

Chapter 29:15

Urban Councils Act Harare (Dog Licensing & Control) By-laws, 1993

Statutory Instrument 79 of 1993

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IT is hereby notified that the Minister of Local Government and Housing has, in terms of [section 229\(4\) of the Urban Councils Act, \[Chapter 29:15\]](#), approved the following By-laws made by the City Council of Harare:—

Title

1.

These By-laws may be cited as the Harare (Dog Licensing and Control) By-laws, 1993.

Application

2.

The By-laws apply to the Council area.

Interpretation

3.

In these By-laws—

“**authorized official**” means a person authorized by the Council to exercise any function conferred by these bylaws and includes a police officer or a person authorized to exercise powers conferred under section 15 of the Prevention of Cruelty to [Animals Act \[Chapter 19:09\]](#);

“**Council**” means the City Council of Harare;

“**Council area**” means the area under the jurisdiction of the City Council of Harare;

“**guide-dog**” means a dog which is used to guide a blind person;

“**kennel**” means a place set aside by the Council for the purpose of keeping or breeding of dogs and includes any place provided for the same purpose by any person or institution approved by the Council;

“**kennel master**” means a person who is in charge of a kennel;

“**licence**” means an official written document issued by the Council which shows—

- (a) description of the dog in respect of which it is issued; and
- (b) the number of the licence badge issued in respect of the dog;

“**licence badge**” means a badge issued together with a licence in respect of a dog;

“**licensed breeder**” means a person authorized by the Council to breed dogs;

“**owner**”, in relation to a dog, includes a person who has custody of or control over a dog;

“**spayed bitch**” means a dog which has been spayed and in respect of which a certificate has been issued by a veterinary surgeon to that effect.

Limit on number of dogs

4.

(1) Subject to [subsections \(2\)](#) and [\(6\)](#) no person shall keep in the Council area—

(a) more than **2** dogs on any property measuring less than **2,000 sq.metres**; or

(b) more than **4** dogs on any other property.

(2) A person may apply to the Council for permission to keep more dogs than permitted under [subsection \(1\)](#).

(3) An application made under [subsection \(2\)](#) shall—

(a) state the reason why the excess number of dogs is required;

(b) contain a description of the extra dog;

(c) be accompanied by a rabies vaccination certificate and the licence fee prescribed in the *First Schedule*.

(4) The Council may, on receipt of an application referred to in [subsection \(1\)](#)

(a) grant the permission applied for subject to such conditions as it may impose; or

(b) reject the application and give reasons for the rejection.

(5) The Council may withdraw the permission granted under [subsection \(4\)](#) and shall give reasons for the withdrawal to the person concerned.

(6) This section shall not apply to—

(a) the Council;

(b) the Zimbabwe Republic Police;

- (c) the holder of a security guards licence issued in terms [section 13 of the Private Investigators, and Security Guards \(Control\) Act \[Chapter 27:10\]](#)

Licensing of dogs

5.

(1) Subject to this section, no person shall keep a dog **aged 6 months** or more in the Council area unless he is the holder of a licence and a licence badge issued in terms of [section six](#).

(2) A licence or licence badge issued in terms of [section six](#) shall be valid from the 1st January to the 31st December of each year.

(3) A person whose dog attains the age of 6 months **after the 30th September** shall not be required to obtain a licence and licence badge for that year.

(4) Any person who—

(a) holds a licence or licence badge issued under the bylaws repealed under [section twenty](#) ; or

(b) holds a licence issued by another local authority shall not be required to—

(i) apply for a new licence; or

(ii) pay a fee;

in respect of the unexpired duration of the licence.

(5) This section shall not apply to—

(a) the Zimbabwe Republic Police; or

(b) the Council; or

(c) a person who has entered into a written agreement with the police or the Council, to breed or keep any dog on behalf of the Zimbabwe Republic Police or the Council.

(6) A person referred to in [subsection \(5\)](#) shall, whenever required to do so, produce a copy of the agreement to an authorized official

Application for licence and badge

6.

