

CHAPTER 3

ANIMAL CONTROL

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- 5-3-1: **DEFINITIONS:** The following words and phrases, when used in this chapter, shall have the meanings prescribed in this

section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning; and all other words or phrases used herein shall be defined and interpreted according to their common usage:

ALTERED:	Any cat or dog over the age of six (6) months, which has been neutered or spayed.
ANIMAL:	All vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds, and fowl, cattle, cats, dogs, ducks, geese, goats, horses, livestock of all types, mammals, rabbits, all reptiles, rodents, sheep, swine and turkeys.
ANIMAL CONTROL OFFICER:	The individual employed, contracted with, or appointed by the city for the purpose of aiding the enforcement of this chapter or any other law 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 seizure and impoundment of any animal.
ANIMAL SHELTER OR MUNICIPAL POUND:	Any premises formally designated by the city council for the purpose of impounding and caring for animals held under the authority of this chapter, regardless of whether or not said premises are within or out of the city's corporate boundaries, and regardless of whether or not said premises are under actual municipal ownership or provided under a contractual arrangement between the city and private owner(s).
AT LARGE, RUNNING AT LARGE:	Any animal which is off the property of its owner or the leased premises of the animal's owner and not under the control of a competent person. As applied to any animal, "at large" or "running at large" means an animal which is off the owner's property or leased premises and such animal is not restrained by means of a

leash under the control of a competent person. An animal entering upon the property of another person without that person's permission shall be termed "running at large". Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed "at large" or running at large.

DANGEROUS BIRDS: Any warm blooded, feathered vertebrate, which may constitute a physical threat to human beings.

DANGEROUS DOG: Any dog that has inflicted injury on a human being without provocation on public or private property, or has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer, in writing, and the dog thereafter aggressively bites, attacks or endangers the safety of humans.

DIRECT PHYSICAL CONTROL: Under the control of an adult person who is able to exercise full and complete physical control of the dog. Voice command is not an acceptable method of "direct physical control".

DOMESTIC BIRDS: Canaries, parrots, parakeets, mynah birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

EXPOSED TO RABIES: Any animal that has been bitten by or exposed to any other animal known to have been infected with rabies.

FOWL: Chickens, guineas, geese, ducks, and pigeons.

HARBORING: Allowing any animal to habitually remain, or be fed, on premises under his control.

KENNEL: Any place where any three (3) or more dogs or cats, over eight (8) weeks of age, are kept, bred or contained, at any time, or any facility designed or built to accommodate the temporary

	(less than 60 days) boarding of more than three (3) dogs or cats over eight (8) weeks of age.
LIVESTOCK:	All animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.
NEUTER:	To render a male dog or cat unable to reproduce.
NUISANCE:	The conduct or behavior of any animal which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter.
OWNER:	Any person, firm, corporation, organization or department owning, possessing, harboring, keeping, having an interest in, or having control or custody of an animal. Occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more shall be deemed to be harboring or keeping the animal, and thereby considered to be the "owner" of said animal.
PERMIT:	The permit issued by the city clerk upon approval of the animal control officer.
PERMITTED DOG:	Any dog for which a permit is issued by the city clerk of the city of Anadarko prior to July 22, 2004.
PET:	Any animal kept for pleasure.
POTENTIALLY DANGEROUS DOG:	Any dog that, when unprovoked, inflicts bites on a human either on public or private property.

**PROPER
ENCLOSURE OF A
VICIOUS OR
DANGEROUS DOG:**

Means, while on the owner's property, the dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) 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.

**PROVOKE OR
PROVOCATION:**

Means, with respect to an attack by an animal, that the animal was hit, kicked, or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person.

RATPROOF:

The state of being constructed so as to effectively prevent entry of rats.

RELEASING AGENCY:

Any pound (municipal or otherwise), shelter or humane society organization, whether public or private.

RESTRAINT:

An animal that is controlled by leash or tether, either of which shall not exceed six feet (6') in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

SANITARY:

Any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding, and which preserves the health of the city.

SEVERE INJURY:

Any physical injury that results in broken bones or lacerations, requiring multiple sutures or cosmetic surgery.

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.
UNALTERED:	Any cat or dog over the age of six (6) months, which has not been neutered or spayed.
VACCINATION:	An injection of United States department of agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.
VICIOUS DOG OR ANIMAL:	Any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks, growls at and acts as if it intended to attack or bite any person or persons when not unduly provoked.
WILD ANIMAL:	Any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated. The term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition. (Ord. 1133, 12-11-2000; amd. Ord. 1152, 1-13-2003; Ord. 1163, 7-12-2004; Ord. 1190, 5-14-2007)

5-3-2: **APPLICABILITY OF STATE LAWS:** No person owning or having in his custody any animal shall violate any laws, rules or regulations of the state applicable thereto. Where the provisions of the rules and regulations of the state are less restrictive than the provisions of this chapter, the latter shall govern. (Ord. 1133, 12-11-2000)

5-3-3: **RUNNING AT LARGE PROHIBITED; LEASH REQUIRED:**

- A. Running At Large: It shall be unlawful and an offense for the owner of any animal, domestic or wild, to permit the same to be, to run at large or trespass upon the premises of another person, or to be unlawfully at large at any time within the corporate limits of the city.

- B. **Containment With Leash:** It shall be unlawful and an offense for any person to keep, own, harbor or possess any animal within the corporate limits of the city, or to allow an animal to be under the control of any person, without being placed on an adequately sized leash or so confined that it cannot reach or bite any person who may be using the public thoroughfares of the city, so the animal can reach beyond the limits of the lot or premises upon which said animal is kept and confined, or so the animal may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said animal may be kept, harbored or possessed. (Ord. 1190, 5-14-2007)

5-3-4: DISTURBANCES BY ANIMALS; PUBLIC NUISANCE ABATEMENT:

A. **Nuisances Described:**

1. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.

