GOVERNMENT NOTICE NO. 96

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I—PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Regulation of keeping of animals
5. Special permit to keep animal
6. Animals to be kept under control
7. Animal health and hygiene
8. Custody and disposal of impounded animal
9. Indemnity and payment of compensation

PART III—OFFENCES AND PENALTIES

10. Offences and penalties

Schedules

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART I—PRELIMINARY

Citation

1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Control of Animals) By-laws, 2018.

Interpretation

2. In these By-laws, unless the context otherwise requires—

"animal" means any bull, cow, ox, heifer, calf, sheep, goat, horse, mule, donkey, pig, domestic fowl, guinea fowl, pigeon, pea-fowl, dog, cat and any wild animal, carnivore or reptile tamed and kept as a pet and any other creature which the Minister has, by order under section 4 of the Cap. 66:02 Control and Diseases of Animals Act, declared to be an animal and includes bees;

"area" means the Local Government Area of the Lilongwe City Council;

"authority" means the Council or any person duly authorized, whether generally or specifically, to act or conduct business on behalf of the Council;

"cemetery" means any burial ground, crematorium or any other place ordinarily used or set aside for the lawful disposal of human dead bodies;

"Council" means the Lilongwe City Council;

"dead animal" means the carcass of an animal and includes part of a carcass taken separately or any portion thereof;

"dog" means any quadruped of the species canis familiarise; and

"owner" in relation to a dog or other animal means any person in whose custody, possession or charge it is, also any person in whose house or premises it is kept or found unless such last mentioned person shall prove that it does not belong to him and is not in his custody, possession or charge;

"residential area" includes a squatter.

Application

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

PART II—GENERAL PROVISIONS

Regulation of keeping of animals

4.—(1) Subject to these By-laws and any other written law in force within the area, a person shall not be allowed, in any residential premises or any unauthorized area, to keep, rear, stall, graze or suffer to be kept reared, stalled or grazed any of the animals as specified in Part I of the First Schedule.

(2) Subject to these By-laws and any other written law in force within the area, a person shall not be allowed, in any residential premises or any unauthorized area, to keep, rear, stall or suffer to be kept, reared or stalled any animals in excess of the respective maximum numbers as specified in Part II of the First Schedule.

(3) A person shall be allowed to keep a maximum of three types of animals in a residential premises.

(4) Where a person contravenes the provisions of paragraphs (2) or (3), the authority shall impound the excess animals and the person shall pay to the authority a penalty of K2,000.00 for each impounded animal.

(5) Notwithstanding the provisions of this by-law, it shall be lawful to keep, rear or suffer to be kept, reared or grazed any animal in a plot zoned for urban agriculture in the city, upon obtaining a town planning permit for the same.

Special permit to keep animal

5.—(1) Notwithstanding the provisions of these By-laws, the Council may, in its discretion and upon application in writing, allow a person, group of persons, community or any representative thereof to keep, but not rear, any animal for purposes only of a religious or other lawful ceremony, festival or event, as the authority shall deem fit and on such terms as shall be specified in the said permit.

(2) An application for a permit and a permit issued under paragraph (1) shall be in Forms I and II, respectively as prescribed in the Second Schedule.

(3) The permit provided under this by-law shall not be transferable and any person who transfers, or shall attempts to extend the benefit thereby accruing to any other person or persons, other than those allowed by the authority to so benefit, commits an offence.

(4) In considering whether or not a permit under this by-law shall be issued to any person, group, community or association of persons, the authority may have regard to the following factors—

(*a*) whether the keeping of the animal in respect of which an application has been made to the authority may constitute a health hazard to members of the public or other animals for the time being residing or being kept in the area in which such animal is proposed to be kept;

(*b*) whether the applicant or persons thereby represented has or have previously been guilty of a contravention of these By-laws, and if that be so, whether the said person or persons have, or have not, paid any penalty in that connection imposed upon him or them or have otherwise complied or not with any instructions or directions of the authority; and

(*c*) any other grounds as the authority shall from time to time determine.

(5) The authority shall levy a fee for any permit issued under these By-laws as prescribed in the Third Schedule and in so doing shall have regard to the kind of animals allowed to be kept, the numbers thereof and any other relevant consideration.

(6) The authority may, on issuing a permit, limit the number of animals to be kept by an individual or group of persons under that permit, notwithstanding, the fact that the person or persons on making his or their application were desirous of keeping a greater number of animals.

(7) The authority may, at any time and for sufficient reason, cancel or abridge the effect of any permit previously issued by it under these By-laws.

(8) No part of the fees paid for a permit shall be refunded on the cancellation or abridgement of the permit.

Animal to be kept under control

6.—(1) A person shall not knowingly allow or suffer any animal to stray into a street, road, lane, thoroughfare, cemetery or public place or otherwise to commit a nuisance and any animal found straying in such place or committing a nuisance may be impounded by the authority.

(2) An owner of a dog shall, whilst the dog is within the area during the day time, keep or cause the dog to be kept under proper control on the premises upon which the owner thereof resides, and the dog shall not be permitted to stray therefrom, unless controlled by a leash.

(3) The authority may seize any dog in respect of which any condition prescribed under paragraph (2) of this by-law is contravened.

