

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.