2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.

- B. **Abatement:** Abatement of such public nuisances shall be handled in accordance with the provisions of the "nuisances" chapter in this code¹. (Ord. 1133, 12-11-2000)

5-3-5: CONDITIONS FOR KEEPING CERTAIN ANIMALS²:

- A. **Compliance With Chapter:** It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the city, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.
- B. **Keeping Prohibited In Absence Of Regulations:** If no specific provisions are listed in this code for keeping of a particular type of

1. See section 4-3-9 of this code.

2. See also article C of this chapter.

animal, said animal shall not be kept at all within the corporate limits of the city.

C. Domesticated Livestock; Fowl:

1. Restriction On Keeping: No swine, sheep, cattle, horses, goats or other domesticated livestock shall be kept within the corporate limits of the city, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately zoned areas.

2. Conditions For Keeping:

a. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), can be permitted in accordance with the provisions of subsection D of this section and state and county health department requirements and standards.

b. Additional restrictions on the raising and/or keeping of horses, sheep, cattle and chickens shall be imposed by the zoning ordinance without conflicting with this subsection.

c. There shall be no more than twenty five (25) chickens or fowl of any species kept in the corporate limits of the city; such fowl and chickens shall be kept in accordance with subsection D of this section. This provision does not apply to agriculturally zoned areas.

D. Structure Requirements; Sanitation:

1. Construction; Maintenance: Every structure wherein any authorized animal is kept within the corporate limits of the city shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health.

2. Receptacle For Manure Required: Every structure, if located within two hundred feet (200') of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, buildings 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. Such 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 such receptacle.

E. Bees:

1. The keeping of bees within the corporate limits of the city shall be permitted only in those areas zoned for agricultural or large lot (over 2 acres) residential uses, and in accordance with zoning ordinance provisions.

2. No license or permit, other than zoning clearance, shall be required to keep or raise bees.

F. Parakeets And Small Birds: The raising of parakeets and/or other small birds or similar fowl shall be permitted within the corporate limits of the city without license or permit requirements.

G. Rabbits: The raising or keeping of rabbits shall be permitted, in accordance with the provisions of subsection D of this section, as well as any applicable provisions of any adopted zoning ordinance.

H. Wild Animals: The keeping or raising of any wild animals shall be prohibited within the corporate limits of the city, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of article A of this chapter are met and a permit obtained.

I. Other Animals: The keeping of other animals not specifically mentioned or regulated within this chapter as pets shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.

J. Poisonous Snakes: No snakes, which are poisonous in their natural state, may be kept within the corporate limits of the city. It shall be unlawful for any person, firm or corporation to keep or raise such snakes within the city. (Ord. 1133, 12-11-2000)

5-3-6: **RESPONSIBILITIES OF OWNERS:** In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

- A. Proper Care And Control: Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
- B. Within Vehicles Parked On Streets, Parking Lots: Owners shall keep animals inside vehicles and inaccessible to the public, including, but not limited to, pickups and open trailers, at all times when parked inside the corporate limits of the city, including, but not limited to, parking lots, and city streets.
- C. Abandonment: Owners shall not abandon their animals.
- D. Breeding Within Enclosure: It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the city, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place (this shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this code). (Ord. 1133, 12-11-2000)
- E. Maintaining On Leash: It shall be unlawful for the owner of any dog or cat to keep or maintain the dog or cat on a leash, rope, chain, or similar tether without food, water and appropriate shelter. (Ord. 1190, 5-14-2007)

5-3-7: CRUELTY TO ANIMALS:

- A. Food And Shelter: All dogs, cats and other animals kept as house pets within the corporate limits of the city shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.
- B. Prohibited Acts: It shall be unlawful for any person knowingly, wilfully or maliciously to:
 - 1. Deposit any animal with the intention of abandoning the same;
 - 2. Pour on or apply to an animal, any drug or other thing which inflicts pain;
 - 3. Improperly use any collar, leash, harness, etc., resulting in pain or damage to animal;

4. Treat an animal belonging to him or in his custody in a cruel or inhumane manner;
5. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner;
6. Kill, or attempt to kill, any animal in an inhumane manner;
7. Poison, or expose to poison, any dog or other animal, except a noxious, nondomesticated animal;
8. Torture, cruelly beat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to him or to another;
9. Deprive any animal of food, drink or shelter;

10. Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person;

11. Cause any other person to do any of the above acts.

C. Issuance Of Citations For Violation:

1. If an animal is found by the animal control officer to be in one of the above described conditions, the officer may issue a citation to the offender and shall issue a notice to the offender warning him that if the animal's condition is not improved, another citation may be issued.

2. If within three (3) days the condition of the animal is not improved to the satisfaction of the animal control officer, a citation shall be issued.

D. Confining In Vehicle: No dogs, cats or other animals shall be confined within or in a motor vehicle under such conditions as may endanger the health or well being of the animal, including, but not limited to, dangerous temperature, lack of food or water.

E. Providing Medical Attention: Owners and keepers of animals shall provide medical attention to such animals, including, but not limited to, the following:

1. Sufficient wholesome food that is nutritious for the species;

2. Fresh, potable drinking water;

3. Medical attention to relieve such animals from suffering;

4. Shelter to allow the animal to remain dry and protected from the elements.

F. Care Given By City; Costs Assessed: Any peace officer or animal control officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

G. Mistreatment Of Police Dogs: It shall be unlawful for any person to wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department, whether

or not said dog is, at the time, off duty or on duty, in the performance of the functions or duties of said department, or to interfere with, or meddle with, any such dog while being used by said department or any officer or member of said department. (Ord. 1133, 12-11-2000)

5-3-8: INJURING, POISONING OR TRAPPING ANIMALS:

- A. Striking Animal With Vehicle: No person who accidentally or otherwise strikes an animal with an auto and injures it shall leave the scene without rendering aid and assistance in the care of such animal.
- B. Trapping Animals: No person shall set or expose an open jaw type trap, leg hold trap, snare trap, or any type of trap, which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals as provided in 29 Oklahoma Statutes section 4-119. (Ord. 1133, 12-11-2000)

5-3-9: DISEASED, INJURED OR SICK ANIMALS:

- A. Confinement; Reporting Disease: Every person owning or having any animal under his charge within the corporate limits of the city, which he knows or suspects has been affected by any communicable disease, in particular by glanders or anthrax, shall isolate the animal from other animals and shall report the existence or suspected existence of such disease to the animal control officer.
- B. Destruction Of Sick Animal; Notice: Any animal which comes into possession of the city animal shelter which is injured or sick shall be humanely destroyed without waiting for the expiration of the period in which such animal may be reclaimed by its owner, before the end of the period in which the animal may be placed for adoption, or automatically destroyed as provided in this chapter. Provided however, that before such sick or injured animal is destroyed, the animal control officer shall contact the owner, if known, of such animal to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within twenty four (24) hours of such notification, or if the owner of such animal is not known, the sick or injured animal shall be destroyed by the animal control officer. The animal control officer shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the city, the type of

injury or sickness of such animal, the date the animal was destroyed, and any other information relevant to the health, condition and description of such animal. (Ord. 1133, 12-11-2000)

5-3-10: FASTENING ANIMALS; TURNING ANIMALS AT LARGE:

A. Fastening Prohibited; Impounding:

1. No person shall at any time fasten any horse or other animal to any hydrant, shade tree or to any box or case around such tree, or to any public ornamental tree on any street or public ground.

2. The animal control officer or other authorized person may impound the animal so fastened until any penalty as may be provided and any expenses reasonably incurred in keeping and caring for the animal are paid. If the fine and charges are not paid within seventy two (72) hours of impoundment, as provided in this code, the animal shall be deemed a stray and treated as provided for in this chapter.

B. Turning Animals At Large: It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large. (Ord. 1133, 12-11-2000)

5-3-11: PROPERTY OWNER MAY IMPOUND ANIMAL:

A. Removal To Animal Shelter: Any person who finds an animal on his property to his injury or annoyance may remove such animal to an animal shelter, public or private, except those stray animals will be handled as provided by this chapter.

B. Retain Possession; Notify City: Property owner may also retain possession of such animal or fowl and, within twenty four (24) hours, notify the animal control officer or other appropriate existing agency of this custody, giving a description of the animal and the owner's name if known.

C. Care In Moving Animal: Removal of the animal from property shall be done in such a manner so as not to cause injury to the animal. (Ord. 1133, 12-11-2000)

5-3-12: NOISY ANIMALS; COMPLAINT PROCEDURE:

- A. Disturbing Noise, Nuisance: No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
- B. Complaint To Court: Any person with knowledge thereof may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs. (Ord. 1133, 12-11-2000)

5-3-13: RABIES CONTROL; VACCINATION REQUIREMENTS:

- A. Vaccination And Certificate Required: Any warm blooded animal, capable of transmitting the rabies virus, maintained or harbored at any time in the corporate limits of the city shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such certificate when so requested by the animal control officer shall be prima facie evidence that such animal has not been vaccinated.
- B. Report Biting Incident; Quarantine; Costs:
 - 1. The name and address of the owner of any animal, regardless of immunization status, that bites or scratches a person shall be reported within four (4) hours to the animal control officer, and county health department.
 - 2. The animal control officer shall immediately securely quarantine such animal for not less than ten (10) days from the date the person was bitten or scratched. At the discretion of the animal control officer, or the preference of the owner or keeper, such quarantine may be at a veterinarian hospital, or the animal shelter, at the owner's expense. The expense for quarantine at a veterinarian hospital is ten dollars (\$10.00) per day, quarantine at the animal shelter shall be ten dollars (\$10.00) per day.

3. Failure of the owner or keeper to quarantine the animal within the four (4) hour period herein will make the owner guilty of an offense.

4. In case of animals whose ownership is unknown, such quarantine shall be at the animal shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies, such owner shall then pay any related charges for confinement.

C. **Death Of Animal; Examination By State:** 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 or a licensed veterinarian shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper health officer of any reports of human contact.

D. **City Order For Quarantine And Muzzling:**

1. When a report gives a positive diagnosis of rabies and the county health director feels that a rabies crisis may be imminent, the health department may recommend to the city council a communitywide quarantine.

2. Upon the invoking of such quarantine by the city council, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under the leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the corporate limits of the city without written permission of the animal control officer.

3. The city council may also, by resolution and following a public hearing, order all dogs muzzled.

E. **Disposition Of Animals Bitten By Rabid Animal:** During such period of quarantine, every animal bitten by an animal adjudged to be rabid shall be destroyed; or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian; or held under six (6) months' quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

F. **Removing Animal From City Prohibited; Other Prohibited Acts:**

1. No person shall remove from the corporate limits of the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided.

2. 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 said animal.

3. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

G. Forced Quarantine; Appeal By Owner:

1. Animals with known owners, who refuse to voluntarily quarantine their animal, may be taken into custody by the animal control officer and quarantined at the animal shelter or appropriate veterinarian hospital at the expense of the owner.

2. Owners who desire to challenge this decision of the city official authorized to enforce the provisions of this chapter may appeal that decision to the city attorney or his designee within twenty (20) days of the quarantine.

H. Rabies Vaccination And Certificate Required:

1. It shall be the duty of every person within the corporate limits of the city owning or harboring any dog or cat which is six (6) months old or older, to procure a rabies vaccination certificate from a licensed veterinarian, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

2. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency. (Ord. 1133, 12-11-2000)

5-3-14: **RABIES VACCINATION REQUIRED FOR DOGS AND CATS:**

A. Vaccination Required: No person shall own, keep or harbor any dog or cat within the corporate limits of the city unless such dog or cat six (6) months of age or older is vaccinated for rabies by a licensed veterinarian.

