

## Dogs in Misty Cliffs

We have a very cordial community and so rather than inviting antagonism by taking-up dog issues with their owners we obtained from the Area Manager (South) of the Table Mountain National Park the rules and regulations governing control of dogs.

The roles and responsibilities of three authorities on the Peninsula are founded in law.

### Code of conduct for dog walking in the Table Mountain National Park

1. Dogs must be under VOICE or other signal control at all times
  2. Dog handlers must always carry a leash.
  3. Dogs must be leashed :
    - a. if the handler is unable to control the dog or if it is vicious or otherwise dangerous
    - b. while passing through any demarcated area
    - c. at the start of a walk, through car parks and at access points.
    - d. while passing through a picnic and/or braai sites
    - e. when the handler sees indigenous wild life
    - f. on reasonable request by other Park users
    - g. upon instruction from a Park Official
  4. Dog Handlers must be aware that not everyone is familiar with dogs. They must have control of their dogs at all times and not allow them to interfere with the pleasure of others using the Park.
  5. When meeting a leashed dog, the handler of the unleashed dog should provide space for both dogs to pass without incident.
  6. Unleashed dogs must be discouraged from running up to leashed dogs. Vicious dogs must be muzzled, on request from a Park official.
  7. Give right of way to people unaccompanied by dogs.
    - If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse. (WC Animals By-Law 2021)
  8. No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating. (WC Animals By-Law 2021)
  9. Bitches in heat may not be walked in the Park.
  10. Dog handlers must ensure that their dogs do not chase or injure wildlife.
  11. Park notices must be complied with.
  12. No more than two dogs per person may be taken into the Park except by special permission from TMNP.
  13. Dog handlers are to remain on Park-approved paths and tracks at all times. No new paths may be created and no shortcuts are to be taken.
- TMNP are responsible for managing dogs on their property as per the National Parks Act 57 of 1976. Section 24 (11) of this Act clearly states that any dog (except a dog in the lawful possession or custody of an officer or employee) found within a park may be destroyed. In the TMNP dog owners may however walk their dogs in certain areas (eg: Misty Cliffs) as long as they adhere to the TMNP Dog Walking Code of Conduct (above) which TMNP staff enforce. Whilst TMNP staff are loathe to destroy any dog on TMNP property they will not hesitate to do so if a dog is found to be hunting or disturbing a wild animal. Dogs not hunting or disturbing wild animals that are found wandering unattended in the TMNP will be caught and taken to the SPCA. The consequence for repeat offenders is that the dog will be destroyed. This is not a situation the TMNP staff would wish to find themselves in, however, failure to act accordingly would mean that the TMNP staff are

not upholding their mandate. Offenders can be reported to 021-780-9100 (Jackie Simon or Amos Lombo).

- SPA is responsible for enforcing the City by-laws. Some of the offences listed in the Dog Control By Law (PN 675/1979) are: that it is illegal to allow a dog to wander in public (Section 6,e), it is illegal if a dog causes a traffic hazard (6,d,iv) and it is illegal for a dog to trespass on private property (Section 6,d,iii). Offenders can be reported to Fish Hoek Law Enforcement on 021-784-2033 (Inspector Leon McDuling) or Ottery Law Enforcement on 021-703-3075 who will radio Fish Hoek Law Enforcement. Alternatively, if a dog is found wandering in public or trespassing on private property a member of public can take the animal to the SPCA and a statement must then be made to Law Enforcement so that they can issue a fine. After a certain number of fines are issued, Law Enforcement will issue a "no admission of guilt fine" and the matter then goes to court. CapeNature are responsible for the enforcement of the Nature & Environmental Conservation Ordinance 19 of 1974. Section 29 states that no person shall hunt any animal with the use of a dog, without a permit. "Hunt" is defined in the Ordinance as - by any means to hunt, to search for, to kill, capture or attempt to kill or capture or to pursue, to shoot at, poison, be in wait for or willfully disturb. Offenders may be reported to CapeNature Cape Metro Conservation Services office on 021-957-5900. If found guilty offenders may be fined up to R10 000 or receive two years imprisonment or both where protected animals are concerned (eg, baboons, oyster catchers and otters). The Problem Animal Control Ordinance No 26 of 1957 lists stray dogs as problem animals. A stray dog is a dog trespassing on any other property without direct supervision from its owner or persons delegated by the owner to supervise the dog.
- As far as the SPCA is concerned, Inspector Kira Joshua (SPCA - 021-700-4140/1 or enquiries@spcact.co.za) has confirmed that any dog found wandering in public and brought in to the SPCA will not be released to its owner until the SPCA or SPA Law Enforcement have checked that the owner's property is fully enclosed.
- It is quite clear that responsible dog ownership is a requirement throughout the municipal and nature areas (those in which dogs are permitted) on the Peninsula. Dog ownership confers special responsibilities in ecologically sensitive areas, so we request that the Misty Cliffs community please act in a responsible manner and ensure that dogs are confined to their owners' properties and that when dogs are taken for a walk they are kept under the immediate control of their handler. Although the law is clear on this matter we are sure that, as like-minded conservationists, the Misty Cliffs community and its dog owners will embrace this request in the spirit in which it is intended - that is, our shared concern for the well-being of the environment.

Relevant Legal authorities:

- Western Cape Animals By-Law 2021
- Table Mountain National Park (TMNP),
- South Peninsula Administration of the City of Cape Town (SPA)
- CapeNature