

# **AGREEMENT BETWEEN THE CITY OF OKLAHOMA CITY AND THE CITY OF NICHOLS HILLS FOR PROVISION OF ANIMAL SHELTER SERVICES**

This agreement is made and entered into this 2<sup>ND</sup> day of JANUARY 2024 Effective July 1, 2023, by and between The City of Oklahoma City, an Oklahoma municipal corporation, hereinafter referred to as "Oklahoma City" and the City of Nichols Hills, Oklahoma, Oklahoma, and Oklahoma municipal corporation, hereinafter referred to as "Nichols Hills".

## **I. PURPOSE**

The purpose of this agreement is to promote the health, safety, and public welfare of the citizens of both entities and to further promote the humane care, treatment and disposition of animals coming into the possession of either of the parties to this Agreement.

## **II. DEFINITIONS**

- A. D.V.M. shall mean Doctor of Veterinary Medicine.
- B. Animals shall mean all non-hoofed animals.
- C. Livestock shall mean all domestic hoofed animals.
- D. Dogs shall mean all canine domestic animals.
- E. Cats shall mean all feline domestic animals.
- F. Oklahoma City shall mean The City of Oklahoma City.
- G. Nichols Hills shall mean The City of Nichols Hills.

## **III. FACILITIES**

### **A. Food, Shelter, Delivery Hours and Procedures**

- 1. Oklahoma City shall accept at the Oklahoma City Animal Shelter located at 2811 SE 29<sup>th</sup> St., Oklahoma City, Oklahoma ("the shelter") all live animals collected by and delivered to the Shelter by Nichols Hills or by those working under its direction and shall accept at the Shelter all live animals otherwise brought in from Nichols Hills, during any hours the Shelter is open to the general public. Service hours are subject to change with reasonable advance notice to Nichols Hills. Every effort will be made, when reasonably possible, to give Nichols Hills three (3) days' notice of a change to Shelter service hours. Oklahoma City shall provide food, water, shelter, care and other humane treatment for such animals while they are in Oklahoma City's possession and until placed or otherwise disposed of by Oklahoma City.
- 2. Dead animals shall not be brought to the Oklahoma City Animal Shelter but shall be properly disposed of by Nichols Hills.
- 3. Nichols Hills shall unload its impounded live animals and shall complete entry information and impoundment activities deemed applicable by Oklahoma City's

Animal Welfare Division Manager or designee prior to acceptance of any animals by Oklahoma City. Nichols Hills shall have no responsibility for handling the animals after their acceptance by the Oklahoma City Animal Welfare Division's Shelter staff.

**B. Veterinary Activities**

1. All activities relating to veterinary medicine and veterinary care given to animals in the custody of Oklahoma City shall be performed by or at the direction of a licensed doctor of veterinary medicine (D.V.M.) in compliance with the Oklahoma Veterinary Practice Act, 59 O.S. §698.1 et seq. Veterinary costs for the necessary medical care of animals impounded by Nichols Hills or brought into the Shelter from within the corporate limits of Nichols Hills shall be borne by Nichols Hills during the stray holding period as set forth in III.G herein. Such care shall be limited to pain management, communicable disease control and care necessary to prevent animal suffering. Communicable disease control shall include species-specific vaccinations upon intake for fees as set forth in Chapter 60, Section 60-8-3(i)(2), (3) and (5) related to dogs, and Section 60-8-3(i)(2) and (4) related to cats, of the Oklahoma City Municipal Code, 2010, or as subsequently amended.
2. Nichols Hills shall, at its own cost, arrange for veterinary care or euthanasia of sick or injured animals by a licensed veterinarian for animals impounded by Nichols Hills or brought into the Shelter from within the corporate limits of Nichols Hills during times that the Oklahoma City Shelter veterinarian is not available. All injured or sick animals needing medical care at the time of impoundment shall be transported by Nichols Hills to a veterinary hospital for examination, euthanasia or medical treatment at the expense of Nichols Hills, including transportation of sick or injured animals to emergency clinics when the Shelter veterinarian is not available. animals from within the corporate limits of Nichols Hills that need immediate medical treatment as determined by Shelter veterinary technicians or Shelter supervisors shall not be dropped off at the Oklahoma City Animal Shelter when the Shelter veterinarian is not present unless a licensed veterinarian has examined the animal prior to its impoundment. Any observations, prescriptions, diagnosis or prognosis provided by such veterinarian shall be communicated in writing to Shelter staff upon impoundment.
3. Oklahoma City shall not be responsible for transporting injured or sick animals received from Nichols Hills to veterinary clinics for treatment or euthanasia, but may, at its sole discretion, provide such service when able to do so for a fee as set forth in Chapter 60, Section 60-8-3(e) of the Oklahoma City Municipal Code, 2010, or as subsequently amended.
4. It is understood that the Oklahoma City Shelter veterinarian is not available for emergency animal care to Nichols Hills animals.

