

NORTH DAKOTA CENTURY CODE

CHAPTER 42-03 DOGS AS PUBLIC NUISANCE

42-03-01. When dogs are a public nuisance. Any dog that habitually molests a person traveling peaceably on the public road or street is a public nuisance. Upon written complaint to a district or municipal judge describing the dog, giving the name of the dog and the dog's owner if known, and, if not, so stating, and alleging that the dog is a public nuisance, the district or municipal judge shall give notice to the dog's owner that a complaint has been filed that the 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 chapter. If the district or municipal judge receives a further complaint regarding the dog after notice has been given under this section, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge in the same manner as other court summonses.

42-03-02. Owner of dog 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.

42-03-03. Hearing - Judgment - Execution. On the day of hearing the district or municipal judge shall hear the evidence in the case. If the judge finds that the dog is a public nuisance, judgment must be entered accordingly, and the judge shall order any peace officer to kill and bury the dog, which order the peace officer shall forthwith execute.

42-03-04. 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 the owner for such costs.

Procedures For a Dog As A Public Nuisance Complaint

Grand Forks District Court

1. If you wish to file a written complaint with a district judge you must **complete** the attached **Dog As A Public Nuisance Complaint** and file it with:

Clerk of Court
P.O. Box 5939
Grand Forks, ND 58206-5939

A filing fee of **\$15 must be enclosed** with the complaint. Note: The complaint will not be filed without the required filing fee.

2. A civil case will be opened upon the filing of the complaint and the case will be assigned to a district judge/referee. The judge/referee will send a copy of the Complaint to the dog's owner together with a Notice of Filing of Dog As A Public Nuisance Complaint. The Complainant will also receive a copy of the Notice as confirmation the Complaint is being handled by the district court.
3. If the dog continues to constitute a public nuisance after the dog's owner has received a Notice of Filing of Dog As A Public Nuisance Complaint the Complainant shall complete and file a second Dog As A Public Nuisance Complaint. No additional filing fee shall be required for the second complaint.
4. Upon receipt of a second Dog As A Public Nuisance Complaint the district court will schedule a hearing and issue a summons to the dog's owner requiring the owner to appear at the hearing. The Complainant must also appear at the hearing and present evidence in support of the complaint. The district judge shall hear the evidence in the case. If the judge finds that the dog is a public nuisance the judge shall order any peace officer to kill and bury the dog.
5. All costs incurred in pursuing this matter shall be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against the owner for such costs.

In District Court, Grand Forks County, North Dakota

Complainant,
vs.

Defendant.

} Dog As A Public Nuisance Complaint

In accordance with North Dakota Century Code Chapter 42-03, the above-named Complainant hereby files with the District Court the following COMPLAINT:

1. Description and name of dog complained of: _____

2. Name and address of dog owner: _____

3. Location of incident (must be a public road or street): _____

4. Date and Circumstances of incident causing complaint: _____

The Complainant states the information provided is true and correct to the best information and belief of the Complainant.

Dated this _____ day of _____, 20 _____

Complainant

Street Address

City, State, and Zip Code

Signature Witnessed By:
