

HOUSE BILL NO. 1364

Introduced by

Representatives S. Olson, Holle, Satrom

Senator Magrum

1 A BILL for an Act to amend and reenact ~~section~~sections 42-03-01, 42-03-02, 42-03-03, and
2 42-03-04 of the North Dakota Century Code, relating to ~~dogs~~animals 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~~animals are a public nuisance.**

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

16 2. Upon written complaint to a district or municipal judge describing the ~~dog~~animal, giving
17 the name of the ~~dog~~animal and the ~~dog's~~animal's owner if known, and, if not, so
18 stating, and alleging that the ~~dog~~animal is a public nuisance, the district or municipal
19 judge shall give notice to the ~~dog's~~animal's owner that a complaint has been filed that
20 the ~~dog~~animal has been ~~moles~~moles certain ~~persons~~individuals or a person's
21 property and that the owner shall take the necessary action to prevent the ~~dog~~animal
22 from any further violations of this chapter. If the district or municipal judge receives a
23 further complaint regarding the ~~dog~~animal after notice has been given under this

1 section, the judge shall issue a summons, if the owner is known, commanding the
2 owner to appear before the judge in the same manner as other court summonses.

3 3. A county, township, or city, including home rule counties and cities, may enact
4 ordinances governing animals as public nuisances which are not less restrictive than
5 this chapter.

6 4. For purposes of this section:

7 a. "Animal" does not include livestock as defined under section 36-11-01.1.

8 b. "Molest" means to annoy, disturb, or harass, especially with injurious effect.

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

11 **42-03-02. Owner of ~~dog~~animal not known.**

12 If it appears from the complaint that the owner is not known, ten days' notice ~~shall~~must be
13 given by publication in one issue of a newspaper having wide circulation in the area. ~~Such~~The
14 notice ~~shall~~must contain a description of the ~~dog~~animal as given in the complaint, a statement
15 that ~~such~~the complaint has been made, and the time and place of ~~the~~hearing ~~thereon~~on the
16 complaint.

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

19 **42-03-03. Hearing - Judgment - Execution.**

20 On the day of ~~the~~hearing the district or municipal judge shall hear the evidence in the case.
21 If the judge finds that the ~~dog~~animal is a public nuisance, judgment must be entered
22 accordingly, and the judge ~~shall~~may order any peace officer to ~~kill and bury the dog, which order~~
23 ~~the peace officer shall forthwith execute~~capture the animal and cause the animal to be removed
24 or relocated or require the animal to be euthanized and disposed of humanely.

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

27 **42-03-04. Costs.**

28 Costs ~~shall~~must be paid by the complainant, but if the ~~dog~~animal is adjudged a nuisance,
29 and the owner is known, judgment ~~shall~~must be entered against the owner for ~~such~~the costs.