

CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other **ANIMAL**, including fowl.

AT LARGE. Neither enclosed within a building, fence, or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence, or other enclosure, nor securely restrained and controlled by a person by a leash or harness with handhold.

HEALTH OFFICER. The Director of the County Health Department or his or her authorized agent and shall also include the City Animal Control Officer.

LARGE ANIMALS. Horses, mules, donkeys, cattle, goats, sheep, or any other animal of similar size or stature.

OWNER. Any person, firm, or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten days or more, shall be deemed to be harboring or keeping the animal.

PERMIT. Includes, but is not limited to, the failure to take adequate precautions to prevent an animal from being at large.

VICIOUS ANIMAL. An animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.

(Prior Code, § 4-101)

§ 90.002 ANIMALS RUNNING AT LARGE PROHIBITED.

(A) The owner or keeper of any fowl or any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large.

(B) If a dog or cat is found running at large and the ownership of the animal is known, the dog or cat need not be impounded, in the discretion of the officer, if the officer cites the owner of the dog or cat to appear in Municipal Court or pay a fine for violation of this code.

(Prior Code, § 4-102) (Ord. 1078, passed 7-26-1983) Penalty, see § 90.999

Statutory reference:

Similar state law, see 11 O.S. § 22-115

§ 90.003 TURNING ANIMALS AT LARGE UNLAWFUL.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance, so as to turn the animal at large, or in any manner to turn the animal at large.

(Prior Code, § 4-103) Penalty, see § 90.999

§ 90.004 KEEPING OF LIVESTOCK PROHIBITED; EXCEPTIONS; STAKING OR PASTURING ON PUBLIC PROPERTY.

(A) No livestock shall be kept within the city, except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by the zoning ordinance.

(B) For the purpose of this section, **LIVESTOCK** means horses, mules, cows, goats, sheep, swine, and any other animal commonly considered as **LIVESTOCK**.

(C) It is unlawful for any person to stake, confine, or pasture any animal on any public property (federal, state, municipal, or other), or on any railroad right-of-way, without the consent of the person owning or controlling such property.

(Prior Code, § 4-104) (Ord. 1098, passed 3-27-1990) Penalty, see § 90.999

§ 90.005 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE.

(A) The following conditions are hereby declared to be a nuisance:

- (1) Any dog or other animal which, by barking, howling, or otherwise, disturbs the peace and quiet of any person;
- (2) Any dog or other animal, which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; or
- (3) Any dog or other animal which chases cars, motorcycles, bicycles, or any other motor vehicle or intimidates joggers, pedestrians, or children.

(B) Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against in the Municipal Court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the Court may order the owner or person in possession to prevent and abate such nuisance, or the Court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the city, conditioned that he or she will prevent and abate such nuisance. Thirty days thereafter, such owner or person in possession may present to the Court evidence that the nuisance has been abated and prevented and the Court may, upon such hearing, order the bond returned.

(Prior Code, § 4-105) Penalty, see § 90.999

§ 90.006 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS.

(A) Every building or structure wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

(B) Every such building, housing any livestock or furbearing animals, including, but not limited to, any horse, mule, donkey, cow, goat, or sheep, if located within 200 feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

(Prior Code, § 4-106) Penalty, see § 90.999

§ 90.007 PREMISES TO BE KEPT CLEAN.

Every structure or building, stable, pen, coop, or place wherein an animal is kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable orders.

(Prior Code, § 4-107) Penalty, see § 90.999

§ 90.008 INSPECTIONS.

The Animal Control Officer, the Health Officer, or any police officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his or her own initiative. He or she may issue any such reasonable order as he or she may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He or she may make a complaint before the Municipal Judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

(Prior Code, § 4-108)

§ 90.009 LEASHING ANIMALS.

When requested by any proper official, meter reader, police officer, sanitation worker, or other person whose duty is to enter onto private property, an owner shall leash or otherwise confine any and all dogs to prevent harm to the person making a lawful entry on owner's private property.

(Prior Code, § 4-109) Penalty, see § 90.999

§ 90.010 KENNELS, BREEDING DOGS OR CATS PROHIBITED.

It is unlawful for any person to breed dogs or cats for commercial purposes or to maintain and operate kennels in the city.

(Prior Code, § 4-110) (Ord. 1087, passed 7-26-1983; Ord. 99-07, passed 4-5-1999) Penalty, see § 90.999

Cross-reference:

For definition of kennel, see § 155.005

§ 90.011 KEEPING OF WILD, EXOTIC, OR DANGEROUS ANIMALS.

