

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr R Nutt

Committee Members :

**Ald K Brice, Cllrs S Williams,
K Ngqandana and B Nombula**

COMMUNITY SERVICES PORTFOLIO COMMITTEE

7 February 2024

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**AGENDA of the
Portfolio Committee : Community Services
07 February 2024
(Also the agenda for the Mayoral Committee Meeting :13 February 2024)**

**1.
OVERSTRAND MUNICIPALITY: BY-LAW RELATING TO THE KEEPING OF DOGS
AND CATS**

**J Solomons
29 January 2024**

Senior Manager: Operational Services

(028) 313 8156

1. Executive Summary

The purpose of this report is for Council to adopt the proposed amendments of By-Law relating to the Keeping of Dogs and Cats in terms of Section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), hereafter referred to as "*the MSA*".

The proposed By-Law was introduced as is provided for in terms of Section 12(1) of the MSA and Council's By-Law on Rules of Order for Internal Arrangements, P.N. 7188 of 2013. The necessary permission was obtained to publish the proposed By-Law in the press to give the public an opportunity to make representations.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Community Services

3. Compliance with Strategic Priority

Provision of democratic, accountable, and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, Act 108 of 1996.
Local Government: Municipal Structures Act, No 117 of 1998
Local Government: Municipal Systems Act, Act No 32 of 2000.

6. Background/Discussion/Evaluation/Conclusion

Background

There is an existing draft By-Law regarding the Keeping of Dogs and Cats within the Overstrand Municipality. The purpose of the amendments of this By-Law is to ensure that dog owners can allow their dogs to be off leash in specific demarcated identified areas in the Overstrand Municipal area.

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The current approved By-law relating to the Keeping of Dogs & Cats does make provision for the handling of dogs in Public Open spaces and beaches and is specific that the Dogs must be on a leash. The need for specific demarcated areas in Public Opens spaces and beaches for dogs to be off leash was identified thus was and extensive process to establish a policy for Off–Leash Dog Parks and Beach Areas

Public Participation Process

The draft By-Law (Annexure A) was advertised for public participation and public comments were received as per Annexure B. The feedback was distributed to the senior officials and comments were made on each matter raised by public comments. One matter that may have an impact on the draft By-Law is the sterilisation of dogs of which various comments recommends the inclusion of male dogs to the section.

In terms of Section 156(2) of the Constitution, read with the provisions of section 11(3)(m) of the MSA, a Municipality has the right to make By-Laws for matters which it has the right to administer.

Section 12(3) of the MSA determines that a By-Law may only be passed by a municipal Council if all members of the Council have been given reasonable notice and that the proposed By-Law has been published to allow for representations by the public. Council members have been given reasonable notice of the By-Law and as stated, the public was also afforded the opportunity to make representations.

It is therefore recommended that the Council approve the By-Law, attached as Annexure A.

Publication of the By-Law and taking effect thereof

When a Municipal Council passes a By-Law, Section 13 of the MSA requires that:-

- it must be published promptly in the Provincial Gazette and when feasible also in a local newspaper or in any other way in order to bring the contents of the bylaw to the attention of the local community; and
- that it takes effect when published, or on a future date determined in or in terms of the By-Law.

Section 13(b) of the MSA provides “that a By-Law passed by a Municipal Council takes effect when published or on a future date determined in or in terms of the bylaws”. This By-Law shall come into operation immediately from date of publication.

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7. Financial Implications

The By-Law must be published in the Provincial Gazette.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Proposed draft By-Law relating to the Keeping of Dogs and Cats

Annexure B: Summary of public comments

RECOMMENDATION TO THE COUNCIL:

1. that the By-Law Relating to the Keeping of Dogs and Cats **be adopted**; and
2. that the Overstrand Municipal Keeping of Dogs and Cats By-Law **be published** in the Provincial Gazette.

RESPONSIBLE OFFICIALS :

**AREA MANAGERS: KLEINMOND
GANSBAAI, HERMANUS
SENIOR MANAGER: LAW
ENFORCEMENT & TASK TEAM**

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AND CATS**

**J Solomons
29 January 2024**

Senior Manager: Operational Services

(028) 313 8156

**THIS MATTER SERVED BEFORE THE COMMUNITY SERVICES PORTFOLIO
COMMITTEE ON 7 FEBRUARY 2024, WHICH COMMITTEE RECOMMENDED AS
FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

1. that the By-Law Relating to the Keeping of Dogs and Cats **be adopted**; and
2. that the Overstrand Municipal Keeping of Dogs and Cats By-Law **be published** in the Provincial Gazette.

RESPONSIBLE OFFICIALS :

**AREA MANAGERS:
KLEINMOND
GANSBAAI, HERMANUS
SENIOR MANAGER: LAW
ENFORCEMENT & TASK
TEAM**

TARGET DATE FOR IMPLEMENTATION :

**ON PUBLICATION IN THE
GOVERNMENT GAZETTE**



BY-LAW RELATING TO THE KEEPING OF DOGS AND CATS

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

____ Words underlined with a solid line indicate insertions in existing enactments.

OVERSTRAND MUNICIPALITY

BY-LAW RELATING TO THE KEEPING OF DOGS AND CATS

To regulate and control the ownership and general behaviour of dogs and cats in the area of the Overstrand Municipality and to provide for matters incidental thereto.

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CHAPTER 1

INTERPRETATION

Definitions

1. (1) In this By-law, unless the context otherwise indicates-

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of this By-law;

"cat" includes a male and a female cat;

"cat breeder" means a person who is registered as a cat breeder with a registered cat breeders association approved by the Council;

"cattery" means premises in or upon which-

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

"Council" means-

- (a) the council of the Overstrand Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000. as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title: or
- (c) a structure or person exercising a delegated power or carrying out an instruction. where any power in this By-law has been delegated or subdelegated, or an instruction given. as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000;

"dog" includes a male and a female dog;

"dog breeder" means a person who is registered as a dog breeder with a registered dog breeders association approved by the Council;

"dwelling house" means a single building designed for use as a residence for a single family;

"flat " means a single dwelling unit in any residential building other than a dwelling house;

"kennel " means premises in or upon which-

- (a) boarding facilities for dogs are provided; or
- (b) dogs are bred for commercial purposes:

"owner ", in relation to a dog or cat , means any person who keeps a dog or cat or has a dog or cat in his or her possession or care or under his or her control or on whose private premises a dog or cat is present:

"pound" means a place designated by the Council in terms of any law or agreement for the impounding, sale and destruction of dogs or cat, or both; a place designated by the Council in terms of any law;

"poundmaster" means the person who has been appointed by the Council to be in charge of a pound;

"premises" means any unit of land, whether built on or not and whether public or private;

"prescribed" means prescribed by the Council from time to time by resolution; and

"public place" means any beach, road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.

- (2) If any provision in this By-law vests or imposes any power, function or duty of the Council in or on any employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2

CONTROL OF DOGS

Restriction on number of dogs

2. (1) Subject to the provisions of subsection (2), no person may keep more than two dogs or allow more than two dogs to be kept on any erf or premises without the prior written consent of the council.
- (2) Notwithstanding the provisions of subsection (1)-
- (a) any person who, at the date of commencement of this By-law, is keeping a dog in contravention of subsection (1), may, on application for a special permit issued by the Council, continue to keep such dog but may not replace any dog that dies or is lost or disposed of if it would result in such a contravention;
- (b) the foregoing restriction does not apply to-
- (i) a dog breeder who has the written consent of the Council to keep such greater number of dogs as the Council may approve;
- (ii) the holder of a permit issued by the Council;
- (iii) the owner or manager or person in charge of a pet shop;
- (iv) the owner or person in charge of premises where guide dogs for the blind are being kept or trained; or

- (v) the owner or manager of a veterinary clinic or registered animal welfare society:
- (vi) a dog used as a watchdog or for tracking purposes by any association, institution, organisation, corporation, or statutory body which is in receipt of financial assistance from the State or in which the State has a sufficient pecuniary interest.

[Registration] Licensing of dogs

3. (1) Every person who owns or keeps a dog shall register such dog with the Council. **[and shall pay to the Council an annual tax as determined in terms of a resolution by Council]**
- (2) The Council may from time to time deliver a prescribed form for the registration of dogs to any resident of the municipality, which such resident must complete fully and return to the-Council without delay.

Dogs which may not be kept

4. No person may keep a dog-
 - (a) which is wild, dangerous or fierce to such an extent that the dog is a danger to any person who legally enters upon the premises occupied by the owner of that dog, unless muzzled and held on a leash and under control of some responsible person;
 - (b) which barks, whimpers or howls to such an extent that it, or has another habit which, causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;
 - (c) which suffers from an infectious disease. which, in the opinion of a veterinary surgeon, is of such a nature that such dog cannot be beneficially treated or boarded at a veterinary clinic;
 - (d) on premises that are not fenced in such a manner that such dog is at all times confined to the premises.

Sterilisation of dogs

5. (a) No person may keep a dog which is an unsterilised female or male dog over the age of six months, unless-
 - (i) the Council's prior written permission thereto has been obtained; or
 - (ii) it is kept by a dog breeder at a kennel or at other premises where it is securely confined within a building or enclosure; and
 - (iii) any other precaution specified in writing by an authorised official is taken to prevent a nuisance being caused to the inhabitants of the neighbourhood; or
 - (iv) the provisions of subsection (c) apply in respect of the dog concerned.

- (b) The owner of a female or male dog that has been sterilised must obtain a document obtained from a registered veterinarian as proof that the dog has been sterilised and must produce such document for inspection to any authorised official on demand.
- (c) If, at the commencement of this By-law, any person is the owner of an unsterilised female or male dog over the age of six months, such dog may, notwithstanding anything to the contrary in this By-law, continue to be kept for a period of six months after such commencement, provided such dog is sterilised before the expiry of that period.

Dogs in public places

- 6. (1) Subject to any provision to the contrary in this By-law or any other law, no person may bring a dog into any public place or allow it to be at [in] places [done] if that dog-
 - (a) is wild, dangerous or ferocious;
 - (b) is in a habit of charging at or chasing people or vehicles; or
 - (c) is an unsterilised female dog which is on heat.
- (2) Subject to the provisions of section 8 of this By-law, no person may allow or cause to be allowed any dog to be in a public place unless it is kept on a leash and under control of a person.
- (3) Any person in control of a dog in a public place, excluding a blind person who is led by a guide-dog, must remove any defecation or other offensive matter of such dog by placing it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

Prohibited behaviour in respect of dogs

- 7. No person may-
 - (1) Without reasonable grounds,
 - (a) incite a dog against a person, animal or bird; or
 - (b) allow a dog in his or her custody or under his or her control to attack or put fear into any person. animal or bird.
 - (c) partake in any dog fights
 - (2) provoke a dog or harass or tease any dog.
 - (3) terrify or cause stress or fear to any dog with fireworks or by any other means.
 - (4) neglect or abuse a dog kept by him.
 - (5) as the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale permit any dog to be or remain in or on such shop or place.

Off leash zones for dogs

8. (1) The Council may demarcate areas in its jurisdiction as off-leash zones for the walking of dogs.
- (2) The mentioned zones in 8.1 can be demarcated areas on beaches and purpose build dog park(s).
- (3) Introducing pilot project as a precursor for the demarcation of leash free zones for dogs.
- (4) For the duration of a pilot project referred to in 8.3 the corresponding zoned area will be deemed a leash free zone for dogs.
- (5) Introduce a Policy to provide for a list of demarcated zones or any addition thereto or removal therefrom.
- (6) Provide for set time and dates during which dogs may be walked without a leash in a leash free zone.
- (7) Identify by means of notice board the parameter wherein the dogs may be walked without a leash in a leash free zone.
- (8) Dogs must be accompanied by the owner/carer in an off-leash zone in order to also exercise control over their respective dog(s) if necessary.
- (9) No person will be allowed to walk, dog(s) in the zone without carrying plastic/paper bags/wrappers to able to remove excrement of their dog(s) from the zone.
- (10) Dog owners/carers must bring along their own water and bowl for usage by their dog(s).
- (11) The necessary notice boards must be placed at the entrances to the zones on beaches and dog park(s) that indicate the requirements to make use of the leash free zones.
- (12) The Council will provide a policy for identification of the off-leash dog(s) zones on beaches and parks and related management aspects.

CHAPTER 3

CONTROL OF CATS

Restriction on number of cats

- [8.]9. (1) Subject to the provisions of subsection (2), no person may keep more than three cats or allow more than three cats to be kept on any erf or premises without the prior written consent of the Council.
- (2) Notwithstanding the provisions of subsection (1)-

- (a) any person who, at the date of commencement of this By-law, is keeping a cat in contravention of this section. may, on application for a special permit issued by Council, continue to keep such cat but may not replace any cat that dies or is lost or disposed of it, if it would result in such a contravention.
- (b) the foregoing restriction does not apply to-
 - (i) a cat breeder who has the written consent of the Council to keep such greater number of cats as the Council may approve;
 - (ii) the holder of a permit issued by the Council;
 - (ii) the owner or manager or person in charge of a pet shop;
 - (iv) the owner or manager of a veterinary clinic or registered animal welfare society.

Cats which may not be kept

[9.]10. No person may keep a cat-

- (a) which makes a noise which impairs the convenience or peace of any reasonable person, or which has any habit which causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;
- (b) which suffers from an infectious disease, which, in the opinion of a veterinary surgeon, is of such a nature that such cat cannot be beneficially treated or boarded at a veterinary clinic.

Sterilisation of cats

- [10.]11.** (1) No person may keep a female or male cat over the age of six months unless such cat is sterilised: Provided that this provision does not apply in respect of cats kept by a cat breeder or at a cattery or during the period of grace specified in subsection (3).
- (2) The owner of a cat that is sterilised must obtain a document from a registered veterinarian as proof that the cat has been sterilised and must produce it for inspection to any authorised official on demand.
 - (3) If, at the commencement of this By-law, any person is the owner of an unsterilised female or male cat over the age of six months, such cat may, notwithstanding anything to the contrary in this By-law, continue to be kept for a period of six months after such commencement, provided such cat is sterilised before the expiry of that period.

CHAPTER 4**IMPOUNDING OF DOGS AND CATS****Taking dogs and cats into custody**

- [11.]12. (1) An authorised official may, for the purpose of having a dog or cat impounded, take into custody:
- (a) any dog or cat which-
 - (i) is at large and apparently ownerless;
 - (ii) suffers from a contagious disease as contemplated in section 4(c) or 9(b);
 - (iii) is being kept in contravention of the provisions of sections 2, 4, 8 or 9: or
 - (iv) enters any premises or flat in an effort to escape being taken into custody.
 - (b) any dog which-
 - (i) is found in a public place and is not on a leash and in control of a person;
 - (ii) overturns, damages or tears any refuse receptacle or refuse bag:
 - (iii) is brought into a public place in contravention of the provisions of section 6;
- (2) An authorised official may, subject to the provisions of section 10(3), impound a female or male cat that has not been sterilised in compliance with section 10(1), or a cat in respect of which its owner cannot in terms of section 10(2) provide written proof regarding its sterilisation.
- (3) Any person may on premises or in a flat of which he or she is the owner or occupier take into custody any dog or cat found trespassing thereon or therein for the purpose of having it impounded.
- (4) Notwithstanding the provisions of subsections (1) and (2), no person may take any dog or cat into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog or cat is a female with unweaned young, unless such dog or cat and unweaned young are taken into custody together.
- (5) Any person who has taken a dog or cat into custody in terms of this section-
- (a) must ensure that the dog or cat is not ill-treated;
 - (b) may, when the pound is closed, keep the dog or cat in his or her custody until the pound re-opens.

