

PART 4

ANIMALS

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§ 4-101 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 a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal, including fowl;
2. "At large" means neither enclosed within a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence or other enclosure, nor securely restrained and controlled by a person by a leash, cord, chain or harness with handhold;
3. "Health officer" means the director of the county health department or his authorized agent and shall also include the city code enforcement officer;
4. "Large animal" means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature;
5. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

6. "Permit" includes but is not limited to the failure to take adequate precautions to prevent an animal from being at large; and

7. "Vicious animal" means an animal of such a fierce disposition that it has bitten, or attempted to bite, any person without undue provocation, or which attacks or barks or growls at and acts as if it intends to attack or bite, or bites a person or animal it may meet, when not unduly provoked. If an animal has previously bitten a human being two (2) or more times without provocation, such a finding shall be prima facie evidence that the animal has vicious and fierce disposition. A "vicious animal" also means an animal of a natural fierceness or disposition to mischief as may occasionally lead it to attack human beings or animals without provocation. For the purpose of this definition, "animal" includes any dog. (Amended 1990, 1991)

State Law Reference: Regulation of animals, city powers, 11 O.S. § 22-115.

Cross Reference: Vicious animals, § 4-115 of this code.

§ 4-102 ANIMALS RUNNING AT LARGE PROHIBITED.

The owner, keeper or other person having control of any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large. This section applies to all animals, including but not limited to any cattle, horse, goat sheep, mule, poultry, fowl or bird. (Amended 1987; 11-4-2010 by Ord. No. 2010-06)

§ 4-103 IMPOUNDING ANIMALS.

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

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

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

§ 4-104 TURNING ANIMALS AT LARGE UNLAWFUL.

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

§ 4-105 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, federal, state, city or other, on any railroad right-of-way, or on any private property without the consent of the person owning or controlling such property.

§ 4-106 CONFINEMENT OF CERTAIN ANIMALS.

It is unlawful for any person, firm or corporation to keep, possess or have in his control any cattle, horses, goats, sheep, mules, swine, hogs, poultry, fowl, or birds of any kind except confined in an enclosure sufficient to prevent the animal from running at large and of sufficient size to house the animal(s) kept therein. (Amended 1987)

§ 4-107 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE.

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

1. Any animal or fowl which, by barking, howling or otherwise, disturbs the peace and quiet of any person;
2. Any animal or fowl which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground;
3. Any animal or fowl which chases cars, motorcycles, bicycles or any other motor vehicle or intimidates joggers, pedestrians or children; or
4. Doing any act or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others as defined by the statutes of the state or ordinances of the city.

B. Any dog or other animal alleged to be a nuisance. as defined in this section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the city, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned. (Amended 1987)

Cross Reference: Nuisances generally, §§ 8-301 et seq.

§ 4-108 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS.

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

B. Every such building housing any livestock or furbearing animals, including but not limited to any horse, mule, donkey, cow, goat or sheep, if located within fifty (50) feet of any tenement or apartment house, hotel, restaurant, boardinghouse, retail food store, building used for education, 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 water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle. (Amended 1-5-1995 by Ord. No. 95-1; 5-7-1996 by Ord. No. 96-2; 10-4-2001 by Ord. No. 2001-1)

§ 4-109 STABLES, KENNELS, COOPS; LOCATION.

A. No dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein multiple animals are kept or housed shall be maintained closer than fifty (50) feet to any tenement or apartment house, hotel, restaurant, boardinghouse, 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.

B. Every keeper of animals shall confine the same in an enclosure sufficient to prevent them from running at large and of sufficient size to be conducive to good sanitation practices for the number of animals kept therein.

C. No person shall keep, possess, or harbor more than five (5) cats at any tenement, apartment house, boarding house, hotel or residence. (Amended 1-5-1995 by Ord. No. 95-1; 10-4-2001 by Ord. No. 2001-1; 11-4-2010 by Ord. No. 2010-08)

Cross Reference: Certain stables and other animal enclosures declared to be public nuisances § 8-307(20).

§ 4-110 PREMISES TO BE KEPT CLEAN.

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

§ 4-111 HEALTH OFFICER TO INSPECT.

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

§ 4-112 OFFICE OF ANIMAL CONTROL OFFICER CREATED: POWERS AND DUTIES.

The office of animal control officer is hereby created. The animal control officer shall be responsible for the enforcement of this chapter and is hereby authorized to file complaints in the municipal court for violations of this chapter.

§ 4-113 HOGS AND SWINE.

It is unlawful and an offense for any person, being the owner or having the custody or control thereof, to keep any hog, goat, or pig in an enclosure or otherwise within the city limits of the city, except in or on the fairgrounds, sale barns or packing plants in the city. (Amended 1987)

§ 4-114 LEASHING ANIMALS, WHEN.

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

§ 4-115 VICIOUS ANIMALS.

A. It is illegal for any person, owners, keeper or possessor, to own, harbor, keep, breed, or otherwise possess any vicious animal.

B. It is unlawful for any person, owner or possessor to permit such animal to attack or bite any person or animal upon the premises of the person, owner or possessor. It shall be an affirmative defense to this subsection when such premises are previously posted at each entrance to the same with prominent and conspicuous signs warning all persons in lettering not less than two (2) inches in height, of such animal. It is also an affirmative defense to this subsection that the use of such animal to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

C. It is unlawful for any person, owner or possessor to permit such animal to attack or bite any person or animal not upon the premises of such person, owner or possessor.

D. For the purposes of this section, the word "attack" shall mean violent or aggressive physical contact.

E. The provisions of this section shall not apply to any law enforcement officer who uses or employs an animal while engaged in law enforcement activities, nor to any owner, possessor or keeper whose animal attacks or bites a person engaged in physically attacking or striking the owner, possessor or keeper.

F. No vicious animal may be tied, chained, or attached to any structure, post fence, fixture, or water, gas or electric meter, the effect of which is to impede, restrict, obstruct or prevent any officer, employee or agent of the city from entering upon the property to perform water, gas or electric meter readings or repair, or any other functions relative to the health and safety of the municipality. (Amended 1990)

Cross Reference: See definition of vicious animals, dogs in § 4-101.

§ 4-116 COURT PROCEEDINGS AGAINST VICIOUS OR DANGEROUS ANIMALS.

A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this article have been committed may sign a complaint against the alleged violator. Any police officer, animal welfare officer or code enforcement officer who is employed by the city is authorized to issue a summons and complaint when the officer personally observes a violation of this article. The complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:

1. Name, address and telephone number of the complainant and other witnesses to the incident;
2. Date, time and location of the incident;
3. Description of the animal;
4. Name, address and telephone number (if known) of the animal owner;
5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant; and
6. Other facts and circumstances of the incident.

B. It is the duty of the mayor or his designated representative, upon receipt of a verified complaint as outlined in Subsection A of this section, to cause the animal involved to be impounded pending a determination as required by this section. Any and all expenses associated with the impounding including shelter, food, handling and veterinary care shall be borne by the owner of such animal during the period of impoundment.

C. The municipal judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within ten (10) days of the date of impoundment to determine if the animal is vicious as defined by this section. The hearing may be held in conjunction with any criminal proceedings if so ordered by the judge but in no event shall this delay the hearing on determination of viciousness.

D. The municipal judge shall be empowered to make one of the following determinations as a result of the hearing:

1. That the animal is in fact not vicious in which event the city manager shall cause it to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in Subsection B of this section;

2. That the animal is in fact vicious and should be destroyed;

3. That the animal is vicious but that for good cause shown, the animal should not be destroyed in which event the judge shall order one of the following:

a. That the animal be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city, and that the owner give a good and sufficient bond in the amount of two hundred fifty dollars (\$250.00) and pay all fees required by § 8-183; or

b. That the owner be allowed to maintain the vicious animal within the corporate limits of the city under the following conditions:

(1) Payment of all fees required by Subsection B of this section;

(2) No person shall permit an animal covered by this section to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit the animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animal may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals;

(3) All animals covered by this section shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine the animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected

to house the animals must comply with all zoning and building regulations of the city All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition;

- (4) No animal covered by this section may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure;
- (5) All owners, keepers or harborer of animals covered by this section within the city shall display 'In a prominent place on their premises a sign easily readable by the public using the words "beware of vicious animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal;
- (6) All owners, keepers or harborer of animal covered by this section must provide proof to the city animal welfare manager of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the city animal welfare manager.

All owners, whose animal is adjudged to be vicious at the hearing, and sentence imposed by the municipal judge pursuant to this section, upon written demand, may appeal the judge's decision within ten (10) days to the district court of the county where a trial in the district court shall be accorded them de novo.

E. Any person violating or permitting the violation of any provision of this section or § 4-115 of this code shall, upon conviction, be fined not more than two hundred dollars (\$200.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the municipal jail for a period not to exceed thirty (30) days. Each day that such violation continues shall be a separate offense. (Amended 1990)

Cross Reference: Municipal court, § 6-101 this code.

