

ORDINANCE NO. 2017-4

AN ORDINANCE TO REGULATE THE KEEPING, HARBORING, KENNELING AND BREEDING OF ANIMALS AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED, by the City Council of the City of Cooperstown, North Dakota, as follows:

SECTION 1: 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 Cooperstown, or within 100 feet of residentially zoned areas.
- B. Definitions:
 - a. “*Commercial Breeding*” shall be defined as breeding more than one female animal per residence per year for sale or any gain.
 - b. “*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 Cooperstown the following animals:

- A. Chickens, ducks, geese, emu, ostrich or other domestic fowl; Horses, Cattle, Goats, Sheep, Swine;
- B. The following exotic animals:
 - a. Any animal listed under the Endangered Species Act as threatened or endangered.
 - b. Any animal, the keeping of which is prohibited by State or Federal Law;
 - c. Antelope, bison, deer, elk, moose;
 - d. Badgers, martins, minks, skunks, weasels, otters, wolverines;

- e. Bats;
- f. Bears;
- g. Beavers, groundhogs, porcupines;
- h. Coyotes, foxes, wolves;
- i. 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;
- j. Any primate, including by way of example and not by way of limitation chimpanzees, gorillas, lemurs, and monkeys;
- k. Alligators, crocodiles, caimans, and related crocodylians;
- l. 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.
- m. Monitor lizards, Gila monsters, and Mexican Beaded lizard;
- n. Piranhas;
- o. Scorpions and spiders with venom sufficiently potent to cause serious physical harm to a person.

SECTION 3. EXCEPTIONS TO OTHER 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.

SECTION 4. PENALTY:

Any person who violates any provision of this Ordinance is guilty of a non-criminal infraction and may be fined up to \$500.00.

SECTION 5. ILLEGALITY OF PROVISIONS:

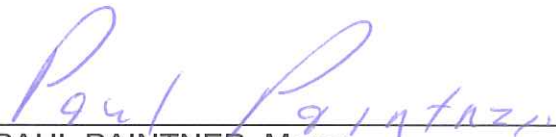
Any portion or portions of this Ordinance deemed or found to be illegal shall not affect the validity of any other portion(s) of this Ordinance.

SECTION 6. REPEALED:

All Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. 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.



PAUL PAINTNER, Mayor

ATTEST:



NANCY LUNDE, City Auditor

First Reading 6-5-17
Second Reading 9-6-17
Final Passage and Adoption 9-15-17
Publication 9-15-17