- (6) No person may, without a just cause, free any dog or cat which has been taken into custody, or is being kept in custody, or which has been impounded, in terms of this Chapter.

Duties or poundmaster

[12.]13. A poundmaster must-

- (a) keep the pound open between 08:00 and 16:30 from Monday to Friday and Saturday between 08:00 and 12:00 unless any such day is a public holiday;
- (b) accept, take charge of and impound any dog or cat brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this Chapter, detain that dog or cat in the pound: Provided that the poundmaster may refuse to receive, or may release, any dog or cat if he or she reasonably believes that such dog or cat was not lawfully taken into custody or impounded;
- (c) keep a register in which the following particulars in respect of every impounded dog or cat are recorded:
 - (i) The name of the authorised official or the name, residential address and telephone number of any other person who brought the dog or cat to be impounded;
 - (ii) the name, residential address and telephone number of the person to whom the dog or cat was released;
 - (ii) the time at which and date on which the dog or cat was impounded;
 - (iii) the place where the dog or cat was found immediately before it was taken into custody;
 - (iv) the date on which and the time at which the dog or cat was taken into custody before being brought to the pound:
 - (iv) the reason for impounding the dog or cat;
 - (vi) a description of the dog or cat indicating the estimated age, breed, sex, colour, markings and any injury found on the dog or cat when the poundmaster accepted it;
 - (vii) whether the dog or cat was released, sold or destroyed and the date and time of such release sale or destruction;
 - (viii) the amount of money realised in respect of such release or sale;
 - (ix) the amount of veterinary expenses, if any, incurred in respect of the dog or cat;
- (d) ensure that the pound and all equipment used in connection with impounded dogs or cats are at all times kept in a clean condition and free from flies and other vermin;

- (e) ensure that every dog or cat in the pound is properly fed and cared for;
- (f) isolate any female or male dog or cat on heat;
- (g) take all reasonable steps to prevent fighting amongst dogs or cats in the pound;
- (h) isolate any diseased dog or cat from the healthy dogs or cats, have such dog or cat attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known; and
- (i) take all necessary steps to have any dog or cat destroyed as contemplated in section 14 and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known.

Claiming of Impounded dogs and cats

- [13.]14.** (1) Any person may claim an impounded dog or cat if he or she-
- (a) satisfies the poundmaster that he or she is the owner of the dog or cat;
 - (b) satisfies the poundmaster that releasing the dog or cat into his or her custody will not result in any provision of section 2, 4, 8 or 9 being contravened;
 - (c) furnishes the pound master with written proof of sterilisation of the dog or cat concerned, if applicable: and
 - (d) pays to the poundmaster the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog or cat.
- (2) The poundmaster must, if the provisions of subsection (1) have been complied with, surrender the dog or cat concerned to the person claiming it.

Destruction or sale of impounded dogs and cats

- [14.]15.** (1) If an impounded dog or cat is not claimed by a person entitled thereto within 7 days after the dog or cat has been impounded, the poundmaster may in the manner prescribed in section 5(1) of the Animals Protection Act. 1962 (Act No. 71 of 1962), destroy such dog or cat or cause it to be destroyed, or may sell such dog or cat or cause it to be sold.
- (2) The poundmaster must have any unsterilised female or male dog or cat sterilised before it is sold in terms of subsection (1) and must recover the costs incurred from the buyer.

CHAPTER 5

MISCELLANEOUS

Offences and penalties

- [15.]16.** (1) Any person who-
- (a) contravenes or fails to comply with any provision of this By-law; or
 - (b) fails to comply with any notice issued for the purposes of this By-law; or

- (c) fails to comply with any lawful instruction given for the purposes of this By-law; or
- (d) obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under this By-law,
- (e) is guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or in default of payment to imprisonment for a period not exceeding three months and in the case of a continuing offence, to a further fine not exceeding R100, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Presumptions

[16.]17. If in any legal proceedings instituted under this By-law against any person, it is alleged that:

- (a) he or she is keeping a dog or cat over the age of six months;
- (b) he or she is keeping an unsterilised female or male dog or cat over the age of six months; or
- (c) he or she is keeping a female or male dog or cat over the age of six months without having written proof regarding its sterilisation. such dog or cat is deemed to be over the age of six months or to be unsterilised, as the case may be, until the contrary is proved.

Repeal and amendment of laws and savings

[17.]18. The By-laws listed in Schedule 1 are hereby repealed to the extent indicated in the third column thereof and any other provision in any other. By-law which is inconsistent with the provisions of this By-law.

Short title

[18.]19. This By-law is called the Overstrand Municipality: By-law relating to the keeping of Dogs and Cats, 2008.

SCHEDULE 1**REPEAL OF LAWS AND SAVINGS**

NUMBER AND YEAR OF NOTICE	TITLE OR SUBJECT OF LAW	EXTENT OF REPEAL
P.N 0631/1930	Kleinmond Local Board: General Series of Regulations relating to the keeping of dogs.	S53, 54
P.N 0081/1931	Hermanus Municipality: General Series of Regulations relating to the keeping of dogs.	S56 to S 64
P.N 0114/1933	Gansbaai Local Board: General Series of Regulations.	S.53, 54
P.N 0194/1937	Municipality of Stanford: Additional Regulations.	S187, 1 88. 1 89. 190
P.N. 2751/1960	Kleinmond Municipality: Regulations relating to the keeping of dogs.	The Whole
P.N. 574/1964	Stanford Municipality: Regulations relating to the keeping of dogs.	The Whole
P.N. 577/1964	Gansbaai Municipality: Regulations relating to the keeping of dogs.	The Whole
P.N. 815/1969	Gansbaai Municipality: Amendment to the Regulations relating to the keeping of dogs.	The Whole
P.N 0543/1975	Hermanus Municipality: By-law relating to the keeping of dogs.	The Whole
P.N. 212/1981	Stanford Municipality: By-law relating to the keeping of dogs.	The Whole
P.N 0707/1982	Hermanus Municipality: Amendment to the By-law relating to the keeping of dogs.	The Whole
P.N. 757/1985	Betty's Bay Municipality: By-Jaw relating to the control and keeping of dogs.	The Whole
P.N 0027/1986	Hermanus Municipality: Amendment to the By-law relating to the keeping of dogs	The Whole
P.N. 394/1987	By-law relating to keeping of dogs in the local areas of Agulhas, Infanta Pearly Beach, Struisbaai and Waenhuiskrans.	All provisions relating to Pearly Beach
P.N 551/1987	Gansbaai Municipality: Commonage By-law	S8
P.N 0215/1989	Hermanus Municipality: Amendment to the By-law relating to the keeping of dogs.	The Whole
P.N 0532/1991	Hermanus Municipality: General Amendment to By-laws.	Those provisions relating to the keeping of dogs
P.N. 395/1990	Gansbaai Municipality: By-law relating to the keeping of dogs.	The Whole
P.N . 486/1990	By-law relating to the keeping of dogs: Correction Notice.	The Whole

PUBLIC COMMENTS: AMENDMENTS TO THE STANDARD BY-LAW RELATING TO THE KEEPING OF DOGS AND CATS, 2013

<p>WARD 1 (Stanford and Thembelihle) Representative</p>	<p>Ald D Coetzee Comment NONE RECEIVED</p>
<p>WARD 2 (Gansbaai, North-East, Masakhane) Representative</p>	<p>Ald T Ngoinata Comment My initial response was ANGER!!!! Now that I have calmed down / here is my detailed response: This bylaw has a few issues for me personally that I wish to raise with the OVERSTRAND municipality : 1. There may be a racial connotation IMPLIED in the bylaw as many dwellings in Masakhane and similar residential areas have no fences to contain 2 dogs. How would the number of dogs in these areas be limited!? 2. The larger community in this area I live in consists of older people - the 2 or 3 dogs are kept for companionship and safety! It is against the law to own a firearm. Most of us rely on our dogs to alarm us and pepper spray to protect us. Should I limit the protection / alarm from my pet dogs - would the Overstrand municipality guarantee my safety? 3. Crime - although Buurtweg/ Neighbourhood watch perform a function that residents pay for - there is not 100 % certainty that we are fully protected. 4. Are you suggesting dogs need to be put down or puppies taken away by you upon passing the bylaw? - that would be an outcry of cruelty! 5. The size of land / Erf is not taken into account! Maybe one should look at the size of the land? For a 1000 m2 or above - do you really only allow 2 dogs? If the large land / small holding type is in the municipal area - do you make the same allowance as for a 200 m2 residential Erf/plot? 6. The pets animals provide comfort but MOST IMPORTANTLY alarm owners when there is an intrusion! We are NOT in the CBD of Cape Town with neighbours on both sides and across the road! We have dwellings spread out with many vacant properties around us! Limiting pets/dogs would endanger US!!! We will not have sufficient 'guard' to protect us and provide security. These are the facts about residents with pets in my neighbourhood: i. Pets / dogs are well kept generally ii. Pets / dogs provide comfort to their owners in difficult times of extreme crime and 'Kill the Boer' outlashes iii. Many dog owners in my neighbourhood have adopted the strays from the streets and Masakhane and general Gansbaai and taken these dogs in to provide shelter and food - do you suggest putting these down?</p>

iv. Many dog owners in my neighbourhood have more than 2 dogs but these dogs are never outside and never make a noise - as these dogs are SMALL house dogs in many cases - yes, there are large dogs outside making huge noises and barking at nothing and anything BUT THE EXTREMELY ANNOYING NOISE OF BARKING AT ANYTHING is due to a lack of training and NOT because there are more than 2 dogs! Some plots have ONE big dog that is a nuisance. We all sit up at night and worry about our gas bottles being taken or are we safe? We are living in turbulent times and OVERSTRAND wants to count pet dogs?

The pet / dog Bylaw is out of touch with the times we are living in NOW!

Here is where OVERSTRAND IS MISSING OUT TO CAPATALIZE ON JOBS AND OPPORTUNITIES:

- a. On many continents and countries globally where many systems have been tried and tested dogs are micro chipped and there is an annual levy of around R100 per dog as a license fee enforced by the local municipalities! There are 'speed cops' with microchip scanners around on-foot - they will scan the microchip and if the registration / annual license fee is out of date - there is a penalty - THIS CREATES JOBS AND MANAGEMENT OF PETS! in this case if the owner wishes to have 5 dogs - payment has to be up to date! (LET'S not RE-INVENT THE WHEEL HERE)
- b. The same on foot 'patrollers' can write a fine of R500 if the owner walking his/her dog do not pick up the feces/poop behind their dog and discard this in relevant bins provided! This creates INCOME! On many continents globally the CCTV footage on the streets can provide a photo of the owner and dog walking and the dog making a poop!

Surely it is short sighted to carte blanche REDUCE PETS/DOGS to 2 per property - without looking at :

- 1. The safety / security you are depriving dog owners of
- 2. The implication of racism - this bylaw is not possible to enforce in Masakhane or even Blompark s as no similar high density residential areas
- 3. The destiny of the pets /dogs where the number is exceeded is going to be a global OUTCRY!! Are you implying to euthanize these dogs/pets?
- 4. The loss of potential income - surely the rest of the world can teach us and have tried and tested 'models' for coping with the impact of domestic pets? Why are we South African centric and not LOOKING at what the rest of the world is doing to address this?

This objection does not include the need for managing:

- a. Keeping chickens and ducks and ... whatever in residential areas without the consent of the municipality and relevant neighbourhood! Overstrand municipality has an issue with dogs / dog phobia but ignore the noise and health implication / impact of chickens and ducks kept on same properties in OVERSTRAND municipality by the same owners???
- b. Owning dogs lacking training that are annoying to neighbours are a nuisance! Nobody deserves to be 'barked' off your own property next door to an owner with barking dogs that are out of control! We all as property owners wish to have a peaceful property we can enjoy! The noise is not proportionate to the number of dogs though as implied by this draft bylaw!

	<p>Op Do. 10 Aug. 2023 om 10:21 het No <lizette.smook@gmail.com> geskryf: In the escalating violence in South Africa and Western Cape - residents were disarmed a few years ago from keeping firearms. WE HAVE PETTY CRIMES SPIRALLING AS WELL AS ASSAULT AND BURGLARIES!! People in this country should be allowed to keep pets for protection - i.e., guard dogs - as long as we can feed them - the municipality should mind their own business! The municipalities should support BUURTWAG and make HOMES AND NEIGHBOURHOODS SECURE BY SUPPORTING SAPS AND STRENGTHENING SECURITY before picking their noses about 2 or 3 guard dogs per Erf! At this step the next proposed law would be to tie owners voluntarily to the fronts post of their yard and allow to be voluntarily RAPED!!!! Surely there are more critical proposals and suggestions to support safety and security BEFORE taking away the support owners pay for themselves.</p>
<p>(Jacques Wilkinson – Comments re L Smook)</p>	<p>Consideration of the size of the erf is important in relation to various factors, such as the breed of dog being kept, location of the property where the dog(s) is/are being kept, etc. However, it is still necessary to stipulate a default maximum number of dogs, with the size of the property only being a relevant consideration when application is made to keep more than two dogs.</p>
<p>(André Olivier – Comments re L Smook)</p>	<p>Personal Issues:</p> <ol style="list-style-type: none"> 1. Racial connotations stand to be rejected. 2. Its not against the law to own a firearm. Municipality cannot guarantee her safety. 3. Nobody can protect anybody 100%. 4. She may apply to keep more than 2 dogs. OM will not be able to dispossess an owner without following due process through the Courts. 5. Extent of an erf may be one of the factors to consider – you cannot for example have 3 or 4 Great Danes on a 250m² erf. Depends on the circumstances.
	<p>Facts about Residents:</p> <ol style="list-style-type: none"> 1. Lack of training has got nothing to do with OM and its by-law. 2. 4. Bald unsubstantiated and emotional outburst that the by-law is out of touch with times. <p>Missing Out:</p> <ol style="list-style-type: none"> 1. Not financially viable in SA and no license fees will be charged anymore – she obviously hasn't read the by-law. Re-invention of the wheel nothing but sarcasm. 2. Owners not picking up their dogs' droppings are a big issue, but law enforcement capacity will always be a major issue. It boils down to being civilised: you either are or you are not. <p>Short Sighted:</p>

<p>1. She's missing the point – you may keep at least 2 dogs. 2. Accusation of racism is rejected, but the issue probably requires attention? 3. We are not implying euthanasia – only reasonable and responsible dog ownership. 4. Not sure to what she refers here?</p> <p>This Objection:</p> <ol style="list-style-type: none"> 1. Complaints may be attended to by Law Enforcement and if the facts warrant it, a perpetrator may be summonsed to appear in the Additional Court. 2. Lack of training addressed above. <p>Escalating Violence in SA:</p> <ol style="list-style-type: none"> 1. Residents have not been "disarmed" – you are legally permitted to own a firearm. You are not prohibited from owning dogs and the municipality is in fact addressing issues that the Constitution allows it to do in the form of by-laws. She must remember that it is not only dog owners who have rights but also non-dog owners. We are furthermore constitutionally mandated and enjoined to maintain Law and Order in the Overstrand. She should be grateful for this compared to other municipalities. Buurtweg, etc. already operate in the OM and are their efforts supported through co-operation. Her reference to owners being tied down and VOLUNTARILY!! (sic) raped is evidence of this person's ignorance and uncalled for emotional outbursts. Her comment is rejected with the contempt it deserves. It is a disgusting comment. 	
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WARD 3 (Hermanus & Voëiklip)	
Representative	Comment
<p>Hermanus Ratepayers' Association HRA EXCO September 2023 Ratepayers@hermanus.co.za</p>	<p>Submission in response to the Draft Overstrand Municipality By-law relating to the keeping of Dogs and Cats, September 2023</p> <p>The review of this By-law is welcomed as it attempts to address a number of issues relating to the keeping of domestic pets which are currently quite contentious. By-laws by their very nature are meant to regulate the conduct of the citizenry and are therefore required to be practical, enforceable and in the public interest. The intended changes as well as some of the current provisions don't fulfil these requirements in all respects as we will set out below.</p> <p><u>Restriction on numbers</u> (Clauses 2 and 9) We support the restriction on the numbers as set out in the draft.</p> <p><u>Licensing</u> (Clause 3)</p>

In principle the licensing of animals may appear to be necessary but in practical terms it is problematic and begs the following questions:

- What is the purpose of the said registration and licencing and the negative effects of not ensuring compliance?
- Does the Overstrand Municipality (OM) have the capacity to deal with registering of the many thousands of cats and dogs currently kept in the area?
- Does the OM have the capacity to undertake a process of verification of licencing and/or registration of cats and dogs in all areas and to carry out and enforce the processes relevant thereto equitably in all residential areas?

