



DATE: 29 MARCH 2021

REPORT TO: SAFETY AND SECURITY

1. ITEM NUMBER **05SUB 16/5/2021**

2. SUBJECT

KEEPING OF ANIMALS POLICY FOR PUBLIC PARTICIPATION

ONDERWERP

BELEID OOR AANHOU VAN DIERE VIR OPENBARE DEELNAME

ISIHLOKO

UMGAQONKQUBO ONGOKUGCINWA KWEZILWANYANA KULUNGISELELWA
INTATHO NXAXHEBA YOLUNTU

LSU: M2476

3. DELEGATED AUTHORITY

In terms of delegation

This report is for DECISION BY

- ☒ **Committee name** : Safety and Security
- ☐ The Executive Mayor together with the Mayoral Committee (MAYCO)
- ☐ Council

4. DISCUSSION

That the Safety and Security Services Portfolio Committee consider and refer
the Keeping of Animals Policy for public participation

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ANNEXURES

DRAFT: Keeping of Animals Policy

FOR FURTHER DETAILS CONTACT

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DATE		
SIGNATURE		

ACTING EXECUTIVE DIRECTOR

NAME	VINCENT BOTTO	COMMENT:
DATE		
SIGNATURE		

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DIRECTOR: POLICY AND STRATEGY

- ☐ SUPPORTED FOR ONWARD SUBMISSION – PRESCRIBED DEVELOPMENT PROCESS FOLLOWED
☐ NOT SUPPORTED – PROVIDE COMMENT

NAME HUGH COLE COMMENT: _____
DATE _____
SIGNATURE

MANAGER: LEGISLATIVE VETTING

- ☐ ANNEXURE TO THE REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S POLICIES,
BY-LAWS AND ALL LEGISLATION RELATING THERETO.
☐ ANNEXURE NON-COMPLIANT WITH POLICIES, BY-LAWS AND STRATEGIES.

NAME TIMOTHY ZEEMAN COMMENT: _____
DATE _____
SIGNATURE

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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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Keeping of Animals Policy

2021

[Reference Codes] (The reference code will be allocated by Executive Support on submission of the policy)

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DEFINITIONS AND ABBREVIATIONS

Animal	means any equine, cattle, pig, sheep, goat, camel, reptile, dog, cat, poultry, ostrich, bird, rabbit, fish or other aquatic animal, rodent, any other domesticated or indigenous animal and includes any wild or exotic animal, which is in captivity or under the control of any person in any way;
Authorised Official	“means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-law and includes employees delegated to carry out or exercise such duties, functions or powers;
Nuisance	includes but is not limited to an act or omission which is offensive, injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the public at large;
Owner	means the owner or caretaker of an animal;
Permit	means the written permission granted by the City;
Public place	includes – (a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has – (i) been provided, reserved or set apart for use by the public; or (ii) been dedicated to the public; and (b) public transportation operated by service providers for the City, but does not include public land that has been leased by the City;
Public Road	means any road, street or avenue or thoroughfare or any other place (whether a thoroughfare or not), which is commonly used by the public, or any other section thereof or to which the public has a right of access, and includes: a) the verge of any such road, street, avenue or thoroughfare b) any bridge, ferry or drift traversed by any such road, street, avenue or thoroughfare; and c) any other work or object forming part of or connected with or belonging to such road, street, avenue or thoroughfare.
Registration	means entering the details of a pet and ownership of that pet on a form provided by the City, either online or at an appropriate City office.

Stray Animal	<p>“stray animal” means any animal, as defined in this policy:</p> <ul style="list-style-type: none"> a) not under direct control by a person; b) not prevented from roaming, or c) that has escaped or is lost;
Animal Welfare Inspector	a person employed by an animal welfare organisation which is contracted to the City to render advice and assistance relating to animal welfare.

NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation

1. INTRODUCTION

The City of Cape Town recognises that animals play an important role in the lives of many of its residents. These relationships differ between individuals and communities with animals being kept for a variety of reasons including companionship, care (guide animals), agriculture and cultural and religious purposes.

The City also recognises that the keeping of animals has environmental health and noise and nuisance impacts. It is important to ensure that the keeping of animals does not lead to public and environmental health issues and that animals are not a source of danger or nuisance. These impacts also relate to the critical relationship between animal health and animal welfare. Owners and caretakers of animals have the responsibility to ensure the health, safety and protection of animals from cruelty and neglect.

This policy seeks to outline the conditions and responsibilities related to the keeping of animals and is enforced by the City's relevant Animal related by-laws to ensure that crucial conditions are adhered to.

