

January 28, 1999

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1146

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 42-03-01, 42-03-02, 42-03-03, and 42-03-04 of the North Dakota Century Code, relating to dogs as public nuisances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 42-03-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42-03-01. ~~When dogs are a public~~ Dogs - Public nuisance - Complaint - Notice. Any dog that habitually molests a person traveling peaceably on the public road or street that when unprovoked causes physical injury to an individual is a public nuisance. ~~Upon~~ and may be adjudged to be dangerous or vicious. For purposes of this chapter, dog includes a wolf or the offspring of a canine and wolf breeding. An individual may file a written complaint ~~to~~ with a district or municipal judge describing the dog, ~~giving~~ stating the name of the dog, if known, and stating the name and address of the dog's owner, if known, and, if not, so stating, and alleging that the dog is a public nuisance, ~~the~~ and is dangerous or vicious. The district or municipal judge shall give notice to the dog's owner that a complaint has been filed alleging that the dog ~~has been molesting certain persons~~ is a public nuisance and is dangerous or vicious and directing that the owner shall take the necessary action to prevent the dog from any further violations of this chapter. If the district or municipal judge receives a further second complaint regarding the dog, after notice has been given under this section, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge ~~in the same manner as other court summonses~~ at the time and place set for a hearing.

SECTION 2. AMENDMENT. Section 42-03-02 of the North Dakota Century Code is amended and reenacted as follows:

42-03-02. Owner of dog not known unknown - Notice. If it appears from the complaint that the owner of the dog is not known to the complainant, ~~ten days' notice shall be given the judge shall give notice once by publication in one issue of a the official newspaper having wide circulation in the area. Such notice shall of the city in which the dog was sighted, or if the dog was sighted outside the city limits, in the official newspaper of the county or in a newspaper having wide circulation in the area in which the dog was sighted. The notice must contain a description of the dog as given in the complaint, the area in which the dog was sighted, a statement that such a complaint has been made filed, and the date, time, and place of set for a hearing thereon. The hearing may not take place less than ten days after the date of notice by publication.~~

SECTION 3. AMENDMENT. Section 42-03-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42-03-03. Hearing - Judgment - Execution. ~~On the day of~~ At the hearing, the district or municipal judge shall hear the evidence in the case. If the judge finds that the dog is a public nuisance and potentially dangerous or vicious, judgment must be entered accordingly, ~~and the judge shall may order any peace officer to kill and bury that the dog, which order the peace officer shall forthwith execute be humanely destroyed.~~

SECTION 4. AMENDMENT. Section 42-03-04 of the North Dakota Century Code is amended and reenacted as follows:

42-03-04. Costs. ~~Costs shall be paid by the~~ The complainant shall pay all costs of the action, but if the dog is adjudged a public nuisance and potentially dangerous and vicious, and the owner is known, judgment shall be entered the judge shall assess costs against him for such costs the owner."

Renumber accordingly