

TITLE 6

ANIMALS

Chapters:

6.04 ANIMALS GENERALLY

6.08 DOGS AND CATS

(This page intentionally left blank)

Chapter 6.04

ANIMALS GENERALLY

Sections:

- 6.04.010 Definitions.
- 6.04.020 Application.
- 6.04.030 Pound established.
- 6.04.040 Animals to be impounded.
- 6.04.050 Caring for animals or domestic fowl.
- 6.04.060 Notice.
- 6.04.070 Notice of sale.
- 6.04.080 Sale.
- 6.04.090 Sale proceeds.
- 6.04.100 Return.
- 6.04.110 Obstructing.
- 6.04.120 Fees.
- 6.04.130 Domestic poultry and rabbits.
- 6.04.140 Cows.
- 6.04.150 Horses.
- 6.04.160 Hogs and goats.
- 6.04.170 Animals at large.
- 6.04.180 Animal wild by nature.
- 6.04.190 Injury, Cruelty, Neglect or Abandonment.
- 6.04.200 Animals on sidewalks.
- 6.04.210 Breeding places unlawful.
- 6.04.220 Animals and fowls – Prohibited acts.
- 6.04.230 Feeding of migratory waterfowl prohibited.

Section 6.04.010 Definitions.

For purposes of this title, the following words shall have the meanings respectively ascribed to them in this section:

"Animal" means any living creature, except human beings, and includes (without limiting the generality thereof) mammals, birds, reptiles, and fish.

"Animal wild by nature" means any animal which is not generally considered to be domesticated or a pet, or which usually is considered by ordinary persons to be dangerous, or an animal which does not live ordinarily with human beings.

"Cat" means and includes felis catus, and any of a family (felidae) including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah, and shall include all such animals as aforementioned over the age of two months;

"Dog" means and is construed to mean any dog, bitch, whelp or any and all other animals of the canine species over the age of six months, unless otherwise specifically set out and stated and where used without other specific designation shall include both male and female;

"Domestic animal" means dogs and cats as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits and fowl.

"Mammal" means any of the class mammalia or any subclass thereunder of higher vertebrates, excluding human beings, consisting of all animals that nourish their young with milk secreted by mammary glands and have the skin more or less covered with hair. (Prior code § 4-101)

Section 6.04.020 Application.

The provisions of this chapter relating to animals or domestic fowls are enumerative of and additional to all other rights, authorities, duties and powers imposed upon or vested in any city official, board or council by ordinance or law, and in addition to all other regulatory measures pertaining to animals or domestic fowls, the keeping, licensing and use thereof. (Prior code § 4-102)

Section 6.04.030 Pound established.

There is hereby established an Animal Control Facility, the same to be located at such place as the City Council from time to time may direct. It shall be under the immediate control of an Animal Control Supervisor, his designee or of such other person as may be officially designated. The person in charge of the Animal Control Facility shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a Animal Control Facility maintained by that agency. (Prior code § 4-103; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.040 Animals to be impounded.

A. The Animal Control Supervisory, his designee, police officer, or such other officer or employee of the city as may be authorized by the City Manager:

1. Shall take into custody and impound any animal running-at-large in violation of any provision of the ordinances of the city;
2. May enter upon the premises of the owner or other private premises to take such animal into custody; and
3. If with reasonable effort a dog illegally at large cannot be caught, such may kill it, whether on or off private premises.

B. Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. (Prior code § 4-104; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.050 Caring for animals or domestic fowl.

The animal control officer shall provide suitable and proper care for animals or domestic fowls in his or her custody, including necessary sustenance for all animals or domestic fowls impounded. (Prior code § 4-105)

Section 6.04.060 Notice.

The Animal Control Supervisor, his designee or the person empowered by the City Manager shall give all notice required by this chapter and other ordinances relating

to regulation of animals or domestic fowls, and where provision is made for their sale or other disposition, shall be charged with making provision therefor. (Prior code § 4-106; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.070 Notice of sale.

