

HOUSE BILL NO. 1364
with Senate Amendments
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Introduced by

Representatives S. Olson, Holle, Satrom

Senator Magrum

1 A BILL for an Act to amend and reenact sections 42-03-01, 42-03-02, 42-03-03, and 42-03-04 of
2 the North Dakota Century Code, relating to 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 molests a ~~person~~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 animal outside the property of the animal's owner which enters the
10 property of another without the permission of the property owner, and subsequently
11 habitually molests a person's property or one or more individuals who are lawful
12 entrants on the property, may be considered a public nuisance. If an animal enters a
13 property and the animal's owner is unknown, it is presumed to have entered that
14 property without permission of the property's owner.
- 15 2. Upon written complaint to a district or municipal judge describing the ~~dog~~animal, giving
16 the name of the ~~dog~~animal and the ~~dog's~~animal's owner if known, and, if not, so
17 stating, and alleging that the ~~dog~~animal is a public nuisance, the district or municipal
18 judge shall give notice to the ~~dog's~~animal's owner that a complaint has been filed that
19 the ~~dog~~animal has been molesting certain ~~persons~~individuals or a person's property
20 and that the owner shall take the necessary action to prevent the ~~dog~~animal from any
21 further violations of this chapter. If the district or municipal judge receives a further
22 complaint regarding the ~~dog~~animal after notice has been given under this section, the
23 judge shall issue a summons, if the owner is known, commanding the owner to appear
24 before the judge in the same manner as other court summonses.

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

4 4. For purposes of this section:

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

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

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

9 **42-03-02. Owner of ~~dog~~animal not known.**

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

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

17 **42-03-03. Hearing - Judgment - Execution.**

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

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

25 **42-03-04. Costs.**

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