Our view is that unless there is a compelling case for licencing it should not be included in this By-law. Having some insight into the challenges facing the Law Enforcement Department in the OM we believe that there is insufficient capacity.

Sterilization (Clauses 5 and 11)

We support the need for sterilization of animals not kept specifically for breeding purposes. There is an unrealistic emphasis on the sterilization only of female cats. Since cats are such prolific breeders, we believe that it is necessary to neuter both male and female cats. Despite dog owners tending to exercise closer control over their pets we believe it is necessary to sterilize nonbreeding individuals of both sexes.

Dogs in public places (clauses 6,7 and 8)

The two most important issues relating to dogs in public places are the conduct of dogs and their owners and feces (defecation).

- We support the provision that any and all dogs in public places should be on leads at all times.
- We are encouraged by the intention to provide OFF LEASH ZONES and are willing to be engaged in further consultation as to the location of such areas and their restrictions and limitations.
- We believe that there should be severe consequences for dog owners who do not clean up after their pets.

Miscellaneous

- We would like to see clear and unambiguous definitions of what kind of behaviour constitutes a nuisance in terms of dog and cat behaviour.
- We are concerned that no specific mention is made of organised dog fighting.
- We note that other municipalities are considering specifying certain "Prohibited breeds" such as Pit Bull Terriers and would like to have this included.
- Our feedback contained in this submission is focussed on matters of principle.
- There are numerous instances in the body of the draft where there are typographical errors as well as instances where the grammar does not convey a clear meaning. There are also instances of inconsistent

<p>uses of terminology. We would like to offer our services in correcting these before the draft is presented to Council for approval. An example of this is on the last 2 lines of the draft namely....</p> <p>Short title [18.]19 This By-law is called the Overstrand Municipality : By-law relating to the keeping of Dogs and Cats, 2008. The colon following the word Municipality is superfluous and the year 2008 should be 2023. There are many such examples, and we believe it is important that they be corrected.</p>	
<p>Licensing is no longer required. Sterilization of both sexes of animals is something to consider. Sterilizing males is often less expensive and also less invasive than females. There is also a case to make that male dogs which are neutered are generally less aggressive. Dogs in public places and “off-leash zones”: The comments in this regard are supported, although the reservations previously expressed by the Legal Service Department regarding “off-leash zones” remain relevant. It is not possible to define all conduct which would constitute a “nuisance”. The inclusion of a prohibition on dog fighting is supported. It is submitted that, as long as all dog owners adhere to the provisions of the By-law, there is no need to prohibit the keeping of certain breeds. It is the old question of “nature vs nurture” to determine whether a dog breed is inherently dangerous, or whether it is typically as a result of the way in which the dog is raised/treated.</p>	<p>(Jacques Wilkinson – Comments re Hermanus RPA)</p>
<p>We welcome and support the positive input, but just to clarify – licensing of dogs is not a requirement. Sterilization – this is also a positive input and applying same to cats should be considered. Dogs in public places – we support this input. Leash zones – supported although perhaps practically speaking problematic? Miscellaneous – dogs and cat behaviour – defining this is difficult and will depend on the facts of each case. This is a legal principle. Dog fighting – should be considered. Prohibited breeds – should this be considered?</p>	<p>(André Olivier – Comments re Hermanus RPA)</p>
<p>Control of Dogs. Chapter 2, Sterilisation of Dogs 5(a) No person may keep a dog which is an unsterilised female dog over the age of six months. Why only females? Males should be sterilised as well. It is a well-known fact that when a male smells a female in heat it will do anything and everything to get to that female, even if it is to his own detriment. The females in heat could be</p>	<p>Caroline Davis</p>

	<p>in the care of people who have a permit to breed dogs and having "secure" premises is not enough. The males will still smell them and seek them out. If the males are sterilised, they will not have the urge to roam. If sterilised it reduces the risk of testicular and prostate disease. If sterilised there will be a lot less unwanted litters and sickly animals.</p> <p>In chapter 4(a) of your policy, a dog which is wild, dangerous or fierce, is mentioned. This is exactly what the males become when they roam. they could unwittingly cause car accidents, fight with other males out on the same mission, bite aggressively other animals and humans.</p> <p>STERILISATION OF MALE DOGS MUST BE INCLUDED IN THIS BY-LAW.</p>
<p>(Jacques Wilkinson – Comments re C Davis)</p>	<p>See comments under Hermanus Ratepayers' Association regarding sterilization.</p>
<p>(André Olivier – Comments re C Davis)</p>	<p>Sterilization – should be considered.</p>
<p>Marlien van der Merwe</p>	<p>I strongly stand against this new nonsense bylaw you are thinking up.</p> <ol style="list-style-type: none"> 1. All the shelters are going to overflow...or are you going to kill off those animals too? 2. If you find an extra animal on a premises, are you going to kill it for the shelters are already overflowing. 3. So, you are proposing the killing of all household pets that you don't even feed or love. <p>Yes, this is an emotional e-mail but there are limits to the laws you enforce on a limited group of residents in Hermanus.</p> <p>Please spend your money and energy on the rising crime in Hermanus. That is actually a real problem!!!</p>
<p>(Jacques Wilkinson – Comments re M van der Merwe)</p>	<p>This appears to have been written by a person who is unaware of the existence of the current By-law Relating to the Keeping of Dogs and Cats.</p>
<p>(André Olivier – Comments re M van der Merwe)</p>	<p>I don't think her emotional outbursts need to be commented on.</p>
<p>Michael Bourne 62 Fernkloof Drive Hermanus Heights Hermanus 7200 Telephone 0826030772</p>	<p>I have set my comments out under topic headings and then a section at the end dealing with certain specific sections of the bylaws. In addition, I conducted a limited amount of desktop research on the web to see what certain other countries in the world were doing in regard to dangerous breeds of dog. In particular the way in which the Republic of Ireland have set about their dog rules resonated with me and might be a model for not only the Overstrand but also South Africa. Lastly, I have included a link to the Cape Town Animal Keeping Law which was amended in 2021.</p>

The context in which I write this letter
 Regrettably, the context in which I am writing this letter of comment is such that we live in a country where people across the education spectrum and across the economic spectrum in the main do not observe bylaws. Breaking the law with no consequence seems to be a national sport.
 Secondly, we live in a country where the law enforcement officials are understaffed or incompetent if not negligent in the discharge of their duties.
 Furthermore, prosecutions are hardly ever successful and in the isolated instances in which they might be the consequences are not sufficiently punitive to ensure that an example is set for others who might contemplate breaking the law.
 So, when considering whether to write this letter I seriously considered not doing so and rather spending my valuable time doing other things.
 However, I am reminded of the horrific attacks across the country of dangerous breed dogs on aged people and infants across our country and so started writing.
 Furthermore, I am reminded that I live in one of, if not the best municipality areas in our country and so there is hope that something will be done which saves the life of a small child or adult.

Dangerous Breeds of Dog

My comments are made primarily with reference to small and large dangerous breeds of dog. The smaller non-dangerous pets are not really of concern to me.
 I spent over three weeks in the UK in June of this year, and I was amazed at how compliant people are with their rules relating to dogs. In addition, we saw no dangerous breeds of dog.
 My family reminded me while I was there that you do not have a dangerous breed like a pitbull or pitbull-related dog because you are just not allowed to have such dogs and if you do have one the penalties are severe with a possible jail sentence for the owner of up to 6 months in jail.
 I own a Belgian Shepherd what some might say is a dangerous breed of dog. I always keep my dog on a lead when we leave our home. Regrettably too many South Africans just do not observe the laws and so the innocent pays the price.
 Me and my family's experiences with dogs in public places
 Of the many dangerous breeds of dog, we find many owners just do not keep them on a strong, effectual lead in public places. This has resulted in us no longer taking my 3-year-old grandson to Grotto beach or in other popular public places like Fernkloof Nature Reserve or the Cliff Path. So those owners of dangerous breeds who do not keep their dogs on a lead are simply and selfishly taking away many people's joys for which they pay rates each month. The impact of dangerous breeds is not something that can be measured because many people who experience this breach of the current bylaws just don't use those facilities anymore.
 I understand why many people in our crime ridden country want to own dangerous breeds of dog but if they do, they must comply with the laws or face severe sanctions.

In Hermanus Heights we have a particularly interesting case of a dog owner who, in spite of numerous requests to keep his large and aggressive dog on a lead or inside his property just ignores the laws and allows his dog to roam the whole area. I contacted Law Enforcement about this last year, and nothing was done or if something was done it was completely ineffective because for months after that the dog continued to roam the suburb.

Signage

No matter what the bylaws finally say we must please have clearly visible signage of what the laws are for a particular area. If you cannot have a dog on Grotto's main beach, then the signage must be placed in the two main access points to the beach. The reason this is particularly important is that many occasional visitors to Hermanus do not read the local papers or are able to keep close to changes in laws and so signage of this nature is critical.

Policing and Law Enforcement

Law enforcement officers must patrol the various popular public places from time to time. Recently I visited Kammabaai and Grotto Lagoon beaches and none of the dogs were on leads! Not one. In the twelve months I have been living permanently in Hermanus I have never seen a law enforcement official in a public place in which people bring their dogs.

Sanctions for Non-compliance with the laws

There is no point in having a bylaw which seeks to keep the public safe and the consequences of non-compliance are not sufficiently punitive. You are wasting your time having a fine of R500 and R100 (Section 16 of the proposed bylaw). People will pay those fines without any difficulty at all. The fines are not adequate to reduce the instances of non-compliance. Please the fines of R500 and R100 were in the 2008 bylaw and now it is 2023 which is 15 years later. Law Enforcement should be empowered to levy much higher fines if the bylaws are to be observed. In my view an owner who allows a dangerous breed to run wild (as I have observed on Grotto beach) should be fined at least R5000. Law Enforcement should also impound the dog concerned.

Ineffectual control for dangerous breeds and other restrictive considerations

In walking my dogs in Hermanus Heights I have experienced young children of what appears to be between the ages of 10 to 12 walking two pitbull-like dogs using very light leads. There are two problems here. A 12 year old girl is not able to control strong dangerous breeds and should never be allowed to walk two of these dogs.

1. The leads need to meet certain quality standards. At the moment the proposed bylaw just says in section 6(2) "...kept on a leash and under the control of a person." First a requirement regarding the adequacy of the leash is needed and

2. secondly no such dog should be under the control of just a "person". I recommend an age requirement of at least 16 years old for such a person as is required in certain countries of the world.

Non or Off-lead locations

Whilst I understand why residents in the Overstrand would like their dogs to be off-lead I would like to make an appeal to the Overstrand Municipality to

1. think of small children when deciding where these off-lead areas should be. Please do not designate the beaches which are popular with children as off-lead. If people want to take their dangerous breed dogs to such beaches they must be kept strictly on a strong lead.
 2. Secondly please do not designate as off-lead the pathways of our mountain or cliff path walks. As a walker cannot move sufficiently away from an oncoming dangerous breed of dog.
- Proposed section 8.6 suggests to me that certain times of the day and dates will be set for off-leash. Having variable dates and times is not advisable because people will forget or not know which days and times apply. If an area is off-leash it should be off-leash every day and for the whole of those days.

Specific sections of the draft bylaws

I have attached the proposed amendments to the bylaws and have made comments using the yellow comment tabs. There are some drafting amendments needed and I have commented on specific drafting in the proposed amendment. I hope you find these to be helpful.

Other countries laws

I have attached the laws of certain other countries when it comes to dangerous breeds. In my opinion the whole of South African needs to look at its laws in this regard. One of the reasons we see so many dangerous breeds like pitbulls and pitbull-like dogs is because of dog fighting rings. If our country can stop these activities perhaps it will help to reduce the incidence of children and the aged being killed or maimed by these breeds.

APPENDIX : THE LAWS OF SOME OTHER COUNTRIES

Dangerous breeds banned in India

The eleven prohibited dog breeds in India include the following

- Dogo Argentino,
- Rottweiler,
- Boerboel,
- Presa Canario,
- Neapolitan Mastiff,
- Wolfdog,
- Cane Corso,

Bandog, and Fila Brasileiro.

United Kingdom

This legislation makes four breeds of dog originally bred for fighting illegal in the UK. These are:

- American Pitbull terriers,
- Japanese Tosas,
- Dogo Argentinos, and
- Fila Brasileiro.

29 May 2023

Australia

Dog breeds that are banned in Australia are:

- Pit Bull Terrier breeds, including American Pit Bull Terrier.
- Dogo Argentino.
- Fila Brasileiro.
- Japanese Tosa.
- Perro de Presa Canario or Presa Canario.

Banned Breeds in Northern Ireland

Northern Ireland has different rules, and these are actually banned, as opposed to in the Republic of Ireland being restricted. There are four breeds of dogs that are banned in Northern Ireland:

1. Pit Bull terrier
2. Japanese Tosa, which is known in Japan as being bred a fighting dog. It is quite a rare breed.
3. Dogo Argentino
4. Fila Brasileiro, or Brazilian Mastiff

Important: In the North, it is illegal to breed, sell, offer for sale, or give away a dog of a banned type.

There are different rules about keeping a banned dog in Northern Ireland, these include

- o The dog has to be neutered
- o You have to hold an insurance policy for the dog
- o Dog has to be leashed and muzzled when in public.
- o When not in public it has to be housed in a secure location
- o Dog is available to the council's dog warden to be inspected
- o You have to inform the council if you move, or the dog dies

Source : <https://www.nidirect.gov.uk/articles/banned-breeds-dogs-northern-ireland>

Republic of Ireland

Restricted dog breeds subject to regulation

- American Pit Bull Terrier.
- English Bull Terrier.
- Staffordshire Bull Terrier.
- Bull Mastiff.
- Dobermann Pinscher.
- Rottweiler.
- German Shepherd.
- Rhodesian Ridgeback.