B. Adoption From Shelter: Any person who adopts a dog or cat from the animal shelter shall have such dog or cat vaccinated by a licensed

veterinarian within two (2) weeks from the date of adoption or within two (2) weeks after the dog or cat reaches the age of six (6) months.

- C. **Noncompliance Considered Offense:** Unless the owner of any dog or cat furnished written proof that a licensed veterinarian has vaccinated the dog or cat for rabies in the past twelve (12) months, the owner shall be guilty of an offense. (Ord. 1133, 12-11-2000)

5-3-15: TAG AND COLLAR REQUIREMENTS:

- A. **Issuance Of Tag:** The owners of all dogs and cats are required to have the dogs or cats vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issue a metal tag showing the name of the veterinarian, the tag number, and the year of issuance.
- B. **Tag Affixed To Collar:**
1. Every owner of a dog or cat is required to affix the tag issued by a license veterinarian for rabies vaccination to a collar to be worn by the dog or cat at all times while off the premises.
 2. It shall be unlawful for any person other than the owner to remove the collar from the dog or cat.
- C. **Use Of Proper Tag:** No person shall use a rabies tag or veterinarian certificate or receipt for any dog or cat other than for that dog or cat to which the rabies tag, veterinarian certificate, or receipt was issued.
- D. **City Authority To Demand Proof Of Vaccination:**
1. The animal control officer or any police officer may check any residence, at any reasonable time, and demand proof of rabies vaccination, on any animal released from the animal shelter to the people living at that residence.
 2. Any owner not possessing a current rabies tag, certificate or receipt for such dog or cat over six (6) months of age may be cited by the animal control officer. (Ord. 1133, 12-11-2000)

5-3-16: RUNNING AT LARGE WITHOUT TAG AND COLLAR:

- A. Impoundment: Any dog or cat running at large within the corporate limits of the city, not provided with a collar to which is attached the rabies tag, and city tag, as required, shall be taken up by the animal control officer and impounded at the animal shelter.
- B. Citation: The animal control officer may, at his discretion, cite the owner of such dog or cat to appear in municipal court to answer charges of violation of this chapter. (Ord. 1133, 12-11-2000)

5-3-17: CONFINING FEMALE DOGS AND CATS: Every female dog or cat in heat shall be confined in a building or secure enclosure, in such a manner that such animal cannot come into contact with another animal, except for planned breeding. (Ord. 1133, 12-11-2000)**5-3-18: KILLING CERTAIN DOGS RUNNING LOOSE:**

- A. City Authority To Kill Vicious Dog: The animal control officer, his designated representatives, or any law enforcement officer of the city shall be required to kill any dog running loose within the corporate limits of the city, which is determined by the animal control officer or law enforcement officer to be vicious or crazed and a threat to the public safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this chapter), without keeping said dog in the animal shelter for any period of time.
- B. Authority Of Person To Kill Rabid Dog: Any person may kill a dog when its appearance or conduct is such that it would cause an ordinarily prudent person to believe the dog to be afflicted with rabies.
- C. Self-Defense: Any person may kill a dog in self-defense, or in defense of another when the dog, without undue provocation, bites him or the other, or attacks or attempts to bite or attack, him or the other in such a 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. (Ord. 1133, 12-11-2000)

5-3-19: INSPECTIONS FOR ENFORCEMENT OF CHAPTER:

- A. City Authority To Inspect: The local health official, the chief of police, the animal control officer, the city manager or any member of the city council, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.
- B. Complaint Before Municipal Judge: The local or county health official, the chief of police or the animal control officer may make a complaint before the municipal judge against any person for violation of any provision of this chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.
- C. Issuance Of Orders By Officials: The local or county health official, the chief of police or the animal control officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. (Ord. 1133, 12-11-2000)

5-3-20: ZONING REGULATIONS TO PREVAIL:

- A. Zoning Ordinance Prevail: In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.
- B. Violation Prohibited: No animal shall be kept in violation of the zoning ordinance. (Ord. 1133, 12-11-2000)

5-3-21: DOG AND CAT STERILIZATION; DEPOSIT:

- A. Requirement; Deposit: No dog or cat may be released for adoption from a releasing agency in the corporate limits of the city unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit shall be twenty five dollars (\$25.00).
- B. Refund Of Deposit: 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. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption, in the case of adult animals, or in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

- C. **Additional Rules Of Releasing Agencies:** Releasing agencies may adopt any additional rules to implement the state dog and cat sterilization act¹; provided, that said rules do not conflict with the provisions or purpose of the state dog and cat sterilization act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.
- D. **Extension Of Deadline:** 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 thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.
- E. **Death Of Adopted Animal:** 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.
- F. **Disposition Of Forfeited Funds:** 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. The releasing agency shall maintain accurate records of accounts, which fund spay/neuter programs.
- G. **Adoption Standards:** Subject to the provisions and purposes of the state dog and cat sterilization act and other laws of the state of Oklahoma, releasing agencies may establish adoption standard for pets in their care; provided, that in the case of public facilities, said

1. 4 OS § 499 et seq.

standard 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.