Where no other provision is made by ordinance for giving notice of sale of impounded animals or domestic fowls, at least five days notice of the time and place of such sale shall be given by publication one time in the newspaper. (Prior code § 4-107; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.080 Sale.

A. Any animals or domestic fowls taken up may be sold at public sale by the keeper of the pound at any time after the expiration of three days from the time of impounding same and after notice as provided in this chapter; the notice shall be in substance as follows:

"Taken up and impounded in the City Pound of the City of Sand Springs, Oklahoma, on the _____ day of _____ (giving day and month impounded, and describing the animal or domestic fowl running at large or impounded for other reasons). The animal or domestic fowl, unless redeemed within five (5) days, will be sold at public auction for cash to the highest bidder at the pound or at city hall, at the hour of _____ o' clock on the _____ day of _____, 20____, (giving hour, day and date of sale)."

B. It is the duty of the animal control officer to enter in a book to be kept for that purpose, the description and date of the seizure of all animals or domestic fowls taken under the provisions of the ordinances of the city and the place where impounded, the name of the owner if known, and if unknown, the date of the warning notice given, and all subsequent proceedings relating to the sale thereof, the amount realized and disposition of funds.

C. Any dogs or cats obtained by the animal control officer may be adopted out at any time after the expiration of three days from the time of impounding the animal. Such adoption shall be in accordance with procedures implemented administratively by the Animal Control Supervisor or his designee, provided, however, such procedures shall at all times be in accordance with the provisions of the Dog and Cat Sterilization Act of the Oklahoma Statutes. Animal Control Supervisor or his designee, is hereby authorized to collect an adoption fee, in such amounts as to be determined by the council pursuant to motion or resolution. The adoption fee herein provided for may be waived by the city manager upon a finding that the person, persons or entity desirous of adopting the dog or cat is a duly authorized representative of an established society or organization devoted to the humane treatment of dogs or cats and the prevention of cruelty of same. The adoption fee hereby provided for shall be in addition to any sums authorized to be collected pursuant to state law as well as any other fees established by the City. (1221, Amended by Recodification, 11/19/2012)

D. It is the duty of the Animal Control Supervisor or his designee to enter in a book to be kept for that purpose, the description and date of the seizure of all dogs or cats taken under the provisions of the ordinances of this city and the place where

impounded, the name of the owner if known, and the date of warning notice give to such owner if known, and if the owner is unknown such shall be so specified and all subsequent proceedings relating to the adoption of the dogs or domestic fowl together with the statement of all realized funds. (1221, Amended by Recodification, 11/19/2012)

Section 6.04.090 Sale proceeds.

The proceeds arising from such sales, after deducting the costs, charges and expenses allowed by ordinance, shall be paid to the City Clerk. If the owner of any such animal or domestic fowl shall apply to the Animal Control Supervisor or his designee after such animal or domestic fowl has been sold and prove the ownership thereof to the satisfaction of the animal control officer, after payment to the City Clerk, the City Clerk shall pay the balance due from the sale of such animal or domestic fowl to the applicant, taking his or her receipt, one copy of which shall be retained by the City Clerk. Thereupon a warrant shall be drawn upon the treasury in favor of such claimant for the amount certified. The City Clerk shall file and keep the certificate of the Animal control supervisor or his designee with the claimant's receipt endorsed thereon. (Prior code § 4-109; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.100 Return.

A. If the owner of such animals or domestic fowls shall pay the City Clerk for costs, charges and expenses incurred under the ordinances of the city, at any time before the sale of such animals or domestic fowls, the pound officer shall release same to the owner.

B. At the expiration of the time within which the owner may reclaim any animal seized under the provisions of this chapter, the pound officer or any other officer or person designated may destroy any animal not then reclaimed and cause the body thereof to be disposed of as now hereafter provided. (Prior code § 4-110)

Section 6.04.110 Obstructing.

If any person shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise the breaking open of the Animal Control Facility, or shall hinder, delay or obstruct any person duly authorized to impound animals or domestic fowls, he or she shall be deemed guilty of an offense and upon conviction shall be punished accordingly. (Prior code § 4-111; 1221, Amended by Recodification, 11/19/2012)

Section 6.04.120 Fees.

