskut is;
- (2) moet alle diere, uitgesonder skape en bokke, stuksgewys verkoop word;
- (3) moet skape en bokke in troppe van hoogstens tien verkoop word en mag skape en bokke, of skape of bokke met verskillende oor- of brandmerke in geen omstandighede saam in dieselfde trop verkoop word nie;
- (4) moet diere vir kontant verkoop word, en moet die opbrengs, min die bedrag van skutgeld en ander geld, koste en tariewe betaalbaar ten opsigte van sodanige diere, dadelik by ontvangs daarvan deur die skutmeester aan die munisipaliteit oorhandig word om aan die eienaars van die diere waf verkoop is, betaal en word na gelang van hulle onderskeie regte; met dien verstaande dat-
 - (a) indien in enige besondere geval die opbrengs van die diere wat verkoop word, nie voldoende is om die bedrag van sodanige skutgeld en skadevergoeding en geld, koste en tariewe soos vooroor te lewer nie, die opbrengs in die eerste instansie aangewend moet word om die vergoeding wat aan die skutmeester verskuldig is, te betaal, en indien genoemde opbrengs onvoldoende is om sodanige vergoeding te dek, die saldo van die vergoeding deur die munisipaliteit aan die skutmeester betaal word;
 - (b) geld wat die opbrengs is van die verkoop van 'n geskutte dier soos vooroor wat vir 'n tydperk van twaalf maande in besit van die munisipaliteit bly sonder dat dit deur die eienaar van sodanige dier opgegee word, die eiendom van sodanige munisipaliteit word;
 - (c) die munisipaliteit die bevoegdheid het om 'n skutmeester te vergoed vir enige verlies wat hy weens die aanhou van diere ly waar die verkoopprys nie die onkoste wat aangegaan is, dek nie;
 - (d) 'n skutmeester die bevoegdheid het om, nadat hy voldoen het aan die prosedure in verband met besmette diere voorgeskryf by artikel 8, enige dier wat na die skut gebring is en wat weens ouerdom of andersins permanent onbruikbaar geword het, van kant *te* maak;
 - (e) indien 'n dier in die skut doodgaan en die eienaar nie opgespoor kan word nie, die onkoste in verband met die begraving van die karkas deur die munisipaliteit gedra word;
 - (f) die munisipaliteit 'n reserweprys kan vasstel vir enige dier wat te koop aangebied word;
 - (g) die afslaer enige dier aan die verkooping kan ontrek as die hoogste bod wat gedoen word, na sy mening nie bevredigend is nie, ongeag of 'n reserweprys deur die munisipaliteit vasgestel is, al dan nie.

Onwettige skut van diere en boetes

19. Enige persoon wat 'n dier onwettig skut, is skuldig aan 'n misdryf en is bykomend aanspreeklik teenoor die eienaar vir alle skutgeld, skadevergoeding, onkoste wat daaruit ontstaan, en vir geld, koste en tariewe in verband daarmee.

Verhaal van verlies ten opsigte van diere geskut uit gebied van ander plaaslike owerheid

20. 'n Munisipaliteit kan enige verlies wat hy ly voortspruit uit die skut van diere in 'n skut onder sy beheer en bestuur waar die diere binne die regsgebied van 'n ander munisipaliteit oortree, van sodanige ander munisipaliteit verhaal.

Gebruik, aanhouding en mishandeling van diere

21. Geeneen mag 'n dier wat gevind word waar dit oortree, buitensporig vinnig aanjaag of dit pla of mishandel nie.

Offences and penalties

22. Any person who-

- (1) contravenes or fails to comply with a provision of this by-law, whether or not such contravention or failure has been declared an offence elsewhere in this by-law;
- (2) deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law; or
- (3) furnishes false, incorrect or misleading information shall be guilty of an offence and liable upon conviction to:
 - (a) a fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) 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
 - (c) 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.

Short title and commencement

This by-law shall be known as the By-law relating to the Impoundment of Animals and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE

BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF STELLENBOSCH		
PN No.	Short title	Extent of repeal
BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF FRANSCHHOEK		
BY-LAWS OF THE DISESTABLISHED TOWN COUNCIL OF PNIEL		

Date 2008

--/2008

Misdrywe en straf

Enige persoon wat -

- (1) `n bepaling van hierdie verordening, oortree of versuim om daaraan te voldoen, ongeag of sodanige oortreding of versuim elders in hierdie verordening tot 'n misdryf verklaar is, al dan nie;
 - (2) enige ander persoon in die uitoefening van enige bevoegdheid of die verrigting van enige plig of funksie ingevolge 'n bepaling van hierdie verordening opsetlik dwarsboom, hinder of belemmer;
 - (3) vase, onjuiste of misleidende inligting verstrek;
- is skuldig aan 'n misdryf en by skuldig bevinding strafbaar met
- (a) 'n boete of gevangenistraf of sodanige boete of sodanige gevangenistraf; of beide sodanige boete en sodanige gevangenistraf
 - (b) in die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van gevangenistraf of sodanige addisionele boete of sodanige addisionele gevangenistraf, of beide sodanige addisionele boete en gevangenistraf vir elke dag wat sodanige misdryf voortduur, en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

Kort titel en inwekkingstrede

Hierdie verordening heet die Verordening insake Die Skud van Diere werk op die datum van publikasie daarvan in die Provinciale Koorant.

BYLAE

VERORDENINGE VAN DIE AFGESKAFTE MUNISIPALITEIT VAN STELLENBOSCH		
PN No.	Kort titel	Mate waarin herroep
VERORDENINGE VAN DIE AFGESKAFTE MUNISIPALITEIT VAN FRANSCHHOEK		
VERORDENINGE VAN DIE AFGESKAFTE DORPSRAAD VAN PNIEL		

Datum 2008

--/2008