2. PROBLEM STATEMENT

Local government's competences as it relates to animal keeping includes the provision of facilities for the accommodation, care and burial of animals, licensing of dogs, pounds and control of public nuisances, as per Schedule 5B of the Constitution of the Republic of South Africa, (1996) to the extent set out for provinces in section 155(6)(a) and (7) of the Constitution.

There are a number of challenges related to the keeping of animals in Cape Town, and South Africa as a whole. One of the major challenges is the lack of a comprehensive framework or policy at a national or provincial level regarding the keeping of animals or animal welfare. While there is some existing legislation relating to the keeping and slaughtering of animals, and some cruelty aspects, there is no consolidated or comprehensive approach to animal welfare specifically. Therefore, while the City is mandated to fulfil certain aspects of animal keeping, there is no real direction in terms of principles and the broader context of animal welfare and its intersection with environmental health, noise and nuisance considerations.

Cape Town has a large population of stray animals, the majority of which are dogs and cats. Animals can become stray for a number of reasons such as getting lost or abandonment. In terms of care, these animals do not receive the care and maintenance required and are often injured and malnourished. These large animal populations pose a number of public health and safety risks, and the cost of caring, sterilizing and managing these populations is high and is mostly carried by NGO's and NPO's that are funded by the public.

Unregulated breeding often exacerbates this issue, but also makes it difficult for older stray animals to be adopted. Unregulated breeding poses a number of issues for animals, particularly in the case of dogs and cats, in terms of genetics and health. The number of animals being born exceeds the number being adopted or purchased. Stray dogs and cats that are unsterilized go on to have puppies and kittens, which themselves become stray and feral, worsening the situation.

The City recognizes the value of the socio-economic and socio-cultural roles animals play and aims to facilitate the development of a culture of caring for, and protection of animals. This policy seeks to introduce a few aspects of animal keeping that will enhance the overall care of animals, as well as address the public health and safety concerns associated with animals. In terms of public safety, issues such as dangerous animals, and other issues such as organised animal fighting will also be addressed. The City receives a number of complaints with regards to animals harming people or property, and in order to minimise these incidents, the issue of dangerous animals will be addressed.

The City also wishes to collaborate with the public in terms of animal keeping and hopes a shared effort can be achieved in terms of enhancing the care of animals and public health and safety. As such, the City will seek to increase public awareness and education campaigns pertaining to the various aspects of animal keeping. The City recognises that it cannot deal with all the issues of animal keeping on its own, and wishes to partner with civil society, NGO's and other organisations to promote a culture of care and responsibility for animals.

3. DESIRED OUTCOMES

- 3.1. To encourage the responsible keeping of animals in a healthy and safe environment thereby avoiding cruelty to animals and reducing the instances of animals as a source of nuisance or danger.
- 3.2. To introduce the principle of duty of care that residents should exercise toward animals in the city.
- 3.3. To provide guidance to City officials on the requirements and their duties in relation to the keeping of animals.
- 3.4. To recognize the value of partnerships between the City and animal welfare organizations, friends' groups and associations.

4. STRATEGIC ALIGNMENT

Strategy/Policy	Focus Area
Integrated Development Plan (2017-2022)	<ul style="list-style-type: none">• Caring City• Well-run City
Sustainable Development Goals	<ul style="list-style-type: none">• SDG 3: Good Health and Well-being

5. REGULATORY CONTEXT

As previously mentioned, the legislation relating to animal welfare is inadequate, and the keeping of animals is governed by the following:

- The Constitution of the Republic of South Africa, 1996 (Schedule 4 and Schedule 5B);
 - Animals Protection Act, 1962 (Act No. 71 of 1962);
 - Performing Animals Protection Act, 1935 (Act No 24 of 1935)
 - Animal Matters Amendment Act No.42 of 1993;
 - Animal Identification Act, 2002 (Act No. 6 of 2002);
 - Animal Improvement Act, 1998 (Act No. 62 of 1998);
 - Animal Diseases Act, 1984 (Act No. 35 of 1984);
 - National Environment Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
 - Meat Safety Act, 2000 (Act No. 40 of 2000);
 - Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982)
 - Promotion of Administrative Justice Act 3 of 2000
 - Protection of Personal Information Act 4 of 2013
-
- **City of Cape Town By-Laws:**
 - Animal By-law 2010
 - Streets, Public Places and the Prevention of Noise Nuisances By-law, 2007
 - Environmental Health By-law 2003
 - Public Parks By-law, 2010

6. POLICY PARAMETERS

This policy will be applicable within the City of Cape Town's bounds and will also apply to agricultural animals. This policy applies to all animals being kept by residents within the Cape Town Metropolitan, including animals used for agricultural purposes.

7. ROLEPLAYERS AND STAKEHOLDERS

- 7.1. **Community Services and Health Directorate**, City of Cape Town- the City Health Department is responsible for overseeing aspects on animal keeping which have environmental health implications or aspects. This include the permitting of kennels, catteries and issues relating to other animals, amongst other aspects.
- 7.2. **Safety and Security Directorate**, City of Cape Town- the Safety and Security Department is responsible for permitting of dogs, cats and applications for dogs and cats in excess of the permitted numbers. The department is also responsible for enforcing the by-law.
- 7.3. **Animal Welfare Organizations**, Friends Groups and Associations

8. POLICY DIRECTIVES

The following directives outline the principles and actions with regards to the keeping of animals within Cape Town.

8.1. Animal Care

The City of Cape Town wishes to ensure that animals are kept and cared for in an appropriate manner where both animals and animal owners can thrive. The requirements for the care, hygiene and the enclosures for animals is set out in the City of Cape Town's Keeping of Animal's By-law. As a general principle, owners have a duty of care toward their animals. The following are some conditions which should be fulfilled in exercising a duty of care towards animals:

- 8.1.1. All animals must have sufficient accommodation, food, water and shelter as per the animal keeping by-law and other relevant legislation as determined by the authorised official who may consult with Animal Welfare Inspectors or the Service Provider for the City in this regard. The existing test would be the visible indications and observations by the authorised official whether the animal is starved or under-fed or denied water and adequate shelter
- 8.1.2. Any form of animal cruelty, which includes but is not limited, animal-fighting, neglect, frightening an animal, torture or violence towards an animal and neglect of animals must be prohibited.
- 8.1.3. An important aspect of developing an environment that is conducive to animal care is the provision of public spaces where animals can be exercised, such as free run public spaces for dogs and public spaces where horses are permitted to be ridden. These public spaces should be clearly sign posted and must form part of the urban landscape.
- 8.1.4. The locations of these public spaces should be communicated on a regular basis via the City's communication channels to the public.
- 8.1.5. Dogs are otherwise required to be on leashes or under the control of owners, who are 18 years and above, in public places to avoid causing nuisance or danger to other residents.
- 8.1.6. A list of animal welfare organizations, and shelters will be communicated to the residents via the City's communication channels.
- 8.1.7. This list will be reviewed and updated on an annual basis.

8.2. Registration

Registration is important as it enables the City to monitor animal populations and gather important data to improve animal related interventions, and make sure that inspections can be carried out to ensure the responsible keeping of animals. It also enables the City to reunite owners and lost pets, or assist when pets have been stolen. The following should apply to the registration of pets:

- 8.2.1. The owners of certain pets are required by the City's by-law relating to the keeping of animals, to register their pets. This will be qualified in the City's by-law relating to the keeping of animals and subsequent administrative instruments such as Standard Operating Procedures. The permitting of small and large animals including dogs, cats and horses is compulsory and the City will determine the format and process of registration.
- 8.2.2. Registration may be done online via the City's website, or by submitting a registration form to a City office or as a part of a registration drive which is run by the City from time to time.
- 8.2.3. Registration is required to ensure that pets can be reunited with their owners in the case of separation.
- 8.2.4. In the case of a stray animal, the first step in the process is for the animal to be reunited with his/her owner, this will be done by accessing the registration data by the welfare organization. If the pet is not registered and the owner cannot be found, the pet will be put up for adoption.
- 8.2.5. Despite the foregoing, the City may implement alternative measures, such as rehoming, sale or euthanasia, after consultation with its service provider for Pound Services or autonomously, to deal with stray/impounded animals

8.3. Regulation of Breeding

As previously mentioned, there are many concerns and issues which stem from unregulated breeding in Cape Town. These issues include large stray populations (dogs and cats), cruelty resulting from neglect and costs. Unregulated breeding has caused a large increase in the stray animal population in the City. These animals are often in a poor condition as a result of neglect and the cost of dealing with these animals is high. This overpopulation also poses environmental health risks, and sometimes can be a safety risk. Other issues such as inbreeding and poor breeding practices can also add to cruelty aspects. In light of these problems the City will regulate the breeding of animals through the following means:

- 8.3.1. All dogs and cats over the age of six months must be sterilized (except in the case of 8.3.3) in order to effectively manage the population of cats and dogs in the City.
- 8.3.2. The City along with selected animal welfare organizations will conduct annual sterilization drives, however, owners are responsible for ensuring that dogs and cats are sterilized.
- 8.3.3. Breeders and those that do not wish to have their animals sterilized must apply for a permit from the City. The application process will be communicated to the public via official communication channels.
- 8.3.4. The application for the permit will need to include:
 - a) the details of the owner or breeder including contact details and residential address;
 - b) details of the animal such as breed, age and other relevant details;
 - c) the reason for not wishing to sterilize the animal; and
 - d) any other factor deemed necessary by the authorised official

8.4. Neighbourly Living

This section seeks to find better and more amicable solutions to the noise and nuisance elements of animal keeping. While the City does have a responsibility to attend to matters of noise and nuisance, it is hoped that neighbourly living can first be applied in cases which are not severe. In this context, neighbourly living means attempting to resolve issues between residents amicably and through conversation or some form of mediation. It seeks to promote harmonious living environments. Approaching noise and nuisance complaints from a neighbourly living perspective entails the following:

- 8.4.1. Noise from barking dogs is a common complaint and may be approached from the perspective of neighbourly living.
- 8.4.2. In the case of a noise or nuisance complaint regarding an animal, the affected neighbour may approach their pet owner neighbour to resolve the matter as an alternative to enforcement related resolution.
- 8.4.3. If this does not work, the complainant may also approach the street committee, neighbourhood watch or a body corporate.
- 8.4.4. Alternative resolution of the complaint through neighbourly living (communication and or mediation) is preferred. However, the complainant is not precluded from approaching the City for direct enforcement intervention.
- 8.4.5. In cases where neighbourly living attempts have failed and a complaint has been lodged with the City, an authorised official may investigate the nuisance situation and severity of nuisance caused.
- 8.4.6. In cases where neglect or cruelty is suspected:
 - a) an authorised official may issue a written compliance notice, fine, Section 54 summons or impound the animal.
 - b) the level of care exercised by the owner for the animal will be assessed by the following evaluation:
 - i. whether accommodation is appropriate for the animal,
 - ii. if there is enough room for the animal to move around comfortably,
 - iii. the quality of water and food offered to the animal is not rancid,
 - iv. that the owner provides required daily care for the animal.
- 8.4.7. If it is found that the owner is not providing adequately for the animal, the owner may be prosecuted, and the animal may be removed for its own protection.
- 8.4.8. Once care aspects have been assessed and the authorised official is satisfied that the animal is being cared for, this issue of nuisance is then dealt with.

8.5. Bee Keeping

This policy briefly deals with the keeping of bees as this may cause safety issues for residents. The City recognizes the environmental importance of bees, and this policy only seeks to enhance the safety of keeping bees in residential areas. A more comprehensive bee keeping guideline, policy or by-law will be considered at a later stage.

- 8.5.1. A person may not keep bees on premises within the area of jurisdiction of the City, except in terms of a permit, on application issued by an authorised official on behalf of the City.

8.6. Dangerous Animals

In order to ensure animals and pets are not a source of danger, the following must apply:

- 8.6.1. Owners of animals or pets that have been declared dangerous by authorised officials, supported by information provided by the animal welfare inspectors or where the animals have a history of injuring or attacking other people and animals, should take all reasonable precautions and comply with any conditions set out in Compliance Notices or Outcome Notices (of Released animals, e.g. humane muzzling) set out by the authorised officials in relation to the keeping of such animals to ensure public safety.
- 8.6.2. If a cat is known to scratch, bite, injure or attack a person, the cat should not be allowed to roam free outside the premises where they are being kept, or roam onto other properties.
- 8.6.3. Dogs that have been-
- a) declared dangerous;
 - b) have a history of biting or attacking people or other animals;
 - c) have previously been the subject of complaints relating to biting or attacking; or
 - d) where previous compliance notices or fines were issued, should also not be allowed to roam freely in public or onto other private premises, even if they are humanely muzzled.

8.7. Education

- 8.7.1. The City will conduct an annual registration drive to determine the number of dogs and cats throughout the city including in formal suburbs, townships and informal settlements.
- 8.7.2. The City will support, partner and may enter into agreements with welfare groups and organisations to run awareness campaigns on animal care and safety throughout the city.