**C. Public Hours of the Oklahoma City Animal Shelter**

Oklahoma City agrees that it shall accept stray or owner-relinquished animals brought to

the Shelter by Nichols Hills residents or personnel. Residents must show proof of residency in the form of any state or federally issued identification card. Nichols Hills shall be provided a written schedule of hours of operation in effect at the time this contract and is attached hereto as Attachment "A". These hours shall be subject to change by Oklahoma City following reasonable written notification to Nichols Hills.

**D. Release of Animals and Livestock**

Oklahoma City agrees that it shall, upon payment of all applicable Oklahoma City Animal Shelter reclamation fees and costs, release any animals in its custody to the owner thereof or his or her authorized representative, subject to the following:

1. The Oklahoma City Animal Shelter shall not release a dog or cat entrusted to it until the party receiving the dog or cat shall have complied with all of the Oklahoma Statutes and applicable City ordinances, including, but not limited to rabies vaccination, sterilization and microchipping. Verification of a current rabies vaccination, by vaccination receipt or a D.V.M.'s written or verbal acknowledgment, is deemed compliance with the requirement for rabies vaccination.
2. The requirement of rabies vaccination shall be waived for animals upon the written request of the owner's veterinarian in the case of an animal that cannot be vaccinated against rabies for medical reasons.
3. Oklahoma City agrees that it shall keep in its custody and properly care for rabies observation animals entered by Nichols Hills, or received from within the corporate limits of Nichols Hills, for a period of ten (10) days after the exposure as required by State Health Department regulations and guidelines and local ordinances, unless sooner euthanized and submitted for rabies testing at the State Laboratory. Disposal of rabies observation animals shall be in accordance with Oklahoma City's current practices.
4. Authorized representatives must have written authorization verified by Oklahoma City Animal Welfare Staff prior to reclamation.

**E. Disclosure of Information to The City of Nichols Hills**

Nichols Hills shall have access to full information as to the method, means and manner of the operations of the Animal Shelter during the term of the contract, including inspection by appointment. The Shelter shall individually identify, mark or tag, and create and maintain an individual record for each animal received from within the corporate limits of Nichols Hills, including date of impoundment, vaccinations and treatments given in the Shelter and the animal's final disposition. A current copy of the above records shall be open to inspection by Nichols Hills.

**F. Notification of Owners of Animals and Livestock**

Nichols Hills shall make a reasonable effort to locate and notify owners of tagged or

microchipped animals received from within the corporate limits of Nichols Hills. When Nichols Hills knows the identity of the owner of an animal received by Nichols Hills or brought to the Shelter from within the corporate limits of Nichols Hills, Oklahoma City shall be provided that information upon impoundment or, if the impoundment is after hours, no later than the beginning of the next business day. The Superintendent shall prepare and maintain at the Animal Shelter a current descriptive list of animals in quarantine and in other isolation areas, including livestock.

