

COUNCIL OF THE SHIRE OF BEAUDESERT

Beaudesert Shire
A region of many colours



SUBORDINATE LOCAL LAW NO. 3.1

(ANIMAL CONTROL)

CONSOLIDATED AS AT 13 SEPTEMBER 2000

ANNOTATIONS

Original Local Law

Local Law No. 3 (Animal Control)
date of gazettal 25 June 1999

Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2000
date of gazettal 30 June 2000

Original Subordinate Local Law

Local Law Policy No. 3.1 (Animal Control)
date of public notice 28 June 1999

Amending Subordinate Local Laws

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate
Local Laws) 2000
date of public notice 13 September 2000

PUBLIC NOTICE

Local Government Act 1993

Beautesert Shire Council

Local Law Policies

In accordance with requirements of the Local Government Act 1993, the Council of the Shire of Beautesert gives notice that on 22 June, 1999 it passed a resolution making the following Local Law Policies:

● **Local Law Policy No. 2.1 (Standing Orders)** - is made under Local Law No 2 (Meetings) and provides procedures for dealing with items of business at Council meetings;

● **Local Law Policy No. 3.1 (Animal Control)** - is made under Local Law No 3 (Animal Control) and assists in regulating the keeping of animals;

● **Local Law Policy No. 4.1 (Cemeteries)** - is made under Local Law No 4 (Cemeteries) and provides acceptable standards for the disposal of human remains and requirements for the operation of cemeteries;

● **Local Law No. 5.1 (Business on Public Places Other Than Council Facilities)** - is made under Local Law No 5 (Council Facilities) and regulates business activities on public places other than Council facilities;

● **Local Law Policy No. 7.1 (Animal Keeping)** - is made under Local Law No 7 (Licensing) and regulates the keeping of animals;

● **Local Law Policy No. 7.2 (Camping Grounds and Caravan Parks)** - is made under Local Law No 7 (Licensing) and regulates the operation of camping grounds and caravan parks;

● **Local Law Policy No. 7.3 (Rental Accommodation)** - is made under Local Law No 7 (Licensing) and regulates the operation of rental accommodation;

● **Local Law Policy No. 7.4 (Advertisement)** - is made under Local Law No 7 (Licensing) and regulates advertisements in the local government area;

● **Local Law Policy No. 7.5 (Animal Vending)** - is made under Local Law No 7 (Licensing) and regulates animal vending;

● **Local Law Policy No. 7.6 (Extractive Industry)** - is made under Local Law No 7 (Licensing) and regulates the operation of an extractive industry;

● **Local Law Policy No. 7.7 (Domestic Water Carrier)** - is made under Local Law No 7 (Licensing) and regulates the quality of water supplied for domestic purposes;

● **Local Law Policy No. 7.8 (Itinerant Vending)** - is made under Local Law No 7 (Licensing) and regulates the operation of itinerant vending;

● **Local Law No 7.9 (Stalls)** - is made under Local Law No 7 (Licensing) and regulates the operation of stalls in the local government area;

● **Local Law Policy No. 7.10 (On-Site Sewerage Facility)** - is made under Local Law No 7 (Licensing) and regulates the operation of an on-site sewerage facility;

● **Local Law Policy No. 7.11 (Temporary Events)** - is made under Local Law No 7 (Licensing) and regulates the operation of temporary events;

● **Local Law Policy No. 7.12 (Temporary Accommodation)** - is made under Local Law No 7 (Licensing) and regulates the operation of temporary accommodation;

● **Local Law Policy No. 7.13 (Film Production)** - is made under Local Law No 7 (Licensing) and regulates the operation of film production;

● **Local Law Policy No. 7.14 (Home Based Business)** - is made under Local Law No 7 (Licensing) and regulates the operation of home based business;

● **Local Law Policy No. 7.15 (Blasting Operations)** - is made under Local Law No 7 (Licensing) and regulates blasting operations;