The charges and fees for impounding animals and domestic fowls shall be fixed by the City Council by resolution or motion. (Prior code § 4-112)

Section 6.04.130 Domestic poultry and rabbits. (Amended by Ord 1245, adopted 01/13/14)

A. It is unlawful and an offense for any person to keep or maintain or to permit or suffer to be kept or maintained, any chicken, duck, turkey, goose or other

domestic bird or fowl not otherwise prohibited by this code, or rabbits, except in buildings or pens located at least fifty (50) feet distance from any adjoining residence. Only domestic fowl or rabbits or any combination thereof, not to exceed six adults and fourteen (14) young under the age of eight weeks, may be kept in any area under the following conditions: (Amended by Ord 1245, adopted 01/13/14)

1. The floors of such building shall be of easily cleanable construction and shall be maintained in a sanitary condition not offensive or dangerous to the public health, by routinely cleaning and properly disposing of the droppings; and

2. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

B. It is unlawful for any person to maintain such animals or fowl in such a manner as to trespass upon the premises of any other person, or to cause serious annoyance to persons or to the neighborhood by crowing, cackling, squawking, the emanation of offensive odors, or otherwise create a nuisance. (Prior code § 4-113)

C. It is unlawful and an offense for any person to keep or maintain or to permit or suffer to be kept or maintained any rooster or bantam rooster within the city limits except in areas that are zoned and used for agricultural purposes. (Amended by Ord 1245, adopted 01/13/14)

Section 6.04.140 Cows.

It is unlawful for any person to keep or maintain, or to permit or suffer to be kept or maintained a cow, or any animal of the bovine species, upon any property or premises within the corporate limits of the city. However, one cow or any other animal of the bovine species may be kept in each pen, lot or enclosure of at least one acre (forty-three thousand five hundred sixty (43,560) square feet) in area, for each such animal maintained, if the pen, lot or enclosure where such animal is kept is maintained in a sanitary condition not offensive or dangerous to the public health. The keeping of a cow or any animal of the bovine species in violation of the terms of the ordinance codified in this chapter except within areas of the city zoned agricultural (AG) is hereby declared to be a nuisance against the public health of the city. The nuisance shall be subject to abatement as provided by law for the abatement of health nuisances. (Prior code § 4-114)

Section 6.04.150 Horses.

It is unlawful for any person to keep or maintain, or permit or suffer to be kept or maintained, a horse or any animal of the equine species, upon any property or premises within the corporate limits of the city unless the following conditions and requirements are maintained:

1. The enclosure in which each such animal is kept is maintained in a sanitary condition and not offensive or dangerous to the public health;

2. That the enclosure in which each such animal is kept shall not be less than one acre (forty-three thousand five hundred sixty (43,560) square feet) in area for each such animal maintained, including the space covered by the barn, but not the home or house area; and

3. The keeping of a horse or any animal of the equine species in violation of the terms of this section except within areas of the city zoned agricultural (AG) is hereby declared to be a nuisance against the public health of the city and such nuisance shall be subject to abatement as provided by law for the abatement of health nuisances. (Prior code § 4-115)

Section 6.04.160 Hogs and goats.

It is unlawful for any person to keep or maintain, or permit or suffer to be kept or maintained, any hog, pig, shoat, boar, or other swine, or any goat, upon any property or premises within the corporate limits of the city except property maintaining a zoning classification of agricultural (AG), except in buildings or pens located at least one hundred (100) feet distance from any adjoining residence or property line, and under the following conditions:

1. The pens shall be maintained in a sanitary condition not offensive or dangerous to the public health, by routinely cleaning and properly disposing of the droppings;

2. Such hogs or goats shall not be maintained in such a manner as to trespass upon the premises of any other person, or to cause serious annoyance to persons or to the neighborhood by the emanation of offensive odors, or otherwise creating a nuisance; and

3. Such pen, lot or enclosure shall be of a least one-half acre (twenty-one thousand seven hundred eighty (21,780) square feet) in area for each such animal maintained. (Prior code § 4-116)

Section 6.04.170 Animals at large.