(A) For the purpose of this section, a **WILD, EXOTIC, OR DANGEROUS ANIMAL** means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes or reptiles, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys, and other like animals.

(B) It is unlawful to keep or harbor any wild, exotic, or dangerous animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section.

(C) This section shall not be construed to apply to zoological parks or zoos, performing animal exhibitions, or circuses licensed by the city.

(Prior Code, § 4-150) (Ord. 1071, passed 1-12-1982) Penalty, see § 90.999

§ 90.012 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provision of the zoning ordinance shall prevail and supersede the provisions of this chapter.

(Prior Code, § 4-160)

Cross-reference:

Zoning ordinance, see Chapter 155

DOGS AND CATS

§ 90.025 DOGS AND CATS TO BE VACCINATED.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian every calendar year before May 1 thereof, or, in the case of a pup or kitten, before it is six months old. The person vaccinating the dog or cat shall furnish a certificate or statement of vaccination.

(Prior Code, § 4-120) Penalty, see § 90.999

§ 90.026 DOG AND CAT REGISTRATION; TAG.

(A) A fee in such sum as set by the Council by motion or resolution for every dog or cat more than six months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

(B) The regulatory fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him or her in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

(C) The owner shall pay the fee levied to the city for every calendar year within thirty days after acquiring or bringing the dog or cat into the city. The licenses shall expire on December 31 of each year.

(D) The person offering the fee shall present to the city the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the preceding six months prior to issuance of the license.

(E) The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner, the name, breed, color, and sex of the dog or cat, and such other reasonable information as the city may request.

(F) The city thereupon shall deliver an original receipt to the owner and also an appropriate tag to him or her for the dog or cat. The tag shall constitute a license for the dog or cat.

(G) A licensed veterinarian may also issue appropriate tags, after registration and proof of vaccination, which shall constitute a valid license for the dog or cat.

(Prior Code, § 4-121) (Ord. 2020-04, passed 7-14-2020)

§ 90.027 TAG TO BE PLACED ON DOG COLLAR; LOST TAGS.

(A) The owner shall cause the tag received from the city to be affixed to the collar of the dog, so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog at all times.

(B) In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City Clerk, presenting to him or her the original receipt, and paying to him or her a fee as set by the City Council.

(Prior Code, § 4-122) Penalty, see § 90.999

§ 90.028 RIGHT TO KILL DOG IN DEFENSE OF SELF OR ANOTHER.

Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites him or her or the other, or attacks or attempts to bite or attack him or her or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

(Prior Code, § 4-123)

§ 90.029 COURT PROCEEDINGS AGAINST VICIOUS OR DANGEROUS ANIMALS.

(A) Any dog or other animal which is alleged to be vicious or dangerous may be proceeded against in the Municipal Court, after a complaint has been duly filed therein by any person having knowledge thereof.

(B) If the court shall find that, at such time:

(1) The dog or other animal has attacked a person and:

(a) The person so attacked was not at the time trespassing upon the property of the owner or person having control of such dog or other animal; or

(b) It cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such dog or other animal.

(2) The dog or other animal is of such vicious and fierce disposition as to attack human beings without provocation, then the court shall have the authority to order such dog or other animal kept muzzled or that such dog or other animal be kept within a sufficient enclosure. If such dog or other animal has bitten or attacked a human being on other occasions, the court may order that it be delivered to the Animal Control Officer and destroyed by him or her.

(Prior Code, § 4-124)

Cross-reference:

Municipal Court, see § 33.001

§ 90.030 REGISTRATION OF DANGEROUS DOGS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL AUTHORITY. An entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

ANIMAL CONTROL OFFICER. Any individual employed, contracted with, or appointed by the Animal Control Authority for the purpose of aiding the enforcement of this section or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animals.

DANGEROUS DOG.

(a) Any dog that:

1. Has inflicted serious or severe injury on a human being without provocation on public or private property or has attacked without provocation another domestic animal in a place other than a secure and enclosed place in which the dog is kept; or

2. Has been previously found to be potentially **DANGEROUS**, the owner having received notice of such by the Animal Control Authority in writing, and the dog thereafter aggressively bites, attacks, or endangers the safety of humans.