● **Local Law Policy No. 8.1 (Parks and Reserves)** - is made under Local Law No 8 (Parks and Reserves) and extends the operation of Part 2 and 3 of the Local Law to reserves and other public places and provides specific requirements for the protection of parks, reserves and other public places;

● **Local Law Policy No. 9.1 (Public Health)** - is made under Local Law No 9 (Public Health) and regulates activities that affect public health, including fire hazards and dangerous fencing; and

● **Local Law Policy No. 10.1 (Gates and Grids)** - is made under Local Law No 10 (Roads) and regulates the installation of gates and grids in the local government area.

The above Local Law Policies commence operation on 1 July 1999.

Certified copies of the Local Law Policies are open for inspection at Beautesert Shire Council's public office at 82 Brisbane Street, Beautesert and at the Department of Communication and Information, Local Government and Planning. Copies of the Local Law Policies may be purchased at Beautesert Shire Council's public office at a cost of \$0.50 per page.



G.W. Day
CHIEF EXECUTIVE OFFICER

PO Box 25
BEAUTESERT QLD 4285

CERTIFICATION

It is hereby certified that this is a true and correct copy of Subordinate Local Law No. 3.1 (Animal Control) made, in accordance with the *Local Government Act 1993*, by the Council of the Shire of Beaudesert.

G.W. Day
Chief Executive Officer

COUNCIL OF THE SHIRE OF BEAUDESERT
SUBORDINATE LOCAL LAW NO. 3.1

(ANIMAL CONTROL)
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COUNCIL OF THE SHIRE OF BEAUDESERT

SUBORDINATE LOCAL LAW NO. 3.1 (ANIMAL CONTROL)

This subordinate local law is to be read with Local Law No. 3 (Animal Control)

Made by Council Resolution 22/06/99

PART 1 – PRELIMINARY

Citation

- 1 This subordinate local law may be cited as Subordinate Local Law No. 3.1 (Animal Control).

Objects

- 2 The object of this subordinate local law is to assist in the implementation of *Local Law No 3 (Animal Control)*.

Definitions

- 3 In this subordinate local law:

“**animal enclosure**” has the meaning given in *Local Law No 3 (Animal Control)*.

“**animal keeping**” has the meaning given in *Local Law No 7 (Licensing)*.

“**goods**” has the meaning given in *Local Law No 1 (Administration)*.

“**pests**” includes vermin and insects.

“**prescribed premises**” means the premises on which an animal is ordinarily kept.

“**public office**” has the meaning given in the *Local Government Act 1993*.

“**public purposes**” includes:

- (a) federal government purposes; and
- (b) State government purposes; and
- (c) statutory authority purposes; and
- (d) local government purposes; and
- (e) any other public purpose whether or not the public purpose is conducted or provided by private individuals, organisations or companies.

“**residence**” means premises used for human habitation on a short term or a long term basis.

“**rubbish**” has the meaning given in *Local Law No. 8 (Parks and Reserves)*.

“**sewerage system**” has the meaning given in the *Standard Sewerage Law*.

“**vermin**” has the meaning given in *Local Law No 9 (Public Health)*.

“**waste**” has the meaning given in *Local Law No 9 (Public Health)*.

“**waste container**” means a weatherproof container for the storage of waste that:

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

“**waste disposal facility**” means a general waste disposal facility or a regulated waste disposal facility approved by the local government.

“waste water” means a liquid waste.

PART 2 – DEFINITIONS IN THE LOCAL LAW

Dangerous animal

- 4 For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, a dog which is an American pit bull registered prior to 1 July 1999 is a dangerous animal.

Feral animal

- 5 For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, a feral animal includes all non-native animals living in a state of nature.

Guide dog

- 6 For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, a dog is a guide dog if:
- (a) it is used for the purpose of assisting a person who:
 - (i) is hearing or sight impaired; or
 - (ii) requires the dog for therapy in accordance with the written direction of a medical practitioner; and
 - (b) it is approved for this purpose by the local government.

