

CITY COUNCIL OF NAIROBI

(ANIMAL CONTROL) BY-LAWS 2009

LOCAL GOVERNMENT ACT
(CAP 265)

IN EXERCISE of the powers conferred by Section 201 of the Local Government Act, Cap 265 the City Council of Nairobi hereby makes the following By-Laws:

THE CITY OF NAIROBI (ANIMAL CONTROL) BY-LAWS, 2009

PART 1 – PRELIMINARY

- Citation 1. These By-laws may be cited as the City of Nairobi (Animal Control) By-laws, 2009
- Interpretation 2. In these By-Laws, except where the context otherwise requires.
- ‘City means’ the City of Nairobi.
- ‘permit’ means a periodic authority by the Council to carry out an activity.
- ‘poultry’ includes fowls, turkeys, geese and ducks:
- ‘public street’ includes any street, road, highways, path, sanitary, lane sand lane through fare or public space to which the public has access and includes a bridge over which a road way runs or a street maintained by the Council.
- ‘public place’ means any and/or place or premises of common access to members of the public :
- ‘street’ a street maintained by the Council.
- ‘Town Clerk’ means the person for the time being holding the office of the Town Clerk of the city, his deputy and any other officer of the Council authorized by him in writing for the purposes of these By-Laws.
- ‘Animal’ means:
- (a) an animal that is tame or kept, or that has been and is being sufficiently tamed or kept, to serve some purpose for the use of man.
- (b) Any horse, mule, swine, sheep, rabbit, goat, cow or any other animal of the bovine species.
- (c) Poultry kept for the purpose of providing meat or eggs;

‘Animal Control Officer’ means a person appointed by the Council for the purpose of enforcing and carrying out the provisions of the By-Law and includes a duly appointed By-Law Enforcement Officer.

‘Boarding Kennel’ means premises in which dogs over the age of 8 months and cats are kept, trained, cared for boarded and/or bred;

‘Breeding Kennel’ means premises in which dogs over the age of 8 months are kept.

‘Cat’ means both male and female of the species felis domesticus apparently over the age of four (4) months;

Director of Inspectorate means head of Inspectorate Department.

‘Dangerous Dog’ means a dog that:

- a) has killed or seriously injured a person
- b) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
- c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or seriously injured a companion animal or a domestic animal;
- d) reason to support that it is infected with virus or bacteria harmful to the public
- e) Causes fear to neighbours or passes by a public place.

‘Dog’ means both male and female of the species canis familiaris apparently over the age of four (4) months.

‘Guide dog’ means a dog used by a blind person to assist in avoiding hazards, and includes a dog for which a certificate has been issued.

‘Highway’ means a street, road, lane, bridge, viaduct, and any other way open to the use of the public, and an access route in a bare land strata lot development, but does not include a private right of way on private property;

‘Impounded’ means seized, delivered, received or taken into the Pound or in the custody of the Animal Control Officer as provided for herein;

‘Muzzled’ means fitted with a device placed over the mouth of a dog that is of sufficient strength and design to prevent the dog from biting any person or other animal,

‘Owner’ in respect of animals subject to this law includes possessed or harboured;

‘Parcel’ means a lot, block or other area in which land is held or into which land is subdivided.

‘Park’ means a park established under the Local Government Act,

‘Personal Assistance Dog’ means a dog used by a person with a disability to assist that person with tasks of daily living that the person cannot carry out due to their disability.

‘Police Dog’ means any dog owned by an accredited police force and trained to assist Police on investigations;

‘Pound’ means any building or enclosure or place established for impounding animals;

‘Purebred’, in relation to an animal of a distinct breed means an animal that is a purebred of the breed as determined by the by-laws of the association authorized to register animals of that breed.

‘Unlicensed Dog’ means any dog for which the license for the current year, as provided in this by-law, has not been obtained;

‘Vicious Dog’ means: a) a dog that, without provocation, has bitten or attacked a person or domestic animal either on public or private property b) a dog that has, in a menacing or terrorizing manner, approached any person in an apparent attitude of attack upon a highway, park or other public place; c) a dog owned or harboured primarily in or in part for the purpose of dog fighting, or a dog trained for dog fighting; d) a dog with a known propensity, tendency or disposition to attack, without provocation, other domestic animals or humans;

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| When a Dog Comes of Age | 3. No person shall keep or have in his or her possession within the Council any dog over the age of four (4) months unless a license under this bylaw has been first obtained and the applicable fee paid. |
| Number of Dogs | 4. No person, being the owner or occupier of a parcel, may cause or permit the keeping or harbouring on that parcel, more than for (4) dogs over the age of four(4) months without holding a valid kennel license issued under this by-law. |
| Deadline | 5. i) Every dog license issued under this By-Law shall expire on the thirty-first day of December next following the date on which the license is issued and shall be valid only in respect of the dog for which it was issued. |

ii) Dog License fees shall be payable, as specified in Schedule 'A' of this by-law and become due on or before December 31 in each year, or as soon thereafter as the dog in respect of which the license is obtained attains the age of four months.

iii) If the appropriate license fee has not been paid by December 31 of the licensing year, the owner of any dog not licensed shall pay a further fee as set out in Schedule 'A' unless no license fee is payable in respect of such dog by December of the licensing year.

