

The Municipal Manager (Acting)

Mr. xxxxxx Municipality

Town xxxxxxxxxxxxxxxx

Tel: +27 xxxxxxxxx

Zip xxxx

Fax: +27 xxxxxxxxx

Email: xxxxxxxxxxxxxxxxxxxxxxxx

Date xx xx xxxx

(Thank you Brainy Sumrf)

Re: The keeping of un-spayed bitches and a R2000 fine - refer letter dated xx xxxxx from xxxxx (Senior dog warden).

Dear Sir,

I hereby declare a dispute and appeal to the Municipal Manager to set aside the administrative action taken against me, whereby I was fined R 2000.00 for keeping two unspayed bitches and of being refused the right to be accepted as a breeder of American Pit Bull Terriers (APBT Bulldog's) – my SADBA Breeders registration no xxxxxxx - and that a process of consultation be started where our breed society and registering body be afforded the opportunity to participate in line with the spirit of community participation as embodied in the Act.

This is done in terms of:

1) [Promotion of Administrative Justice Act, 2000. \(Act No. 3 of 2000\)](#)

The objective of this Act is, and I quote **"Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair."**

My plea is based on one or a combination of the following, which will be debated in greater detail with you:

- a) The action was procedurally unfair.
- b) The action was materially influenced by an error of law or By-law.
- c) The action was taken—
 - (i) For a reason not authorized by the empowering provision.
 - (ii) For an ulterior purpose or motive.
 - (iii) Because irrelevant considerations were taken into account or

relevant considerations were not considered.

Because of the un-authorized or unwarranted dictates of another person or body.

d) In bad faith; or

e) Arbitrarily or capriciously.

Municipal Systems Act, 2000 (Act No. 32 of 2000)

This Act, internal, sets the framework for community participation based on core principles and processes to establish simple and an able framework that is just and fair.

Community participation implies that Municipal By-laws can be formulated with the assistance of the public, improved and amended as the case may be trading factual formation.

Furthermore, meetings of a Municipal council and those of its committees are open to the public, including the media, and the council or such committee may not exclude the public, including the media and accept in special circumstances.

The Municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the Municipality, and must for this purpose provide for:-

(a) The receipt, processing and consideration of petitions and complaints lodged by taxpaying members of the local community.

(b) Notification and public comment procedures, when appropriate:

(c) Public meetings and hearings by the Municipal council and other political structures and political office bearers of the Municipality, when appropriate.

(d) Consultative sessions with locally recognized community organizations and, where appropriate, traditional minorities; and

(e) Report-back to the local community.

My plea is based on the following:

Your By-law with regard to the keeping of dogs is procedurally unfair, if you contemplate that American Pit Bull Terriers

Bulldog and all others breeds that are not recognized by KUSA

- Jack Russell Federation, Boxer Federation & German

Shepherd Federation be discriminated against by rejecting

them as a breed, of being bred and kept, and as such refusing

the right to owners to register them with the Municipality,

rejecting the request of applying on your prescribed form, and as such no due consideration is even granted, nor a proper explanation that is legally valid.

This amounts to selective breed discrimination.

In fact, you did write to me in which you mentioned that only the above 4 associations are acceptable to you, and that you ordered my two American Pitbull Terriers bitches spayed.

You have also given me a fine of R2000 for the 2 bitches.

At the time of giving me a fine, when my premises were visited on July 14th, 20xx, you did not give me a copy of your By-laws. You did not deem it even necessary.

Subsequently I phoned in to request a copy and it was denied by Mrs. xxxxx.

This is how the public is serviced.

Again, when we phoned in Mr. xxxxxx advised that the Municipality could not make copies for me as their 2 copiers were out of order for the last month.

Could this be that the accounts were not paid to service providers?

This is an untenable service level to the community that pays its rates and taxes!

Then I received a letter from Mr. xxxxxxxx (signed on behalf of Mrs. xxxxxxxxx).

Dated 19/08/xxxx, requesting my response within 7 days and only then was a copy attached of the by-law that was only promulgated on 31/03/2010.

I then asked for an application form to register as a breeder of APBT' Bulldogs and was denied again.

I then asked for the reason in writing - that was the 20th of August xxxx and was promised a reply by the following Thursday the 26th of Aug xxxx, as the Municipality now had to contact KUSA to justify its actions, before I could have something in writing.