Example: The local government may not approve a dog as a guide dog, for the purposes of paragraph (b), if:

- ?? *it has not been trained by an association recognised by the local government; or*
- ?? *it has not been specifically trained for the purposes specified in paragraph (a).*

Identifying tag

- 7 For the purposes of section 3 (Definition) of *Local Law No 3 (Animal Control)*, an identifying tag may include:

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- (a) an electronic implant or microchip where details of the animal have been provided to the local government; or
 - (b) an identifying tattoo registered with the local government; or
 - (c) a metal or plastic disc or plate issued by the local government which is attached to a collar; or
 - (d) another method of identifying the animal approved by the local government.

Prohibited animals

8 For the purposes of section 3 (Definitions) of *Local Law No. 3 (Animal Control)*, an animal is a prohibited animal if the animal is:

- (a) a rooster over the age of six (6) weeks which:
 - (i) is kept on premises which:
 - (A) is less than 2,100m²; and
 - (B) adjoins premises which is less than 2,100m²; and
 - (ii) was not kept on the premises before 1 July 1999; or
- (b) a bull over the age of 12 months on premises which is less than 4000m²; or
- (c) a stallion over the age of 12 months on premises which is less than 4000m²; or
- (d) a dog which:
 - (i) was either:
 - (A) not registered under the local government's local laws before 1 July 1999; or
 - (B) registered under the local government's local laws before 1 July 1999 and that registration has in accordance with *Local Law No. 3 (Animal Control)*:

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- (1) expired; or
 - (2) been cancelled by the local government; or
 - (3) not been renewed by the local government; and
- (ii) is of a breed being:
- (A) American pit bull terrier; or
 - (B) Dogo Argentino; or
 - (C) Fila Brasileiro; or
 - (D) Japanese Tosa; or
 - (E) a cross breed referred to in paragraphs (A) to (D); or
- (e) declared by another local government to be dangerous.

Public place

9 For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, a private place shall be a public place if the premises are:

- (a) used for a public purpose; or
- (b) accessible to or used by the public:
 - (i) irrespective of whether a fee has been charged or not; and
 - (ii) with the express or implicit consent of the owner or occupier of the premises.

Example: This would include indoor and outdoor recreational facilities, car parks, shopping centres, shops, hotels and resorts.

PART 3 – ADMINISTRATION OF ANIMAL POUND

Operation of animal pound

- 10** For the purposes of section 7(1) (Operation of an animal pound) of *Local Law No 3 (Animal Control)*:
- (a) the animal pound shall be open for the reception and release of animals between 8.30am to 4.00pm each business day; and
 - (b) all animals (other than native animals living in a state of nature) shall be accepted at the animal pound; and
 - (c) animals shall be sold from the animal pound between 9.00am to 3.00pm each business day; and
 - (d) the impounding fees to be paid on the release of impounded animals shall be in accordance with the register of charges kept pursuant to section 975 (Register of charges) of the *Local Government Act 1993*.

Conduct of persons in the animal pound

- 11** For the purposes of section 7(1)(e) (Operation of an animal pound) of *Local Law No 3 (Animal Control)*, whilst in an animal pound, a person must not:
- (a) carry, discharge or use a knife, firearm or other weapon; or
 - (b) throw a stone, projectile or other missile; or
 - (c) use offensive or indecent language; or
 - (d) carry out any activity or behave in a manner reasonably likely to offend another person in the animal pound; or
 - (e) interfere with a plant; or
 - (f) interfere with any turf, sand, clay, soil or other material; or

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- (g) interfere with any building or structure; or
 - (h) interfere with an animal; or
 - (i) dispose of any rubbish other than in a waste container provided for that purpose; or
 - (j) deposit, store or abandon any goods or a vehicle; or
 - (k) otherwise do any act or omit to do any act which pollutes, fouls, litters or interferes with the animal pound or any building or structure; or
 - (l) enter any building or structure in the animal pound without the approval of an authorised person.