Replacement 6. A replacement license or License tag may be issued upon payment of the fee specified in Schedule 'A' when:

i) The original license has been lost, destroyed or stolen, or

ii) A valid and current license for the dog has been issued in another jurisdiction, and the current license tag and/or receipt are surrendered to the Council.

i) One license shall be issued free of charge for a dog which has been neutered or spayed during the 12 month period immediately preceding the application for the license subject to the owner providing a copy of the certification from a licensed veterinarian that the dog has been neutered or spayed.

ii) Before issuing license for a spayed female dog or a neutered male dog, the Council may require the owner to furnish written certification from a licensed veterinarian that the dog has been neutered or spayed.

Transfer of
Ownership

7. If the ownership of a licensed dog changes hands, the new owner may be issued a new licensed and a license tag upon payment of the transfer fee specified in Schedule 'A' provided that the old license tag is surrendered to the Council.

Guide Dogs, Personal
Assistance Dogs
And Police Dogs

8. A license is required, but no license fee shall be charged for, Personal Assistance Dogs, Police Dogs and Guide Dogs.

Tag Criteria

9. There shall be issued with each dog license a suitable license tag which shall be impressed or stamped with a number of the license and with figures denoting the calendar year in which the license is valid.

Duty to affix
Dog Tag

10. The owner of any dog licensed by the Council shall affix and keep affixed the metal dog tag issued by attaching it to a collar or harness on the dog.

Record
Collection

11. The Collector may keep a record of the name and address of the owner of every dog licensed under the provisions of this by-law, the date the license was issued, a description of the dog, the and the amount of fees paid.

Licensing Kennels

12. a) General

i) No person, being the owner or occupier of a parcel, shall use the parcel as a kennel for the keeping, training, caring, breeding or boarding of dogs unless that operation is a permitted use appropriate Boarding Kennel licence has been issued.

ii) No person, being the owner or occupier of a parcel, shall use the parcel a kennel for the keeping, caring, or breeding of dogs unless that operation is permitted appropriate Breeding Kennel license has been issued.

iii) No person holding a valid kennel license shall cause or permit the keeping or harbouring on a parcel more dogs over the age of eight (8) months than is stated under the terms of his kennel license.

iv) A kennel license is not transferable to another person or to another parcel.

v) No person shall use a parcel as a breeding or boarding kennel unless there is a dog exercise yard used to accommodate any animal shall be maintained in a sanitary area.

vi) Any person who operates a kennel shall ensure that building , enclosure or exercise area fenced in such a manner that a dog cannot escape the confines of the exercise area.

vii) The total dog license fees payable by any person who operates a kennel shall be as prescribed in Schedule 'A'.

b) Breeding Kennels

No more than four (4) dogs over the age of four months, shall be kept or maintained on any premises unless the owner of the premises operates a breeding kennel which:

- i) is solely for the purpose of breeding purebred dogs
- ii) is in compliance with the provisions of this bylaw.
- iii) is in compliance with the provisions of the Council By-law.
- iv) has first obtained a kennel license from the Council.

At Large

13. a) For the purposes of this Bylaw, an animal shall not be deemed to be 'at large' if it is:
- i) on the property of its owner or of another person who has the care and control of the animal, or
 - ii) under the direct and continuous control of a person who is competent to control it, or,
 - iii) securely confined within an enclosure, or
 - iv) securely fastened so that it is unable to roam.

Owner's
Responsibility

14. a) The owner of an animal shall ensure:
- i) That the animal is kept, housed and fed in a manner conducive to its good health and well being
 - ii) That if the animal is injured or suffering from any disease, it is promptly examined and treated by a qualified veterinarian, or otherwise treated in accordance with accepted health practices
 - iii) That structures, pens or enclosures used to accommodate the same shall be maintained in a clean and sanitary condition at all times and that all cleanings from such facilities are disposed of in a manner that will not create a nuisance or health hazard.
- b) No owner of an animal shall suffer or permit such an animal to be 'at large' as described in section 4 of this Bylaw.
- c) An owner of a vicious dog shall keep in muzzled and on a leash.
- d) No owner of a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood in the vicinity of the place where the dog is kept.