- (1) Subject to [subsection \(3\) of section five](#), the owner of a dog aged 6 months or more which is kept in the Council area shall, on or before the 1st January of each year, apply to the Council for the issue of a licence and a licence badge for the dog.
- (2) An application made under [subsection \(1\)](#) shall be accompanied by—
 - (a) a description of the dog;
 - (b) a rabies vaccination certificate in respect of the dog; and
 - (c) the fee prescribed in the *First Schedule*.
- (3) On receipt of an application referred to in [subsection \(1\)](#), the Council shall issue to the applicant—
 - (a) a licence showing—
 - (i) the description of the dog;
 - (ii) the name and address of the owner; and
 - (iii) the licence number;
 - (b) a licence and badge bearing the year and number of the licence.

Duplicate licence

7.

- (1) A person may apply to the Council for the issue of a duplicate licence or licence badge where the original licence or licence badge has been lost or destroyed.
- (2) An application referred to in [subsection \(1\)](#) shall be made **within 14 days** of the loss or destruction of the original licence or licence badge and shall be accompanied by the fee prescribed in the *First Schedule*.
- (3) A duplicate licence or licence badge shall be valid for the unexpired period of the original licence or licence badge.

Register of licences

8.

The Council shall keep a register of licences issued under these By-laws and shall record in the register—

- (a) the name and address of the owner of a licensed dog; and
- (b) the number and date of issue of each licence and licence badge.

Badge to be attached

9.

- (1) Subject to [subsection \(2\)](#), the owner of a licensed dog shall cause the licence badge to be affixed to a collar fastened around the dog's neck.
- (2) This section shall not apply when the dog is on the owner's property.

Licence not transferable

10.

- (1) Subject to [subsection \(2\)](#), no person shall use a licence or licence badge on a dog in respect of which the licence or licence badge was not issued.
- (2) A person may use a licence or licence badge not issued to him where—
 - (a) he purchases a licensed dog from the owner and notice of the purchase has been given to the Council; or
 - (b) he has been given custody of or control over the dog by the owner of the dog.
- (3) No person shall remove a licence badge from a dog or destroy a licence badge unless the owner consents to the removal or destruction.

Breeding of dogs

11.

- (1) No person shall breed a dog or keep an unsprayed bitch in the Council area unless he is a licensed breeder.
- (2) The Council may serve a written notice on the owner of an unsprayed bitch directing him to have the dog spayed **within a month** of the receipt of the notice.
- (3) An owner who receives a notice referred to [subsection \(1\)](#) shall—
 - (a) cause the unsprayed bitch to be spayed within the period specified in the notice; or
 - (b) with the approval of the Council cause the unsprayed bitch to be taken into a kennel.

Dogs not to stray

12.

No owner shall allow his dog to roam without restraint beyond the limits of his property, and every owner of a dog shall ensure that his property is securely

fenced and gated so as to keep his dog within the limits of that property, or that such other provision is made so as to keep the dog within the precincts of his property.

Confinement of dogs

13.

(1) The owner of—

- (a) a bitch in season; or
- (b) a dog suffering from an infectious disease;

shall confine the bitch or dog concerned.

(2) No owner of a dog which is dangerous shall allow the dog to leave his property or to be in any place apart from his premises unless the dog is muzzled and under control of a person who is capable of controlling it.

Sale and destruction of dogs

14.

(1) Any person may capture a dog which is at large and take it to a kennel master.

(2) A kennel master shall, on receipt of a dog captured in terms of [subsection \(1\)](#), ascertain the name and address of the owner and give the owner written notice of the capture.

(3) The notice referred to in [subsection \(2\)](#) shall state—

- (a) the place where the dog is being kept;
- (b) that the dog will be sold or destroyed if not claimed **within 6 days** of the date of notice;
- (c) any condition which the owner shall fulfil before the dog is released; and
- (d) any fee payable to the kennel master for any expenses incurred.

(4) Where an owner fails to comply with a notice issued in terms of [subsection \(3\)](#), the kennel master may deal with the dog in terms of [subsection \(6\)](#).