Why KUSA?

Is KUSA driving the By-laws that they must be consulted every time?

Another 8 days later, and it is now the 3rd of Sept xxxx; I was advised that the Municipality is still not in procession of a KUSA letter, and as such, not in a position to respond to me on such a basic question which should actually already be worded and

incorporated in the said By-laws, namely

"By-law relating to prevention of public nuisances and public nuisances arising from the keeping of animals."

Clearly, this does not seem to be the case.

Today is the 6th of Sept xxxx, as I am writing to you, and still no reply forthcoming from the Municipality, nor an indication of when I could expect an answer.

I was given 7 days to respond.

In turn I requested to then respond 7 days from the date of the Municipality providing me with a valid reason as to why they reject a APBT Bulldog breeder.

I have decided not to wait any longer, but to respond without any further delay.

The fact that KUSA is now pulled into this matter shows clearly that there is a second agenda that is being followed.

Greg Eva's e-mail of 27th August XXXX is prima facie proof in this regard.

This is not acceptable to us as breed fanciers, and this matter will be referred to the American Dog Breeders Association, The Pit Bull Union of SA and the Pit Bul Federation of SA and the South African Dog Breeders association for legal counsel. They represent the APBT Bulldog breed in South Africa, and the Municipality has just again refused to council with them, when I mentioned it to them.

This is procedurally wrong and is also an offence in terms of the [Promotion of Administrative Justice Act, 2000. \(Act No. 3 of 2000\).](#)

Now, having gone through this By-law, I do not notice any mention of the word American Pit Bull Terrier (APBT) anywhere. What it does refer to in Sec 15(1) is, and I quote ***"A breeder of dogs or cats who wishes To keep more than two dogs or cats must obtain permission from the Municipality and the Municipality may charge an annual fee for the exercise of such right to breed dogs and cats."***

In any event, where does this right come or hail from to charge a "breeder" a fee, and on what basis would it be applied and administered in an equitable way?

What happens for example when a breeder does not breed for a year or more and resumes breeding later with the stock of his

preference or when the dogs are mature, etc.?

I also see nowhere in your By-law that un-spayed bitches cannot be kept - this is another Infringement of individual freedom and rights in any event.

Furthermore, the 4 bodies mentioned in your writing to me, that are supposedly the only recognized breed bodies by the Municipality, is an injustice in itself, and contravenes the right of free association by our Constitution (“**Constitution**” means the Constitution of the Republic of South Africa,1996).

This leaves the SA “Boerboel Vereniging” also out in the cold, not being recognized.

By no means can these 4 bodies be elevated to a position to act as a monopoly in our society with regard to dogdom.

We do not seek the approval nor recognition of KUSA, as they do not know our dogs and are not qualified to express an opinion.

Our dogs are either registered by the SADBA locally since 1989, or overseas by the ADBA (American Dog Breeders Association, Inc.) since 1909, and this is how we prefer it in a free society, based on free market principles.

Incidentally, for your elucidation, I wish to branch out a bit further regarding different breeds that are in a developmental state, which means they are not as yet recognized as a breed by the American Kennel Club (AKC), the British Kennel Club (BKC) or the Kennel Union of SA (KUSA), but they have their own breed Federations and breed clubs and developmental registries.

These breeds are referred to as RARE breeds.

And so, I wish to refer you to the book on this subject, called “A Celebration of Rare Breeds” written by one Cathy J. Flamholtz (published 1986).

This book lists 54 different breeds in the making, some of which have already become pure-bred.

To mention just a few here is an abbreviated list by class of dog:-

The Jagd Terrier
The Czech Terrier
The Australian Kelpie

The English Shepherd
The Boykin Spaniel
The Cavalier King Charles Spaniel
The Tibetan Mastiff
The Tosa
Fila Brasileiro
The Argentine Dogo
The American Bulldog

Even more interesting, this is the position in America with rare breeds:

The American Rare Breed Association or ARBA is a national dog association of the United States, based in Cheltenham, Prince George's County, Maryland.

The club was formed to register, show, educate and promote the breeding of uncommon dog breeds.

ARBA handles breeds recognized by the Fédération Cynologique Internationale or by its own board of directors that are not yet recognized by the American Kennel Club.

