

Title 7: AGRICULTURE AND ANIMALS
Part 9: ANIMAL WELFARE
Chapter 725: MUNICIPAL DUTIES

7§3941. Posting of law

Municipal clerks, annually, at least 20 days before January 1st, shall post copies of chapter 721 and this chapter in the municipal offices.

7§3942. Issuance of dog licenses

Municipal clerks shall issue dog licenses in accordance with chapter 721, receive the license fees and pay to the department \$10 for dogs capable of producing young and \$3 from each license fee received for dogs incapable of producing young. The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license and whether the dogs have been determined by a court of competent jurisdiction to be dangerous dogs or nuisance dogs. The clerks shall make a monthly report to the department on a department-approved form of all dog licenses issued and fees received.

The clerk shall retain \$1 from each license fee as a recording fee. The clerk shall deposit \$2 from each license for a dog incapable of producing young in the municipality's animal welfare account established in accordance with section 3945.

7§3944. Issuance of kennel licenses

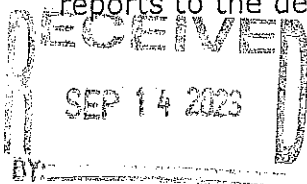
Municipal clerks and dog recorders shall issue kennel licenses to kennel owners or operators in accordance with section 3923-C.

7§3945. Use of license fees and court fines retained by municipalities

Except for the \$1 recording fee pursuant to section 3942 retained by the municipal clerk, all fees and court fines retained by municipalities must be kept in a separate account and must be used for the salaries and costs of animal control, enforcement of licensing laws, care of stray animals that are injured or abandoned and the support of one or more approved animal shelters. Any money not expended for these purposes in a municipality's fiscal year does not lapse, but must be carried over to the next fiscal year.

7§3946. Dog recorders in unorganized territories

Dog recorders appointed by the commissioner in unorganized territories shall issue dog licenses, receive the license fees and pay them to the department. The recorders shall keep the clerk's copy of all licenses issued by them and make reports to the department on a form approved by the department of all licenses



Posted - 9/14/23 merluft

issued and fees received. The recorders shall report following each month in which licenses are actually issued and fees are actually collected.

7§3947. Animal control officers

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911(*Dogs at Large*), 3912(*Disposition of Dogs at Large*), 3916(*Rabies Vaccinations*), 3921(*Dog Licenses Necessary*), 3924(*Violations*), 3948(*Animal Control*), 3950(*Local Regulations*), 3950-A(*Official Refusal or Neglect of Duty*), 3952-A (*Keeping a Dangerous or Nuisance Dog*) and 4041(*Animal Trespass*) and 4042 (*Stray Livestock*) and Title 17, section 1023(*Investigating Animal Cruelty*), responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313(*Suspect Animals*) and 1313-A(*Destruction of Suspect Animals*) and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

A municipality may not appoint a person to the position of animal control officer who has been convicted of murder, a Class A or Class B offense or a violation of Title 17-A, chapter 9, 11, 12 or 13 or has been convicted of a criminal violation under Title 17, chapter 42 or has been adjudicated of a civil violation for cruelty to animals under chapter 739 or who has been convicted or adjudicated in any other state, provincial or federal court of a violation similar to those specified in this section.

Animal control officers must be certified in accordance with section 3906-B, subsection 4. Upon initial appointment, an animal control officer must complete basic training and be certified by the commissioner within 6 months of appointment.

An animal control officer must attend advanced training programs as described under section 3906-B, subsection 4 to maintain certification. An animal control officer must have a minimum of 8 hours of training each year.

Upon appointment of an animal control officer, municipal clerks shall notify the commissioner of the name, address and telephone number of the animal control officer within 10 business days. In the event the position is vacant upon termination or resignation of the animal control officer, the municipal clerk shall notify the commissioner within 10 business days of the vacancy.

7§3948. Animal control

1. Control. Municipalities shall control dogs running at large.

2. Medical attention. Law enforcement officers and animal control officers shall take a stray animal to its owner, if known, or, if the owner is unknown, shall ensure

that any injured companion animal that is at large or in a public way is given proper medical attention.

3. Domesticated and undomesticated animals. A municipality shall control domesticated animals that are a cause of complaint in the community. A municipality shall control animals that pose a threat to public health or safety. A municipality may control undomesticated animals in matters on which no other department is charged by law to regulate.

4. Reporting. By January 31st of each year, a municipality shall report to the animal welfare program of the department all complaints related to animal control incidents for the prior calendar year. The report must include the number and type of animal complaints received and responded to by municipal animal control officers, law enforcement officers or municipal officials and the outcomes of each investigation. The reports must be on forms provided by the department.

7§3949. Animal shelter designation

Municipal clerks, annually, on or before April 1st, shall certify to the commissioner the name and location of the animal shelter with which the municipality has entered into a contract to accept stray animals or have an arrangement for an animal shelter that will accept stray animals. Animal shelters designated by the municipality under this section must comply with commissioner rules.

A municipality may contract with an animal shelter licensed under section 3932-A for other animal control services. A municipality may not contract with a shelter for the performance of the duties of an animal control officer as specified in section 3947 unless an employee of that shelter is the appointed animal control officer for that municipality and the duties of an animal control officer are performed by the person so appointed.

7§3950. Local regulations

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, including the establishment of fees necessary and appropriate to finance the cost of animal control services, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

1. Certain agricultural working dogs exempt from barking dog ordinances. A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this subsection, the term "livestock" has the same meaning as in section 3907, subsection 18-A.

7§3950-A. Official refusal or neglect of duty

1. Violation. A mayor, municipal officer, clerk, town or city manager, administrative assistant to the mayor, town or city councilor, dog recorder of unorganized territories, constable, police officer, sheriff or animal control officer commits a civil violation if that person refuses or intentionally fails to perform the duties imposed by:

- A. This chapter;
- B. Chapter 719; *Uncontrolled Dogs*
- C. Chapter 720; *Rabies Prevention*
- D. Chapter 721; *Dog Licensing*
- E. Chapter 725; *Municipal Duties* or
- F. Chapter 727. *Dangerous Dogs*

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$50 and not more than \$500 and costs may be adjudged.

3. Investigation. The commissioner, at the commissioner's own instance or upon written complaint made to the commissioner by another person, shall investigate an alleged refusal or neglect of duty by a municipal officer.

4. Prosecution. The commissioner shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to animals and to the liability of municipal officers and their agents for failure, neglect or refusal to comply with the laws relating to animals.

7§3950-B. Euthanasia for severely sick or severely injured livestock

1. Written authorization. A humane agent, animal control officer or animal shelter may authorize in writing the euthanasia of severely sick or severely injured livestock under the following conditions:

A. The clerk or animal control officer of the municipality in which the livestock was found has been notified of the livestock's presence and a reasonable attempt to contact the owner of the livestock has been made;
and

B. A veterinarian states in writing that given reasonable time and reasonable care the livestock's recovery from the livestock's sickness or injury is doubtful.

2. Immediate euthanasia. Notwithstanding subsection 1, paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for severely sick or severely injured livestock.

Amertuff Posted 9/2003