- H. Exceptions: The provisions of the state dog and cat sterilization act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of 4 Oklahoma Statutes sections 391 through 402. (Ord. 1133, 12-11-2000)

5-3-22: **CONDUCTING ANIMAL FIGHTS PROHIBITED:** No person shall permit or conduct any dog fights, cockfights or other combat between animals, or between animals and humans. (Ord. 1133, 12-11-2000)

5-3-23: **CONFINING VICIOUS OR DANGEROUS ANIMALS:**

- A. Confining Required: The owner shall confine within a building or secured enclosure any dangerous or vicious dog or other animal, and not take such dog or other animal out of such building or secured enclosure unless such animal is securely muzzled. Vicious or dangerous animals shall not be, or permitted to be, at large.
- B. Impoundment And Redemption:
1. Any vicious, wild or dangerous animal found at large shall be impounded by the city and shall not be redeemed by the owners until such redemption is authorized by a court having jurisdiction.
 2. Any animal described in subsection A or B1 of this section found at large shall be impounded by the city and may be redeemed by the owners as provided in section 5-3-27 of this chapter.
- C. Destruction Of Animal: When in the judgement of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed. (Ord. 1133, 12-11-2000)

5-3-24: WILD OR EXOTIC ANIMALS; LICENSING AND FEE:

- A. Definition: For the purpose of this section, a "wild or exotic animal" means an animal 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, all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and like animals.
- B. License Required:
1. It is unlawful to keep or harbor any wild or exotic animal in the corporate limits of the city as a pet or for display or for exhibition purposes whether gratuitously or for a fee, except as may be licensed by the state wildlife department.
 2. All wild animals owned by a circus or traveling animal show shall not be permitted within the corporate limits of the city unless the owner or person in charge of said circus or show, or designated representative, has first obtained a license for said animals from the city clerk.
- C. Exception: This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, education or medical institutions in accordance with any applicable regulations of the council.
- D. Issuance; Term:
1. Said license shall be issued by the city clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.
 2. Said license, so issued, shall be valid for a term of one month.
- E. Fee: To cover insurance and enforcement costs, the applicant shall pay a fee of twenty dollars (\$20.00) to the city clerk. The written receipt may constitute the license. (Ord. 1133, 12-11-2000)

5-3-25: PARKS AND JOGGING TRAILS; DOGS RESTRICTED: Dogs are prohibited from all jogging paths, in all parks in the corporate limits of the city, unless restrained by leash and with the owner or keeper of such animal. When dogs are found on jogging paths or trails with

the owner, but are not restrained, such dogs need not be impounded, but the animal control officer may, at his discretion, cite the owner of such dog to appear in court to answer charges of violation of this chapter. (Ord. 1133, 12-11-2000)

5-3-26: IMPOUNDMENT; DISPOSITION OF UNCLAIMED ANIMALS:

A. Animals Running At Large:

1. Any dog or cat or other animal kept as a house pet found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner.

2. Dogs and cats and other animals not claimed by their owner before the expiration of seventy two (72) hours, exclusive of Sundays and city holidays, shall become the property of the city and shall be disposed of at the discretion of the city.

B. Unvaccinated Animals: Unvaccinated animals, other than dogs or cats, shall be impounded when found running at large within the corporate limits of the city, and disposed of in accordance with the provisions of this chapter or other applicable law.

C. Record Of Impoundment; Notice To Owner:

1. The animal control officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color, sex, name and address of owner if known, and date and time of impoundment.

2. If the owner is known, the animal control officer shall telephone the owner or shall mail notice at the address shown on city records to notify the owner that unless reclaimed in accordance with this chapter within seventy two (72) hours after impoundment, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of by the city.

D. Disposition Of Unclaimed Animals:

1. At the end of the period prescribed in this chapter, animals that have not been reclaimed by the owner thereof shall be destroyed, sold, adopted or otherwise disposed of in an humane manner and as required by law.

2. Any animal, which is eligible for adoption, may be adopted after the seventy two (72) hour period, but shall be destroyed or otherwise disposed of after one hundred twenty (120) hours after impoundment.

- E. License Required Before Release: Before any dog or cat is released for adoption from the city's animal shelter, such dog or cat shall be issued a license, as provided for in article A of this chapter, if such dog or cat has not previously been licensed.
- F. Grace Period On Adoption: There is hereby established a grace period of seven (7) days beginning on the day of adoption and ending at the close of business on the seventh day thereafter, during which period an animal adopted from the city's animal shelter may be returned to the animal shelter for a refund of the adoption fee, or at the option of the adopting party, a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health. (Ord. 1133, 12-11-2000)

5-3-27: REDEMPTION OF IMPOUNDED ANIMALS; VACCINATION:

- A. Compliance With Requirements; Payment Of Fees: The owner shall be entitled to resume possession of any impounded dog or cat, or other animal kept as a house pet, except as hereinafter provided in the cases of certain dogs, cats, or other animals kept as house pets, upon compliance with the vaccination provisions of this chapter and payment of impoundment fees as provided in this chapter, and upon payment of the animal shelter boarding fees.
- B. Time Limit For Vaccination: Owners of unvaccinated animals returned to them after impoundment shall have two (2) weeks in which to have the animal vaccinated against rabies and return the proof to the animal shelter as provided therein. Failure of the owner to comply with these provisions shall render such owner guilty of an offense. (Ord. 1133, 12-11-2000)

5-3-28: DEAD ANIMAL PICK UP; FEES: Dead animals may be picked up from residences by the animal control officer upon payment of a pick up fee of ten dollars (\$10.00). (Ord. 1133, 12-11-2000)

5-3-29: PENALTY:

- A. Right Of Entry: The animal control officer, his designated agent, or any law enforcement officer, or agent of the city, shall have the right of entry into or upon any property during reasonable hours within the corporate limits of the city to enforce regulations and investigate complaints and determine compliance.
- B. Penalty Imposed; License Revocation: Any person, firm, or corporation who violates any provision of this chapter, or who violates or neglects to carry out any reasonable order made by any health officer, the chief of police or the animal control officer, pursuant to this chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined a sum not to exceed the limits established in section 1-10-24 of this code, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this chapter. Every day's violation of any provision of this chapter or of such order of the health officer, animal control officer, or chief of police shall constitute a separate offense. (Ord. 1133, 12-11-2000)

CHAPTER 3

ANIMAL CONTROL

ARTICLE A. LICENSING AND REGISTRATION REQUIREMENTS

SECTION:

- 5-3A-1: Licenses And Tags For Dogs And Cats; Fee
- 5-3A-2: Notice Of Revocation Of License And Certificate
- 5-3A-3: License Reapplication
- 5-3A-4: Kennels And Pet Shops; License And Fee; Requirements
- 5-3A-5: Dangerous Dogs; Registration And Fee; Requirements
- 5-3A-6: Restraint Of Dangerous Dogs; Exception
- 5-3A-7: Confiscation Of Dangerous Dog; Other Remedies
- 5-3A-8: Court Authority Regarding Dogs Or Other Animals Attacking Persons

5-3A-1: **LICENSES AND TAGS FOR DOGS AND CATS; FEE:**

- A. License Required: No person, without first obtaining a written animal license from the office of the city clerk, shall own, keep or harbor or have custody of any dog or cat over six (6) months of age. (Ord. 1133, 12-11-2000)
- B. Exceptions: No license shall be required for animals temporarily (7 days or less) brought and kept within the city, or for seeing eye or hearing impaired dogs, when such dogs are actually used to aid blind or hearing impaired persons. (Ord. 1133, 12-11-2000; amd. 2003 Code)
- C. Vaccination Required: License shall be issued only on presentation of proof of current vaccination for rabies, as required by this chapter.
- D. Information; Registration: The owner of the dog or cat shall, at the time of paying the license fee, register the dog or cat by giving the city clerk the name and address of the owner, the name, breed, color and sex of the animal, and such other reasonable information as the city clerk may request.

- E. Tag And Receipt: The city clerk shall deliver an appropriate tag for the dog or cat, in addition to the written receipt; the tag shall constitute the license.
- F. Attaching Tag To Collar: The owner shall cause the tag received from the city clerk to be affixed to the collar or harness of the animal upon which the license fee has been paid so that the tag can be easily seen by officers of the city, and the owner shall see that the tag is worn at all times.
- G. Tags Nontransferable And Nonrefundable: Dog and cat license tags shall not be transferable from one dog or cat to another, and no refunds shall be made for any dog or cat license fee because of the death of the dog or the owner's departure from the community.
- H. Counterfeiting Tags: No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat, as provided in this chapter.
- I. License Fee:
 - 1. A license tax fee of five dollars (\$5.00) per year for every dog or cat, more than six (6) months of age, kept or harbored within the corporate limits of the city is hereby levied upon the owner thereof. (Ord. 1133, 12-11-2000)
 - 2. The owner shall pay such license tax for every calendar day before January 1, or upon acquiring after that day, any dog within the corporate limits of the city upon which the said tax has not been paid for the year. (Ord. 1133, 12-11-2000; amd. 2003 Code)
- J. Annual Due Date: All license fees shall be paid to the city clerk, and shall be due not later than January 1 of each year, or within one week after bringing such an animal into the corporate limits of the city, after such date.
- K. Replacement Tag; Fee: In the event of loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog or cat by presenting the original receipt and the sum of one dollar (\$1.00) to the city clerk.
- L. License Sales By Veterinarians, Animal Shelters: Licensed veterinarians or approved animal shelters may serve as agents for the city to sell dog or cat licenses, subject to a written agreement being executed between said parties detailing responsibilities, fees

and charges for said service. Written proof of vaccination shall be provided from a veterinarian. (Ord. 1133, 12-11-2000)

5-3A-2: NOTICE OF REVOCATION OF LICENSE AND CERTIFICATE:

- A. Time Limit To Remedy Violations: If the person holding the license refuses or fails to comply with the provisions of this chapter, or any law governing the protection of animals, official notice shall be given by the animal control officer of intention to revoke the license. If within fifteen (15) days after official notice is given, evidence shows the offense has not been corrected, the license and certificate shall be automatically revoked.
- B. Reasons For Revocation: In addition to the immediately preceding provision, a license and certificate issued under this article shall be automatically revoked for any of the following reasons:
 - 1. Impoundment of the same dog or cat by the city three (3) times or more, during a twelve (12) month period.
 - 2. When the owner of such dog or cat has three (3) or more convictions for violating any provisions of this chapter.
 - 3. Any combination of impoundments and convictions totaling three (3) incidents.
 - 4. Upon determination by the animal control officer that an impounded dog or cat is vicious. (Ord. 1133, 12-11-2000)

5-3A-3: LICENSE REAPPLICATION:

- A. Waiting Time: Any person having been denied a license for his dog or cat if such license has been revoked shall wait at least sixty (60) days before making reapplication.
- B. Assurance Of Compliance: Reapplication will not be accepted unless the animal control officer is satisfied that the owner of such dog or cat will comply with the provisions of this chapter.
- C. Fee: Fee for reapplication shall be the same as the fee for the initial license. (Ord. 1133, 12-11-2000)

5-3A-4: KENNELS AND PET SHOPS; LICENSE AND FEE; REQUIREMENTS:

- A. License Required: No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the city unless such kennel license is obtained as hereinafter provided. (See definition of "kennel" in section 5-3-1 of this chapter.)
- B. Application For License:
 - 1. Application for such license shall be made to the city clerk and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located.
 - 2. Said kennel must be in compliance with any applicable portions of any present or future zoning ordinance adopted by the city.
- C. License Fee:
 - 1. The annual kennel license fee shall be ten dollars (\$10.00) and such license shall be exhibited in a conspicuous place on the premises.
 - 2. Each animal kept in a kennel shall also be required to have all other appropriate licenses, tags, etc.
- D. License Term: Licenses shall be issued for a period of one year beginning on July 1 of each year. Licenses may be issued starting thirty (30) days before July 1 and for thirty (30) days thereafter, or at such times as a new kennel seeks to become operational.
- E. Proof Of Rabies Vaccinations: A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a license.
- F. Premises Requirements; Exception: All kennels within the corporate limits of the city shall meet the following minimum standards:
 - 1. The kennel floor shall be made of concrete at least four inches (4") thick, with a smooth surface, which shall have one-fourth inch ($\frac{1}{4}$ ") of slope per foot of fall for drainage. The drainage shall slope to a cleanout gutter, and all drains shall be connected to the sanitary sewage line.