§ 4-117 **RIGHT TO KILL DOG IN DEFENSE OF SELF OR ANOTHER.**

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

ARTICLE B

DOG VACCINATING TAGS AND TAX

- § 4-120 **Dogs to be vaccinated.**
§ 4-121 **Dog registration; tag.**
§ 4-122 **Tag to be placed on dog collar; lost tags.**

§ 4-120 DOGS TO BE VACCINATED.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian every calendar year before the first day of June thereof, or, in the case of a pup, before it is six (6) months old. The person vaccinating the dog shall furnish a certificate or statement of vaccination.

§ 4-121 DOG REGISTRATION; TAG.

A. A fee in such sum as set by the council by motion or resolution for every dog more than six (6) months of age is hereby levied upon the owner of any such dog kept or harbored within the city.

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

C. The owner shall pay the fee levied to the city treasurer for every calendar year within thirty (30) days after acquiring or bringing the dog into the city. The licenses shall expire on June 1 next following the date of licensure. All dog registration licenses shall expire June 1st of each year.

D. The person offering the fee shall present to the city the certificate of a veterinarian or other person legally authorized to immunize dogs, showing that the dog has been immunized against rabies during the preceding six (6) months prior to issuance of the license.

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

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

G. Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before the expiration of the license period. (Amended 1987)

Ed. Note: Ord. 1986-2 set the license fee at \$3.00 for male and spayed female dogs; \$5.00 for unspayed females; and \$1.00 for duplicate licenses.

§ 4-122 TAG TO BE PLACED ON DOG COLLAR: LOST TAGS.

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

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the city clerk, presenting to him the original receipt, and paying to him a fee as set by the city council.

ARTICLE C

ANIMAL CONTROL SHELTER

§ 4-130 Shelter established; feeding animals.

§ 4-131 Animals to be impounded.

§ 4-132 Breaking animal control shelter.

§ 4-133 Fees for impounding.

§ 4-134 Owner may redeem.

§ 4-135 Destruction of impounded animals.

§ 4-136 Adoption of impounded animals.

§ 4-137 Owner may claim excess money.

§ 4-130 SHELTER ESTABLISHED; FEEDING ANIMALS.

A city animal control shelter is hereby established under the jurisdiction of the animal control officer or of such other person as may be officially designated. The person in charge of the animal control shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

§ 4-131 ANIMALS TO BE IMPOUNDED.

A. The animal control officer, a police officer, or such other officer or employee of the city:

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

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

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.

§ 4-132 BREAKING ANIMAL CONTROL SHELTER.

No unauthorized person shall:

1. Break or attempt to break open the animal control shelter, or take or let out any animal therefrom;
2. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or
3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

§ 4-133 FEES FOR IMPOUNDING.

A. A fee per animal per day will be charged for each animal impounded. In computing the fee, a fraction of a day during which an animal has been impounded shall be charged as a full day.

B. Any person redeeming an impounded animal shall pay the required fees to the city treasurer and present his receipt therefore to the person in charge of the control shelter before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by §§ 4-120 through 4-126 of this code shall pay the required license tax to the city treasurer and secure a tag and present the receipt therefore and the tag to the person in charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog or cat before releasing it.

Ed. Note: In 1991 Ordinance 1991-6 set the impound fee at \$10.00 plus \$2.50 per day.

§ 4-134 OWNER MAY REDEEM.

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

§ 4-135 DESTRUCTION OF IMPOUNDED ANIMALS.

A. As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal, shall post a notice thereof at the police office or animal control shelter of the city. The notice shall describe the animal and direct

the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed as provided in this chapter.

B. Except as otherwise provided in this chapter, an impounded animal shall be held for a minimum of forty-eight (48) hours during which time it may be redeemed pursuant to this chapter. No animal may be destroyed or sold until after this period.

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

D. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

E. The animal control officer shall pay to the city treasurer all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city treasurer is open for business.

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. §§ 501 to 508.

§ 4-136 ADOPTION OF IMPOUNDED ANIMALS.

A. After the forty-eight (48) hour period provided for in § 4-135 has passed, the animal control officer may offer any impounded animal for adoption (the terms adopt or adoption, as used herein, shall also include the sale of an animal as provided for under Oklahoma law or the city ordinances).

B. No impounded animal may be adopted unless the total fees and costs associated with impounding the animal, in addition to other fees and costs required by the laws of the State of Oklahoma or the city ordinances, are paid.