(b) No person shall be allowed to keep within the city limits any dog bred or trained for fighting, the dog being inherently **DANGEROUS** to other residents of the city, particularly children. Any owner or person responsible for bringing or keeping such dogs in the city limits of the city shall be guilty of a misdemeanor and each day shall constitute a separate offense. Such person shall be strictly liable for harm or damage caused by the animal.

OWNER. Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

POTENTIALLY DANGEROUS DOG. Any dog that when unprovoked inflicts bites on a human either on public or private property.

PROPER ENCLOSURE OF A DANGEROUS DOG. While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over six months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

SEVERE INJURY. Any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic

surgery.

(B) Certificate of registration requirements are as follows.

(1) It is unlawful for an owner to have a dangerous dog in the state without certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(2) The Animal Control Authority shall issue a certificate of registration to the owner of such animal if the owner presents to the Animal Control Unit sufficient evidence of:

(a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

(b) A policy of liability insurance such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 O.S. in the amount of not less than \$50,000 insuring the owner for any personal injuries inflicted by the dangerous dog.

(3) The annual fee for registration of a dangerous dog shall be \$10, in addition to regular dog licensing fees.

(C) Enclosure and control of dangerous dogs is required as follows.

(1) (a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person over 16 years of age.

(b) The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(2) This section is not and shall not be construed to be "breed specific."

(3) Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

(D) Any dangerous dog shall be immediately confiscated by an Animal Control Authority if:

(1) The dog is not validly registered under division (B) above;

(2) The owner does not secure the liability insurance coverage or surety bond required under division (B) above;

(3) The dog is not maintained in the proper enclosure; and

(4) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person.

(Prior Code, § 4-125) (Ord. 1103, passed 9-24-1991; Ord. 01-27, passed 11-13-2001; Ord. 10-09, passed 2-8-2010)
Penalty, see § 90.999

ANIMAL CONTROL SHELTER

§ 90.045 SHELTER ESTABLISHED; FEEDING ANIMALS.

A City Animal Control Shelter is hereby established under the jurisdiction of the Animal Control Officer or of such other person as may be officially designated. The person in charge of the Animal Control Shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

(Prior Code, § 4-130) Penalty, see § 90.999

§ 90.046 IMPOUNDING ANIMALS.

(A) The Animal Control Officer, or any other city officer or employee shall catch, or take up, and impound in the city pound any animal which is at large within the city or in violation of this code. When an animal is so impounded, it shall be humanely kept and treated, and may be redeemed and disposed of, as other impounded animals are kept, treated, and redeemed or disposed of. A description of the animal shall be kept and if the owner is known, the city shall attempt to notify the owner of the impoundment orally or in writing.

(B) In any prosecution charging a violation of any part of this section proof that the animal described in the complaint was at large as defined herein and that the defendant named in the complaint was the owner of the animal shall constitute in evidence a prima facie presumption that the owner permitted his or her animal to be at large in violation of this chapter.

(Prior Code, § 4-131) Penalty, see § 90.999

Statutory reference:

State law on disposal of animals, applicable to cities over 10,000, see 4 O.S. §§ 501 through 508

§ 90.047 ANIMALS TO BE IMPOUNDED.

(A) The Animal Control Officer, a police officer, or such other officer or employee of the city as may be authorized:

(1) Shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the city; and

(2) May enter upon the premises of the owner or other private premises to take such animal into custody.

(B) Any other person may take such animal into custody and present it to the authority in charge of the Animal Control Shelter for impounding.

(Prior Code, § 4-132)

§ 90.048 BREAKING ANIMAL CONTROL SHELTER.

No unauthorized person shall:

(A) Break or attempt to break open the Animal Control Shelter, or take or let out any animal therefrom;

(B) Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or

(C) In any manner interfere with or hinder an officer or employee in the discharge of his or her duties relating to the taking into custody and impounding of animals as provided in this chapter.

(Prior Code, § 4-133)

§ 90.049 FEES FOR IMPOUNDING.

(A) The City Council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

(B) Any person redeeming an impounded animal shall pay the required fees to the city and present his or her receipt therefor to the person in charge of the Animal Control Shelter before the latter releases the animal.

(C) Any person redeeming a dog not licensed as required by §§90.025 through 90.030 of this code shall pay the required license tax to the city and secure a tag and present the receipt therefor and the tag to the person in charge of the Animal Control Shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the Animal Control Shelter shall require adequate evidence of the proper licensing of the dog before releasing it.