2. Each cage shall have sleeping quarters and a lounging area. Sleeping quarters for the animals shall be protected from the weather, and each lounging area shall be individually enclosed by a chain link material.

3. The cages for cats shall be completely enclosed.

4. There shall be at least one cage, which must be completely enclosed to house female dogs and cats in heat.

5. The provisions of this section shall not apply to kennels operated and maintained by licensed veterinarians, to commercial pet stores where all animals are kept within the establishment, or to animal shelters.

G. Sanitary Conditions:

1. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this code and any present or future zoning ordinance.

2. Nonconforming kennels shall be deemed a public nuisance.

H. Location: No kennel or other establishment wherein animals are kept shall be maintained closer than two hundred feet (200') of any tenement or 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.

I. Records; Maintenance Conditions: All pet shops and kennels shall:

1. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such a facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of the new owner), and disease prevention and/or treatment and by whom.

2. Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, and clean and sanitary facilities.

3. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.

- J. Pet Shop Licensing: Pet shops shall be subject to the same requirements for licensing as kennels. In addition, any other requirements of this chapter or of the adopted zoning ordinance which may involve specific animals sold in a pet shop shall also be included in those regulations applicable to pet shops. (Ord. 1133, 12-11-2000)

5-3A-5: DANGEROUS DOGS; REGISTRATION AND FEE; REQUIREMENTS:

- A. Certification Of Registration Required; Exception:

1. It shall be unlawful for an owner to have a dangerous dog in the corporate limits of the city without a certificate of registration issued under this section.

2. This section shall not apply to dogs used by law enforcement officials for police work.

- B. Conditions For Issuance: The city clerk shall issue a certificate of registration to the owner of a dangerous dog if the owner presents the city with sufficient evidence of:

1. 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.

2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 Oklahoma Statutes, in the amount of not less than fifty thousand dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

- C. Annual Fee: The city may charge an annual fee not to exceed ten dollars (\$10.00) in addition to regular dog licensing fees. Fees shall be retained by the city. (Ord. 1133, 12-11-2000)

5-3A-6: RESTRAINT OF DANGEROUS DOGS; EXCEPTION:**A. Restraint Or Muzzling Outside Enclosure:**

1. It shall be 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 sixteen (16) years of age.

2. 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. (Ord. 1133, 12-11-2000)

B. Authority To Regulate: Prohibited, potentially dangerous, or dangerous dogs may be regulated by the city. Nothing in this chapter shall prohibit the city from enforcing penalties for violation of such local law. (Ord. 1163, 7-12-2004)**C. Exception: Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime. (Ord. 1133, 12-11-2000)****5-3A-7: CONFISCATION OF DANGEROUS DOG; OTHER REMEDIES:****A. Reasons For Confiscation; Penalty: Any dangerous dog shall be immediately confiscated by the animal control officer if:**

1. The dog is not validly registered under section 5-3A-5 of this article.

2. The owner does not secure the liability insurance coverage or surety bond required under section 5-3A-5 of this article.

3. The dog is not maintained in the proper enclosure.

4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the physical restraint of a responsible person. The owner shall be guilty of a misdemeanor punishable by imprisonment in the city jail for not more than ten (10) days or by the imposition of a fine not to exceed one hundred dollars

(\$100.00) or by both such fine and imprisonment. Any such fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog; however, insurance payments may not be considered as an offset.

- B. Additional Remedies: It is the purpose of this article to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs in the corporate limits of the city. Nothing in this chapter shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil. (Ord. 1133, 12-11-2000)

5-3A-8: COURT AUTHORITY REGARDING DOGS OR OTHER ANIMALS ATTACKING PERSONS:

- A. Authority To Order Hearing: If any animal within the city shall bite, scratch, chase, or otherwise attack any person; and, if the person so attacked was not at the time trespassing upon the property of the owner of such animal; and, if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such animal, the city court shall have the authority to order and hold a hearing.
- B. Court Order: If the court determines that any animal is vicious or dangerous to persons or other animals, the court may order that such animal be kept muzzled, or be kept within a sufficient enclosure, or that such animal be delivered to the animal control officer and by him destroyed. (Ord. 1190, 5-14-2007)

CHAPTER 3**ANIMAL CONTROL****ARTICLE B. MUNICIPAL POUND****SECTION:**

- 5-3B-1: Municipal Pound Authorized
- 5-3B-2: Impoundment Of Animals
- 5-3B-3: Fees For Impounding And Keeping
- 5-3B-4: Sale Of Impounded Animals
- 5-3B-5: Impoundment Or Destruction Of Cats Upon Complaint
- 5-3B-6: Breaking Pound
- 5-3B-7: Zoonotic Disease Control Rules

5-3B-1: MUNICIPAL POUND AUTHORIZED:

- A. Pound Established; Jurisdiction: The city council is hereby authorized to establish a municipal pound, under the jurisdiction of the police department, and under the immediate control of the animal control officer. He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.
- B. Shared Or Contractual Basis; Location: The municipal pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the corporate limits of the city. (Ord. 1133, 12-11-2000)

5-3B-2: IMPOUNDMENT OF ANIMALS:

- A. Animals: It shall be the duty of the animal control officer (or any other designated officer or employee of the city), to take into custody and impound any animal running at large in violation of the provisions of the chapter.

