

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

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

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

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

3 **42-03-03. Hearing - Judgment - Execution.**

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