**G. Holding Periods for Animals Subject to this Agreement**

1. Oklahoma City shall keep in its custody and properly care for licensed, tagged, or microchipped animals entered by an employee of or resident of Nichols Hills for a period of five (5) full days, not including the day of impoundment or days the Shelter is closed for reclaim, unless sooner redeemed by the owner. Animals entered by Nichols Hills or received from within the corporate limits of Nichols Hills who are not licensed, tagged or microchipped, shall be held for three (3) full days, not including the day of impoundment or days the Shelter is closed for reclaim, unless sooner redeemed by the owners thereof. Livestock entered by Nichols Hills shall be held for five (5) full days, not including the day of impoundment or days the Shelter is closed for reclaim, unless sooner redeemed by the owners thereof. After the expiration of the required holding period, Oklahoma City shall humanely dispose of the animals as Oklahoma City sees fit. Dogs and cats impounded for bites shall be held in accordance with Section III.D.3. herein.
2. The City of Nichols Hills shall notify The City of Oklahoma City in writing when it is impounding animals that must be held longer than the usual holding times as specified above including, but not limited to, animals confiscated on cruelty complaints and dangerous animal complaints.

**H. Sick Animals**

1. Oklahoma City shall establish an area for sick animals separate from the remainder of the presumed healthy Shelter animal population as space permits so that animals suspected of contagious or infectious disease shall be isolated within an established area.
2. Sick or injured animals may be euthanized by lethal injection by a licensed veterinarian or by a State Certified Euthanasia Technician upon the recommendation of a licensed veterinarian who, in her or his professional opinion, determines the injury or illness is of such a nature that the animal should be immediately euthanized for humane reasons prior to the expiration of the usual holding period.

#### **IV. CHARGES**

##### **A. Fees; Applicable Ordinances**

Oklahoma City and Nichols Hills do hereby mutually agree that the schedule of fees and other charges in effect in Oklahoma City according to Chapter 60 of the Oklahoma City Municipal Code, 2020, or as subsequently amended shall apply to animals brought to the Oklahoma City Shelter by employees of Nichols Hills or received from within the corporate limits of Nichols Hills.

##### **B. Collection and Accounting**

Oklahoma City shall collect and retain all reclamation, adoption, medical and disposal fees with respect to the services provided by the Shelter pursuant to this Agreement and shall keep proper financial records to account for the same, which records will be available to Nichols Hills for review upon request.

##### **C. Payment**

On or before the tenth (10th) day of each month, upon proper claim and sufficient documentation by Oklahoma City to Nichols Hills, Nichols Hills shall pay all fees to which Oklahoma City is entitled by this contract.

#### **V. MISCELLANEOUS PROVISIONS**

##### **A. Submission of Animal Control Ordinances**

Each City shall provide complete certified copies of its animal control ordinances, which are attached hereto as Attachment "B1" and "B2" and shall keep and maintain copies of the same current at all times.

##### **B. Risk of Loss**

To the extent permitted by law, Nichols Hills will be responsible for any and all third-party claims, demands, liabilities, losses or other charges or demands as a result of Oklahoma City's provision of the services referenced in this Agreement. Oklahoma City will not, in any circumstance, be responsible to Nichols Hills for any injury to Nichols Hills' employees, agents, or independent contractors arising out of Oklahoma City's provision of the services referenced in the Agreement. Notwithstanding anything contained herein to the contrary, nothing in this Agreement is intended to waive the provisions of Article X, Section 26 of the Oklahoma Constitution nor the provisions of the Oklahoma Governmental Tort Claims Act, Title 51, §151 et. seq., for either party.

**C. Non-Assignability Without Written Consent**

It is hereby agreed that this contract shall not be assigned, in whole or in part, by either party without the prior written consent of the other party, which consent will not be unreasonably withheld.

**D. Waiver or Modification**

It is hereby agreed that no waiver or modification of this Agreement shall be valid or admissible as evidence in any proceedings or litigation unless such waiver or modification is signed by the party sought to be charged with such waiver or modification.

**E. Termination of Agreement**

It is hereby agreed that the breach of any of the terms of this Agreement shall be grounds for the party aggrieved thereby to terminate this contract if the violation is not corrected within thirty (30) days after written notice thereof to the offending party. Oklahoma City reserves the right to terminate this Agreement at any time when to do so is deemed to be in the best interest of The City of Oklahoma City.

