

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1146

Introduced by

Representative Galvin

1 A BILL for an Act to amend and reenact sections 42-03-01, 42-03-02, 42-03-03, and 42-03-04
2 of the North Dakota Century Code, relating to dogs as public nuisances.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **42-03-01. ~~When dogs are a public~~ Dogs - Public nuisance - Complaint - Notice.**

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

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

23 **42-03-02. Owner of dog ~~not known~~ unknown - Notice.** If it appears from the
24 ~~complaint that the owner of the dog is not known to the complainant,~~ ten days' notice shall be

1 ~~given the judge shall give notice once by publication in one issue of a~~ the official newspaper
2 ~~having wide circulation in the area. Such notice shall~~ of the city in which the dog was sighted,
3 ~~or if the dog was sighted outside the city limits, in the official newspaper of the county or in a~~
4 ~~newspaper having wide circulation in the area in which the dog was sighted. The notice must~~
5 ~~contain a description of the dog as given in the complaint, the area in which the dog was~~
6 ~~sighted, a statement that such a complaint has been made filed, and the date, time, and place~~
7 ~~of set for a hearing thereon. The hearing may not take place less than ten days after the date~~
8 ~~of notice by publication.~~

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

11 **42-03-03. Hearing - Judgment - Execution.** ~~On the day of~~ At the hearing, the district
12 or municipal judge shall hear the evidence in the case. If the judge finds that the dog is a public
13 nuisance ~~and potentially dangerous or vicious,~~ judgment must be entered accordingly, ~~and the.~~
14 ~~The judge shall may order any peace officer to kill and bury that the dog, which order the peace~~
15 ~~officer shall forthwith execute~~ be humanely destroyed.

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

18 **42-03-04. Costs.** ~~Costs shall be paid by the~~ The complainant shall pay all costs of the
19 action, but if the dog is adjudged a public nuisance and potentially dangerous and vicious, and
20 the owner is known, ~~judgment shall be entered~~ the judge shall assess costs against him for
21 ~~such costs~~ the owner.