

MCKINLAY SHIRE COUNCIL

LOCAL LAW NO. 4

IMPOUNDING OF ANIMALS

TABLE OF CONTENTS

PART 1 - PRELIMINARY

1. Citation
2. Objects
3. Repeal
4. Definitions

PART 2 - ESTABLISHMENT AND ADMINISTRATION OF ANIMAL POUNDS

5. Establishment of animal pounds
6. Opening times for animal pound
7. Register of impounded animals

PART 3 - IMPOUNDING OF ANIMALS

Division 1 - Seizure and impounding of animals

8. Seizure and impounding of animals
9. Impounding Fees

Division 2 - Dealing with impounded animals

10. Notice of impounding
11. Sale of impounded animals

PART 4 - LOCAL LAW POLICIES

12. Local law policies.

PART 1 - PRELIMINARY

1. Citation

This local law may be cited as Local Law No. 4 (Impounding of Animals).

2. Objects

The objects of this local law are:

- (a) to provide for the establishment and administration of animal pounds; and
- (b) to confer powers on authorised persons to impound stray animals or other animals that should be impounded in the public interest.

3. Repeal

This local law repeals Local Law No. 11B (Impounding of Animals).

4. Definitions

In this local law:

"animal" includes a fish, bird or reptile but does not include an animal of a species excluded by a local law policy from the application of this local law;

"development permit" means a development permit issued under the *Integrated Planning Act 1997*;

"keeper" of an animal means:

- (a) the person who has the immediate custody and control of the animal; or
- (b) if the person who has the immediate custody and control of an animal is a minor, the minor's parent or guardian; or
- (c) the occupier of the land on which the animal is ordinarily kept.

PART 2 - ESTABLISHMENT AND ADMINISTRATION OF ANIMAL POUNDS

5. Establishment of animal pounds

Subject to obtaining the necessary development permit, the local government may:

- (a) establish an animal pound; or
- (b) join with another local government in establishing an animal pound.

6. Opening times for animal pound

The local government may, by a local law policy:

- (a) fix the times when the animal pound will be open for the reception and release of animals; and
- (b) fix the times for the sale of animals from the pound; and

7. Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the "Register of Impounded Animals") is kept.
- (2) The Register must contain the following information about each impounded animal:
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable - the registration number of the animal; and
 - (d) if known - the name and address of the keeper; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name and address of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date of the sale, release or destruction of the animal.
- (3) The Register must be kept available for public inspection at the pound, or if the pound has no office - at another office prescribed by a local law policy.

PART 3 - IMPOUNDING OF ANIMALS

Division 1 - Seizure and impounding of animals

8. Seizure and impounding of animals

- (1) An authorised person may seize and impound an animal found wandering at large in a public place.
- (2) An authorised person may, at the request of the occupier of land, seize and impound an animal found wandering at large on the occupier's land.
- (3) The occupier of land may seize an animal found wandering at large on the occupier's land and deliver the animal to an authorised person to be impounded.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.

9. Impounding Fees

The local government may by resolution fix a scale of impounding fees to be paid on the release of impounded animals.

Division 2 - Dealing with impounded animals

10. Notice of impounding

- (1) If an animal is impounded, under this or any other local law, and the authorised person who impounds the animal knows, or can readily find out, the name and address of the keeper of the animal, the authorised person must give the keeper of the animal written notice of the impounding stating that the animal may be reclaimed, within a period stated in the notice, by payment of the prescribed fees.
- (2) If the keeper reclaims the animal and pays the relevant fees within the time fixed in the notice, the animal must be returned to the keeper.
- (3) However, if a permit is required for the keeping of the animal, and the keeper does not have the necessary permit, the animal must not be returned until the keeper obtains the necessary permit.

11. Sale of impounded animals

- (1) If an impounded animal is not reclaimed and returned to its keeper within a period fixed under a local law policy, the local government may sell the animal.
- (2) If a fair estimate of the animal's value is \$1,000.00 or more, the animal must be offered for sale at public auction.
- (3) A notice that the animal is available for purchase must be exhibited at the local government's public office and, if the animal is to be offered for sale at a public auction, the notice must be exhibited for at least 2 days before the date of the auction and must state the time and place of the auction.
- (4) An amount realised on sale of an impounded animal must be applied:
 - (a) first, towards the costs of the sale; and
 - (b) secondly, towards the impounding fees; and
 - (c) thirdly, in payment of the remainder to the former owner of the animal.
- (5) If no-one establishes a valid claim to the amount to which the former owner of the animal is entitled under subsection (4)(c) within 1 year after the date of sale, the amount becomes the absolute property of the local government.
- (6) If the animal is not sold within a period, fixed under a local law policy, from when the notice that the animal is available for purchase is first given under subsection (3), the local government may dispose of the animal as the local government considers appropriate.

Examples -

The local government may give the animal away.

The local government may have the animal destroyed.

- (7) Where an animal is not offered for sale the local government may dispose of an animal after the time period specified under a local law policy.

PART 4 - LOCAL LAW POLICIES

12. Local law policies

The local government may make local law policies in relation to those matters about which this local law specifically allows for the making of local law policies.