

Ordinance No. 265

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA

Section 1. Dog Kenneling and Breeding Prohibited.

A. It shall be unlawful for any person to practice commercial breeding or commercial kenneling of any animal or bird within the residentially zoned areas of the City of Casselton, or within 100 feet of residentially zoned areas. A resident may make application for a conditional use permit to allow breeding or kenneling at their residence as provided in the Land Use Ordinance. Breeding in non-residentially zoned areas is subject to the zoning code in the Land Use Ordinance.

B. Definitions:

- 1) "Commercial Breeding" shall be defined as "breeding more than one female animal per residence per year for sale or any gain."
- 2) "Commercial Kenneling" shall be defined as "boarding or kenneling animals owned by someone else for gain of any kind." A resident shall be presumed to be in the business of commercial kenneling if he or she boards for gain more than one animal at any given time period.

Section 2. Animals Prohibited.

It shall be unlawful for any person to own, keep, harbor, or in any way possess within the City of Casselton the following animals:

A. Chickens, ducks, geese, emu, ostrich or other domestic fowl; Horses, Cattle, Goats, Sheep, Swine:

B. The following exotic animals:

- 1) Any animal listed under the Endangered Species Act as threatened or endangered.
- 2) Any animal, the keeping of which is prohibited by state or federal law;
- 3) Antelope, bison, deer, elk, moose;
- 4) Badgers, martins, minks, skunks, weasels, otters and wolverines;
- 5) Bats
- 6) Bears
- 7) Beavers, groundhogs, porcupines
- 8) Coyotes, foxes and wolves;
- 9) Any cat of the family Felidae, including by way of example and not by way of limitation lions, tigers, jaguars, leopards, cougars, lynx,

- bobcats and ocelots, except commonly accepted domesticated house cats;
- 10) Any primate, including by way of example and not by way of limitation chimpanzees, gorillas, lemurs, and monkeys;
  - 11) Alligators, crocodiles, caimans, and related crocodilians;
  - 12) Snakes
    - i. that are venomous;
    - ii. that are of the family Boidae (all species, including by way of example and not by way of limitation all boas, pythons, and anacondas); or
    - iii. that, regardless of species are more than eight (8) feet long
  - 13) Monitor lizards, Gila monsters, and Mexican Beaded lizards;
  - 14) Piranhas;
  - 15) Scorpions and spiders with venom sufficiently potent to cause serious physical harm to person.

## Section 2. Exceptions to Banned Animals.

The prohibition in Section 1 does not apply to:

- A) A traveling zoo or circus performing within the City;
- B) A humane society
- C) A veterinary hospital or clinic
- D) Exception for hens: Residents may apply to the City Council for permission to raise up to two hens. The City Council may approve the request if the resident applicant has written permission from all adjacent property owners and the reason given for raising the hens is found sufficient by the City Council. The City Council may revoke the approval upon petition of one or more adjacent property owners.**

## Section 3. Penalty.

Any person who violates any provision of this ordinance is guilty of a non-criminal infraction and may be fined a maximum amount of \$500.00. Any second or subsequent violator may be subject to an infraction or found guilty of a class B Misdemeanor, which may be punished by a fine of not more than \$1000.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment in the discretion of the Court, the Court to have power to suspend said sentence, and to revoke the suspensions thereof.

## Section 4. Illegality of provisions.

Any illegal portion or portions of this Ordinance shall not affect the validity of the remainder of the Ordinance.

## Section 5. Repealed.

All ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective date.

This ordinance shall take effect and be in full force from and after its passage, approval and publication of title and penalty clause.

Approved:

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Edward McConnell, Mayor

Attest: \_\_\_\_\_  
Sheila Klevgard, Auditor

First Reading: August 15, 2011  
Second Reading: September 6, 2011  
Published: September 14, 2011