

Introduced by

Representatives S. Olson, Holle, Satrom

Senator Magrum

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

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

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

6 **42-03-01. When dogs are a public nuisance.**

7 1. Any dog that habitually ~~molests a person~~harasses an individual or a person's property
8 traveling peaceably on the public road or street ~~is~~may be considered a public
9 nuisance. Any dog outside the property of the dog's owner which enters the property
10 of another without the permission of the property owner, and subsequently
11 ~~harasses~~habitually molests a person's property or one or more individuals who are
12 lawful entrants on the property, may be considered a public nuisance. If a dog enters a
13 property and the dog's owner is unknown, it is presumed to have entered that property
14 without permission of the property's owner.

15 2. Upon written complaint to a district or municipal judge describing the dog, giving the
16 name of the dog and the dog's owner if known, and, if not, so stating, and alleging that
17 the dog is a public nuisance, the district or municipal judge shall give notice to the
18 dog's owner that a complaint has been filed that the dog has been ~~molesting~~harassing
19 certain ~~persons~~individuals or a person's property and that the owner shall take the
20 necessary action to prevent the dog from any further violations of this chapter. If the
21 district or municipal judge receives a further complaint regarding the dog after notice
22 has been given under this section, the judge shall issue a summons, if the owner is
23 known, commanding the owner to appear before the judge in the same manner as
24 other court summonses.

1 3. For purposes of this section "molest" means to annoy, disturb, or harass, especially
2 with injurious effect.

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

5 **42-03-03. Hearing - Judgment - Execution.**

6 On the day of hearing the district or municipal judge shall hear the evidence in the case. If
7 the judge finds that the dog is a public nuisance, judgment must be entered accordingly, and the
8 judge ~~shall~~may order any peace officer to ~~kill and bury the dog, which order the peace officer~~
9 ~~shall forthwith execute~~cause the dog to be killed and buried.