It is unlawful for any person having control of any horse, mule, burro, ass, ox, cow, sheep, goat, shoat, pig or any animal of any such animal family, to allow the same to run at large, or to be picketed or tied to a stake or kept within the city except as set out herein. (Prior code § 4-117)

Section 6.04.180 Animals wild by nature.

It is unlawful for any person to keep or maintain, or to permit or suffer to be kept or maintained an animal wild by nature upon any property or premises within the corporate limits of the city. (Prior code § 4-118)

Section 6.04.190 Injury, Cruelty, Neglect or Abandonment. (Amended by Ord 1245, adopted 01/13/14)

A. It is unlawful and an offense for any person to willfully or maliciously torture, destroy or kill, cruelly beat or injure, maim or mutilate any animal, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or

cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering. (Prior code § 4-119; Amended by Ord 1245, adopted 01/13/14)

B. Any animal deemed by the animal control officer to have suffered injury, cruelty or neglect resulting from the actions or inactions of person as specified in paragraph A of this Section shall be impounded and shall not returned to the owner or person otherwise in control of the animal until the matter is adjudicated in the Municipal Court of the City. All costs for the impoundment, veterinary care or other actions by the City to provide for the animal's health, safety and welfare shall be borne by the owner or person otherwise in control of the animal as determined by the Municipal Judge of the City upon adjudication of the matter. (Added by Ord 1245, adopted 01/13/14)

C. It shall be unlawful and an offense for any person to deposit any live dog, cat or other domestic animal along any private or public roadway, or in any other private or public place, with the intention of abandoning the domestic animal. (Added by Ord 1245, adopted 01/13/14)

D. Persons found guilty of offenses contained within Paragraphs A and B of this Section shall be deemed guilty of a Class "A" violation punishable by the provisions set forth in Section 1.20.010 of this Code. Persons found guilty of offenses contained in Paragraph C of this Section shall be deemed guilty of a Class "C" violation punishable by the provisions set forth in Section 1.20.010 of this Code. (Added by Ord 1245, adopted 01/13/14)

Section 6.04.200 Animals on sidewalks.

It is unlawful for any person to ride or lead any horse or other animal, or drive any wagon, carriage or other vehicle, on or across any sidewalk in the city except it be at the regular street, avenue or alley crossing, or a driveway across the same. (Prior code § 4-120)

Section 6.04.210 Breeding places unlawful.

The keeping, maintaining or establishing of a breeding place, house, yard or pen for domestic animals, including horses, cattle, hogs, dogs, cats and goats, within the city is unlawful. The keeping, maintaining or operation of any such establishment within the city is prohibited. Any person who shall maintain or operate a nuisance, as defined in this section, shall be guilty of a public offense. (Prior code § 4-121)

Section 6.04.220 Animals and fowls--Prohibited acts.

It unlawful for the owner and keeper of an animal or fowl to allow or permit such animal or fowl to:

1. Scratch or dig into, or tramp on or over, any flower bed, lawn, garden, tilled soil, vine, shrubbery or small plants, and in the doing of same commit an injury to the same;
2. Habitually prowl around on any private property belonging to another, to the annoyance of the owner or occupant of the property;

3. Go into any garbage can or other waste vessel, or turn the same over, or scatter the contents of the same on the ground. (Prior code § 4-122)

Section 6.04.230 Feeding of Migratory Waterfowl Prohibited

A. It is unlawful for any person to feed, or leave food out for the purpose of feeding, migratory waterfowl within the City limits of the City of Sand Springs. (Amended by Ord 1248, adopted 02/24/14)

B. For purposes of this section, migratory waterfowl means any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Oklahoma Wildlife Department or otherwise defined by the Commission as migratory waterfowl.

C. Any violation of this ordinance shall be punishable pursuant to Chapter 1.20 of the Code of Ordinances of the City of Sand Springs.