(5) Where the kennel master fails to ascertain the owner of any dog, he shall—

- (a) display a notice conspicuously on the kennel for a period of **10 days**; or
- (b) publish a notice in 2 consecutive issues of a newspaper circulating in the Council area;

giving a full description of the approximate place where it was found, the conditions which should be fulfilled before the dog is released and stating that the dog will be sold or destroyed if not claimed **within 7 days** of the date of the notice.

(6) Where the owner of a dog fails to collect the dog in terms of this section or where the owner cannot be ascertained, a kennel master may—

- (a) sell the dog for a reasonable price; or
- (b) destroy the dog if it is suffering from an infectious disease or cannot be disposed of by sale.

(8) A kennel master shall apply proceeds from the sale of a dog to the payment of expenses incurred in—

- (a) the capture and confinement of the dog; and
- (b) the giving of notices in terms of this section; and the balance, if any shall be paid to the owner of the dog.

(9) An owner of a dog who claims a dog captured in terms this section shall pay to the kennel master—

- (a) the charges, specified in the *Second Schedule* for the confinement of the dog; and
- (b) any other expenses incurred by the kennel master.

(10) Nothing in this section shall prevent a kennel master or a person who has incurred loss in the capture or confinement of a dog from proceeding against the owner to recover the loss.

Control of nuisance

15.

(1) No owner of a dog shall allow the dog to become a nuisance to another person.

(2) Without limiting the generality of [subsection \(1\)](#), the following conduct shall constitute a nuisance—

- (a) persistent whining;

- (b) persistent barking;
- (c) straying into another person's property; or
- (d) destruction of any property.

Inspections

16.

(1) An authorized official may require a person—

- (a) under whose control or custody a dog is found; or
- (b) believed on reasonable grounds to be the owner of a dog;

to produce for inspection a licence or licence badge, issued under these By-laws.

(2) An authorized official may with the consent of an owner of property, enter the property where it is necessary to prevent or detect a contravention of these By-laws.

(3) Nothing in [subsection \(2\)](#) shall be construed as preventing a police officer or a person appointed in terms of section 15 of the Prevention of Cruelty to [Animals Act \[Chapter19:09\]](#), from exercising the powers conferred by that Act.

Limitation of liability

17.

(1) The Council, an authorized official or a kennel master shall not be liable to an owner of a dog for damages, for the loss of, or injury to a dog which—

- (a) is sold or disposed of in pursuance of these By-laws; or
- (b) sustains injury or contracts a disease;

as the case may be.

Presumptions

18.

For the purpose of these By-laws—

- (a) a person in whose custody or on whose premises a dog is found shall be presumed to be the owner of the dog;
- (b) a dog found in the Council area shall be presumed to be kept in the Council area;

until the contrary is proved.

Transitional provision

19.

Any person who, before the coming into operation of these By-laws owns dogs which are in excess of the numbers permitted in terms of [section four](#) shall, within 6 months of the *coming into operation of these By-laws, dispose of the excess number of dogs.

* 12th February, 1993 –Editor

Repeals

20.

The By-laws specified in the *Third Schedule* are repealed.

FIRST SCHEDULE

[\(Section 8\)](#)

PRESECRIBED FEES

<i>Dog</i>	<i>Charge per annum</i> Zw\$
Guide dog .	No charge
Male dog.	\$10
Spayed bitch .	\$10
Unspayed bitch .	\$25
Unspayed bitch with a licensed breeder certificate.	\$10
Written permission from council in terms of section 4 (2) .	\$20

SECOND SCHEDULE

[\(Section 14\)](#)

KENNEL CHARGES

	Zw \$
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1.	For first 24 hours	20
2.	For every subsequent 24 hours	5

THIRD SCHEDULE

(Section 21)

REPEALS

<i>Title</i>	<i>Rhodesia Government Notice</i>
Salisbury (Dog Licensing and Control) By-laws, 1973	17 of 1973
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1973 (No. 1)	168 of 1973
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1973 (No. 2)	1096 of 1973
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1978 (No. 3)	313 of 1978
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1978 (No. 4)	396 of 1978
	<i>Statutory Instrument</i>
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1980 (No. 6)	304 of 1980
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1983 (No. 7)	611 of 1983
Salisbury (Dog Licensing and Control) (Amendment) By-laws, 1984 (No. 8)	343 of 1984