Register of impounded animals

- 12** For the purposes of section 8(2)(b) (Register of impounded animals) of *Local Law No 3 (Animal Control)*, the Register of Impounded Animals must be kept available for public inspection at the local government's public office.

PART 4 – REGISTRATION OF ANIMALS

Registrable animal

- 13** For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, an animal is a registrable animal if:
- (a) it is a dog over the age of three (3) months; and
 - (b) the dog is not a dog which is the subject of a licence under *Local Law No 7 (Licensing)* for the operation of animal keeping a condition of which exempts the dog from registration.

Example: A guard dog which is the subject of a licence for the operation of animal keeping under Local Law No 7 (Licensing) is not a registrable animal under Local Law

No 3 (Animal Control) if a condition of the licence exempts the guard dog from registration.

Application for a registration

- 14** For the purposes of section 11(1)(c)(iv) (Application for a registration) of *Local Law No 3 (Animal Control)*, an application for a registration must (unless otherwise required by the local government) be accompanied by:
- (a) Name, address and telephone number of the keeper of the animal; and
 - (b) the street address of the prescribed premises; and
 - (c) evidence of the desexing of the animal if applicable; and
 - (d) evidence supporting the application of a concessional fee if applicable; and
 - (e) a declaration as to the matters to be considered by the local government in determining whether the person is a suitable person; and
 - (f) details of any enclosure.

Suitable person

- 15** For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, the local government may determine that a person is not a suitable person to keep an animal if:
- (a) the person is an occupier of premises; and
 - (b) the premises of which that person is an occupier is also occupied by a person who, in the local government's opinion, is not a suitable person to keep an animal.

PART 5 – CONTROL OF ANIMALS

Division 1 – Prescribed criteria

General prescribed criteria

- 16** (1) For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, the keeper of an animal must comply with the following prescribed criteria:
- (a) All animal enclosures must be provided and maintained in such a manner so as to:
 - (i) be clean and in a sanitary condition; and
 - (ii) prevent any animal from escaping from the prescribed premises; and
 - (iii) not become deteriorated; and
 - (iv) avoid injury to the animal; and
 - (v) ensure the comfort of animals and the prevention of disease.
 - (2) For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, the keeper of an animal must comply with the following prescribed criteria:
 - (a) All animal enclosures must be provided and maintained in such a manner so as to permit regular cleaning of all the internal and external surfaces of the enclosures and regular checking of any animal within the animal enclosures.
 - (b) Feed must be stored in pest proof containers.
 - (c) Feed and water containers used by the animals must be of impervious, smooth construction, non-toxic and able to be easily cleaned and disinfected.

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- (d) Feed that has spoiled or deteriorated must be removed and disposed of in a waste container.
 - (e) Spilled feed must be immediately collected and disposed of in an approved refuse container.
 - (f) The keeper of an animal must upon discovering the existence of a dead animal remove the animal to a lawful place of disposal.
 - (g) An animal which contracts or is suspected of contracting any contagious disease must be isolated and a veterinary surgeon must (if required by the local government) be engaged as soon as is reasonably practicable to treat the animal.
 - (h) The prescribed premises must at all times to be kept free of pests.
 - (i) The keeping of an animal must comply with the *Environmental Protection Act 1994*.
 - (j) The keeper of an animal must have a certificate from a veterinary surgeon stating that:
 - (i) any dog not more than 6 months of age has been vaccinated for distemper, kennel cough, parvo and hepatitis; and
 - (ii) any cat not more than 6 months of age has been vaccinated for feline respiratory disease (cat flu) and feline enteritis.
 - (k) The keeping of the animal does not contravene the *Animal Protection Act 1925*.