Section 6.04.240 Itinerant Peddling of Animals Prohibited.

A. It shall be unlawful and an offense for any person, firm or corporation to peddle, by offering for sale or gift, any type of animal from an itinerant location within the city limits. For purposes of this section, "itinerant location" shall be defined as a non-fixed or non-permanent business, residential or public property location. (1177, amended 04/13/2009.)

Chapter 6.08

DOGS AND CATS

Sections:

- Article I General Regulations**
- 6.08.010 License and vaccination.**
- 6.08.020 License fee.**
- 6.08.030 Impounding cats and dogs without tags.**
- 6.08.040 Rabies procedure.**
- 6.08.050 Rabies Immunization Vaccination.**
- 6.08.060 Diseased cats or dogs not at large.**
- 6.08.070 Dogs to be kept confined in yard, pen or on leash.**
- 6.08.080 Nuisance.**
- 6.08.090 Enforcement.**
- 6.08.100 Interference prohibited.**
- 6.08.110 Noncompliance.**
- Article II Animal Limitation--Kennel Operations**
- 6.08.120 Numerical limitations.**
- 6.08.130 Kennel proprietor.**
- 6.08.140 Kennel tags.**
- 6.08.150 Spaying and Neutering Required. (1318, added 04/23/18)**
- 6.08.160 Hobbyist Exemption Permit (1318, added 04/23/18)**

Article I General Regulations

Section 6.08.010 License and vaccination.

It is unlawful for any person to own, keep or harbor any cat or dog within the limits of the city unless such person shall first procure a license therefor as provided in this chapter and have the cat or dog immunized by vaccination against rabies as herein provided. (Prior code § 4-201)

Section 6.08.020 License fee.

A. No license shall be issued to any person to own, keep or harbor any cat or dog within the limits of the city until such person shall pay the city the sum as set by the City Council for each cat or dog so kept. Upon payment being made there shall be issued to such person, an official receipt which shall give the name of such person and a general description of the cat or dog for which such license is issued. The city shall furnish to such person at the time of making such payment, a license tag bearing a number which license tag shall at all times be worn in a conspicuous place upon a collar about the neck of such cat or dog and the number of such license tag shall be entered upon the license. All licenses issued under the provisions of this section shall expire one year from the date the same are issued, and no license shall be issued for a smaller sum than as is in this section stated.

B. The license fee, but not the requirement for a license, shall be waived for any person who owns, keeps, or harbors any cat or dog within the city, if such person provides certification from a licensed veterinarian that such cat or dog has been neutered or spayed. (Prior code § 4-202)

Section 6.08.030 Impounding cats and dogs without tags.

Any cat or dog owned, kept or harbored within the city which is found in violation of this part or whose owner or keeper or person harboring the same shall not have obtained a license as herein provided or which shall not have conspicuously displayed upon a collar, around the neck of the cat or dog, a license tag as required by this chapter, shall be immediately taken up and impounded and shall be kept in the Animal Control Facility for a period of three days after such taking. A description of all cats or dogs impounded and the date of impoundment shall be maintained by the Animal Control Supervisor or his designee. If the cat or dog has a license, the Animal Control Supervisor or his designee shall notify the owner orally or in writing at the address as shown in the license records that the cat or dog is impounded and may be sold or destroyed if not redeemed. Unless the person owning, keeping or harboring such cat or dog shall within such period of three days pay such license fee and a fee for such taking, and in addition thereto a sum as set by the City Council for each day such cat or dog shall be so kept up, the cat or dog shall be disposed of by adoption or death. (Prior code § 4-203; 1221, Amended by Recodification 11/19/2012)

Section 6.08.040 Rabies procedure.

A. Any cat or dog within the city of any age, licensed or unlicensed, which inflicts injury to a person or persons by biting and such bite or biting results in the breaking of the skin of the person bitten and exposure thereof to the saliva of the cat or dog shall be immediately taken up and impounded and shall be securely kept and confined; such confinement shall be for a period of ten (10) days. If within the period the cat or dog becomes rabid or shows symptoms or indications of rabies it is the duty of the doctor of veterinary medicine to report in writing to the Animal Control Supervisor or his designee, setting out:

1. The cat or dog has in his or her opinion, rabies or shows symptoms or indications of rabies;
2. A description of the cat or dog and sex thereof;
3. The license tag number if there be a license tag; and
4. The date of confinement and any and all other particulars relating to the cat or dog deemed necessary by the Animal Control Supervisor or his designee. (1221, Amended by Recodification 11/19/2012)

B. If the cat or dog is not rabid, nor has any symptoms or indications of rabies, duly vaccinated and licensed, it shall be surrendered to the owner, keeper or person harboring the cat or dog within three days after the ten (10) day confinement. It is the duty of the owner, keeper or person harboring the cat or dog confined to pay all costs of confinement, whether the cat or dog is destroyed or returned. No cat or dog shall be returned to the owner, keeper or person harboring the cat or dog until all such costs of confinement are paid. In the event the cat or dog is not claimed or surrendered

to the owner, keeper or person harboring the cat or dog within three days after the period of confinement, the cat or dog shall be disposed of by adoption or death. (Prior code § 4-204)

Section 6.08.050 Rabies Immunization Vaccination.

a) Any dog or cat owned, kept or harbored within the city limits having reached the age of four (4) months shall have had administered within a thirty (30) period after reaching such age a rabies immunization vaccination with a vaccine approved for the animal by the United States Department of Agriculture. Such vaccination shall be administered by a veterinary professional licensed by the State of Oklahoma (or another state) in intervals up to three years from the date of initial vaccination and shall have a corresponding immunization period of up to three (3) years from the date of vaccination.

b) It shall be unlawful and an offense for any person to own, keep or harbor, or permit to be owned, kept or harbored, within the city limits, any dog or cat having reached or exceeded the age of four (4) months without maintaining a current and valid certificate of rabies immunization vaccination as issued by a veterinary professional licensed to issue such by the State of Oklahoma (or another state). The certificate shall be presented to any Animal Control Officer, Police Officer or other employees or agents of the City so authorized upon request.

c) Violation of the provisions of this section shall constitute a Class “C” offense and shall be punishable as prescribed in the general penalty section of the City’s Code of Ordinances. (Prior code § 4-205; 1292, eff. 11/14/16)

Section 6.08.060 Diseased cats or dogs not at large.

It is unlawful for any person to permit any cat or dog owned, kept or harbored by him or her which shall be infected with or suffering from any mange, distemper or other disease to be or run at large in the city. Any cat or dog so found at large which shall be infected with or suffering from any mange, distemper or other disease shall be deemed a public nuisance and shall be forthwith taken up and summarily destroyed at the expense and cost of the owner, keeper or person harboring the cat or dog. (Prior code § 4-206)

Section 6.08.070 Dogs to be kept confined in yard, pen or on leash.

It is unlawful and an offense for any person to keep, own, harbor or possess any dog that is within the incorporated limits of the city without providing a yard or substantial and secure pen in which the dog shall be confined, or such dog shall be kept on a leash not to exceed eight feet in length to permit the dog to have free play and sufficient exercise. Yards or pens where dogs are kept shall be of sufficient size so that no sanitation or health problems shall be created nor shall any nuisance be created. Dogs at all times shall be kept upon and wholly upon the premises of the owner of the dog. Dogs shall at all times be placed upon a leash or kept in a yard or pen where such dog cannot reach or bite any person who may be using the regular thoroughfares of the city, including streets, alleys and sidewalks thereof, and where the dog cannot reach beyond the limits of the lot or premises upon which the dog is kept and confined. Each

day or time such dog shall not be confined and shall be running-at-large, shall constitute a separate offense. The animal control officer of the city shall promptly impound each and every dog that is running-at-large in the city and which is not confined with a secure leash as provided by provisions of this chapter. (Prior code § 4-207)

Section 6.08.080 Nuisance.

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a "nuisance" or "potentially dangerous" or "dangerous" dog.

A "Nuisance dog" means any dog that:

- a. engages in any behavior that required a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or
- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or
- d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.
- e. engages in loud or continuous barking, howling or other obnoxious behavior that disturbs the peace of another between the hours of 10:00 p.m. and 6:00 a.m. (1221, Amended by Recodification, 11/19/2012)

A "Potentially dangerous dog" means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked kills or severely injures a domestic animal either on public or private property;

A "Dangerous dog" means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property;
- b. 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, or
- c. 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 kills or severely injures a domestic animal;

An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "nuisance," "potentially dangerous" or a "dangerous" dog by filing a complaint with municipal court clerk. Upon the issuance of summons and notice to the owner, and upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a "nuisance," "potentially dangerous," or "dangerous", may order:

- a. The payment of court costs and fines in the maximum amount allowed by law;
 - b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
 - c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog;
 - d. The removal of the dog from the city limits;
 - e. The confiscation and/or destruction of the dog.
 - f. Other measures as deemed appropriate by the court.
- (1221, Amended by Recodification, 11/19/2012)

Any alleged violation of this ordinance that alleges that the dog is a "nuisance" shall be a Class C offense. Any alleged violation that alleges that the dog is "potentially dangerous" shall be a Class B Offense. Any alleged violation that alleges the dog is a "dangerous" dogs shall be a Class A offense. Each separate day of violation shall constitute a separate offense.
(1108, Amended, 10/10/2005, Amend Section 6.08.080)

Section 6.08.090 Enforcement.

It is the duty of the Animal Control Supervisor or his designee, police officer, or such other officer or employee of the city as may be authorized by the City Manager, to enforce the provisions of this chapter. (Prior code § 4-209; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.100 Interference prohibited.

It is unlawful for any person to interfere with the Animal Control Supervisor, his designee or any police officer or any other person duly appointed in the discharge of any duty under the provisions of this chapter or to open, break down, or destroy any enclosure in which any such cat or dog is confined pursuant to the terms of this chapter or to cause any such cat or dog so taken up to be released or to escape, until such cat or dog be released by the proper officer or custodian upon payment of the license fee and all fees due thereon. (Prior code § 4-210; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.110 Noncompliance.

Any person, persons, firm or corporation who shall own, keep or harbor any such cat or dog within the city and who shall not comply with the terms of this chapter shall be deemed guilty of a public offense. (Prior code § 4-211)

Article II Animal Limitation--Kennel Operations

Section 6.08.120 Numerical limitations.

No person shall keep or harbor more than three cats or three dogs over the age

of six months plus one cat or dog for each acre of the residence in excess of five (5) acres, not to exceed ten cats or dogs, unless such person is a duly licensed kennel proprietor as herein after provided. (Prior code § 4-221; 1191, amended, 08/24/2009)

Section 6.08.130 Kennel proprietor.

It is unlawful for any person to be a kennel proprietor, as herein defined, within the city unless such proprietor shall first pay to the City Clerk of the city an annual license fee as set by Council resolution. Upon proof of proper zoning and payment of such fee the City Clerk shall furnish to such kennel proprietor a license to engage in such business. The kennel proprietor's license levied in this section shall be in lieu of all other license fees described in this chapter and ordinances of the city for cats or dogs in such kennel. All cats or dogs in such kennel shall be at all times confined on the premises of such kennel proprietor. Should any cat or dog belonging to, or kept by, such kennel proprietor be allowed off the premises of such kennel proprietor, the owner or keeper, thereof shall pay the same license fee thereon as is required by the ordinances of the city for all cats or dogs not kept by a kennel proprietor. Any such cat or dog shall be subject to all of the provisions of such ordinances, including seizure and impounding to the same extent and in the same manner as any cat or dog at large. Such kennel shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the cooperative health department or other proper official of the city. (Prior code § 4-222; 1221, Amended by Recodification, 11/19/2012)

Section 6.08.140 Kennel tags.