C. Before an impounded animal which has not been spayed or neutered may be adopted, the person seeking to adopt the animal must make a cash deposit of one hundred dollars (\$100.00) for dogs and one hundred dollars (\$100.00) for cats and must sign an agreement to have the animal sterilized in accordance with Oklahoma law. The deposit shall be refunded to the adopting party if the adopting party provides to the animal control officer a written statement signed by a licensed veterinarian certifying that the adopted animal has been spayed or neutered. However, no such refund shall be made unless the 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.

D. 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, a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required shall be allowed. Additional extensions may be allowed upon additional veterinary reports certifying the necessity of such extension(s).

E. Deposited funds shall be refunded, if requested, to the adopting party upon presentation of reasonable proof 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. Before an impounded animal may be released for adoption, the adopting party must pay the cost of vaccinating the animal for rabies. The charge for the rabies vaccination shall be the actual cost of the serum and administration of the vaccination.

G. Before an impounded animal may be adopted, the adopting party must complete all registration forms and pay all registration taxes or other fees provided for by the city ordinances.

H. The city animal control officer shall compile a schedule of the charges required herein and shall update said charges as often as is necessary. The schedule shall be on file with the city clerk and available for public review. Should the animal control officer fail to compile such a schedule prior to one being requested, he shall compile one as soon as is practicable after a request is made for such schedule. (Added 11-6-2003 by Ord. No. 2003-4)

Ed. Note: Ordinance No. 2003-4 renumbered former § 4-136 as § 4-137.

§ 4-137 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of five dollars (\$5.00) to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the council, the city treasurer shall pay him such excess. If a claim is not made, the excess shall belong to the city.

ARTICLE D

CRUELTY TO ANIMALS

§ 4-140 Cruelty to animals.

§ 4-141 Poisoning animals.

§ 4-142 Encouraging animals to fight.

§ 4-140 CRUELTY TO ANIMALS.

A. It is unlawful for any person willfully and maliciously to pour on, or apply to an animal, any drug or other thing which inflicts pain on the animal; or knowingly to treat an

animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

B. The premises on or in which any animals are kept shall be subject to inspection by the health officer or any of his representatives, at any reasonable hour of the day, for the purpose of enforcing this chapter.

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

State Law Reference: Cruelty to animals, 21 O.S. § 168.

§ 4-141 POISONING ANIMALS.

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

§ 4-142 ENCOURAGING ANIMALS TO FIGHT.

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

State Law Reference: Similar provisions, 21 O.S. § 1682.

ARTICLE E

WILD, EXOTIC OR DANGEROUS ANIMALS

§ 4-150 Keeping of wild, exotic or dangerous animals.

§ 4-151 Permits and issuance of permits.

§ 4-152 Certain dogs.

§ 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS.

A. For the purpose of this section, a "wild, exotic or dangerous animal" means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including but not limited to lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, lynxes, raccoons, skunks, monkeys and other like animals, and all forms of poisonous snakes.

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

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

D. Snakes of the boa constrictor or python variety whose length does not exceed four (4) feet in length shall be allowed, provided that the owner of the snakes of this variety can establish to the animal control officer's and police department satisfaction that a snake of these breeds, ordinarily considered as dangerous, is not dangerous to people or other animals and that the snake is healthy, safe, and tame as a pet.

E. The owner of any boa constrictor or python shall keep such a snake on their immediate property only and enclosed in a container such as to give the snake adequate room for movement, adequate lighting and proper ventilation so as not to inhibit its normal life cycle.

F. The owner of such snakes shall maintain proper records of the feeding of such snake and shall include, but not limited to, the day, month and year of feedings, types of food fed and amounts of food fed at any particular time. Such records shall be made readily available to the animal control officer or police department officers should they deem fit to inspect the snake or its living area at any time. All inspections of this type shall be documented by the animal control officer or police officer, respectively, and shall be set on a semiannual basis unless the mayor or city council request an inspection at any other time. (Amended 3-2-1993 by Ord. No. 93-1)

§ 4-151 **PERMITS AND ISSUANCE OF PERMITS.**

A. The city clerk may issue a permit to the owner to keep such snakes in the city limits, provided that the city clerk receives in writing from the animal control officer, or police department that all areas of this section have been met by the owner. This permit shall be renewed annually. The fee for this permit shall be set by the council. For any snake so permitted in this section the owner agrees to accept full responsibility for the actions and behavior of such snakes. The establishment of whether such a snake is healthy, safe and tame as a pet shall be the responsibility of the owner by submitting written evidence to the animal control officer or police department. No permit shall be issued by the clerk unless written approval to the evidence submitted by the owner is submitted to the clerk in advance.