Some of the ARBA's services include:

- . Registering Rare Dog Breeds.
- . Conforming Rare Dog Breed Shows.
- . Seminars for Judges.
- . Conforming Dog Shows.
- . Public Awareness & Education.
- . Giving Obedience and Championship Titles.
- . Canine Citizenship Program.

Breeds in the ARBA

Companion.

American Hairless Terrier
Bolognese
Cavalier King Charles Spaniel
Coton de Tulear Danish/Swedish Farm Dog
English Toy Terrier Havanese
Kyi-Leo Löwchen
Moscow Toy Terrier Mini-Pei
Toy Fox Terrier
Russian Tsventnaya Bolonka

Herding.

Akbash Dog
Appenzeller Sennenhund
Australian Kelpie
Beauceron shepherd
Bergamasco
Cao de Serra Aires
Cao de Castro Laboreiro
Cao de Fila Miguel
Catalan sheepdog
Dutch Shepherd Dog
English Shepherd
Entlebucher Sennenhund
King Shepherd
Catahoula Leopard Dog
Belgian Laekenois
Maremma Sheepdog

Hound.

Anglo Francais Tricolor.
Azawakh.
Basset Artésien Normand.
Basset Bleu de Gascogne.
Basset Fauve de Bretagne.
Basset Griffon Vendéen.
(Grand) Basset Griffon.
Vendéen (Petit).
Batard Black Forest Hound.
Briquet Griffon Vendéen.
Bruno de Jura.
Chart Polski Geyhound.
Cirneco Dell'Etna.
Drever Fauve de Bretagne.
Grand Anglo-Terrier.
American Pit Bull terrier.
Terrie Cesky.
Terrier Jagd Terrier.
Irish Glen of Imaal Terrier.
Parson Jack Russell Terrier.
Patterdale Terrier.
Russell Terrier.

Sporting.

Barbet.

Boykin Spaniel.

I Bracco Italiano.

Braque du Bourbonnais.

Braque Dupuy.

BRAQUE D'AUVERGNE BRAQUE FRANCAIS.

BRAQUE SAINT- GERMAIN.

IRISH RED & WHITE SETTER.

Kooikerhondje Large Munsterlander.

Nova Scotia Duck Tolling Retriever.

Old Danish Pointer.

Perdigueiro Portugues

Picardy Spaniel.

Small Munsterlander.

Spinone Italiano Stabyhoun.

Spanish Water Dog.

Wirehaired Hungarian Vizsla.

Mudi.

Miniature Australian Shepherd.

Picardy Shepherd.

Polish Lowland Sheepdog.

Pyrenean Shepherd.

Pumi (dog).

Romanian Carpathian Shepherd Dog.

Shiloh Shepherd.

Slovensky Cuvac

South Russian Ovtcharka.

White German Shepherd Dog.

Spitz.

Alaskan Klee.

Kai Canaan Dog.

Canadian Eskimo Dog.

Carolina Dog.

Chinook.

Dingo Eurasier.

Finnish Lapphund.

German Spitz.

Greenland Dog Hokkaido.

Icelandic Sheepdog.

Japanese Spitz Jamthund.
Jindo Dog.
Kai Ken Karelian Bear.
Dog Kishu Ken.
New Guinea Singing Dog.
Norrbottenspets.
Norwegian Buhund.
Norwegian Lundehund.
Russo-European Laika.
Peruvian Inca.
rchip Portuguese.
Podengo Sanshu
Swedish Vallhund.
Swedish Lapphund
Thai Ridgeback Xoloitzcuintli.
Rastreador Brasileiro.
Redbone Coonhound.
Redtick Coonhound.
Sabueso Hound.
Schiller Hound Sloughi.
Slovakian Hound.
South Russian Steppe.
Styrian Roughhaired.
Mountain Hound.
Telomai.
Tennessee Treeing.
Brindle Transylvania Hound.
Treeing Walker.
Trigg Hound.
Tyrolean Hound.
Verelade Wachtelun.
Wirehaired Istrian Hound.
Yugoslavian Hound.
Petit Griffon De Gascogne.

Working.

Aidi.
Alapaha Blue Blood Bulldog.
American Bulldog.
Anatolian Shepherd.
Argentine Dogo.