(4) A person keeping or otherwise dealing with animals shall have a duty to comply with the provisions of the Control and Diseases of Animals Act and any other written law whose provisions regulate matters in respect of the control of animals or public health. Cap 66:02

Animal health and hygiene

7.—(1) An animal shall be kept in sanitary, hygienic and properly ventilated conditions and the owner or other person therefore responsible shall not allow any waste from such animal to accumulate on his or other premises or allow any obnoxious or otherwise offensive smells or gases to be discharged from the premises.

(2) A person shall not dispose of any animal waste at any place other than a place reserved by the authority for the disposal of such waste material.

(3) A dead animal shall be dealt with in accordance with the provisions of the Control and Diseases of Animals Act and the Rules and Regulations made thereunder Cap 66:02

(4) A sick animal shall be kept apart from healthy animals and the owner of or any person charged with keeping such animal shall inform the authority and it shall be the duty of that person to comply with any instructions or directions of the authority.

(5) The authority may require a person to submit any or all of his animals for examination by a qualified veterinary officer.

(6) Where a veterinary officer referred to in paragraph (4) certifies that an animal is of unsound health, he shall issue such instruction or direction as he deems appropriate.

(7) Where the instruction or direction referred to in paragraph (5) has been issued, the owner or any person for the time being charged with control of such animal shall be under a duty to act in accordance with the instruction or direction of such veterinary officer.

Custody and disposal of impounded animal

8.—(1) The authority shall maintain a place where an animal impounded under these By-laws shall be kept and shall levy a fee as prescribed in the Third Schedule, in respect of every animal impounded by it and the owner of such animal shall, in addition to payment of the fee hereby imposed, reimburse the authority for all expenses consequent upon the authority's impounding of such animal.

(2) Where, at the expiry of three clear days from the date the animal was impounded by the authority, the animal is not redeemed by the owner, the authority may, upon giving notice to the general public, sell to the highest bidder or otherwise dispose of such animal as it deems fit, but shall not offer such animal to any person gratis or for unduly low payment, and where such animal is sold or otherwise disposed of by the authority, the proceeds thereof shall be appropriated to the general revenue of the authority and shall not thereafter be recoverable by any person.

Indemnity and payment of compensation

9.—The authority shall not be liable to compensate any person for loss, injury or damage arising from the exercise by the authority of any of the powers granted under these By-laws provided always that the authority shall exercise the said powers reasonably and in good faith.

PART III—OFFENCES AND PENALTIES

Offences and penalties

10.—(1) A person who contravenes a provision of these By-laws or fails to comply with directions given by the authority or fails to comply with any condition imposed by the authority, commits an offence and shall be liable to the following penalties—

(*a*) a fine of K2,000.00, payable to the Council, when the contravention has been notified for the first time by the authority;

(*b*) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment;

(*c*) on the second contravention, the animal shall be impounded and the authority shall levy a fee as prescribed in the Third Schedule; and

(*d*) where the contravention has resulted into a loss or damage to a person or property, the owner of the animal shall be responsible for rectification of the loss or damage.

(2) The Council shall, in addition to the above penalties, recover from the offender the cost of enforcing its decision and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE (by-law 4)

PART I—PROHIBITED ANIMALS WITHIN RESIDENTIAL PREMISES

1. Donkey
2. Horse
3. Mule
4. Cattle
5. Pig
6. Goat
7. Sheep
8. Bees
9. Any wild animal, carnival or reptile
10. Any other such like animal by whatever description

PART II—ANIMALS ALLOWED WITHIN RESIDENTIAL PREMISES

Type of animal	*Maximum number permissible per plot*
Dogs	2
Cats	2
Chickens	15
Guinea fowls	15

Type of animal	*Maximum number permissible per plot*
Rabbits	10
Ducks	15
Pigeons	30
Turkeys	15
Quails	20

SECOND SCHEDULE (by-law 5(2))

FORM-I

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

APPLICATION FOR ISSUE OF ANIMAL PERMIT

1 Name of Applicant: .....

2 Postal Address: .....

3 Telephone Number: .....

4 E-mail address: .....

5 Residential Address—

(*a*) area: .....

(*b*) plot No .....

(*c*) street No.: .....

6 If application made on behalf of group of persons or community

Name of such Group or Community: .....

.....

7 Details of Animals in respect of which the application is made

(*a*) type of animal: .....

(*b*) number desired to be kept: .....

(*c*) reasons for desiring to keep such animals and such numbers: .....

.....

.....

.....

8 Dates or period for which application made: .....

Signature: .....

Date: .....

FORM—II

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (CONTROL OF ANIMALS) BY-LAWS, 2018

ANIMAL PERMIT

Issued to (Name of person, group of persons or community): .....

Address: .....

Area:..... Plot No.: ..... Street No.: .....

Type of animals permitted to be kept: .....

.....

Reasons for keeping animals: .....

.....

.....

Numbers thereof (per plot): .....

Period in respect of which permit is operative: .....

.....

Signature of authorizing officer: .....

Designation of authorizing officer: ..... Date: .....

THIRD SCHEDULE

FEES

1.	Application for a permit	K 5,000.00
2.	Fee payable on issue of a permit—	
	(*a*) 1-10 animals	K15,000.00
	(*b*) 11-50 animals	K20,000.00
	(*c*) 51 animals and above	K30,000.00
3.	Storage fee per animal per day	K 2,000.00

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government and Rural Development

(FILE NO: LG/1/13/25)