**F. Term of Agreement**

Unless earlier terminated pursuant to the provisions of the Agreement, the terms of this Agreement shall be for one-year, effective July 1, 2023, to June 30, 2024.

**G. Notices**

City of Oklahoma City  
Oklahoma City Animal Welfare Superintendent  
2811 S.E. 29<sup>th</sup> Street  
Oklahoma City, OK 73129

City of Oklahoma City  
City Clerk  
200 N. Walker, Second Floor  
Oklahoma City, OK 73102

City of Nichols Hills  
City Manager  
6407 Avondale Drive  
Nichols Hills, OK 73116

**H. Entire Agreement**

This agreement constitutes the entire agreement between the parties pertaining to its subject matter. All prior and contemporaneous written or oral agreements and communications between the parties are superseded by this Agreement.

APPROVED by the Council and SIGNED by the Mayor of The City of Nichols Hills this 8th day of August, 2023

ATTEST:

THE CITY OF NICHOLS HILLS

*Aminda Ireland*  
CITY CLERK

*E. R. Hoffer*  
Vice- MAYOR

Reviewed for form and legal



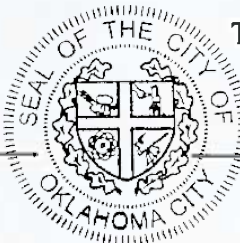
*Dr. Michael Williams*  
Municipal Counselor

APPROVED by the Council and SIGNED by the Mayor of The City of Oklahoma City this 2ND day of JANUARY, 2024

ATTEST:

THE CITY OF OKLAHOMA CITY

*Amy B. Simpson*  
CITY CLERK



*[Signature]*  
VICE- MAYOR

Reviewed for form and legality.

*Rita E. Douglas-Tally*  
Assistant Municipal Counselor

**ATTACHMENT "A"**  
**OKLAHOMA CITY ANIMAL WELFARE**  
**HOURS OF OPERATION**

Oklahoma City Animal Welfare is open seven days a week, except for major holidays.

Normal operating hours are 9am – 5:00 p.m., for drop off and 12 – 5:00 p.m., for adoptions and/or reclaims. The shelter will open two hours later for drop offs, adoptions and reclaims on the third Wednesday of every third month, when the staff meets for monthly training.



# Attachment B1

## Chapter 8 - ANIMALS

### Footnotes:

-- (1) --

**Editor's note—** Ord. No. 23145, § 1, adopted Oct. 3, 2006, repealed Ch. 8, in its entirety, which pertained to animals and fowl. Section 2 of said ordinance, enacted provisions designated as a new Ch. 8, Animals, to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

**Cross reference—** Definitions and rules of construction generally, § 1-2; health and sanitation generally, Ch. 23; mistreatment of dogs in police service, § 30-61; applicability of traffic ordinances to animals, § 32-4; animal noise prohibited, § 34-4(1); nuisances, Ch. 35; restrictions on fishing at City-operated reservations generally, § 38-181 et seq.; restrictions on hunting or trapping animals at City-operated reservations, § 38-211 et seq.; dogs at Atoka Reservoir Reservation, § 38-323; hunting at Atoka Reservoir Reservation, § 38-341 et seq.; fishing at Atoka Reservoir Reservation, § 38-368 et seq.; rat control, Ch. 46; animals on sidewalks, § 50-11.

**State Law reference—** Animals generally, 4 O.S. § 31 et seq.; general authority of municipalities to regulate animals, 11 O.S. § 22-115.

## ARTICLE I. - IN GENERAL

### DIVISION 1. - INTENT

#### § 8-1. - General intent.

The general intent of this Chapter is to protect animals from cruelty, neglect and abuse, to preserve the peace, and to promote the health, safety and welfare of the citizens of the City by establishing rules and regulations for any person owning, harboring or controlling any animal within the City.

