

NUISANCES

CHAPTER 314

S. B. No. 141
(Wadeson)

WHEN DOGS ARE DECLARED TO BE A PUBLIC NUISANCE AN ACT

Stating when dogs are a public nuisance, and the procedure to be followed when dogs are declared a public nuisance.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Public Nuisance.) Any dog that habitually molests persons traveling peaceably on the public road, or street, is a public nuisance. Upon complaint, in writing, made to a justice of the peace, containing a description of such dog, and giving his name and that of his owner, if known, and, if not, so stating, and that such dog is a public nuisance, the justice shall give notice to the owner of such dog that a complaint has been filed in his office that such dog has been molesting certain persons and that the owner shall take the necessary action to prevent the dog from any further violations of this Act. If the justice of the peace receives a further complaint regarding such dog after notice has been given to the owner that his dog has been molesting certain people, the justice of the peace shall issue a summons, if such owner is known, commanding him to appear before the justice at his office at a time therein stated, in the same manner as other justice court summonses.

§ 2. Owner Not Known.) If it appears from the complaint that the owner is not known, ten days' notice shall be given by publication in one issue of a newspaper having wide circulation in the area. Such notice shall contain a description of the dog as given in the complaint, a statement that such complaint has been made, and the time and place of hearing thereon.

§ 3. Hearing; Judgment; Execution.) On the day of hearing the justice shall hear the evidence in the case, and, if he shall find therefrom that such dog is a public nuisance, he shall enter judgment accordingly, and thereupon shall order any peace officer to kill and bury the dog, which order the peace officer shall forthwith execute.

§ 4. Costs.) Costs shall be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against him for such costs.

Approved March 2, 1959.