

§142-75 Human bitten by dog; duty of dog owners; action against owner.

(a) The owner of any dog that has bitten a human being shall have the duty to take such reasonable steps as are necessary to prevent the recurrence of such incident.

(b) Whenever a dog has bitten a human being on at least two separate occasions for which none of the exceptions specified in section 663-9.1 apply, any person may bring an action against the owner of the dog in the district court of the judicial circuit in which the owner resides, to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by such animal. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including but not limited to the removal of the animal from the area or its destruction by its owner. In making its decision, the court may consider:

- (1) The vicious or dangerous propensities of the animal;
- (2) The ability of the owner to adequately confine or remove the animal; and
- (3) The necessity of any destruction of an animal in light of the health, safety, and welfare of the community.

This section shall not preclude any existing common law remedies.

(c) Each county may enact and enforce ordinances regulating persons who own, harbor, or keep any dog that has bitten, injured, or maimed a person. No ordinance enacted under this subsection shall be held invalid on the ground that it covers any subject or matter embraced within any statute or rule of the State; provided that the ordinance shall not affect the civil liability of a person owning, harboring, or keeping the dog. Upon enactment of an ordinance, whether enacted on, before, or after June 30, 2001, the ordinance shall have full force and effect; provided that the ordinance is consistent with this section. [L 1980, c 283, §2; am L 2001, c 222, §2]

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