(Ord. No. 23145, § 2, 10-3-06)

#### §§ 8-2—8-4. - Reserved.

### DIVISION 2. - DEFINITIONS

#### § 8-5. - Definitions.

- (a) The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Abandonment of an animal* means the act of forsaking the animal entirely or neglecting or refusing to provide or perform the legal obligations for care and support of the animal.
  - (2) *Animal* means any mammal, bird, fish, reptile, amphibian or invertebrate, including wild and domesticated species, other than a human being, and shall include "exotic wildlife," "domesticated fowl," "fowl" and "livestock," even though separately defined herein.
  - (3) *Animal shelter* means any nonprofit, private or publicly-owned and/or operated facility where stray or unwanted animals are held.
  - (4) *At large* means the status of any dog, livestock or domesticated fowl other than homing pigeons that is/are not confined to the property of the owner of the animal, or when the dog or livestock is not confined to the property of the owner and is not under the direct control of the owner or a person able to safely and humanely restrain the animal.
  - (5) *Direct control* means immediate continuous physical control of a dog at all times by means of a leash, cord, rope or chain of such strength to restrain the dog, and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or official showing, obedience, or field events. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or K-9 dogs.
  - (6) *Domesticated fowl* means domesticated chickens, turkeys, ducks, geese, peacocks, homing pigeons and any other domesticated birds including ostriches, emus and rheas.
  - (7) *Feral animal* means any wild cat or dog, whether the animal was born in the wild or has reverted to a wild state due to abandonment or lack of domestication.
  - (8) *Exotic wildlife* shall mean those animals defined and regulated in Chapter 35, Article VIII of this Code.
  - (9) *Fowl* means a bird of any kind, excluding "domesticated fowl."
  - (10) *Health Department* means the Oklahoma City-County Health Department.
  - (11) *Impoundment* means the taking up and confining of an animal by the Superintendent or designee in a manner consistent with professionally recognized standards of humane treatment.
  - (12) *K-9* means a dog specifically trained and being used by a public law enforcement agency.

- (13) *Kenel* means any place other than a federal, state or municipal facility, veterinary hospital or medical research institute, where more than four dogs and/or more than four cats beyond the age of six months are kept, harbored, boarded, sheltered or bred.
- (14) *Kitten* means a cat under the age of six months.
- (15) *Livestock* means any burros, cattle, horses, sheep, goats, llamas, donkeys, mules, and swine.
- (16) *Municipal Court* and *Municipal Judge* mean the Municipal Court of The City of Oklahoma City and any duly appointed judge or special judge thereof.
- (17) *Non-human primate* shall mean any animal that is a member of the order of Primata, except human beings.
- (18) *Non-human primate breeder* shall mean any person licensed and regulated by the United States Department of Agriculture (USDA) as a breeder of non-human primates.
- (19) *Owner* means any person, firm, business, organization, or corporation owning, possessing, harboring, or keeping any animal, or having an interest in or control of an animal, or in the case of a person under 18 years of age, that person's parent or legal guardian. This definition shall not apply to any animal shelter, veterinary clinic or kennel that is boarding animals belonging to another.
- (20) *Person in lawful presence on owner's property* means a person who is on the property of the owner of the animal in the performance of any duty imposed upon him by the laws of this State, or by the laws of the United States, or by local ordinance, or by the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on said property, or when responding to a public emergency, or when working on said property at the request of the owner or of a tenant having a lease upon any portion of said property, or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property.
- (21) *Pet placement partner* means a municipal animal shelter, or an animal welfare organization, or approved breed rescue group or other facility which receives animals from the division for the purpose of re-homing them and which has:
  - (a) provided the Animal Welfare Division with a copy of the certificate of incorporation, if it is a non-profit animal welfare organization or rescue group, and a list of individuals who are authorized to sign for receipt of animals from the division.
  - (b) entered into an agreement with the City for receipt of the animals, which agreement requires, among other things, that animals received from the division be vaccinated against rabies and be spayed or neutered, and that proof of the same be provided to the division in accordance with the division's policies.

(c) agreed that no animal held by the Pet Placement Partner shall be re-homed without having first been surgically spayed or neutered, regardless of the source of that animal.

