

**LOCAL GOVERNMENT ACT
(Cap. 40:01)**

GABORONE CITY COUNCIL (DOG MANAGEMENT) BYE-LAWS, 2018
(Published on 30th November, 2018)

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SCHEDULES

IN EXERCISE of the powers conferred by section 44 and 45 of the Local Government Act, and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Gaborone City Council hereby makes the following Bye-laws —

- Citation **1. These Bye-laws may be cited as the Gaborone City Council (Dog Management) Bye-laws, 2018.**
- Interpretation **2. In these Bye-laws, unless the context otherwise requires —**
 “authorised officer” means any person appointed as such by Gaborone City Council Town Clerk, BSPCA official or, authorised veterinary surgeon;
 “BSPCA” means Botswana Society for the Prevention of Cruelty to Animals;
 “Council” means the Gaborone City Council;
 “Council area” means the area within the jurisdiction of the Council;

“dog” means a dog aged three months and above;

“guardian” means a person responsible for a dog, having temporary possession, charge or control over a dog;

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

“kennel” means a structure or shelter for dogs or any building or property in which dogs are housed, maintained or bred;

“leash or lead” means a collar chain or harness of appropriate material, securely attached to a correctly fitted dog collar and of no more than six meters in length;

“licence” means a licence issued by the Council to a dog owner in terms of bye-law 3;

“licensee” means any person to whom a licence has been issued under these Bye-laws;

“microchip” means an encoded electronic device implanted on a dog by or under the supervision of a veterinary surgeon, which contains a unique code number and provides information of the owner;

“off-lead or leash” means that a dog is not on a lead or leash;

“off-lead or leash exercise area” means an area where a dog may be exercised whilst not on a leash or lead;

“on-lead or leash area” means any part of any street, road or public place where a dog shall be kept on a leash or lead at all times;

“on-lead or leash” means that a dog is on a lead or leash which is held by a person, so that the dog cannot break free;

“prohibited area” means any area into which a dog is not allowed entry;

“public place” means —

- (a) a public road, street, bridge, foot pavement, open space; or
- (b) any parking area, park recreation ground, sports ground, shopping centre on Council land, unused or a vacant Council land or cemetery which has —
 - (i) in connection with any subdivision or pay out of land into plots, been provided or set apart for use by the public, the owners or occupiers of such plots, whether or not it is shown on a general plan, plan of subdivision or diagram,
 - (ii) at any time been dedicated to the public or been used without interruption by the public, and
 - (iii) at any time been declared or rendered as such by the Council or other competent authority;

“special purpose dog” means a guide dog, guard dog, breeding dog, sniffer dog, therapeutic dog, educational or entertainment dog;

“vaccination certificate” is a valid certificate signed by a veterinary surgeon stating that the dog has been vaccinated for rabies or any other contagious disease; and

“veterinary surgeon” means a veterinarian as defined in the Veterinary Surgeons Act.

Cap. 61:04

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

Issue of dog licence

(2) The types of dog licences and the applicable fees shall be as set out in Schedule 2.

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

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

(5) A person who contravenes subbye-law (1) commits an offence and is liable to a fine not exceeding P500 or to imprisonment for a term not exceeding two months, or to both.

Validity of licence

4. (1) A licence issued under these Bye-laws shall be valid for an indefinite period, subject to payment of an annual licence fee as set out in Schedule 2, and compliance with the conditions upon which it is issued.

(2) A licensee shall not hire, cede, transfer or in any way whatsoever make over the licence to any other person.

Duplicate licence

5. (1) Where a dog licence is lost, destroyed or mutilated, the Council shall upon application by a licensee in Form C set out in Schedule 1 and upon payment of the fee set out in Schedule 2, issue a duplicate licence.

(2) Where a licensee recovers a licence which has been lost and replaced, he or she shall return the duplicate licence to the Council.

Cancellation of licence

6. (1) The Council may at any time while a licence is in force, revoke the licence where the Council is satisfied that the keeping of a dog on the land or premises specified in the licence —

(a) has caused or materially contributed to a nuisance or the likelihood of an injury or loss of life; or

(b) has led to a failure to comply with all or any of the terms and conditions of the licence.

(2) Where a licence has been revoked in accordance with subbye-law (1), the licensee shall return the licence to the Council within seven days from the date of notice.

(3) Once a licence is revoked —

(a) the dog shall be removed from the premises and impounded until the conditions that caused the cancellation are met by the owner; and

(b) all costs of the impound shall be the licensee's responsibility and will remain a civil debt recoverable under law.

(4) Where the licensee applies for a new licence, the application shall be treated as a new application.

Number of dogs permitted on land or premises

7. (1) A person shall keep a maximum of two dogs in a residential place.

(2) Subbye-law (1) shall not apply to a special purpose dog.

(3) Notwithstanding subbye-law (1), a licensee shall apply for an additional dog licence.

(4) A licensee making an application to the Council for an additional dog licence shall do so in Form D set out in Schedule 1, within 14 working days from the acquiring of more than two dogs.

(5) Where an application for an additional dog licence in subbye-law (4) is unsuccessful the Council may —

(a) issue a temporary dog licence to allow for the licensee to meet all the conditions required; or

(b) impound the dog until the licensee meets all the conditions required.

8. (1) A licensee under these Bye-laws, shall have the licence number displayed on a metal tag issued by the Council, which shall be affixed to the dog's neck by means of a dog collar at all times. Dog collar

(2) The particulars of the licensee being full names, current contact numbers, plot number and the name of the dog shall be engraved on the dog collar.

9. (1) A licensee shall at his or her own cost have the dog implanted with a microchip by an authorised veterinary surgeon in such a way that the microchip can be detected by a scanning device. Micro chipping

(2) A licensee shall within 30 calendar days, from being issued with a dog licence have the dog implanted with a microchip.

(3) The microchip shall contain details on the dog collar in accordance with bye-law 8(2).

10. (1) An occupier of any premises on which a dog is kept shall take all steps reasonably necessary to — Standard for keeping dog

- (a) ensure that the dog is kept under control at all times;
- (b) ensure that the dog has adequate shelter or any other place which the dog can be kept, water and food;
- (c) prevent the keeping of a dog beneath the floor of any building;
- (d) confine the dog behind a fence so as to allow reasonable public access to private property;
- (e) prevent a dog becoming a nuisance or danger to any other animal, person or property;
- (f) ensure that the dog receives proper health care and attention;
- (g) ensure that the dog is not subjected to any act of cruelty; and
- (h) display in a prominent place on the premises clearly to be seen by any member of the public indicating that there is a dog on the premises reading "BEWARE OF THE DOG" or "TSHABA NTSA".

(2) Where the Council considers that the keeping of a dog is contravening subbye-law (1), the Council may serve a remedial notice on the licensee to take corrective action.

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

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

11. (1) A licensee shall not allow a dog to roam outside the premises on which the dog is normally kept. Control of dog

(2) A licensee shall ensure that the dog is restrained by a lead or leash which is secured or held by any person capable of physically controlling the dog while in any public place or area except in an off-lead or leash exercise area.

(3) A person in control of a menacing or dangerous dog shall muzzle the dog and keep it on a lead or leash when in any public place or area.

(4) An authorised officer shall consider a dog found in a public place not being on off-lead exercise area and not being on a leash or lead as uncontrolled, and may seize and impound such dog.

Impoundment

12. (1) The Council shall impound a dog found roaming.

(2) The Council shall for the purposes of subbye-law (1) establish kennels where impounded dogs shall be kept.

(3) Any place designated as a council kennel shall be deemed as such for purposes of this provision.

(4) The Council shall not release a dog from a council kennel unless proof of ownership is provided, and all fees as may be determined by the Council have been paid.

(5) The Council may dispose of any impounded dog after 14 working days by means of a sale, destruction or in any way that the Council deems fit where the owner is not known or cannot be located, or after all reasonable steps have been taken to notify the licensee.

(6) The Council may issue a once-off additional seven days public notice through a newspaper of wide publication and Council website before the disposal of the dog under subbye-law (5).

(7) A licensee may have his or her licence revoked if his or her dog is impounded on two or more occasions within six months.