Austrian Pinscher
Black Russian Terrier.
Cane Corso.
Caucasian Ovtcharka.
Central Asian Ovtcharka.
Dogue De Bordeaux Estrela.
Mountain Dog Fila Brasileiro
German Pinscher.
Greater Swiss Mountain Dog.
Hovawart Leonberger
Olde English Bulldogge.
Dogo Canario.
Presa Mallorquin.
Pyrenean Mastiff
Spanish Mastiff.
South African Boerboel.
Tibetan Mastiff.
Francais.
Grand Basset Griffon Vendeen.
Grand Bleu de Gascogne Griffon Nivernais.
Hamilton Hound.
Hanoverian Schweiss hund.
Hellenic Hound Kirhiz.
Magyar Agar Mountain Cur.
Ogar Polski.
Petit Bleu de Gascogne.
Plott Hound.
Podengo Canario.
Poitvin hound.
Posavaski Gonici

Clearly there are a host of breeds in the above that are not on the books of KUSA, and as such I reject the notion **that they have to approve our breed the APBT Bulldog.**

As South Africans in South Africa we do not need them, just as much the 2 American Pit Bull Registries, the UKC and ADBA need the approval of the AKC.

KUSA is not the be all and end all.

Our APBT Bulldog breed associations offer essentially the same

services as ARBA as we have our own breed standards based on the United states ADBA standards and conduct our own shows, have seminars for our judges, rescue for dogs in distress and is also involved in public awareness and education.

2)Promotion of Access to Information Act (No. 2 van 2000)

This Act gives effect to the constitutional right to access to any information held by the State and any information needed to protect one's fundamental rights.

It includes provisions on what information the public has a right to access and the procedures for accessing such information.

The Act represents a landmark in South African history to foster a culture of transparency and accountability in South Africa, being an essential mechanism to ensure good governance.

In terms of the above Act, I now request that you make the following available to me by certified copies:

- a) The minutes of the meeting discriminating against our breed the APBT Bulldog breed.
- b) Who was invited and who attended the meeting when opinions were solicited as to which breed registries and clubs were deemed acceptable or not.
- c) Your published invitation in the local press that such a meeting will be held (recommunity participation).
- d) And where these discriminatory measures are embodied in the By-law (quote me the exact clause please).
- e) if no formal records exist to substantiate, then just a comment to that extent will suffice.

This should be read in conjunction with my comments that the Municipality should be seen to be procedurally fair, and that "administrative justice" prevails according to the Act, or alternatively the acting outside the scope of the Act and Municipal by-laws, which needs further clarification if that is the case.

In the meantime, I place the R2000.00 fine in dispute, until this matter has been resolved satisfactorily.

So, it will not be paid with my next payment of my water and electricity account.

I also need to see where in the By-laws a fine of R2000 is prescribed for the keeping of a non spayed bitch, and how this is reconciled with section 24 of the By-law that deal with "Transition provisions " as the By-law was only recently promulgated (apparently 31/03/2010).

For ease of reference, I now quote 24(1).

"A person who, at the commencement of this By- law, own a larger number of animals than the number contemplated in section 4(2), may not replace animals that die or are disposed of and must gradually reduce the number of individuals that may be kept."

I feel victimized by the very way this matter has been handled,
as well as the aggressive stance that I encountered.

I thus invite you to a meeting with our representative breed bodies, and hope that this matter could be amicably solved. Please provide me with 3 possible dates that suit you, as I have to give reasonable notice to all parties concerned for a meeting to be held.

Please advise who this meeting needs to be with, and who will be present on your side so that I can put them on my mailing list when I come back to you.

May I also request that you come back to me within 7 days from receiving this letter by no later than the 14th Sept xxxx, so as to set the ball rolling and bring this matter finally to a close.

Yours faithfully, xxxxxxxxxxxxxxxxxxxxxx Date

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Received on behalf of Municipality
Date:

That's it – Gawie Manjaro – MK.



Info shared by Pitbull SA.

Manjaro APBT kennel.

South Africa.

My web site www.pitbullsa.co.za

My E mail "manjaro@pitbullsa.co.za"

My Face book "Gawie Manjaro"

My Face book page "Manjaro Kennel"

My mobile +27827838280.

Gawie Manjaro on Face book messenger.