8.8. Enforcement

Enforcement provisions are vital to ensuring that important conditions which seek to ensure the safety of animals and residents, environmental health and peace are fulfilled. Whilst more detail is covered in the corresponding by-law, below are broad enforcement provisions which apply:

- 8.8.1. Enforcement can take the form of a written compliance notice, fine, Section 54 Summons, impoundment and decisions after impoundment such as rehoming, release and euthanasia.
- 8.8.2. A written compliance notice may be issued for complaints that are received, for transgressions of the relevant by-law.
- 8.8.2.1. A written compliance notice must state the following:
- a) the details of the alleged perpetrator,
 - b) a description of the animals involved if known,
 - c) by-law and provisions being contravened,
 - d) what measures must be taken to rectify the contravention;
 - e) time frames within which the offender must comply,
 - f) the contact details of the authorised official who will receive representations in respect of the notice;
 - g) the consequences of non-adherence to the Compliance Notice; and
 - h) the details of the issuing Officer.
- 8.8.3. An authorised official may impound animals whether on private or public land in, but not limited to, the following circumstance:
- a) where he or she reasonably suspects that animals are being used in contravention of a by-law;
 - b) where the animal is being used in a manner that disturbs the peace, health, security or well-being of another;
 - c) where animals are allowed to roam freely on a public road;
 - d) where fish are caught and removed from the water contrary to the conditions of any required permit;
 - e) where offending actions are repeated on a regular basis e.g. daily; and
 - f) where complaints have been received about the same type of offending actions with a period of 24 hours.
- 8.8.4. The following factors will be considered leading up to possible impoundment of an animal –
- a) The nature and seriousness of the transgression leading to the possible impoundment and euthanasia of the animal;
 - b) The number and frequency of the complaints received relating to the same animal;
 - c) Whether the situation giving rise to the complaint impacts on the safety, security, rights or well-being of others, including the general public;
 - d) Whether the situation giving rise to the complaint creates a possible threat of injury or a threat to life or property; and
 - e) The offender's interventions, if any, undertaken to remedy the situation giving rise to the complaint, as well as their level of adherence to the conditions of the Compliance Notice.

8.9. Housing of Impounded Animals

- 8.9.1. Impounded animals shall be housed on City property, identified for purposes of animal keeping or property run by the service provider contracted to the City.
- 8.9.2. Other than what is allowed in terms of clause 8.9.1 the housing of impounded animals will only be allowed upon application or request.
- 8.9.3. Daily fees will be levied for storage of any impounded animal, and will be for the account of the owner.
- 8.9.4. The physical condition of all impounded animals shall be documented in an effort to ensure that animals are returned to the owners in the same physical condition that they were in when impounded.
- 8.9.5. The City shall however not be responsible for any hurt caused to impounded animals where reasonable duty of care was exercised.

8.10. Record Keeping

- 8.10.1. The following relevant information shall be kept by the City:
 - a) Information relating to fines imposed prior to, and at impoundment;
 - b) fees levied during impoundment;
 - c) transportation and storage of the impounded animal; and
 - d) expenses incurred by the City due to the service providers being utilized.
- 8.10.2. Digital photographs shall be taken of all impounded animals.
- 8.10.3. A special data base shall be created for storing information relating to impounded animals.
- 8.10.4. The data base shall be readily available to the relevant authorised officials that may be tasked with the release of impounded animals and the relevant City departments or branches entrusted with overseeing animal related matters and enforcement.
- 8.10.5. Only authorised officials shall be permitted to amend the data base.

8.11. Duty of Care When Handling Impounded Animals

- 8.11.1. Authorised officials must, when exercising any function or performing any duty in relation to impoundment of animals, handle animals with care, and ensure that the animal is appropriately looked after.

9. EUTHANASIA OF IMPOUNDED ANIMALS

- 9.1. In the case where the City is unable to reunite animals with their owners or find a suitable home for them, the City may euthanize these animals to reduce health and safety risks. The City may also euthanize or order the service provider to euthanize animals as per the notices of animals involved in attacks on persons or other animals. Animals with incurable diseases or that are badly injured may also be euthanized to minimize suffering and the spread of disease.

10. IMPLEMENTATION PROGRAMME

- 10.1. Whilst most provisions and principles contained in this policy are already in effect as a result of legislation and regulations, the newer aspects will be gradually implemented to ensure awareness and compliance of and to the new provisions. The new application processes relating to the breeding of animals will be made available to residents via official City communication channels.

11. ANNUAL MONITORING, EVALUATION AND REVIEW

- 11.1. An annual report, compiled by Safety and Security and Environmental Health will serve at the relevant section 79 committees and include relevant information relating to the implementation of priority aspects of this Policy and the City's by-law relating to the keeping of animals.
- 11.2. This policy will be reviewed every five years, or amended sooner if necessary to comply with other legislation, strategies or guidelines.