Dog in motor vehicle

13. A person shall not transport a dog or leave a dog unattended in a motor vehicle or in an open cargo area of the motor vehicle unless the dog is securely attached to the motor vehicle and cannot cause any nuisance.

Areas prohibited to dogs

14. (1) The Council may by Council resolution, designate an area within its jurisdiction to be an area prohibited to dogs.

(2) A licensee shall not allow or take a dog to any place or area designated as an area prohibited to dogs.

(3) Notwithstanding subbye-law (2), the following areas shall be prohibited to dogs —

(a) Government enclave and parastatal areas, public offices;

(b) Gaborone City Council Public Library;

(c) designated children's playing areas in Gaborone City;

(d) all areas in Gaborone City which the Council set aside for organised games or sport; and

(e) all public areas including schools, hospitals, clinics, and trading premises.

(4) Subbye-law (3) shall not apply to a special purpose dog but shall apply to a breeding dog.

On-lead or leash areas

15. (1) The Council shall through a Council resolution designate some public places in Gaborone City as an on-lead or leash area and such area shall be marked by appropriate signs.

(2) Subbye-law (1) shall not apply to a special purpose but shall apply to a breeding dog.

Off-lead or leash exercise areas

16. (1) The Council shall through a Council resolution designate some places as off-lead or leash dog exercise areas and such areas shall be marked by appropriate signs.

(2) A licensee or guardian shall keep a dog under control and shall have in his or her possession a leash or lead at all times.

(3) A licensee shall ensure that a dog in season or in heat is prohibited from any off-lead or leash exercise areas.

Fouling in public place

17. (1) A licensee or a guardian of a dog which fouls in any public place or on land not occupied by the licensee or guardian, shall remove and dispose of the waste immediately in a way that does not cause a nuisance.

(2) Where a litter bin or similar container is available in a public place, licensee or guardian shall dispose of the dog's waste in the bin or similar container after enclosing the waste in a suitable plastic bag.

18. (1) A licensee or the occupier of any premise where a dog is kept shall —

- (a) keep a dog in season or in heat on the premises confined within a dog-proof enclosure for the duration of the period; and
- (b) take such steps as necessary to prevent a dog on the premises rushing at any person or intimidating any person on or off the premises.

Nuisance,
menacing and
dangerous dog

19. A licensee who has a dog which suffers from any disease shall ensure that —

- (a) the dog receives proper health care and attention; or
- (b) the dog is confined to the land occupied by the owner while it is so affected, unless the licensee is taking the dog for treatment.

Diseased dog

20. A person shall not establish, maintain any hospital, home, boarding or breeding kennel for a dog except on a site approved by the Council and subject to such conditions as may be imposed.

Breeding kennel

21. (1) An authorised officer shall issue a licensee or guardian an abatement notice in Form E set out in Schedule 1 for any violation or offence under these Bye-laws.

Abatement
notice

(2) Any person who without reasonable excuse contravenes, fails or neglects to comply with any requirement of the notice issued under subbye-law (1) commits an offence and will be liable to a fine —

- (a) not exceeding P1000 or to imprisonment for a term not exceeding three months, or to both for a first offence; and
- (b) not exceeding P2000 or to imprisonment for a term not exceeding six months, or to both for a subsequent offence.

22. (1) Any person who —

- (a) commits or permits a contravention of any provision of these Bye-laws or any notice issued pursuant to these Bye-laws;
- (b) does not cease any action which he or she is required to cease;
- (c) obstructs or hinders any officer in the exercise of any power conferred by the Bye-laws,

Offences and
penalties

commits an offence and is liable to a fine not exceeding P1000 or to imprisonment for a term not exceeding three months, or to both, for a first offence or to a fine not exceeding P2000 or to imprisonment for a term not exceeding six months, or to both for a subsequent offence.

(2) The Council may also disqualify any such person from owning a dog for a period of two years.

23. The Gaborone City Council (Dogs) Bye-laws are hereby repealed.

Repeal of
S.I. No. 24 of
1968

24. Notwithstanding the repeal effected under bye-law 24 —

Savings

- (a) anything made, given or done under the repealed Bye-laws shall have the same effect as if it was made, given, issued or done under these Bye-laws; and
- (b) any legal proceedings which, before the coming into operation of these Bye-laws, were pending shall be continued or enforced in the same manner as they would have been continued or enforced before the coming into operation of these Bye-laws.