July 2023

<https://help.dogs.ie/knowledge-base/iris-h-banned-dogs/>

Irish banned / restricted breeds of dogs

[This article deals primarily with the laws in the Republic of Ireland. The laws in Northern Ireland which is part of the United Kingdom are however referred to above]

"What breeds of dogs are banned in Ireland?" is a support question that comes up quite often. With reports of increased frequency of dog attacks, biting incidents and even fatal cases, it's something on the minds of people about dangerous dogs, should they be muzzled and what breeds are on this list. This article is not about how effective these banned breeding's lists are, the Federation of Veterinarians of Europe's has a report that may shed some light into this topic here.

Note: Technically there aren't any banned breeds of dogs, rather there is a list of restricted dog breeds (RDB). As with most things, the terminology you use is important.

There are certain extra rules that owners of dogs that are on the restricted list need to adhere to that we've listed here.

Note: No matter the breed all dogs need to be under "effectual control" as per the Animal Health and Welfare Act 2013. While the precise definition isn't in the law, it can be argued that this means that the owner is able to easily control the dog, that it will return when called, and not allowed to roam unsupervised.

Rules for restricted breeds in Ireland

This law is the The Control of Dogs Regulations 1998 (S.I. No. 442 of 1998). The rules state (but we encourage all dog owners to read the statute themselves):

- o These dogs listed need to be muzzled in public.
- o These dogs listed must be on a short, less than 2 meters (6.5 feet), lead. The leash must be 'sufficiently strong' or it needs to be a chain.
- o Dogs must wear a collar at all times with the owner's information on it. This information should include owners name & address.
- o These dogs can only be led by people over the age of 16

o Certain exemptions exists. See the exemptions list below.
German shepherd in a muzzle lying on the grass

Restricted dog breeds in Ireland

1. American Pit Bull Terrier
2. English Bull Terrier
3. Staffordshire Bull Terrier
4. Bull Mastiff
5. Dobermann Pinscher
6. Rottweiler
7. German Shepherd (Alsatian)
8. Rhodesian Ridgeback
9. Japanese Akita
10. Japanese Tosa

11. Ban dog – a so called “ban-dog” is a cross or mixture of any of the above breeds mentioned or any strain of the above dogs listed.

Breeds under consideration of being restricted

As of December 2022, the Presa Canario breed is now under consideration be being added to this list.

Note: If your dog’s breed is on this list, or if they are a mix with one of these breeds mentioned, they are considered to be on the restricted list.

Are Pitbulls banned / restricted?

Often, we get asked about Pitbull breeds, and if they are banned / restricted. The confusion comes from the fact that Pitbulls are not one particular breed, but generally refer to one of the following 5 breeds, we have marked it below if they are on the official restricted list.

ID	Breed	Restricted
1	American Bully / Pocket Bully	Yes
2	American Pit Bull Terrier	Yes
3	American Staffordshire Terrier	Yes
4	Staffordshire Bull Terrier	Yes
5	American Bulldog	No

“Pitbull” type dogs list

Note: if your dog has any aggression or snapping issues, and it's not on the restricted list, it's still a good idea to keep it on a tight leash and muzzled.

Are American Bullies / Pocket Bullies banned / restricted?

A Pocket Bully or American Bully is a hybrid dog that is bred from an American Pit Bull Terrier and a Patterdale Terrier. As the American Pit Bull Terrier is on the restricted dogs list, and a Pocket Bully is a mix of this breed, it in turn, it would be classed as a "Ban Dog" and would be in-turn on the restricted list.

Other banned dogs

Around the country, local housing authorities or private apartments buildings may ban or limit certain dogs being kept. Some apartments limit dogs based on weight, or number of dogs per property. Similar rules and guidelines may exist for breeding dogs in council housing or other properties. Before getting a dog, double check your lease agreement to make sure your landlord allows one, it can save a lot of hassle and heartache down the road.

In 2007 Dublin City council banned the following breeds:

1. American Pit Bull Terrier
2. Bull Mastiff
3. Doberman Pinscher
4. English Bull Terrier
5. German Shepherd (Alsatian)
6. Japanese Akita
7. Japanese Tosa
8. Rhodesian Ridgeback
9. Rottweiler
10. Staffordshire Bull Terrier

Source <https://councilmeetings.dublincity.ie/mgConvert2PDF.aspx?ID=23736>

These dogs are not allowed to be kept on the property or even enter the housing estate.

Similar breeds like American Akitas, while are not on the list, are also likely to be restricted. American Akitas are larger than their Japanese counterparts, and hence are likely to fall into the category. Some breeds have similar names, like the Japanese Akita can also be called an Akita Inu and would most likely still fall in the restricted category. When in doubt you can ask at your local Garda station about your breed or your vet for guidance.

Exceptions & exemptions to this act

Some exceptions exist to The Control of Dogs Regulations and are outlined in the law. Most of these exceptions pertain to law enforcement, border protection or other essential services. The exceptions to these rules include:

- o Dogs kept by Garda Síochána / the Defence Forces,
- o Dogs kept by the Dublin Port / Docks Board Harbour Police / any Airport
- o Police / Fire Service at a State Airport.
- o Dogs kept by the Central Fisheries Board or a Regional Fisheries Board,

	<p>o Dogs kept by the Customs and Excise service of the Revenue Commissioners, o Dogs properly used in the search and rescue of a missing person. Updated on July 22, 2023</p> <p>CAPE TOWN ANIMAL KEEPING BYLAW 2021 LINK.... https://resource.capetown.gov.za/documentcentre/Documents/Bylaw%20and%20policies/keeping%20of%20Animals%20and%20Poultry%20for%20the%20City%20of%20Cape%20Town%20-%20approved%2028%20September%202005.pdf</p>
<p>(Jacques Wilkinson – Comments re M Bourne)</p>	<p>See comments under Hermanus RPA regarding dangerous dog breeds. The comments on signage are supported. Whether it will serve as an effective deterrent, is a different matter. A law is only as effective as its enforcement. But effective enforcement is often determined by personnel and budgetary constraints. The new By-law will require a new AOG list to be approved by the head magistrate of each district. This aspect will be considered at that stage. Although the comments on “ineffectual control” are noted, this is nearly impossible to enforce. How can a Law Enforcement Officer determine the compliance or non-compliance of a leash next to the road. Similarly, what about crossbreeds, eg. a pitbull x retriever cross with he build of a pitbull but the temperament of a retriever? “Off-leash” areas remain problematic and the comments in this regard are generally supported. In particular the comments regarding variable times and dates will only lead to confusion and will make enforcement more difficult. There is a clear link between “dangerous breeds” and dog fighting. Again, if the provisions of the By-law are strictly adhered to, and if a prohibition on dog fighting is included, I see no reason why a restriction should be placed on certain dog breeds.</p>
<p>(André Olivier – Comments re M Bourne)</p>	<ol style="list-style-type: none"> 1. Breaking of the law including the by-laws – endemic in SA and in the OM. This is indeed an unfortunate fact. Law Enforcement has it hands full on a daily basis. 2. Capacity of LE indeed an issue that will never be able to be addressed due to financial constraints. As to negligent and incompetent staff – to generalise is always easy, so he should be specific and will it be addressed. 3. Prosecutions – well that is the nature of our judicial system in Court where an accused is innocent until proven guilty by the State beyond a reasonable doubt – a very high probative threshold to overcome by the state, Mr Bourne should be relieved that to get a conviction is difficult because it protects him too from a veritable “police state” where going through the motions in Court is a mere formality and that a conviction is guaranteed. If a perpetrator is found guilty sentences are in the hands of the Magistrate/Judge. 4. Dangerous breeds of dogs – addressed elsewhere above.

<p>5. Signage – visible signage is used but they mean nothing to those lawless and contemptuous people who do not care.</p> <p>6. Policing and Law Enforcement – capacity always an issue due to budgetary constraints.</p> <p>7. Sanctions – fines should be addressed – valid point, but it is not a simple issue to address.</p> <p>8. Ineffectual control – currently not addressed in the by-law. Should it be considered?</p> <p>9. Non- or Off-lead locations – I agree with the sentiments expressed. Civil claims against owners can ruin them financially. If the municipality condones this by allowing dogs off-lead on beaches and a dog injures or disfigures a Plaintiff the Municipality's liability will without a doubt by 100% - various court cases support this argument. On the other hand, if we do not allow it and owner's off-leash dogs injures et al a Plaintiff the Municipality may escape liability, depending on the circumstances.</p>	<p>OVERSTRAND BY-LAW RELATING TO THE KEEPING OF DOGS AND CATS (Submission by 4th September 2023)</p> <p>I understand your portfolio includes:</p> <ul style="list-style-type: none"> • Legal services, whose main function is to render administrative and legal support to council as well as the corporate structure, as well as drafting by-laws. <p>Please see the following comments regarding the Draft Bylaw. Please acknowledge receipt of this correspondence to patred@iafrica.com and respond accordingly. Chapter 2</p> <p>3. (1) Every person who owns or keeps a dog shall register such dog with the Council [and shall pay to the Council an annual tax as determined in terms of a resolution by Council]</p> <p>Comment:</p> <ul style="list-style-type: none"> • It may be more useful for the authorities to issue a licence disc when accepting annual tax. The disc can then be immediately recognised by the enforcement authority and the relevant fine or notice issued associated with that specific dog. Perhaps colour coded for the year period? Red 2023/ Green 2024 etc. • A collar should be mandatory for all dogs, to enable the attached of the licence disc? This may assist in capturing and identifying the dog should it be lost. <p>Prohibited behaviour in respect of dogs</p> <p>7. No person may- (5) as the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale permit any dog to be or remain in or on such shop or place.</p>
<p>Pat Redford – Permanent resident/property owner 25 years 3 Poole Street, Kwaaiwater, Hermanus</p>	

Comment:

- A number of top ranks, popular and well attended restaurants in the Overstrand are 'dog friendly'.
- These owners of the restaurants and food outlets are happy that dog owners bring dogs along, with specific provisors indicated at the entrance and on their social media platforms, adds, etc, (obviously under control, with collar and leash, etc). The above clause does not appear to facilitate this popular practice and appears to reject the concept.
- This is extremely unfortunate as many outdoor restaurants are visited by dog lovers, many of them the elderly, who relish the opportunity to eat outdoors whilst on an outing with their loyal dog companions. Many dog lovers take a walk with their dogs and on the way, choose to stop for a snack and refreshment, a short rest, and then continue their walk home.
- This is evidenced at Onrus River (Milk), Hermanus seafront (Village Square) , Grotto Beach(Dutchies), numerous in Bettys' Bay, Pringle Bay, Rooi Els, Kleinmond, Gansbaai and other areas where restaurants and food vendors are happy to include these patrons. These restaurants are extremely popular and would be disadvantaged if they had to refuse well trained dogs on leash.

Proposal: Allow for a 'permit' structure to be put in place for restaurants to follow guidelines/protocols to allow dogs on their premises. Many tourist groups promote "Dog Friendly" as a criteria and it is favoured by thousands. In France and several other countries, this practice has been ongoing for almost a century.

Duties or poundmaster

[12.J13. A poundmaster must-

(a) keep the pound open between 08:00 and 16:30 from Monday to Friday and Saturday between 08:00 and 12:00 unless any such day is a public holiday;

Comment:

Judging by the number of dogs reported lost by visitors on a weekend, it seems relevant that an **emergency contact number** should be made public, to enable owners to make contact with the 'pound manager' (I understood the pound was closed a while ago) at the designated 'pound' facility (presumably now HAWS/KAWS?) What happens on Sundays? What would you do if your dog is lost and you need to return to Cape Town? Enabling/assisting needs to be part of the approach, not just prosecution. Currently, Law Enforcement is the only number promoted and this is irrelevant after hours/weekends.



Duties or poundmaster

[12.J13. A poundmaster must-

(d) ensure that the pound and all equipment used in connection with impounded dogs or cats are at all times kept in a clean condition and free from flies and other vermin;

<p>(e) ensure that every dog or cat in the pound is properly fed and cared for;</p> <p>(f) isolate any female dog or cat on heat;</p> <p>(g) take all reasonable steps to prevent fighting amongst dogs or cats in the pound;</p> <p>(h) isolate any diseased dog or cat from the healthy dogs or cats, have such dog or cat attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known;</p> <p>Comment:</p> <ul style="list-style-type: none"> • Oversight of some sort should be included in the bylaw as a precaution. This could be delegated to NSPCA or similar body. This comment is not to suggest that HAWS or KAWS is in anyway negligent in their practices. However, should the delegated 'pound master' or designated pound facility in any area of the Overstrand, become problematic in terms of wellbeing of the animals, it will need to be addressed and proper oversight should be encouraged, nonetheless. • The bylaw does not address oversight or which organisation would be delegated this responsibility. <p>Comment: 'Out of towners'</p> <ul style="list-style-type: none"> • Day visitors, weekenders and holiday makers from out of town seem to be the main culprits when it comes to dog poop on common areas like the Cliff Path. • A proper well-co-ordinated ongoing awareness campaign targeting travelers to the Overstrand, Accommodation sites, tourism offices, property letting agents, property cleaning agents is required. • The bylaw does not really address this. This is surely a Municipal responsibility? • Successful campaigning and enforcement regarding refuse and securing of bins was the result of significant campaigning (much of it by volunteers within the community!!) and this can be applied similarly by OM in this instance. Awareness is everything, as I have reinforced for the last 5 years! 	<p>Comments regarding a licence disc is meaningful should registration and payment of an annual tax be required/enforced.</p> <p>Comments regarding dog-friendly restaurants are noted and must be discussed.</p> <p>Comments regarding pound and pound master are noted and must be discussed.</p> <p>Regarding "out of towners": ignorance of the law is no excuse.</p> <p>Comments on the by-law will be considered – I am not going to comment on her comments now, but I would suggest we discuss same in a meeting.</p> <p>I would like to comment on the draft by law.</p>
<p>(Jacques Wilkinson – Comments re P Redford)</p>	<p>(André Olivier – Comments re P Redford)</p>
<p>Cynthia</p>	<p></p>