- B. **Dogs And Cats:** The animal control officer shall also proceed to impound any dog or cat that is running at large within the corporate limits of the city, or that is not confined with a secure and suitable-sized leash (as provided in this chapter), regardless of whether or not the owner may have a permit, the dog or cat has been vaccinated or the dog or cat bears a tag.
- C. **Keeping In Violation Of Chapter:** The animal control officer shall immediately pick up and impound any and all dogs or cats which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this chapter.
- D. **Redemption; Payment Of Charges:** Any person appearing at the municipal pound who shall satisfy the keeper of the same, of the fact of ownership or the right to the possession of any dog or cat therein impounded, shall have such dog or cat returned to him, upon the payment of the charges due, as authorized by the provisions of this chapter. (Ord. 1133, 12-11-2000)
- E. **Disposition Of Unclaimed Animals:** The animal control officer shall destroy animals taken into custody as provided in this chapter, in a humane manner; provided, that the animal taken into custody shall not be destroyed until such animal shall have been impounded at least forty eight (48) hours. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable license fees and expenses incurred in the animal's detention. (Ord. 1133, 12-11-2000; amd. 2003 Code)
- F. **Scientific Or Educational Research:** Should any licensed institution request of the animal control officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution; provided, that no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least five (5) days and remained unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.
- G. **Obstructing City Official:** It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the city official or employee responsible for impounding animals. (Ord. 1133, 12-11-2000)

5-3B-3: FEES FOR IMPOUNDING AND KEEPING:

- A. Fees Established: The fees for impounding and keeping an animal, to be paid upon redemption, shall be ten dollars (\$10.00), plus one dollar (\$1.00) per day of impoundment, for each tagged and licensed dog or cat. For any untagged or unlicensed dog or cat, the owner shall also pay a ten dollar (\$10.00) penalty, in addition to the costs for licensing the dog or cat. (Ord. 1190, 5-14-2007)
- B. Payment Of Fees; Receipt: All fees shall be paid to the Anadarko police department during normal business hours. Receipt for payment of fees on an impounded animal shall be presented to the animal control officer before the animal is released. No animal shall be released from the municipal pound without approval of the animal control officer.
- C. Redemption Of Impounded Animals: An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution by paying the required fees against the animal and meeting any other requirements prescribed by this chapter.
- D. License And Tag Required: Any person claiming an unlicensed dog or cat shall pay the required license fee to the city clerk, secure a tag and present the receipt therefor and a tag to the animal control officer before the latter releases the dog. If a dog or cat is licensed, but not wearing the tag, the animal control officer shall require adequate evidence of proper licensing before the animal's release. (Ord. 1133, 12-11-2000)

5-3B-4: SALE OF IMPOUNDED ANIMALS:

- A. Posting Notice Of Sale: As soon as practicable after any animal has been impounded, the animal control officer or the chief of police shall thereupon post a conspicuously visible notice thereof at the city hall. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless the animal is claimed, the animal may be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the third day after posting of the notice and the time of holding such sale for all other animals shall not be before the tenth day after the posting of the notice. (Ord. 1133, 12-11-2000; amd. 2003 Code)

- B. **Sales To Highest Bidder:** Sales provided herein shall be for cash to the highest bidder; the minimum to cover fees for impounding and keeping the animal until the date of sale, plus a ten dollar (\$10.00) fee to reimburse the city for the sale expense, and shall be conducted by, or under the direction of, the chief of police. If there is no bid, the chief of police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at city hall, if he believes that a bid would be made at a later time. Otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the animal control officer as provided in this chapter.
- C. **Title To Animal Purchased:** A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.
- D. **Monies Paid To Clerk:** The chief of police shall pay to the city clerk all monies received from the sale of impounded animals on the day it is received, or on the next day upon which the office of said city clerk is open for business.
- E. **Claim For Sale Proceeds:** 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 animal and a fee of five dollars (\$5.00) to reimburse the city for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the city council, the city clerk shall pay the claimant the excess. If a claim is not so made, the excess shall belong to the city. (Ord. 1133, 12-11-2000)

5-3B-5: IMPOUNDMENT OR DESTRUCTION OF CATS UPON COMPLAINT: Any cat, which is apparently a stray cat, may be impounded upon complaint of any citizen having knowledge thereof and any cat not wearing a collar and tags shall constitute prima facie evidence of said cat being a stray cat. If such a cat cannot be captured, it may be immediately destroyed. Any such cat so impounded shall be kept for a period of at least forty eight (48) hours during which time such cat may be redeemed by the owner thereof, upon the payment of the fee provided for by section 5-3B-3 of this article. In the event such cat is not redeemed within such period, it may be destroyed or disposed of in such a manner as may be directed by the animal control officer. (Ord. 1190, 5-14-2007)

5-3B-6: **BREAKING POUND:** No unauthorized person shall break open, or attempt to break open, the pound or take or let out any animal therefrom, or make an attempt to take from any officer or employee of the city, any animal taken into custody as provided by this chapter, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals, as provided in this chapter. (Ord. 1133, 12-11-2000)

5-3B-7: **ZOONOTIC DISEASE CONTROL RULES:** The particular code listed below are hereby adopted and incorporated in this chapter, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the city:

Zoonotic disease control rules. Oklahoma administrative code (OAC)
310:599

(Ord. 1133, 12-11-2000)

CHAPTER 3

ANIMAL CONTROL

ARTICLE C. PROHIBITED ANIMALS

SECTION:

5-3C-1: Keeping Of Certain Animals Prohibited

5-3C-1: **KEEPING OF CERTAIN ANIMALS PROHIBITED¹:** It shall be unlawful to keep, harbor, own or in any manner possess within the corporate limits of the city of Anadarko:

- A. Any warm blooded, carnivorous or omnivorous, wild or exotic animal excluding fowl, ferrets and small rodents of varieties used by a research veterinarian for laboratory purposes; and excluding exhibitions of an animal maintained by a zoological park.
- B. Any animal having a poisonous bite. (Ord. 1163, 7-12-2004)

1. See also section 5-3-5 of this chapter.