Prescribed criteria for dogs

- 17** For the purposes of section 3 (Definitions) of *Local Law No 3 (Animal Control)*, the keeper of a dog must comply with the following prescribed criteria:

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- (a) The keeper of a dog must ensure that the dog is not within 10 metres of playground apparatus in a public place.
 - (b) The keeper of a dog must ensure that the dog is not within 10 metres of any apparatus in a public place used in the preparation or storage of food intended for human consumption.

Division 2 – General requirements in respect of animals

Requirements in respect of dead animals

18 For the purposes of section 21(4) (General requirements in respect of animals) of *Local Law No 3 (Animal Control)*, the owner of a dead animal and the occupier of the premises upon which the dead animal is found must dispose of the dead animal in accordance with the following standards:

- (a) A dead animal must be removed from the premises to a waste disposal facility which is able to receive dead animals.
- (b) A dead animal must be disposed of so as not to cause a nuisance.

Division 3 – Prescribed enclosures

Prescribed enclosure for dogs

19 For the purposes of section 22(1) (Requirement for a prescribed enclosure) of *Local Law No 3 (Animal Control)*, a prescribed enclosure for a dog kept (other than as part of the operation of animal keeping) on:

- (a) prescribed premises being land included in the Rural zone under the local government's planning scheme which is in excess of 20 hectares shall be:
 - (i) a chain securely fixed to a stationary object which can be attached to the dog's collar; or

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- (ii) a chain which can be attached to the dog's collar and is attached to a running wire positioned to prevent the dog from leaving the prescribed premises; or
 - (iii) an enclosure which:
 - (A) is not less than 10m²; and
 - (B) is enclosed by a fence which is:
 - (1) at least 1.2 metres in height or such greater height as is necessary to prevent the escape of the dog from the enclosure; and
 - (2) constructed so as to reasonably prevent the dog from escaping over, through or under the fence; or
 - (iv) any other barrier approved by the local government from time to time; or
- (b) prescribed premises other than that which is specified in section 18(a) (Prescribed enclosures for dogs) of this subordinate local law, shall be:
- (i) an enclosure which:
 - (A) is not less than 10m²; and
 - (B) is enclosed by a fence which is:
 - (1) at least 1.2 metres in height or such greater height as is necessary to prevent the escape of the dog from the enclosure; and
 - (2) constructed so as to reasonably prevent the dog from escaping over, through or under the fence; or
 - (ii) any other barrier approved by the local government from time to time.

Prescribed enclosure for livestock

20 For the purpose of section 22(1) (Requirement for a prescribed enclosure) of *Local Law No 3 (Animal Control)*, a prescribed enclosure for:

- (a) cattle (other than a bull over the age of 12 months), horses (other than a stallion over the age of 12 months), goats, sheep, deer, donkeys, mules, alpacas and the like kept on prescribed premises shall be an enclosure of not less than 1.2 metres in height which is constructed so as to reasonably prevent the escape of the animal from the enclosure; and
- (b) pigs kept on the prescribed premises shall be an enclosure of not less than 0.9 metres in height which is constructed so as to reasonably prevent the escape of the animals from the enclosure.

Prescribed enclosure for birds and poultry

21 For the purposes of section 22(1) (Requirement for a prescribed enclosure) of *Local Law No 3 (Animal Control)*, a prescribed enclosure for birds and poultry kept on prescribed premises shall be a cage or aviary which:

- (a) is constructed so as to be capable of preventing the escape of the animal from the enclosure; and
- (b) is not within:
 - (i) 2.0 metres of any boundary of the adjoining premises; and
 - (ii) 20 metres of any residence on an adjoining premises.

Prescribed enclosure for cats

22 For the purposes of section 22(1) (Requirement for a prescribed enclosure) of *Local Law No 3 (Animal Control)*, a prescribed enclosure for a cat kept on prescribed premises shall be an enclosure (including a building or structure) which humanely prevents the cat from escaping from the prescribed premises.