Notice Number: 119/2023

082 574 0046	<p>3 cats and 2 dogs are too many pets to be kept on one town property. Only 2 pets per property should be allowed for permanent residents.</p> <p>We have neighbours with 3 cats and 3 dogs which are a constant problem.</p> <p>Cats do not remain on their property but are mostly in the streets or on other properties to eat dogs' food and drink dogs water. They also cause our dog to bark in the middle of night and then we need to look why the dog is barking. The cats also cause other people's house alarms to trigger at night.</p>
(Jacques Wilkinson – Comments re Cynthia)	<p>Comments regarding the number of pets in total allowed are noted.</p>
(André Olivier – Comments re Cynthia)	<p>Her comments are noted.</p>
Neeltjie du Plessis	<p>Herewith my comments on the draft By-Law relating to the Keeping of Dogs and Cats as published in the Municipal website:</p> <ol style="list-style-type: none"> 1. Please add the compulsory sterilization of male animals not licensed to a breeder. Currently the By-Law only mentions compulsory sterilization of female animals. Unsterilized male animals can become aggressive and difficult to control when they are not socialized or trained well. 2. Number of dogs allowed to one household: Consider distinguishing between small/medium/large dogs in the numbers allowed. Small: 4; Medium: 3 and Large: 2. I don't think you can compare miniature Yorkshire terriers with St Bernards when setting the number allowed to one erf. 3. It is a legal requirement to vaccinate cats and dogs against a range of contagious and non-contagious conditions. Please include in the By-Law that pet owners should be able to produce records of vaccination of their animals on request to an inspector. This is especially important if people want to take their dogs into the public to walk on or off leash. Visitors should also be made aware that their pets' vaccination records must accompany them to be produced if required. 4. Require owners to register their pets on an electronic database such as Identipet and to keep their details updated. This will enable the pound master/vet to quickly identify and trace owners of strays.
(Jacques Wilkinson – Comments re N du Plessis)	<p>See comments under Hermanus RPA regarding sterilization.</p> <p>See comments under L Smook regarding number of dogs vs breed and size of erf.</p> <p>Comments regarding vaccination of pets are supported.</p> <p>Registering of pets on electronic platforms may be problematic due to cost implications for certain owners.</p>
Lydia Marks	<p>I think you are spot-on with this law   It's reasonable & needs implementing 100%.</p>

	However, may I ask how you intend to enforce this by-law?
(Jacques Wilkinson – Comments re L Marks)	Noted
(André Olivier – Comments re L Marks)	Appreciate her positive feedback. As to enforcement? Per usual by Law Enforcement.
Linda Stewart	<p>In the Hermanus Times dated 2 August 2023, I note a draft amendment to the standard by laws relating to the keeping of dogs and cats, 2013.</p> <p>I have been unable to find this proposed amendment on your official website, only the current laws.</p> <p>The current regulations prohibit the keeping of unsterilized female dogs over the age of six months. I would hope that the same is being proposed for male dogs over six months. There are a large amount of puppies being born in our area and would it not be prudent to have all dogs, male and female over the age of six months, sterilized for a period of time, in order to bring the puppy breeding under control. There are too many dogs roaming the streets, unvaccinated and hungry and it is surely the time to take a hard stance on this, for the sake of the dogs. The male dogs that are not sterilized tend to become aggressive and end up chained in appalling conditions.</p> <p>I would very much appreciate a copy of the proposed amendments and wonder if you could comment on the above suggestions.</p>
(Jacques Wilkinson – Comments re L Stewart)	See comments under Hermanus RPA regarding sterilization.
(André Olivier – Comments re L Stewart)	Her comments are noted and will be discussed.
Trudi Schmidt 072 265 6178	<p>I would hereby like to comment on the restriction of 2 dogs per residence.</p> <p>I personally own 3 dogs and know of a couple of other residents who also owns 3 dogs.</p> <p>My dogs are all adopted from an animal welfare shelter; thus, they have all been neutered and received all their injections.</p> <p>They are loved and well taken care of. They do not run rampant in the streets and cause chaos. They have a fenced yard to run and play and be protected.</p> <p>They are 3 less dogs sitting in an animal welfare kennel in dire need of a warm bed, food and love.</p> <p>Almost on a daily basis we see animal welfare shelters seeking assistance for food, blankets or monetary assistance for abused animals who urgently needs special care.</p> <p>I love my dogs. They are my furbabies. To impose a fee or penalty on me, because I am actually assisting animal welfare with 3 dogs which they do not have to feed, or shelter would be a travesty.</p>

	<p>Therefore I would like to request that this by-law be amended.</p>
(Jacques Wilkinson – Comments re T Schmidt)	<p>The By-law makes provision for keeping more than two dogs, but it should not be the norm.</p>
(André Olivier – Comments re T Schmidt)	<p>Her comments are noted. More than 2 dogs may be kept on application and if approved.</p>
Pieter Hayes	<p>It is unwise to impose further rules and regulations on people that are already complying with all existing bylaws while others are left to contravene them. Th DA has completely lost the plot by trying to overregulate. All that will happen is that some people that can be extorted for money will be targeted to comply with laws such as registering and animal and having an female dog spayed while others will be left to do as they want. Nothing is mentioned about cats that are roaming around outside property boundaries. There are MUCH greater issues in the Overberg that regulating dogs and cats yet here I am wasting my time to write an email.</p>
(Jacques Wilkinson – Comments re P Hayes)	<p>Roaming cats is a general problem, but that is the nature of cats. No amount of "regulation" will cure this.</p>
(André Olivier – Comments re P Hayes)	<p>Unfortunate statements and allegations obviously born of ignorance. Its better to overregulate in my opinion. The use of the word "extorted" is in fact defamatory.</p>
Ronel Holloway	<p>All dogs should be on leashes. I have two dogs and my closes family members have the same. We walk our dogs daily and they are always on leashes. Please note that we are animal lovers.</p>
(Jacques Wilkinson – Comments re R Holloway)	<p>See comments under Hermanus RPA and M Bourne regarding "off-leash zones".</p>
(André Olivier – Comments re R Holloway)	<p>Nothing wrong with her opinion and suggestion.</p>
Noel McClune	<p>Dear sir - as an avid walker in the Fernkloof nature reserve, the cliff path and on the beach, I more often than not encounter people walking their dogs off-leash in contravention of the current bylaw. There are multiple signs in these areas informing people of the requirement that dogs must be kept on the leash, but these are blissfully ignored. We used to enjoy taking our dogs to the beach (on their leashes of course) but we had to stop long ago due to the number of aggressive dogs off-leash with the last straw being a dog attack which resulted in my wife having her fingers damaged. I can assure you that no amount of signage will stop people from letting their dogs of the leash anywhere they please. Take a walk in any of the areas I mentioned above</p>

	<p>and see for yourself. How do you intend enforcing this proposed bylaw amendment as people will ignore your new signage as much as they ignore the current signage?? The municipality can make as many bylaws as it wants but unless there is significant enforcement they will be ignored.</p>
<p>(Jacques Wilkinson – Comments re N McClune)</p>	<p>See comments under Hermanus RPA and M Bourne regarding “off-leash zones” and enforcement.</p>
<p>(André Olivier – Comments re N McClune)</p>	<p>Valid points raised. Enforcement in the usual way. If he can suggest ways of ensuring that all people comply with the laws at all times, he should publish them. Likewise, if he can suggest ways and means of paying for an unlimited number of law enforcement officers we will eagerly entertain him.</p>
<p>Dr A Odendaal</p>	<p>The media release on this issue states: “The basic framework for the amendments to the dog-zoning proposal was established in late 2019 and facilitated by Nature’s Valley Trust. It was further discussed at the Community Services Portfolio Committee and the Mayoral Committee meeting.” Members of Bird Life Overberg have been collaborating with the Nature’s Valley Trust for many years and have also attended the meeting in late 2019 referred to above. It should be pointed out that the purpose of the dog-zoning on beaches discussed at this meeting was about the protection of the nests, eggs and chicks of African Black Oystercatchers and White-fronted Plovers breeding along our beaches.</p> <p>The dog-zoning proposed had been implemented very effectively by the Nature’s Valley Trust (NVT) at several beaches along the Garden Route and had shown a marked increase in the breeding success rates of these beach breeding birds. The zoning implemented did however not only focus on off-leash dog zones as interpreted by ourselves, but rather focused on three zones:</p> <ol style="list-style-type: none"> 1. Zones where dogs are allowed to run freely off-leash. 2. Zones where dogs have to be on leashes at all times and 3. Zones where dogs are not allowed at all. (This would be where the mentioned species are breeding). <p>Refer to slides a and b attached herewith.</p> <p>It stands to reason that decisions regarding such zoning should be based on extensive research on where these birds breed. Members of Bird Life Overberg and many volunteers have been protecting such breeding sites along several beaches and rocky shores along the Overstrand coastline over the last four summers with the guidance and support of the NVT. Nest warning signs similar to those developed by the NVT were put up at identified breeding sites. Refer to slide c attached herewith. The polls used to erect the signs were in fact donated by the Overstrand Municipality. An extensive database on where these birds breed most often can therefore be developed and we respectfully submit that this information needs to play a critical role in the zoning of beaches in the Overstrand.</p>

Against this background and keeping in mind that the zoning should be much more than demarcating off-leash dog zones it is now commented on the individual points described in chapter 8 of the draft bylaw. (Comments in red).

8. OFF LEASH ZONES FOR DOGS

- 8.1 The Council may demarcate areas in its jurisdiction as off-leash zones for the walking of dogs. (No problem if the zoning principles described above are included: Bird Life Overberg can assist with the data).
- 8.2 The mentioned zones in 8.1 can be demarcated areas on beaches and purpose build dog park(s).
- 8.3 Introducing pilot project as a precursor for the demarcation of leash free zones for dogs. (The information at our disposal should be used in the planning of such a pilot project).
- 8.4 For the duration of a pilot project referred to in the corresponding zoned area will be deemed a leash free zone for dogs. (See above).
- 8.5 Introduce a Policy to provide for a list of demarcated zones or any addition thereto or removal therefrom. (No problem if the pilot project is developed meaningfully with scientific data).
- 8.6 Provide for set time and dates during which dogs may be walked without a leash in a leash free zone. (The breeding seasons of the two mentioned species should play a pivotal role in making such decisions).
- 8.7 Identify by means of notice board the parameter wherein the dogs may be walked without a leash free zone. (This should be based on the notice boards already successfully developed by the NVT).
- 8.8 Dogs must be accompanied by the owner/carer in an off-leash zone in order to also exercise control over their respective dog(s) if necessary. (No problem).
- 8.9 No person will be allowed to walk, dog(s) in the zone without carrying plastic/paper bags/wrappers to able to remove excrement of their dog(s) from the zone. (No problem).
- 8.10 Dog owners/carers must bring along their own water and bowl for usage by their dog(s). (No problem).
- 8.11 The necessary notice boards must be placed at the entrances to the zones on beaches and dog park(s) that indicate the requirements to make use of the leash free zones. (No problem).
- 8.12 The Council will provide a policy for identification of the off-leash dog(s) zones on beaches and parks and related management aspects. (Refer to the comment made in 8.1)

There is only one comment to be made in the rest of the bylaw not forming part of the descriptions of dog-free zones:

Prohibited behaviour in respect of dogs 7. No person may- (1) Without reasonable grounds, (a) incite a dog against a person, animal or bird; or (b) allow a dog in his or her custody or under his or her control to attack or put fear into any person, animal or bird. (This needs to be discussed in depth: The mere presence of a dog can cause the two mentioned bird species to leave, or even abandon their nests. Dogs do not have to be incited to cause problems for the birds at their nests).

<p>(Jacques Wilkinson – Comments re A Odendaal)</p>	<p>Comments are supported. See further comments under Hermanus RPA and M Bourne regarding "off-leash zones".</p>
<p>(André Olivier – Comments re A Odendaal)</p>	<p>Lucid comments that should be considered.</p>
<p>Louise Makepeace</p>	<p>It is perhaps unclear to the lay person whether the current Bylaw and drafted Bylaw includes/will include dogs and cats on common areas within community schemes. The definition of "public place" does not make this properly clear. The definition is unchanged from the existing Bylaw to the draft Bylaw. And, specifically therefore, does Law Enforcement have any jurisdiction in this regard over the commonage areas in housing estates? It seems that any Body Corporate or Home Owners Association's rules in a community scheme cannot override those of the laws of the country or municipal bylaws. Confusing?!</p>
<p>(Jacques Wilkinson – Comments re L Makepeace)</p>	<p>In short, common areas in community schemes remain private areas and not "public places", as confirmed in case law.</p>
<p>(André Olivier – Comments re L Makepeace)</p>	<p>In Community Schemes such as Sectional Title Developments and Full Title Gated Estates it is the Body Corporate and the HOA's responsibility to enforce the rules and constitutions with regard to "common areas"/ "common property". Municipal "public places" cannot be equated with "common areas" or "common property" within such developments as the latter are "private" = the SCA has confirmed this in the Mount Edgecombe case. All the streets are also private. Law Enforcement has no jurisdiction with said developments.</p>
<p>Tierck Hoekstra</p>	<p>I like to support the comment made by Dr Anton Odendaal from Birdlife Overberg.</p>
<p>(Jacques Wilkinson – Comments re T Hoekstra)</p>	<p>Noted</p>
<p>(André Olivier – Comments re T Hoekstra)</p>	<p>Comments noted</p>
<p>Jill Wheeler</p>	<p>I would like to register my objection to this bylaw and support Dr Anton's comments in the attachment contained in this email.</p>
<p>(Jacques Wilkinson – Comments re J Wheeler)</p>	<p>Noted</p>

<p>Ingrid Jones</p>	<p>Please see attached the comment from Dr Anton Odendal. I fully support his comments and would just like to add the following:</p> <p>It is disturbing to see how humans with dogs have no knowledge or care regarding our wildlife and particularly birds.</p> <p>I have seen at Sandbaai beach how dog owners let their dogs run off leash freely and cause absolute havoc to breeding birds, running over nests and chasing chicks, etc.</p> <p>We also have children from the township walking with their dogs through Sandbaai and it seems as if they are purposefully bringing their dogs along to hunt for wildlife birds. I have also witnessed these children attacking the birds with sticks and stones and we have many injured birds limping around in our area. I am not sure what the solution is, but education should be done at the schools for one, and more on social media when it is nesting season to make the public more aware of the situation.</p> <p>I think a demarcated, fenced, park could be a solution. I have seen one in Milnerton, Cape Town and many dog owners make use of it.</p>
<p>(Jacques Wilkinson – Comments re I Jones)</p>	<p>Noted</p>
<p>Jeanette Hoekstra</p>	<p>I fully support Mr Anton Odendal's comments on this regard.</p> <p>I just need to add that I feel all these laws, rules and regulations will not help if there is no members of Law Enforcement active in the areas on a regularly basis where it is prohibited for dogs to be off leash and then hand out fines to people ignoring these rules. We go for a walk with our dog on a leash every day in Sandbaai on the coastal path and most people just ignore the sign board.</p>
<p>(Jacques Wilkinson – Comments re J Hoekstra)</p>	<p>Noted</p>
<p>Pierre du Toit</p>	<p>I am writing to put on record that I endorse the comments made by Dr. Anton Odendal (see attached) with regard to the proposed by-law on the control of dogs in public spaces.</p>
<p>(Jacques Wilkinson – Comments re P du Toit)</p>	<p>Noted</p>
<p>Belinda Malan</p>	<p>A visit to a dog park and or off leash areas can benefit both human and pet. If you enjoy fresh air, exercise, meeting people, and watching dogs at play - consider making it a happen.</p> <p>There are several benefits a dog park has to offer as far as pets are concerned. It gives it an opportunity to be free of a leash, an opportunity to be able to roam in a large area instead of being confined to a small fenced-</p>

	<p>in area or enclosure and it also gives it an opportunity to socialize with other dogs, and with other people as well.</p> <p>Removing the leash from the equation allows the dog to explore the world more naturally, without leash corrections or restraints.</p> <p>This freedom can be particularly beneficial when visiting a new location which has lots of unique smells and stimuli. Dogs are able to explore the environment at their own speed.</p> <p>Running off-leash allows a dog to expend excess energy and helps to provide them with the physical exercise they require to maintain their optimum weight and cardiovascular health.</p> <p>These activities can also take place in public around a variety of distractions, such as humans and other dogs.</p> <p>This helps to reinforce your dog's off-leash training. The off-leash training process itself encourages your dog to think, offering important mental stimulation.</p>
<p>(Jacques Wilkinson – Comments re B Malan)</p>	<p>See comments under Hermanus RPA and M Bourne regarding “off-leash zones”.</p>
<p>(André Olivier – Comments re B Malan)</p>	<p>Comments noted</p>
<p>PA & SE Doble 23 Mossie Avenue Hermanus</p>	<p>Animal By-law Proposal:</p> <p>This is a fundamentally flawed piece of proposed legislation. It is highly discriminatory, irrelevant, unworkable and unenforceable. While aimed at unscrupulous owners, the negative impact will totally reflect on responsible owners.</p> <p>OM should take a direct positive responsibility while concentrating its efforts on priority issues. It is already failing in its primary duties, such as public safety, road safety, planning, housing, homelessness while inciting detrimental tourism and environmental policies.</p> <p>Law Enforcement officials are already stretched beyond capacity and are inevitably taking the easiest routes to achieve quotas and fines income.</p> <p>This law will overly increase the pressure on the animal welfare and rescue services which are funded through donations.</p> <p>In essence these proposals constitute:</p> <ul style="list-style-type: none"> Abuse of human freedoms and animal rights; Stealth tax – undisguised fund raising exercise; It will lead to destruction of un-owned and unaffordable pets; Creates a restrained atmosphere of non-socialised animals; Key offenders will be visitors to the area who already ruin the ambiance for resident ratepayers.