- e) Sub-paragraph 5(d) will not apply in respect of a licensed commercial boarding kennel is a permitted.
- f) Every owner of a female dog in heat or oestrus shall confine it or cause it to be confined in a building or enclosure so that it cannot come in contact with the dogs other than dogs belonging to that owner, except such a dog may be conveyed under the control of a competent person to a veterinary clinic or a boarding kennel.

Enforcement

- 15. a) The Animal Control Officer may:
 - i) enforce the provisions of this Bylaw;
 - ii) if the Animal Control Officer believes that an unlicensed dog is present on any premises, require the occupant of the premises:
 - a) to give evidence that a license has been obtained and a license tag has been issued for that dog; or
 - b) to deliver the dog to the Animal Control Officer.
 - iii) seize any animal found at large.
 - iv) Impound an unlicensed dog, a dog found unlawfully at large, or a vicious dog for a period of ninety-six (96) hours unless it is reclaimed as provided in this bylaw.
 - v) Impound a dangerous dog for fourteen days (14).
 - vi) destroy any animal which has been found 'at large' and which, upon examination by a licensed veterinarian is found to be suffering from an incurable disease or injury.
 - vii) order an owner of a vicious dog to keep it muzzled and on a leash.
 - viii) enact the provisions of this By-Law pertaining to dangerous dogs.

Impounding
Animals

- 16. a) During any period of impoundment, every animal shall be supplied with a sufficient quantity of food and water.
- b) Where an impounded animal can be identified by a license tag or otherwise, the Animal Control Officer shall, within 24 hours after the impoundment, notify the owner by telephone or by mail.

- c) The owner of an animal impounded under this Bylaw may reclaim it on application to the Animal Control Officer within 96 hours from the time of its seizure by providing proof of ownership, paying any license, impoundment and related fees as set out in Schedule B, and any applicable fine.
 - d) Notwithstanding section 8© a dangerous dog, which has been impounded cannot be reclaimed.
 - e) If an impounded animal is not claimed within ninety-six (96) hours of the time of its impoundment, the Animal Control Officer may dispose of it by adoption eligible persons, or by humane destruction.
17. a) An Animal Control Officer may enter, at any reasonable time, upon any property within the City of Nairobi in order to ascertain whether the provisions of this bylaw are being observed.
- b) No person shall prevent or obstruct, or attempt to prevent or obstruct an Animal Control Officer in fulfilment of their duty under this bylaw.
- 18.1) Any person who is guilty of an offence under these Bylaws shall be liable on conviction to a fine not exceeding two thousand shillings in respect of a first offence and not exceeding three thousand shillings in respect of a second or subsequent offence or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or to both such fine and imprisonment.
- 2) Any person who fails to comply with the requirements of any notice served under these by-laws within the time specified by such notice shall be guilty of an offence and be liable on conviction to the penalties specified in paragraph (1) of this by-law.
19. Schedules 'A', 'B', attached to this Bylaw are part of this Bylaw.
20. This bylaw repeals Sec 8 and 9 of General Nuisance By-Law 2007.

Schedule 'A'
Animal Control Bylaw, 2009

Dog License Fees	Amount
a) Dog	
b) replacement of lost license	
c) late application penalty	
d) breeding kennel having five (5) or less dogs	
e) late application of penalty	
i) breeding kennel having eleven (11) or more dogs	
j) boarding kennel	

Schedule 'B'
Animal Control Bylaw, 2009,
Impounding Fees

1. Dogs
 - a) first impoundment fee
 - b) second impoundment fee
 - c) third and subsequent impoundment fee
 - d) penalty added to impoundment fee for unlicensed dogs
 - e) maintenance and sustenance charge for each 24 hour period or part thereof that the dog has remained in the pound
2. Cats
 - a. impoundment
 - b. maintenance and sustenance charge for each 24 hour period or part thereof that the cat has remained in the pound
3. Animal
 - a. impoundment a
 - b. maintenance and sustenance charge for each 24 hour period or part thereof that the cat has remained in the pound
4. Bird, reptile or rodent
 - a. impoundment a
 - b. maintenance and sustenance charge for each 24 hour period

or part thereof that the cat has remained in the pound.

5. Any other animals or birds
6. Costs for special equipment or personnel used,
If any, to effect the impoundment
7. Veterinary expenses, if any, to treat
Injured or sick impounded animals

Made this----- day of ----- 2009

By order of the City Council of Nairobi.

TOWN CLERK

Approved this -----day of ----- 2009

MINISTER FOR LOCAL GOVERNMENT

DATED OF PUBLICATION IN KENYA GAZETTE: ----- 2009