Prescribed enclosure for bulls and stallions

- 23** For the purposes of section 22(1) (Requirement for a prescribed enclosure) of *Local Law No 3 (Animal Control)*, a prescribed enclosure for a bull or stallion over the age of 12 months kept on prescribed premises shall be an enclosure which:
- (a) is at least 1.2 metres in height and is constructed so as to reasonably prevent the animal from escaping from the prescribed premises; and
 - (b) ensures, in the case of a prescribed premises which is less than 4 hectares in size, that:
 - (i) the animal is at least 2 metres from the boundary of any adjoining premises; and
 - (ii) the animal cannot physically reach through or over the boundary of the prescribed premises; and
 - (c) is not within 20 metres of any residence on an adjoining premises.

Division 4 – Requirements for guard dogs**Requirements for guard dogs**

- 24** For the purposes of section 23(1) (Requirements for guard dogs) of *Local Law No 3 (Animal Control)*, the occupier of premises on which a guard dog is kept must (unless otherwise approved by the local government):
- (a) whilst the guard dog is being kept on the premises display at any entrance to the prescribed premises to enable it to be viewed by persons entering the prescribed premises, a sign which prominently and permanently displays in white lettering not less than 50 millimetres in height on a black background so as to be readily legible the following words:

“WARNING – DANGEROUS GUARD DOG ON PREMISES”

- (b) ensure that a guard dog on the prescribed premises is under effective control at all times including when the prescribed premises are open to or used by the public.

Division 5 – Requirements for declared dangerous animals

Declared dangerous animals

25 For the purposes of section 24(2) (Declared dangerous animal) of *Local Law No 3 (Animal Control)*, the keeper of a declared dangerous animal must (unless otherwise approved by the local government) comply with the following prescribed criteria:

- (a) A declared dangerous animal which is a dog must be microchipped and the details of the microchip number and the dog provided to the local government.
- (b) There must be displayed at any entrance to the prescribed premises to enable it to be viewed by persons entering the prescribed premises a sign which prominently and permanently displays in white lettering not less than 50 millimetres in height on a black background so as to be readily legible the following words:

“BEWARE – DANGEROUS [INSERT TYPE OF ANIMAL] ON PREMISES”

- (c) A declared dangerous animal which is a dog must be muzzled in a public place so as to prevent it from worrying a person, an animal or thing.

PART 6 – SEIZURE, IMPOUNDING AND DESTRUCTION OF ANIMALS

Seizure and impounding of animals

26 For the purposes of section 25(1)(f) (Seizure and impounding of animals) of *Local Law No 3 (Animal Control)*, the local government may seize and impound an animal that is on a public place if the animal does not comply with section 9 (Access by animals) of *Local Law No 8 (Parks and Reserves)*.

Dealing with impounded animals

- 27** For the purposes of section 26(3) (Dealing with impounded animals) of *Local Law No 3 (Animal Control)*, the local government may exercise its powers pursuant to section 26(3) (Dealing with impounded animals) of *Local Law No 3 (Animal Control)* if in the case of:
- (a) cattle or horses – the animal is not reclaimed within 5 days; or
 - (b) an animal other than a horse or cattle – the animal is not reclaimed within 3 days.

Destruction of animals

- 28** (1) For the purposes of section 28(1)(b)(v) (Destruction of animals) of *Local Law No 3 (Animal Control)*, the local government may destroy an animal which it has seized and impounded under *Local Law No 3 (Animal Control)* if:
- (a) the animal requires specialist care which the local government is not in a position to provide without incurring additional expenditure; or
 - (b) the animal requires expensive care which is more than the reasonable value of the animal.

Example: This would encompass a newborn pup or kitten which requires milk feeding every 2 hours.

- (2) For the purposes of section 28(1)(b)(vi) (Destruction of animals) of *Local Law No 3 (Animal Control)*, the local government may destroy an animal which has not been reclaimed within the period specified in section 27 (Dealing with impounded animals) of this subordinate local law.