	<p>Alternatives: Dogs require large open exercise areas; Caged property defenders merely increases the level of barking; Start with compulsory tagging and registration through identity chips; Providing more locations for disposal bags and specific dumping bins.</p>
<p>(Jacques Wilkinson – Comments re PA & SE Doble) (André Olivier – Comments re PA & SE Doble)</p>	<p>Nothing of value.</p> <p>Unfortunate that they chose to make wild and unsubstantiated statements. The only correct and sensible statements is that Law Enforcement officials are stretched beyond capacity, but that they are ostensibly taking the easiest route is also unsubstantiated nonsense – it's easy to generalise because then you don't have to provide evidence.</p> <p>"In Essence":</p> <ol style="list-style-type: none"> 1. How are these freedoms abused? Furnish examples – and not just 1 or 2. 2. The by-law is not a stealth tax but is a tariff – open for discussion, etc. Case in point the opportunity for comments et al. 3. What is meant by "restrained atmosphere of non-socialised animals"? Seems like fanciful linguistic gymnastics? 4. Key offenders – (only) visitors? Unsubstantiated conjecture. <p>Alternatives:</p> <ol style="list-style-type: none"> 1. Large open spaces. Where in the OM? 2. Having dogs inside a property does not equate to them being "caged" – wild and unfortunate statement. 3. Identity chips? Is it financially viable for every dog owner? Costs involved?

<p>WARD 4 (Mount Pleasant, portion of Westcliff, Hemel-en-Aarde Valley) Cllr R Nott</p>	
<p>Representative</p>	<p>Comment NONE RECEIVED</p>

<p>WARD 5-6 & 12 (Zwellhle) Cllr B Nombula, Cllr V Bandoza, Cllr M Sifisahlia</p>	
<p>Representative</p>	<p>Comment NONE RECEIVED</p>

WARD 7 (Sandbaai, Hemel-en-Aarde Estate)	
Representative	Cllr. H Lombard
Comment	Comment
<p>Don Kearney 18 Sandpiper Street Hemel & Aarde Estate Hermanus 084 616 1319</p>	<p>Congratulations on the meaningful amendments that are proposed in respect of the current By-law. In particular, the scrapping of the dog license fee is welcomed as it is an emotional issue and too costly to apply. I wish to recommend that section 9(1) relating to the number of cats that may be kept by any person be reduced to two, similar to the number of dogs. The reason being that cats seldom stay on their owner's property and wander off elsewhere. So, there is an absence of control over them. Furthermore, every cat will more than likely hunt and kill birds even though they are not hungry. This has a devastating effect on our natural bird life as a number of bird species not only nest on the ground but have to raise their chicks for many weeks before they are able to fly. They become easy prey for cats. There is no reason why people should keep more cats than dogs. The argument could be made that people should be allowed to keep three dogs, but that too, is undesirable as the size of properties are shrinking and it becomes unfair for animals to be kept in such confined spaces.</p>
<p>(Jacques Wilkinson – Comments re D Kearney)</p>	<p>See comments regarding “cats” under P Hayes. The maximum number of cats which may be kept, should be discussed. Other than that, the further comments are noted.</p>
<p>(André Olivier – Comments re D Kearney)</p>	<p>Comments welcomed, but how do you control a cat?</p>
<p>James & Diana Robertson</p>	<p>As residents at 25 Mossie Lane, Hermanus (Erf4603), we feel it necessary to object regarding the number of dogs kept on a property and the licensing tax. We find it highly prejudiced that as rate paying residents we will be forced to pay additional taxes for owning dogs, the fact that there are increasing numbers of homeless people who sleep, litter & defecate in public areas all over Hermanus. The other matter of limiting numbers of dogs on a property will also seriously impact Animal Welfare- many residents adopt stray, uncared for dogs & cats (HAWS being one welfare society). These welfare societies go to great effort to ensure the homes adopting the strays are suitable and that they will be well cared for and homed in enclosed gardens. We completely agree with laws on sterilisation and on banning breeds that people use for dog fighting. We urge the Municipality to reconsider this draft.</p>
<p>(Jacques Wilkinson – Comments re J&D Robertson)</p>	<p>See comments under Hermanus RPA and P Redford regarding “licensing”.</p>
<p>(André Olivier – Comments re J&D Robertson)</p>	<p>Dogs will not have to be licensed. Other comments noted.</p>

<p>WARD 8 (Fisherhaven and Hawston) Representative</p>	<p align="center">Clr A. Africa</p> <p>Comment NONE RECEIVED</p>
<p>WARD 9 (Kleinmond, Mountain View, Palmiet, Beverley Hills, Ext 6) Representative</p>	<p align="center">Clr G. Cohen</p> <p>Comment NONE RECEIVED</p>
<p>WARD 10 (Pringle Bay, Proteadorp, Overhills, Rooi-Els, Mooi-Uitsig, Betty's Bay) Representative Andreas Claassens Erf 179 Blenna Street, Rooi Els 064 5488 907</p>	<p align="center">Clr T. Els</p> <p>Comment "Some of the improvements entail that dog owners can allow their dogs to be off leash in specifically demarcated spaces in the Overstrand Municipal area" (Dean O'Neill) I tried to find the specific clause referred to above that may allow dogs off lead in demarcated areas, but unfortunately, I did not find it. My main comments are to support, implore for, ask, plead for demarcated areas wherein dogs are allowed to be off-lead.</p> <p>The lack of freedom for dogs to socialise, play and develop has consequences, while dog friendly spaces offer benefits:</p> <ol style="list-style-type: none"> 1. Negative effects on the quality of life of Humans and Canines. Both humans can canines are social animals and need social interaction for happiness and wellness. 2. Without free play, walking dogs on lead are more stressful, as the dogs do not know each other and tend to be more aggressive/protective, unless well trained, which many dogs are not, in part due to Covid. 3. Lack of consensus, loss of quality of life, increase in conflicts follows densification/development in boom times. Frustrated dogs and owners do not help to decrease conflict nor to build community consensus. <p>Benefits for demarcated free play areas</p> <ol style="list-style-type: none"> 1. Various towns and cities have areas where dogs are allowed off-lead. I have visited many, quite regularly De Waal Park in Cape Town, and it works really well. Often, a less well socialised/aggressive dog would simply wear a muzzle that allows it to play, socialise and transform socially while not presenting a danger. 2. Demarcated area for dogs to free play may also be used for training. An example is De Waal Park that has such an offering. 3. Dog walker/carers use dog friendly parks for the quality-of-life improvement if offers dogs in their care. 4. In my experience, over time people meet, socialise and meander together with their dogs. This amounts to a thread in the social fabric of community wellness. <p>I implore OM to provide us with demarcated free play zones for dogs.</p> <p>De Waal Park Model:</p>

	<p>1. Fenced and gated</p> <ol style="list-style-type: none"> 2. Has various fairly broad pathways, trees, grass, lots of space 3. Dog friendly water point 4. Cool off pool (fountain pond) popular in summer 5. Poop disposal containers 6. Plastic bags like Spar used (community members keep it stocked) 7. A De Waal Park fund number where one can donate to sustain the park 8. An old time band stand that is occasionally used for live shows, or coffee service area 9. Picnic tables and seating where humans chat while dogs play <p>Another possibility at local level for neighbourhoods, some routes or low traffic roads (between Rooi Els and Pringle Bay) and parts of beaches, is to allocate certain days and time slots that residents may walk their dogs off-lead. A dedicated community whatsapp group can support the arrangement.</p> <p>In terms of comment on Chapter 2-3: Generally, seems like good ideas and principles. Similar to what worked in Portugal to decrease strays. I am concerned – respectfully – that it will be easy to implement in some areas and very difficult in others. However, to effectively decrease the amount of stray animals, the envisaged new Bylaws will have to be implemented across the board. In terms of fairness, area reports of fines delivered should be made available regularly.</p>
<p>(Jacques Wilkinson – Comments re A Claassens)</p>	<p>See comments under Hermanus RPA and P Redford regarding "licensing".</p>
<p>(André Olivier – Comments re A Claassens)</p>	<p>Comments noted.</p>
<p>Gerda & Guy Pringle Bay mama.africa@online.be</p>	<p>Leave the dogs out of the Conservancy as much as possible. Give the dogs a separate spot, but not on prime location where conservation is the issue.</p> <p>We herewith would like to express our concern about the dog situation in Pringle Bay. It is a fact that there are far too many dogs in Pringle Bay. Its obvious that there is an over population. The dog owners are supporting each other by keeping it as their beloved asset which makes PRB, the "dogville" of the Western Cape.</p> <p>Word spreads – let your dog dance on the beach – in Pringle Bay you can be free; nobody will harass you because only "fools follow the rules". This is a reality for six years living in Pringle Bay.</p> <p>Conservation territory, everybody has the word Conservancy in the mouth. This is the buffer zone, transition zone of the famous Kogelberg Biosphere. Pristine beach? – No, overhaul presence of dogs and the mentality of their dog owner. It's a dog meadow, people come here to let their dog- or rather dogs out, to train them, to entertain, and let them do their think; it look more like a dog playground, more like a dog playground. To</p>

	<p>illustrate – there is a dog owner living higher up the street, walking his tow dogs, it used to be three down to the footpath to the beach twice a day. Never on a leash. One dog is quite adventurous and loves to take side tracks, rather going through our open garden or the dunes chasing the francolin birds, damaging the dune plants – at least two droppings a day. He never picks it up, kicks some sand over it, meaning 700 droppings a year on a 50 m stretch of dune, meaning to the emission. He is not the only one, the footpath is popular, smells, rather stinks after a rainfall the next day children are playing here. This footpath is a sewerage, a public health hazard. If you would have the soil tested in the laboratory, I bet that stretch of sand is contaminated.</p> <p>Today Egyptian geese attacked by a dog/sometimes is the endangered Oyster Catcher. Lost dog roaming in the street/this is on a daily basis, dogs just roam around to be followed</p>
<p>(Jacques Wilkinson – Comments re Gerda & Guy)</p>	<p>Comments link with “off-leash zones” and A Odendaal’s comments regarding conservation sensitive areas. Comments noted.</p>
<p>(André Olivier – Comments re Gerda & Guy)</p>	<p>Comments noted. Yes, dogs must be controlled.</p>
<p>Dr Kathleen Bateman 36 Anglers Road, Betty’s Bay (Erf 5156)</p>	<p>I wish to object to the leash-free demarcation zone on the main beach.</p> <p>The situation as it stands at present is that dog-owners do not obey the bylaws for most of the beach. It is my frequent experience to see dogs off their leashes and I have had several encounters where dogs off leashes have barked and charged at myself and my young children with little attempt by owners either to control them nor to offer any apology for the threatening behavior. This threatening behavior has been hugely negative on my children, one of which has developed a strong fear of dogs based on 3 encounters with off-leash dogs at Betty’s Bay main beach. It is unclear why dog-owners do not take more responsibility for their dogs particularly given that they are in contravention of existing by-laws, but uniformly my experience has been that they view me as the problem, and consider it my problem to protect my child from their dog rather than that they should actively control their dog in the presence of young children.</p> <p>I have had this experience at the Betty’s Bay lake where it is frequent for off-leash dogs to swim and play in the shallow water, uncontrolled by owners and often, again, intimidating the children or other people using the lake.</p> <p>The second issue is that currently, and particularly in high season, there is often a significant amount of dog excrement on the paths and beach. This is a health issue and an obvious example of how many dog-owners do not take responsibility for their animals.</p> <p>I object to the leash-free demarcated area on grounds that it will encourage larger numbers of dogs using this area of the beach which is at a path entry point to the beach. The path is narrow but unboundaried and borders on sensitive wetland which is home to many wild animals (deer, cape otters, porcupines, etc.). The presence of more dogs and their excrement will deter the natural wild animals and further degrade the</p>

	<p>natural environment which is such an important environmental heritage to preserve for all inhabitants of Betty's Bay. There are man areas where there will be a lighter impact on the environment and less imposition on other people than the main beach at the path entry point.</p> <p>I strongly oppose the current demarcated area and wish to register this objection. In addition, I would like to request better enforcement of existing by-laws.</p>
<p>(Jacques Wilkinson – Comments re K Bateman)</p>	<p>Comments noted and supported.</p>
<p>(André Olivier – Comments re K Bateman)</p>	<p>Comments are noted and are valid.</p>
<p>ME Bateman Erf 5256 Anglers Road Betty's Bay</p>	<p>I wish to record the following observations:</p> <ol style="list-style-type: none"> 1. Out of respect for our environment we have kept our home in Anglers Road, Betty's Bay a pet free one. This also applies to a home in Reed Road (Erf 2460). 2. This is to encourage the otters, buck, genets, tortoises, night herons, owls and birds, etc. to remain where they have always lived. We have been visited by all the above as well as the rookats. 3. Prof Alan Heydorn stated that dogs should not roam freely in Betty's bay and should not swim in Malkopsvlei (Bass Lake) due to significant detrimental effect on the water and the surroundings. Your must be aware of his research. If not, I can forward this to you. <p>Recent decisions made by newcomers to the area have included declaring a leash free area for dogs towards the Dawid's Kraal end of the main beach. This has resulted in many dogs off leash on paths and on the beach with impact on all the wildlife. It has also resulted in mounds of dog excreta littering the paths and beach. Furthermore the dogs at either end of bass Lake are polluting the water and causing havoc to the elderly and small children.</p> <p>I would propose that there are regulations discouraging pet ownership in this world heritage area. Dogs should be leashed at all times. There should be NO leash free areas on the beaches. Dogs should not be allowed to swim in Bass Lake. Strict fines should be imposed on those ignoring the above.</p>
<p>(Jacques Wilkinson – Comments re ME Bateman)</p>	<p>Comments link with "off-leash zones" and A Odendaal's comments regarding conservation sensitive areas. Comments noted.</p>
<p>(André Olivier – Comments re ME Bateman)</p>	<p>Comments noted and may be valid. As to discourage pet ownership in the heritage area will be very difficult if not impossible to legislate against because not all pet/dog owners are irresponsible.</p>