(Prior Code, § 4-134)

§ 90.050 OWNER MAY REDEEM.

An owner of an impounded animal or his or her agent may redeem the animal; prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the Animal Control Officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

(Prior Code, § 4-135)

§ 90.051 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS.

(A) Except as otherwise provided in this chapter, an impounded animal shall be held for 72 hours during which time it may be redeemed pursuant to this chapter. No animal may be destroyed or sold until after this period.

(B) Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the Chief of Police. In no case shall the price of an animal be less than the fees, set out in this chapter, which have accrued against the animal. If an impounded animal cannot be sold, the animal shall be destroyed, in a humane manner, or otherwise disposed of in a legal manner.

(C) The Animal Control Officer shall pay to the city any money received from the sale of impounded animals.

(Prior Code, § 4-136) (Ord. 1078, passed 7-26-1983)

Statutory reference:

Authorized means of destroying animals in animal shelters, 4 O.S. §§ 501 through 508

§ 90.052 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of \$5 to reimburse the city for any expense it has had in making the sale, at any time within three months after the sale. If a claim is so made and approved by the Council, the City Treasurer shall pay him or her such excess. If a claim is not made, the excess shall belong to the city.

(Prior Code, § 4-137)

§ 90.053 ADOPTION OF ANIMALS FROM THE HOBART ANIMAL CONTROL SHELTER.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NEUTER. To render a male dog or cat unable to reproduce.

NEW OWNER or OWNER. A person legally competent to enter a contract acquiring a dog or cat from a releasing agency.

RELEASING AGENCY. Any pound, shelter, or humane society organization, whether public or private.

SPAY. To remove the ovaries of a female dog or cat in order to render said animal unable to reproduce.

STERILIZATION. To spay or neuter a dog or cat.

(B) *Spaying or neutering as condition for release of certain animals* All dogs or cats adopted from the Hobart Animal Control Shelter shall not be released unless said animal has been surgically spayed or neutered or unless the adopting party agrees to have the animals sterilized and deposits a sum of \$40 with the releasing agency.

(C) *Refund of deposit upon proof of spaying or neutering.*

(1) The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered.

(2) However, no refunds shall be made unless said animal was spayed or neutered within 60 days of adoption in the case of adult animals; or, in the case of infant animals, within 30 days of the date the female animal attained the age of six months, or a male animal attained the age of eight months.

(D) *Sterilization agreement.*

This Agreement is made and entered into this ___ day of _____, 20___, by and between:

(Releasing Agency) (New Owner)

Name Name

Address Address

City Telephone City Telephone

In consideration of the releasing of said animal, and in further consideration of mutual obligations herein, Releasing Agency releases the following animal to the New Owner:

(describe animal)

1. Releasing Agency agrees to release the above listed animal into the care of the New Owner and refund the New Owner's spay/neuter deposit provided that:

1. The animal is sterilized by a graduate licensed veterinarian by _____

(give date)

2. A written statement signed by the veterinarian performing the sterilization, that the animal has been sterilized by the stated date is given to the Releasing Agency.

2. New Owner accepts the above listed animal and agrees:

1. To have the animal sterilized by a graduate licensed veterinarian by _____

(give date)

2. To provide written evidence to the Releasing Agency from the veterinarian performing the sterilization that the animal has been sterilized by the above date listed.

This agreement shall be binding upon the assigns, heirs, executors, and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

Releasing Agency (Signature of Agent) New Owner (Signature of)

(E) *Extension of time to spay or neuter* Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a 30-day extension of the period within the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating that necessity.

(F) *Death of adopted animal - refund of deposited funds.* If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

(G) *Disposition of forfeited funds - record of accounts.*

(1) Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize, or otherwise reduce the cost of spaying or neutering animals of the releasing agency.

(2) The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

(H) *Adoption standards.*

(1) Subject to the provisions and purposes of the Dog and Cat Sterilization Act, being 4 O.S. §§ 499 et seq., and laws of the State of Oklahoma, releasing agencies may establish adoption standards for pets in their care.

(2) Provided, however, that in the case of public facilities said standards must be reasonably related to the prevention of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

(Prior Code, § 4-138) (Ord. 2020-01, passed 6-12-2020)

CRUELTY TO ANIMALS

§ 90.065 CRUELTY TO ANIMALS.

(A) It is unlawful for any person willfully and maliciously to pour on, or apply to an animal, any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or her or in his or her custody in a cruel or inhumane manner.