It is the duty of the City Clerk to furnish to each kennel proprietor a sufficient number of tags upon each of which shall be engraved, carved or stamped, the year of the registration of such kennel and the number under which same was registered. The kennel proprietor or other such person in charge of such kennel, shall tag each cat or dog in such kennel with one of the kennel tags in the same manner that other cats or dogs are tagged. (Prior code § 4-223)

Section 6.08.150 Spaying and Neutering Required.

a. Any person within the city limits who shall harbor, keep or possess a dog or cat over the age of six (6) months, other than a dog owned and used by the Police Department of the City as a police dog, shall have the dog or cat spayed or neutered, unless the owner has secured a Hobbyist Exemption Permit as required in Section 6.08.160 of this chapter. Documentation shall be maintained of spaying or neutering by an individual or entity licensed or otherwise qualified to perform such procedures by the laws, rules, and regulations of the State of Oklahoma, and shall be presented to any animal welfare officer, police officer, or other authorized employee or agent of the City upon request.

b. Failure to spay or neuter any dog or cat, or to maintain documentation of such, in compliance with this section shall constitute a Class "C" offense punishable under Chapter 1.120 of this Code.

Section 6.08.160 Hobbyist Exemption Permit

a. Any person who shall qualify for a Hobbyist Exemption Permit shall obtain such prior to July 1 of each year, or portion thereof, by making application to the City Clerk or his/her designee. The City Clerk shall approve or deny the permit within thirty (30) days of the application date. At the time of application, the applicant shall pay a non-refundable fee for such as determined by resolution of the City Council.

b. A Hobbyist Exemption Permit shall entitle its holder to own and keep, at the holder's place of single-family dwelling residence, up to six (6) dogs and/or cats over the age of four (4) months that would otherwise constitute an offense under Section 6.08.120 of this Code; provided, however, that the permit holder shall not allow outside the residence at any one time no more than the number of cats and/or dogs permitted by the foregoing section.

c. Hobbyist Exemption Permit holder shall not be required to comply with Section 6.08.150 of this chapter; provided, however, that an individual rescuer must comply with the forgoing section as to those dogs and cats owned by the rescuer on a permanent basis.

d. Any individual or organization, not a commercial breeder, may qualify for a Hobbyist Exemption Permit under the following criteria:

1. Active involvement in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a Hobbyist Exemption Permit.

2. Participation in field trials or hunting activities with nationally recognized breeds used specifically as hunting dogs, and has held and continues to hold a current valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for a Hobbyist Exemption Permit.

3. Qualified as a rescuer according to Paragraph H of this section.

4. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, brokering, dog fighting, a nuisance offense under this chapter, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of Section 6.04.170 or 6.08.070 of this chapter prohibiting at-large, or improperly confined or tethered dogs and cats.

e. An applicant for a Hobbyist Exemption Permit shall submit one of the following documents with his/her application:

1. Certificates of completion of at least two (2) training classes specific to the animal(s), dated within the twelve (12) months immediately preceding the date of application.

2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application.

3. Certificate of title(s) from a national registry for a dog or cat owned by the applicant.

4. For a rescuer organization, proof that the organization is approved by a nationally-recognized animal rescue or animal welfare entity, and that the applicant's residential address shall appear on a list of individual households that are authorized by the organization to serve as rescuers.

5. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license.

f. A permit holder must reapply for his/her Hobbyist Exemption Permit every year and shall provide one or more of the documents listed in Paragraph e of this section that is dated within the previous year.

g. As applicable, the permit holder shall keep accurate records in accordance with the requirements of his/her associated national registry on each dog or cat owned and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated and shall be made available for inspection upon request by any animal welfare officer, police officer or other authorized employee or agent of the City.

h. A rescuer may harbor dogs and cats in accordance with this section, provided, however, that such dogs and cats are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall notify the Animal Welfare Division of the City of such in writing.

i. A permit holder shall have his/her Hobbyist Exemption Permit revoked if he/she has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance under this chapter; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of Section 6.04.170 or 6.08.070 of this chapter prohibiting at-large, or improperly confined or tethered dogs and cats. (Added 1318, 04/23/18)