WARD 11 (Baardskeedersbos, Eluxolweni, Pearly Beach, Buffeljachtbaai, Franskraal) Cllr S Fourie
Comment
NONE RECEIVED

WARD 13 (Onrus and Vermont) Cllr C Resandt
Comment
<p>After reading the proposed new by-law, on paper it is good, but it has to be implemented properly. Since moving to Hermanus in 2016 the situation has just got worse/out of hand regarding people and dogs off leads:-</p> <ol style="list-style-type: none"> 1. Salt Pan, we used to walk there almost every day, but now people with larger dogs have taken it upon themselves as a playground for their off-lead dogs, chasing nesting birds, heaven forbid if you ask them to leash their animal, you get abused verbally and threatened. 2. Cliff path from Brekvis bay to Davies Pool, we haven't made use of the path for the last 3 years plus, it is a privilege for us as residents and visitors to use the paths, it is not the right of a handful of people to do as they wish, we have had numerous bad encounters with people/dogs of leads, dogs running on their own on the path with no owners in sight. <p>Davies Pool:- this is the biggest problem regarding off-leash dogs.....the pool is a public place for people/families to swim and gather. It is not for the use of law-breaking dog owners to use at their discretion, on their terms. I have seen many bad situations unfold because of this; dog fights/people/kids being bitten. This is not acceptable.</p> <ol style="list-style-type: none"> 3. When we moved here, our previous ward councillor assured us that this problem would be addressed by OM, well to date sorry to say it hasn't happened. What is our recourse if you get bitten/or my on-lead dogs mauled? Does one claim from OM, due to the fact that the by-laws are not being enforced by OM.!! 4. Fines must be harsh and enforced. The number of dogs/cats per property must be strictly controlled (in our street alone this is a major problem, 500sqm property with an Alsatian, sheep dog and jack russell. - property with 6 dogs, including great danes) not to mention ongoing barking of dogs, which is another problem that needs attention. <p>Please all we ask is that these by-laws are enforced, impound dogs that run loose, hefty fines for the people who break the law. The attitude of the transgressors is, I'm not scared of the OM, I'll do as I please, they can't make me do it.....</p> <p>I would once again like to have the privilege of walking my dogs without fear and to enjoy the beautiful views we have at our doorstep.</p>

<p>(Jacques Wilkinson – Comments re J v Bergen)</p>	<p>Comments noted and generally supported.</p>
<p>(André Olivier – Comments re J v Bergen)</p>	<p>Comments noted and may be valid.</p>
<p>SI Vivier</p>	<p>I reject the proposed bill in its entirety.</p> <p>As a concerned citizen, I grasp the necessity for regulations to guarantee the safety and well-being of both animals and the community. Nevertheless, I hold reservations about specific facets of this by-law regarding the keeping of dogs and cats in the Overstrand Municipality. Whilst I acknowledge the intention behind these regulations, it is imperative to strike a balance between responsible pet ownership and personal freedoms. Here are a few points that trouble me:</p> <ol style="list-style-type: none"> 1. *Limitation on Pet Numbers*: I am of the belief that responsible pet owners should possess the freedom to determine how many dogs and cats they can adequately care for, provided they do not cause harm or disturbance to others. Imposing restrictions on the number of pets an individual can have might unfairly impact those capable of responsibly managing a greater number. 2. *Compulsory Sterilization*: Requiring the sterilisation of all female dogs and cats older than six months may be excessive. Whilst I comprehend the intention to control overpopulation, some responsible breeders or pet owners might opt not to sterilise their animals for valid reasons. But this is an overreach from the municipality's side. 3. *Public Space Restraints*: Mandating dogs to be leashed and controlled in public spaces is reasonable for safety. Nonetheless, we should also contemplate designated areas where dogs can be off leash, such as parks or specific zones. Responsible dog owners deserve the freedom to exercise and socialise their pets without unwarranted constraints. And being in breach of by-laws for not carrying a paper/plastic bag is silly. Common sense should prevail here. 4. *Impoundment and Euthanasia*: While I concur that impounding dogs and cats that pose a threat or violate regulations is essential, the process and timeframes for reclaiming pets should be reasonable. Euthanising animals shortly after impoundment could be severe, especially for pets whose owners might be temporarily unable to retrieve them. 5. *Forbidden Behaviour*: The by-law delineates an array of prohibited behaviours linked to dogs, and whilst I acknowledge that irresponsible behaviour should be discouraged, these rules need to be precise and equitable. Responsible dog owners shouldn't face unjust penalties for their pets' inherent behaviours. 6. *Sanctions*: The fines and potential imprisonment for transgressions could be unduly punitive. Instead of imposing such severe penalties, the emphasis should be on education and collaborative engagement with the community to cultivate responsible pet ownership.

	<p>I ardently believe that regulations must be established to ensure pets are well-cared for and the community remains secure. Nonetheless, these regulations should be meticulously deliberated to avert encroachments on the liberties of responsible pet owners and the creation of unnecessary burdens. Nurturing a sense of responsibility and collaboration within the community whilst addressing authentic concerns related to pet ownership is of paramount importance.</p>
<p>(Jacques Wilkinson – Comments re SI Vivier)</p>	<p>Judging by the comments, the "bill" is in fact NOT "rejected in its entirety", Be that as it may Limitation on number of pets is necessary. Reasonable requests for deviation from the limitations are made provision for in the By-law. Compulsory sterilization is also justifiable and again, may under certain circumstances be deviated from. Comments regarding off-leash zones are discussed above. It is agreed that reasonable timeframes for reclaiming impounded animals must apply, but there is also a cost implication for the municipality if the time periods are too long. Forbidden behaviour is determined on a case-to-case basis. Sanctions will be revisited when an AOG list is being compiled.</p>
<p>(André Olivier – Comments re SI Vivier)</p>	<p>On the one hand he/she rejects the bill in its entirety but then seemingly agrees with it in his/her subsequent comments? Please be consistent.</p>
<p>Mike Murray</p>	<p>Herewith comments in respect to the Draft By-Law: Overstrand Municipality: By-law relating to the keeping of Dogs and Cats Comments are specific to CHAPTER 2 - CONTROL OF DOGS, Chapter 8 - OFF LEASH ZONES FOR DOGS My Comments are highlighted in BOLD RED</p> <p>8.1 The Council may demarcate areas in its jurisdiction as off-leash zones for the walking of dogs. (No concern, so long as the zoning principles described at the end of this submission are included).</p> <p>8.2 The mentioned zones in 8.1 can be demarcated areas on beaches and purpose build dog park(s).</p> <p>8.3 Introducing pilot project as a precursor for the demarcation of leash free zones for dogs. (The information available from BirdLife Overberg should be used in the planning of such a pilot project).</p> <p>8.4 For the duration of a pilot project referred to in the corresponding zoned area will be deemed a leash free zone for dogs. (See above).</p> <p>8.5 Introduce a Policy to provide for a list of demarcated zones or any addition thereto or removal therefrom. (No concern so long as the pilot project is developed meaningfully with scientific data).</p>

- 8.6 Provide for set time and dates during which dogs may be walked without a leash in a leash free zone. **(The breeding seasons of African Black Oystercatchers and White Fronted Plover species should play a pivotal role in making such decisions).**
- 8.7 Identify by means of notice board the parameter wherein the dogs may be walked without a leash free zone. **(This should be based on the notice boards already successfully developed by the Natures Valley Trust).**
- 8.8 Dogs must be accompanied by the owner/carer in an off-leash zone in order to also exercise control over their respective dog(s) if necessary. **(No concern).**
- 8.9 No person will be allowed to walk, dog(s) in the zone without carrying plastic/paper bags/wrappers to able to remove excrement of their dog(s) from the zone. **(No concern).**
- 8.10 Dog owners/carers must bring along their own water and bowl for usage by their dog(s). **(No concern).**
- 8.11 The necessary notice boards must be placed at the entrances to the zones on beaches and dog park(s) that indicate the requirements to make use of the leash free zones. **(No concern).**
- 8.12 The Council will provide a policy for identification of the off-leash dog(s) zones on beaches and parks and related management aspects. **(Refer to the comment made in 8.1)**

There is one comment to be made in the rest of the bylaw that does not form part of the descriptions of dog-free zones:

Prohibited behaviour in respect of dogs 7. No person may- (1) Without reasonable grounds, (a) incite a dog against a person, animal, or bird; or (b) allow a dog in his or her custody or under his or her control to attack or put fear into any person, animal, or bird. **(This needs to be reconsidered: The mere presence of a dog can cause the African Black Oystercatchers and White Fronted Plover species to leave or abandon their nests. Dogs do not have to be incited to cause problems for the birds at their nests).**

The intent and purpose of dog-zoning on beaches must consider the protection of the nests, eggs and chicks of African Black Oystercatchers and White-fronted Plovers breeding along our beaches.

The African Black Oystercatcher (*Haematopus moquini*) is endemic to South Africa and Namibia. The international conservation status for African black oystercatchers is Near Threatened. The total population is estimated at 5,000-6,000 individuals with roughly half in South Africa.

The White-Fronted Plover or White-Fronted Sandplover (*Charadrius marginatus*) is endemic to sub-Saharan Africa and present along the entire South African coast and inland, near large lakes and rivers.

Though it is classified as Least Concern by the IUCN due to its extremely large range and large population size, its population is under threat from human activity, loss of habitat and predation.

Dog-zoning has been implemented very effectively by the Nature's Valley Trust (NVT) at several beaches along the Garden Route and has shown a marked increase in the breeding success rates of the beach breeding African Black Oystercatcher and White-Fronted Plover. The zoning implemented did not only focus on off-leash dog zones. It focused on three defined zones:

	<p>1. Zones where dogs are allowed to run freely off-leash;</p> <p>2. Zones where dogs must be always on leashes, and</p> <p>3. Zones where dogs are not allowed at all. (This would be where the African Black Oystercatcher and White-Fronted Plover species are known to be breeding).</p> <p>It stands to reason that decisions regarding such zoning should be based on extensive research on where these birds breed.</p> <p>Members of BirdLife Overberg and many volunteers have been protecting such breeding sites along several beaches and rocky shores along the Overstrand coastline over the last four summers with the guidance and support of the Natures Valley Trust. Nest warning signs like those developed by the Natures Valley Trust have been put up at identified breeding sites. An extensive database on where these birds breed most often can therefore be developed and we respectfully submit that this information needs to play a critical role in the zoning of beaches in the Overstrand.</p> <p>Against this background and keeping in mind that the zoning should be much more than demarcating off-leash dog zones.</p>
<p>(Jacques Wilkinson – Comments re M Murray)</p>	<p>Comments are noted and generally supported.</p>
<p>(André Olivier – Comments re M Murray)</p>	<p>Comments may be valid and should be considered.</p>
<p>Antoinette du Plessis</p>	<p>The above proposed changes to the bylaw on dog parks and on/off leash matters refer.</p> <p>A year ago, a meeting was held with the ward Councilor of Onrus at Davies pool during which a large number of residents communicated input about the proposed dog park next to the graveyard in Onrus as well as suggestions in this regard.</p> <p>We have not received any feedback from the councilor or Municipality.</p> <p>My comment on proposals as follows:</p> <p>The proposed dog park next to the graveyard is utterly unsafe. The area is unsafe due to minimal movement in the streets around the graveyard with many spots for potential criminals to hide. Due to the high number of elderly people walking dogs this is a big risk to suggest people should walk their dogs in this area. Erecting a fence will not solve safety issues as we know criminals easily jump fences. To station security officials at the proposed park is costly and impractical.</p> <p>There are no ablution facilities for proposed users in the area.</p> <p>There is no source of water for dogs in the area.</p>

The suggestion is impractical and will destroy the sense of community that currently exists at Davies pool where dog owners gather in the morning. It will also destroy business of the coffee stall at Davies pool as dog lovers are the main users that drive and support that business.

During the meeting with the councilor and on several other forums it was proposed that the Municipality does not waste tax payers money to invest in a new dog park that will not be used by dog lovers for obvious safety and other reasons.

Furthermore, the proposal is that 2 hours per day early mornings and in accordance with season during light, be dedicated to dogs and dog lovers use for off leash purposes of dogs at Davies pool.

Any animal behaviorist will tell you that you cannot mix on/off leash dogs due to the change in behavior when dogs are on leash. For now, most off leash dogs socialize perfectly well with hardly ever any incidents.

We simply request 2 hours daily during which dogs are allowed to be off lead on the Onrus footpath between Atlantic drive and Breakfast Bay.

Dog owners not comfortable with dogs off lead will avoid those two hours and have the entire rest of the day to walk their dogs.

People not comfortable with dogs off lead can avoid the foot path for the two hours or take a detour if necessary. None of the current off leash users have aggressive dogs but the problems always occur when residents and visitors bring on-lead dogs to the area.

This suggestion comes at almost no cost to the Municipality (apart from signage and publication of such a bylaw) and funds can rather be used to pave or tar the parking adjacent to Davies pool which is a complete mess during rain and poses significant risk for elderly people trying to walk from their cars to Davies pool.

It will be a pity if the Municipality decides on bylaws when councilors who never use the facilities don't take the tax payers wishes, people who actually use facilities, into account.

The matter of dogs on/off lead causes huge conflict in our society and a simple suggestion of a notice that for two hours of the day dogs can move off lead, could remove tensions, resolve the ongoing conflict and save the Municipality a considerable amount of money.

It will be regrettable if the Municipality do not consider a simple, cost-effective solution but rather choose to spend money on a problem that is easily fixable

The municipality is considering options for off-leash zones, but to restrict certain members of the public's freedom of movement for the benefit of a minority, is not justifiable.

I am a responsible dog owner in the Vermont area of Hermanus. I've read the draft by law and have no issues with it, so long as an off-leash dog area is fenced area where loose dogs cannot escape. Also since there is a by law for off leash dogs whose job is it to enforce this law? I walk my dog daily and there are numerous dogs off leash not under the control of the owner.

(Jacques Wilkinson –
Comments re A du Plessis)

Elaine Cuffe

(Jacques Wilkinson – Comments re E Cuffe)	Comments noted.
(André Olivier – Comments re E Cuffe)	Comments noted.
Lynette Malan	<p>Comments re the draft Overstrand by-law on cats and dogs.</p> <ol style="list-style-type: none"> 1. I welcome the long-anticipated by-law allowing for demarcated areas where dogs can run free plus the possibility of set times when beaches and parks will be accessible too for this activity. Hopefully the times will be flexible enough to accommodate the working people who like to walk their dogs in the morning before work or later on in the afternoon PLUS the majority who are retired and walk later in the morning. 2. Licensing of dogs. This is an archaic license form which may have still been in the by-laws but was never implemented. It is never going to be possible to implement this throughout the Overstrand area or is this law only going to apply to certain areas in the Overstrand: exactly in the same way as how the 'dog off leash' by-law has been implemented over the last couple of years. Areas like Onrus Beach, Davies Pool and Jan Rabie in Onrus (just to mention a few). Pure discrimination. Residents already pay extra for SRAs in these areas to control the escalating crime which the police and Overstrand Law Enforcement have not managed to solve. Now you are planning on using these Overstrand officers to police not only a dog lease policy but a dog licensing policy. What a waste of manpower. I suggest these law enforcement officers be used more effectively to safeguard the men and women going to and from work in Zweilhle who get held up regularly- money, goods and cellphones stolen. These cases mostly go unreported because of time and lack of trust in law enforcement agencies. <p>I strongly object to this licensing by-law as it will be impossible to implement and police throughout the Overstrand and is then just discriminatory.</p>
(Jacques Wilkinson – Comments re L Malan)	Comments regarding off-leash zones are noted. Licensing is not required.
(André Olivier – Comments re L Malan)	Comments noted.