B. The city may issue a temporary permit for keeping, care and protection of an infant animal native to this area which has been deemed to be homeless. Such a permit shall be for a period of thirty (30) days. The city shall have the power to release or order the release of any infant wild animal kept under temporary permit if the animal is deemed capable of survival or to the proper game authorities. (Added 3-2-1993 by Ord. No. 93-1)

§ 4-152 **CERTAIN DOGS.**

A. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Geary any pit bull dog, provided that pit bull dogs registered with the city within ten (10) days of the effective date of this section may be kept within the city subject to the provisions of this section.

B. A pit bull dog is defined as:

1. The bull terrier breed of dog.
2. The Staffordshire bull terrier breed of dog.
3. The American pit bull terrier breed of dog.
4. The American Staffordshire terrier breed of dog.
5. Any dog who has a mixture of one or more of the breeds identified in Subsection A1 through 4 above. (Added 10-7-2002 by Ord. No. 2002-2)

C. Keeping of registered pit bulldogs. The prohibition of Subsection 4-152 shall not apply to pit bull dogs registered with the city within ten (10) days of the effective date of this section. The keeping of such dog shall be subject to the following standards.

1. Leash and muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen, unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

2. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

4. Signs. All owners, keepers or harborers of registered pit bull dogs within the city shall, within ten (10) days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

5. Insurance. All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this section, provide proof to the Geary animal welfare manager of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Geary animal welfare manager.

6. Identification photographs. All owner, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this section, provide to the animal control officer two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

7. Reporting requirements. All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the incident, report the following information in writing to the Geary animal control officer as required hereinafter;

- a. The removal from the city or death of a registered pit bull dog.
- b. The birth of offspring of a registered pit bull dog.
- c. The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

8. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog, provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

9. Animals born of registered dogs. All offspring born of pit bull dogs registered with the city must be removed form the city within six (6) weeks of the birth of such animal.

10. Registration. All pit bull dogs shall be registered by the owner with the animal welfare department of the city within ten (10) days of the effective date of this section. No pit bull dog shall be registered by the animal welfare department if the requirements of Subsections 4-152(C)(5) and (6) are not complied with at the time of application. In addition to the fees required by § 4-122 of this chapter, the additional fee of ten dollars (\$10.00) shall be charged for each pit bull dog so registered.

11. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by this section is in fact a dog subject to the requirements of this section.

12. Failure to comply. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of Geary to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

D. Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not more than one hundred dollars (\$100.00). In the event the violation shall involve a registered pit bull dog or the other animals covered in this section, the court shall order the registration of the subject pit bull dog revoked and the animal removed from the city. Should the defendant owners refuse to remove the animal from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. If the owner shall continue to refuse to remove the animal from the city, the municipal court judge shall issue any other orders necessary to carry out the intent of this section. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section. (Added 10-3-2000 by Ord. No. 2000-3)

ARTICLE F

ZONING ORDINANCE TO PREVAIL

§ 4-160 Zoning Ordinance to prevail.

§ 4-160 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future Zoning Ordinance, the provision of the Zoning Ordinance shall prevail and supersede the provision of this chapter.

Cross Reference: Zoning Ordinance, §§ 12-201 et seq, of this code.

ARTICLE G

PROCLAMATION OF RABIES

§ 4-170 Dogs and cats confined; when.

§ 4-171 Quarantine of animals for observation.

§ 4-172 Securing support information on diagnosed animals.

§ 4-173 Rabies crisis declaration.

§ 4-174 Destruction of animals under crisis period.

§ 4-175 Surrender of animals under suspect.

§ 4-170 DOGS AND CATS CONFINED; WHEN.

A. When the health officer or chief of police determines and certifies that a dog, a cat, or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the Council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the Council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the resolution prescribes a later time.

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

§ 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION.

A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and the county health department. The animal, regardless of its immunization status, shall be securely quarantined at a veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a licensed veterinarian for a period of ten (10) days, and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head removed and shipped under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physician concerning the need for immediate initiation for rabies prophylaxis. In case of animals whose ownership is unknown such quarantine shall be at the city animal shelter. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

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

C. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

§ 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal

control officer, veterinarian, the city health officer, or other designated emissary shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper public health officer of any reports of human contact.

§ 4-173 **RABIES CRISIS DECLARATION.**

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

§ 4-174 **DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.**

A. During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, 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.

B. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

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

D. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

E. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

§ 4-175 **SURRENDER OF ANIMALS UNDER SUSPECT.**

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to

surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

ARTICLE H

PENALTIES

§ 4-180 **Penalty.**

§ 4-180 **PENALTY.**

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health or other officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in § 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.

CHAPTER 2
(RESERVED)

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