(B) The premises on or in which any animals are kept shall be subject to inspection by the Health Officer or any of his or her representatives, at any reasonable hour of the day, for the purpose of enforcing this subchapter.

(C) Any police officer or Animal Control Officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in his or her opinion it requires humane treatment.

(Prior Code, § 4-140) Penalty, see § 90.999

Statutory reference:

Cruelty to animals, see 21 O.S. § 1685

§ 90.066 POISONING ANIMALS.

It is unlawful for a person willfully to poison any dog or other animal except a noxious, non-domesticated animal, or knowingly to expose poison so that the same may be taken by such an animal.

(Prior Code, § 4-141) Penalty, see § 90.999

§ 90.067 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue, or annoy another animal except a noxious, non-domesticated animal, or to keep a house, pit, or other place used for fights between animals.

(Prior Code, § 4-142) Penalty, see § 90.999

PROCLAMATION OF RABIES

§ 90.080 DOGS AND CATS CONFINED.

(A) When the Health Officer or Chief of Police determines and certifies that a dog, a cat, or other animal in the city or within five miles of the city is or was infected with rabies, and that an epidemic of rabies threatens the city, the Council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the Council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the resolution prescribes a later time.

(B) While such resolution is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such resolution, or for any dog or cat to be at large in violation thereof.

(Prior Code, § 4-170) Penalty, see § 90.999

§ 90.081 QUARANTINE OF ANIMALS FOR OBSERVATION.

(A) The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and the County Health Department. The animal, regardless of its immunization status, shall be securely quarantined at a veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a

licensed veterinarian for a period of ten days, and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head removed and shipped, under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physician concerning the need for immediate initiation for rabies prophylaxis. In case of animals whose ownership is unknown, such quarantine shall be at the City Animal Shelter. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

(B) It is the duty of every physician, veterinarian, or other practitioner to report to the Animal Control Officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(C) It is the duty of every licensed veterinarian to report to the Animal Control Officer his or her diagnosis of any animal observed by him or her to be a rabid suspect.

(Prior Code, § 4-171) Penalty, see § 90.999

§ 90.082 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian, the City Health Officer, or other designated emissary shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper public health officer of any reports of human contact.

(Prior Code, § 4-172)

§ 90.083 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county, or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the Mayor city-wide quarantine, and upon the invoking of such quarantine by the Mayor no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine, no animal may be taken or removed from the city without written permission of the Animal Control Officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

(Prior Code, § 4-173) Penalty, see § 90.999

§ 90.084 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

(A) During the period of rabies quarantine as mentioned in §90.083, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian. The period of quarantine may be extended from time to time.

(B) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.

(C) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove same from the city limits without written permission from the Health Officer of the city or the Animal Control Officer.

(D) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control Officer.

(E) The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

(Prior Code, § 4-174) Penalty, see § 90.999

§ 90.085 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand, and the Animal Control Officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

(Prior Code, § 4-175) Penalty, see § 90.999

BIRD SANCTUARY

§ 90.100 BIRD SANCTUARY ESTABLISHED.

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(Prior Code, § 4-180)

§ 90.101 UNLAWFUL TO HURT BIRDS IN SANCTUARY; EXCEPTIONS.

(A) It is unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. However, if birds other than pigeons or starlings are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city, then the health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club, or Humane Society, or as many of the clubs as are found to exist in the city after having given at least three days actual notice of the time and place of the meeting to the representatives of the clubs. If as a result of the meeting no satisfactory alternative is found to abate such nuisance, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the Chief of Police of the city.

(B) Pigeons and starlings may be destroyed as deemed necessary and advisable by the City Council upon finding by the City Council and supervision by the Chief of Police or Health Authorities.

(Prior Code, § 4-181) Penalty, see § 90.999

§ 90.102 CHICKEN OR LAYING HENS - LAND USE.