WARD 14 (Blompark, De Kelders, Gansbaai South-West and Van Dyksbaai) Cllr R de Coning

<p>Representative Kleinbaai Ratepayers' Association</p>	<p>Comment See below comments regarding spelling and grammar issues:</p>
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1st Paragraph: "To regulate and control Matters incidental thereto."

Table of Contents

"7. Prohibited behaviour in respect of dogs"

Definitions

"1.(c) a structure or person exercising or an instruction given as contemplated"

Dogs in public places

"6(1) Subject to any provision or allow it to be places done" - does not make sense

"8. OFF LEASH ZONES FOR DOGS"

"8.2 The mentioned zones in 8.1 purpose build dog park(s)"

"8.3 Introducing pilot project as a precursor for the demarcation of leash free zones for dogs" - lacks context – just hangs there as an incomplete point

"8.4 For the duration of a leash free zone for dogs" – Only one area?

"8.5 Introduce a Policy to provide removal therefrom" – who shall do this and by when? – does not appear to fit into the structure of Chapter 8

"8.6 Provide for set time and date leash free zone" – single "time" but multiple dates? – what must "provide for"? Is 8.6 supposed to be a sub paragraph of 8.5?

"8.7 Identify by means of notice board the leash free zone"

"8.9 No person will be remove excrement of their dog(s)"

"8.10 Dog owners/carers must bring along their own " – "must bring" – no choice – no dog without owner carrying water

"8.11 The necessary notice boards must be " – by whom and when – 8.11 is a sub paragraph of what?

"8.12 The Council will provide a policy " – so is 8.12 actually overwriting 8.5?

"Duties or poundmaster" (above point [12.] 13)

"Repeal and amendment of laws and savings"

"[17.] 18. The By-laws listed in Schedule 1 column thereof and any other provision in any other. By-law which " – please explain the highlighted text

(Jacques Wilkinson – Comments re Kleinbaai RPA)	Spelling and grammatical errors noted. Further clarification is needed (must be discussed) regarding implementation of the off-leash zones.
(André Olivier – Comments re Kleinbaai RPA)	The suggested draft by-law was not published for comment in order to correct spelling and grammar issues – this will eventually be carefully attended to prior to submitting it to Council and publishing in the Provincial Gazette.

SENIOR HORTICULTURIST, OVERSTRAND MUNICIPALITY

Representative Lauren Rainbird	Comment Definition of "dog on leash" – some people walk their dogs with the leash on the dog but do not hold it.
	8.7 Identify by means of notice board the parameter wherein the dogs may be walked without a leash free zone. Should "No dog" zones be mentioned in order for Law Enforcement to write out fines?

LAUREN RAINBIRD (Senior Horticulturist, Overstrand Municipality) – Proposals from Natures Valley Trust, with feedback addressing the comments received during the public participation process

Representative Natures Valley Trust	<p>Comment</p> <p>Problem Statements: Coastal human settlements are the fastest growing areas worldwide, leading to a dire need for sustainable conservation of these important natural areas. With high levels of development, increased tourism and attraction of coastal areas, number of beach users are predicted to rise significantly in the near future.</p> <p>Beaches are used for various reasons, including but not limited to outdoor recreation, connection to nature and a source of "restoration" and it is often also a space we share with loved ones and family. Dogs, as pets, occupy an "on between" space in society, where they are both perceived as animals that need to run free but are also seen as a family member of close companion (Bowes et al. 2015). It is undeniable that dogs play a pivotal role in the lives of modern society, but in some scenarios, this comes with significant drawbacks. An issue that has gained growing traction over the last while is increased dog ownership in conjunction with overcrowding on beaches leading to human-dog conflicts, as well as dog-wildlife conflicts. When issues like this arise, they have real implications for tourism, health and the environmental integrity of beaches. This includes the health risk of dog faeces on beaches that can directly affect other users or be leached into the marine environments, dogs urinating on children and their sandcastles and even unleashed dogs attacking</p>
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other dogs and beach users such as runners or toddlers. Additional to the direct and indirect human-conflicts, dogs have high documented impacts on wildlife in these natural spaces.

Overstrand Municipality By-law relating to the keeping of dogs and cats clearly states that " No dog may be in a public place unless on a leash and under control of a person". (Page 1079, Provincial Gazette 6540, 27 June 2008).

Public comment on this By-law has been controversial and has evoked a plethora of public responses both against and for dogs on leashes in public areas. Major concerns included the safety of joggers, cyclists and young children as well as unleashed dogs running in front of cyclists or motorists and causing accidents. There was also a major outcry for the right to exercise dogs off leash. Additionally, the beach breeding birds are of concern to some who recognise that dogs do have a major impact on birds that nest on sandy beaches. This is an extremely emotive topic which is complex but can be addressed effectively with a solution that is inclusive and should satisfy majority of stakeholders in any given area.

Nature's Valley Trust:

The Nature's Valley Trust (a section 18A registered NPO (025-306-NPO)) was established in 2001. Its mission is to enable an integrated stakeholder effort, that is proactively involved in issues that impact on the environmental resilience of the area. Over the past 19 years the NVT has established an award-winning environmental education (EE) programme and catalysed the Bitou EE Forum, a platform for co-operation for schools based EE program in the region. In 2012, in collaboration with SANParks, the Nature's Valley Trust's Integrated Ecological Research and Interpretive Program (IERIC) was launched. The aim of this program is to provide integrated research capacity and technical support to local, regional and national conservation initiatives that are working to facilitate sustainable development on the Garden Route, jointly identifying sustainability challenges and co-design in integrated needs driven research across 6 core thematic areas. This proposed project combines; well-designed ecological research projects; the skills, credibility and networks built over 19 years of EE; a network of skilled stakeholders; to facilitate the provision of appropriate conservation education on beach and estuary users to reduce their ecological impact while ensuring sustainable utilization of beaches for all stakeholders.

Case Study from Plettenberg Bay:

The Garden Route is one of South Africa's most bio-diverse "outstanding places". Juxtaposed with this are impoverished communities, high unemployment rates, tourism pressure, water shortages and an unprecedented rate of development. Underline the above with limited knowledge, capacity and skills to sustainably manage and utilise these resources for improved livelihoods and we have a microcosm of South Africa's conservation and biodiversity challenges. With high levels of development, increased tourism and the attraction of the area, numbers of beach users are predicted to rise in the future. Despite this, authorities have

limited reliable research data on the impact of beach and estuary users on the animals that co-exist in those ecosystems, both inside and outside protected areas.

Over the last five years data collection by Nature's Valley Trust have shown that in the wake of increasing human settlement there are always impacts on the natural environment. The two main threats being improper waste management with related knock-on effects on wildlife, and secondly as direct impacts to wildlife. For example, recent research has shown that breeding African Black Oystercatchers are negatively impacted by anthropomorphic disturbance at several beaches in Plettenberg Bay. Of more concern, a relative common species, the White-fronted Plover, has had an estimated 40-60% decline in numbers in the last 20 years, with little to no understanding of the cause until our recent work. In addition, numbers of animals being reported with entanglement issues due to negligent waste disposal on beaches ins on the rise.

Over the last three years NVT has developed and implemented an integrated, highly successful coastal impact programme, covering marine debris issues, dog- and human-shorebird conflicts, to the needs of the area. Investigating the marine debris issue, NVT recognised that 39% of the debris deposited on the beach is fishing related, in majority, fishing line but also other fishing related items like bait cotton reels, sinkers, hooks, etc., despite fisherman making up only 10% of the beach users locally. Fisherman's bins were installed at beach entrances to reduce the amount of line and fishing related debris that are left behind on the beaches. Since the inception of this initiative, we have collected approximately 2.65 kg of fishing line off the Nature's Valley Beach, to be recycle into usable items PlasticsSA. Post intervention research shows fishing related litter now down to below 10%, indicating a successful program with tangible results.

Our #ShareTheShores program also assesses the effects of human and companion animal disturbance on breeding output of shorebirds breeding on beaches. The initial results for two beaches along the Greater Plettenberg Bay area suggested a very low breeding success for the White-fronted Plover. In fact, Lookout Beach had a success rate of 10.6% for 2015 breeding season, while Nature's Valley had a success rate of 8.6%. After three years of the #ShareTheShores awareness and intervention program the breeding success has been increased to 14.3% for Lookout Beach and 30.5% for Nature's Valley.

In December 2017, NVT, in partnership with local municipal authorities, also implemented dog zones for all the high-use beaches in the Greater Plettenberg Bay area. Green (off-leash), orange (leashed) and red (no-dog) zones have been launched to support the needs of all types of users, from the individual or mother with toddler who goes to the beach to enjoy a quiet day without dogs to the avid dog person who would like to allow their dog to run freely. These zones are based on scientific data identifying the hotspot bird breeding areas as well as the location of Blue Flag areas. Since December 2018, we have already recorded less dogs on red zones and this will surely assist in the shore nesting birds' breeding success, which we will continuously

assess with the following breeding seasons. Public feedback has been very positive, with the majority of dog owners indicating they are grateful to now have areas to let their dogs off-leash.

Phased Approach:

We propose a phased pilot study at three locations in the Overstrand Municipal area, to introduce the dog zonation system in the region, while engaging stakeholders to ensure all concerns and requests are taken into consideration:

1. Stakeholder workshop to ascertain needs of the areas in question. Engagement with relevant coastal management and conservation organisations to adopt and implement NVT's #ShareTheShores program or part thereof to reduce anthropogenic effects on the coastal environment. This means public stakeholder meetings in all three identified areas, to introduce the #SharetheShores program, present data on its effectiveness in Bitou, and to enable stakeholder input and concerns to be raised.
2. Implement this conservation intervention program to change behaviour positively, without developing negative perceptions of conservation. This includes locally relevant, simple info packs for beach users, improved awareness of birds breeding on beaches through awareness campaigns and signage. The key will be training staff and volunteers in like-minded organisations along the coast, to increase the positive impact and reach #ShareTheShores has had to date. Key local stakeholders that could facilitate monitoring and awareness are BirdLife Overberg and Dyer Island Conservation Trust.
3. Train local municipal staff and interested stakeholders to monitor the impact of the intervention program.

Proposed Trial in Three Areas in Overstrand Municipality:

NVT proposes simple, yet effective interventions, based on sound ecological data to assist with companion-animal conflicts on beaches and consequently alleviate wildlife impacts. The Overstrand Municipality, which includes the coastal towns of Kleinmond, Hermanus and Gansbaai, is an ideal region for implementation of the #ShareTheShores programme. In light of the contentious issue around dogs off leash on beaches and public areas, we would like to recommend a trial period for colour codes beaches (dog zonation) in these three areas, as the Overstrand Municipality would benefit largely from a more controlled canine presence, both in terms of each visitors and wildlife. A colour coded system, where blue flags, swimming beaches and beach-nesting birds are taking into accounts, will allow for accurate zoning of beaches. The zones will include no dog beaches (red), leashed beaches (orange) and off-leash beaches (green) – which would satisfy all stakeholders and reduce risk to the municipality. Birdlife Overberg is a good local partner to conduct the research with regards to beach-nesting birds – this data will inform the zoning process further, allowing us to accurately allocate areas for the best outcome. NVT also offers the means to address the needs that exist, whether it may be to upskill stakeholders, implement fisherman's bins, cigarette buckets, awareness and social media campaigns, shorebird breeding interventions, signate, etc.

The proposal would be to hold public workshops in August, or early September, while working with Municipal staff to pre-identify possible sites to trial the zonation system. Once public meetings are held, and locations finalized, signage for these areas can be developed and installed by end November, early December. Stakeholder groups and municipal staff that agree to assist with monitoring of the effectiveness of the program should take place in September, prior to signage being erected. Basic monitoring should include regular counts of dogs in the various zones, and of bird breeding in bird "hot spot" areas. We propose further follow up stakeholder meetings after season, in late February, early March to give feedback on the pilot program and to receive input from the public.

Budget:

The proposed budget for the program is outlined in Appendix 1. It is important to note that the major component of any research and conservation education programme is human capacity.

We propose a budget to cover an initial pilot project for 8 months (August to March). This budget includes two trips to the region, one to introduce the program to stakeholders, and one to train interested parties. It also includes the development and printing of 54 large information board to be put up across all three pilot areas – this number can be reduced to save on some costs, if need be, but should see at least 27 boards budgeted for as a minimum to cover two beach entrances for each of the three zonation types in each area.

Conclusion:

We appreciate the opportunity to submit this proposal. Based on our extensive experience in the Bitou region, we are confident we can engage the public in the Overstrand Municipal region with a positive, proactive approach to solving the ongoing dog issue on beaches in the region. If the pilot is successful, we would be able to submit a revised proposal to implement at a larger scale throughout the region.

Overstrand Municipality Dog Zoning:

Feedback of public commentary (period ending 6 March 2020).

This document serves as a response to feedback received from the public participation period surrounding the introduction of a dog zoning trial period on three beaches within the Overstrand Municipality, namely: Grotto beach (Hermanus), Pearly Beach (Gansbaai) and Kleinmond beach.

Overall, the majority of stakeholders appear to be in favour of zoning beaches in the Overstrand Municipal area with a few concerns, most of which will be dealt with, with the erection of signage and billboards.

Attention is brought to the Klein River, which breaches (artificially or naturally), to sea, on Grotto beach. This makes the green zone inaccessible for a period of time when breached. Unfortunately, there is very little that

can be done about this without compromising the practicality of the current zones. Beach users can opt to walk through the mouth, if possible, walk their dog(s) on-leash or go to a different section of beach where they will also be required to walk their dog(s) on-leash as the laws currently states. This is also a trial period, where after, if the zones are proven to be a solution for the current situation, more areas will be zoned green for dogs.

The other major point of concern for the public is the enforcement of the new regulations as well as public and municipal liability. During this trial period, it is of utmost importance that law enforcement are visible at various times of the day for at least 1–2-hour periods. We advise that the fining systems be relaxed for this period, with officers approaching beach users and their dogs from an angle of education as opposed to disciplinary action being taken. A comment was made that Overstrand Municipality should be aware of the fact that by relaxing their by-law regarding dogs on leashes in public place, they incur an extra duty of care. A suggestion was made to allow dogs to run free on green zones by wearing humane muzzles. This will mitigate the risk of harassment to other citizens. Additionally, onus will be placed on dog owners, resulting in reduced risk of litigation against the Overstrand Municipality in the event of injury. There is also concern around the safety of some access point, as in Kleinmond beach.

In our opinion, Overstrand should go ahead with the trial zoning period, ensuring good visible enforcement and signage is in place during the trial at the three beaches.