SCHEDULE 1

Form A

APPLICATION FOR A DOG LICENCE

(bye-law 3 (3))



MR/MRS/DR. Name:-----

Surname:-----

Identity Number/Passport:-----

Physical address:-----

Telephone/Cell Number:-----

Dog breed:-----

Description of the dog (name, sex, age, colour, vaccinations):

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

Signature of the Applicant:-----

Date:-----

For official use

Recommendation

Approved/not approved:-----

Recommended by:-----

Designation:-----

Names and Signature:-----

Fee paid:-----

Official receipt number:-----

Official Stamp:

Form B

DOG LICENCE
(bye-law 3 (4))



MR/MRS/DR. Name:-----

Surname:-----

Identity number/Passport:-----

Physical address:-----

Dog breed:-----

Description of the dog (name, age, sex, colour, vaccinations)-----

Type of licence:-----

Licence period:-----

Conditions if any:-----

Date issued:-----

Receipt number:-----

Name and signature of issuing officer:-----

Designation:-----

Official stamp:

Form C

APPLICATION FOR A DUPLICATE LICENCE
(bye-law 5 (1))



MR/MRS/DR. Name:-----
Surname:-----
Identity Number/Passport:-----
Physical address:-----
Telephone/Cell Number:-----
Dog breed:-----
Reasons:-----
Number of licenced dogs and purpose:-----
Description of the dog (name, age, sex, colour, vaccinations):-----

Have you ever been convicted of any offence related to dogs? Yes/No
Signature of the Applicant:-----
Date:-----

For official use

Recommendation:
Approved/not approved:-----
Recommended by:-----
Designation:-----
Names and Signature:-----
Fee paid:-----
Official receipt number:-----
Official Stamp:

Form D

APPLICATION FOR ADDITIONAL DOG LICENCE
(bye-law 7 (4))



MR/MRS/DR. Name:-----
Surname:-----
Identity number/Passport:-----
Physical Address:-----
Telephone/Cell Number:-----
Dog Breed:-----
Reasons:-----
Description of the dog (name, age, sex, colour, vaccinations):-----

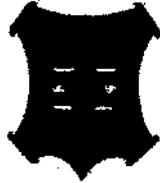
Have you ever been convicted of any offence related to dogs? Yes/ No
Signature of Applicant:-----
Date:-----

For official use

Approved/not approved:-----
Recommended by:-----
Designation:-----
Names and Signature:-----
Fee paid:-----
Official receipt number:-----
Official Stamp:

Form E

ABATEMENT NOTICE IN RESPECT OF DOG MANAGEMENT BYE-LAWS
(bye-law 21)



TO: -----

Take notice that under the provisions of the Gaborone City Council (Dog Management) Bye-laws, 2018, the Gaborone City Council being satisfied of the existence and likely recurrence of a statutory nuisance under the Bye-law provision-----

On/or around the-----day of -----, 20-----, at Plot Number-----

The offence being;-----

The Council hereby prohibits the occurrence and recurrence of the same above forthwith and for that purpose require you as the person responsible for the dog to cease the-----

Stamp

Date of issue:-----

Authorised Officer:-----

Full names and designation

Received by:-----

Signature:-----

Date:-----

Or

Served on the premises by:-----

Full names and designation

Placating on the door/gate

**SCHEDULE 2
FEES
(bye-law 3 (2))**

<i>Type of licence</i>	<i>Fee</i>
A	
1. Ordinary dog licence	P50
2. Breeding dog licence	P1000
3. Guard dog licence	P600
4. Special purpose dog licence (excluding a breeding dog or a guard dog)	P100
B	
Duplicate licence	P75
C	
Annual licence fee	20 % of the dog licence fee
D	
Additional dog licence	P25

MADE this 8th day of November, 2018.

*Town Clerk,
Gaborone City Council.*

APPROVED this 12th day of November, 2018.

PELONOMI VENSON-MOITOI,
*Minister of Local Government and Rural
Development.*