(A) Except as provided otherwise, chickens or laying hens may be kept on residential lots in excess of 5,000 square feet, so long as:

(1) Such chickens or laying hens are maintained on land upon which the owner or occupant resides;

(2) Roosters are not allowed;

(3) No slaughtering of chickens or laying hens is permitted;

(4) The number of chickens or laying hens allowed on a residential lot shall be governed by the following land use parameters:

(a) A minimum of two chickens or laying hens to be kept within a minimum of four square feet of run space and 18 inches of coop space per chicken or laying hen as set out in division (A)(9) below. The maximum amount of chickens or laying hens shall be governed by residential lot size as divisible by the aforementioned metrics, except there shall be no more than eight chickens or laying hens on any residential lot of 5,000 square feet to one acre;

(b) For residential lots in excess of one acre, but less than five acres, provided that the provisions of this section can be met, the following limit on the number of chickens and laying hens is permitted:

1. Excess of one to two acres: Maximum of 12;

2. Excess of two to three acres: Maximum of 18;

3. Excess of three to four acres: Maximum of 24; and

4. Excess of four to five acres: Maximum of 30.

(5) The owner or occupant of the land upon which such chickens or laying hens are kept maintained is responsible to erect and maintain a suitable barrier sufficient to insure compliance with the land use distance requirements set out in this section. Appropriate screening of the coop and run from adjacent neighbors shall be provided by the owner or occupant of the residential lot housing chickens or laying hens;

(6) Such chickens or laying hens shall be kept within a designated coop and run, which shall be located in the rear or backyard of the property, and no coop or run shall be located in the side or front yard;

(7) The coop and run shall be attached and shall be located no closer than five feet from any side or rear property line and no closer than 25 feet from any dwelling unit other than the owner/occupants. Moveable chicken enclosures are permitted as long as they meet the specifications indicated in this section;

(8) From dusk until dawn, chicken or laying hens shall be kept within the coop. During the other hours of the day, chickens or laying hens shall have access to run in a coop; and

(9) The following coop and run requirements are met:

(a) A coop is a permanent structure that in addition to protecting human health and safety, provides the chickens or laying hens with protection from the elements and predators, and must include suitable clean ventilated air, bedding, nest boxes, and roost space. Roosts should provide 18 inches of surface area, and have rounded corners and be free of splinters. One nest box per every four chickens or laying hens;

(b) Coops shall be predator resistant and any open wall or windows shall be designed and screened to prevent access by predators;

(c) Minimum size for a coop shall be four square feet per chicken or laying hen;

(d) A run is an attached enclosed area where the chickens or laying hens are safe from predators, but free to be outside the coop, but also protects human health and safety;

(e) Minimum size for a run shall be eight square feet per chicken or laying hen;

(f) Water and food shall be provided onsite and accessible at all times;

(g) Coop shall have a suitable run attached and all areas of the coop should be easily accessible for proper cleaning and to prevent odor and build-up of food or bedding. Coops shall be located in areas that are not susceptible to storm water run-off onto neighboring properties;

(h) All areas where chickens or laying hens are present shall be cleaned daily to prevent an accumulation of food, fecal matter, bedding or nesting material so as to prevent a nuisance or unsanitary condition due to odor, vermin, debris, or decay. All waste not composted shall be properly bagged and placed in garbage containers; and

(i) Any electrical or heat sources shall comply with the City Building Code.

(B) This section is not intended to be construed in derogation of or in conflict with any restrictive covenant that may be applicable to any property.

(C) It shall be unlawful for any individual to keep chickens or laying hens within the corporate limits of the city without first obtaining a permit therefor in compliance of the provisions of this section, excluding those persons whose property is zoned for agricultural purposes or is over five acres in size. The City Clerk is hereby authorized to make, adopt, and amend rules and regulations necessary for permit applications, issuance, expiration, record keeping, and revocation. The permit fee for said permit shall be \$25.

(Prior Code, § 4-182) (Ord. 2020-03, passed 6-16-2020) Penalty, see § 90.999

§ 90.999 PENALTY.

(A) Any person, firm, or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the Health Officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in § 10.99. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.

(Prior Code, § 4-185)

(B) Violations of § 90.030 are punishable under the general penalty provisions at §10.99. Each day or any portion of a day during which a violation continues shall be considered a separate offense, provided that the cumulative amount shall not exceed \$5,000. Any such fine, at the discretion of the Municipal Court, may be offset by payments made by the dog owner to any victim of an attack by the dog. Insurance premiums, however, may not be considered as an offset.

(Prior Code, § 4-125)

(C) Any person who violates any provision of §90.102 shall, upon conviction thereof, be subject to punishment as defined in division (A) above.

(Prior Code, § 4-182)

(Ord. 1103, passed 9-24-1991; Ord. 01-27, passed 11-13-2001; Ord. 10-09, passed 2-8-2010; Ord. 2020-03, passed 6-16-2020)