

## **CHAPTER 58-13 POUNDS AND POUNDMASTERS**

### **58-13-01. Poundmaster to have direction of pound.**

Any pound established by the township electors must be under the care and direction of a poundmaster appointed by the board of township supervisors. If a poundmaster is not appointed, the chairman of the board of township supervisors may contract with the county sheriff to perform the duties. The poundmaster shall enforce the ordinances, bylaws, or resolutions enacted by the board of township supervisors.

### **58-13-02. Fees of poundmaster.**

Repealed by S.L. 1989, ch. 559, § 7.

### **58-13-03. Poundmaster - Lien for charges and expenses.**

The poundmaster has a lien on every animal taken into the pound for the full amount of the poundmaster's actual charges and expenses and is entitled to the possession of any animal until the charges and expenses are paid.

### **58-13-04. Notice of impoundment - Foreclosure of lien.**

If the actual charges and expenses of the poundmaster are not paid and the animals are not removed within five days after they are impounded, the poundmaster shall give notice by publication in the official newspaper of the township if one has been designated or, if one has not been designated, in the official newspaper of the county in which the animals are impounded. The notice must provide that unless the animals are removed and the charges and expenses paid within ten days after the date of the notice, the poundmaster shall sell the animals at a public sale, as provided in the notice. On the day designated in the notice, the poundmaster shall expose the animals for sale and sell them to the highest bidder.

### **58-13-05. Humane treatment of animals - Poundmaster may destroy worthless animals.**

The poundmaster shall provide humane treatment and care for any animal in the pound. If any animal taken up by the poundmaster is deemed by the poundmaster to be worthless and cannot be sold, the poundmaster may offer the animal for adoption. If after five days the animal has not been adopted, the poundmaster shall destroy the animal and dispose of it. The board of township supervisors shall pay the poundmaster out of the general fund of the township.

### **58-13-06. Disposition of proceeds of sale.**

Out of the money realized from the sale of any impounded animals, the poundmaster shall deduct all of the poundmaster's legal fees and charges and shall deliver the balance, if any, to the chairman of the board of township supervisors, with an accurate description of the animals sold and the amount received by the poundmaster for each animal. The board of township supervisors shall give the poundmaster a receipt in duplicate for the money paid to it and the poundmaster shall file one of the receipts with the township clerk. The board, at any time within six months after the sale of the animals and upon sufficient proof from the owner of any animal sold, shall pay to the owner the amount received from the poundmaster. If the money is not claimed within six months after the sale, the sum received must be retained for the use of the township.

### **58-13-07. Pounds may be established in unorganized or dissolved townships.**

Upon the petition of a majority of the qualified electors of an unorganized township or a township dissolved as a civil township, the board of county commissioners shall have the same power to establish and regulate pounds as the qualified electors and supervisors of an organized township.

**58-13-08. Immunity from liability.**

A poundmaster or an agent of the poundmaster who has custody of an animal under this chapter, is acting in an official capacity, and making a good-faith effort to comply with this chapter is immune from any civil or criminal liability for acts taken or omitted while attempting to comply with this chapter.

**58-13-09. Estray - Notification of North Dakota stockmen's association.**

If the poundmaster comes into possession of any animal that the poundmaster believes is an estray, the poundmaster shall contact the brand inspector and deliver or arrange for the delivery of the animal to a licensed livestock auction market. The brand inspector shall provide for the disposition of the animal under chapter 36-22. The poundmaster may recover charges and expenses for the delivery of the estray.