- (22) *Primary enclosure* means an enclosed area in which an animal normally rests or sleeps and which allows the animal to move and exercise freely.
- (23) *Proof of ownership* means a bill of sale or other evidence acceptable to the Superintendent which shows ownership. Animals without a bill of sale or identifiable marking (tattoo, microchip, brand, etc.) shall be released only after the Superintendent or his/her designee is satisfied the person is the rightful owner of the animal.
- (24) *Puppy* means a dog under the age of six months.
- (25) *Rabies exposure* means any and all forms of exposure or suspected exposure to rabies virus or resulting from a bite; or contact with saliva, or neurological tissue and fluids of infected animals; or animals suspected of such rabies infection; or exposure to rabies virus resulting from a scratch, other than a scratch from the claws of a dog.
- (26) *Run* means a large, enclosed area designed to allow an animal to move about and exercise freely.
- (27) *Secondary enclosure* means the room or structure that houses or contains the primary enclosure.
- (28) *Spayed or neutered* means rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.
- (29) *Superintendent* means the Superintendent of Animal Welfare of the City and his or her designees.
- (30) *Tagged animal* means any animal whose owner is able to be identified by visible marking on the animal, such as a metal tag, or by a tattoo or by a scannable microchip or by a brand.
- (31) *Unknown owner* means a person whose ownership of an animal cannot be determined because the animal is found at large and is not a tagged animal.
- (32) *Veterinarian* means a person who is currently licensed to engage in the practice of veterinary medicine in the State of Oklahoma.
- (33) *Veterinary hospital or clinic* means any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during the diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

(b)

All references to "Division," "Animal Welfare Division," "City Animal Shelter" or "Animal Welfare Division Superintendent," and all references to "Animal Welfare Supervisor or Officer," shall mean and refer to the respectively designated division, shelter, Superintendent, supervisor, officer or person of and within the Animal Welfare Division of the City.

(Ord. No. 23145, § 2, 10-3-06 ; Ord. No. 26483, § 1, 6-16-20)

§§ 8-6—8-14. - Reserved.

#### DIVISION 3. - ENFORCEMENT; PENALTY

##### § 8-15. - Authority and duties of Animal Welfare Division Superintendent.

- (a) The Animal Welfare Superintendent shall be responsible for the administration and operation of the Animal Welfare Division and the City Animal Shelter.
- (b) The Superintendent shall be responsible for the enforcement of ordinances pertaining to animals within the City and shall work to promote responsible animal ownership and to protect the health, safety and welfare of the citizens and of all animals within the City.
- (c) The Superintendent or designee shall have authority and control over the City Animal Shelter and the care and disposition of the animals held therein and shall have the authority to waive or modify fees in whole or in part for hardship or special cases involving pet-owner death, or when the owner is incarcerated or in the hospital; to rectify adoption disputes; and for situations in which the best interests of all parties are served by such modification or waiver.
- (d) The Superintendent shall provide care and sustenance for all impounded animals, including veterinary care to relieve or prevent suffering.
- (e) The Superintendent or designee shall have the authority to humanely euthanize any impounded animal, including those being held because the owner is charged with a violation of this Code, or held in protective custody, or held during the course of an appeal from a decision of the Municipal Court, if a veterinarian recommends such action for humane purposes.
- (f) The Superintendent or designee may establish requirements for animal owners to facilitate the provision of humane care and treatment of an animal as set forth in Article II, Division 1 of this Chapter or for animal owners who allow an animal to commit a prohibited act as set forth in Article I, Division 4 of this Chapter.

(g) The Superintendent or designee shall have the authority to make a decision in the event of a dispute between parties as to the ownership of an animal.

(Ord. No. 23145, § 2, 10-3-06 ; Ord. No. 26483, § 2, 6-16-20)

§ 8-16. - Animal Welfare Officers authorized to enforce ordinances dealing with animals.

Animal welfare officers, as designated by the Superintendent or his/her representative, are authorized to enforce the provisions of ordinances dealing with animals, investigate complaints involving animals, investigate issues of animal ownership including at-large animals, issue citations to appear in the Municipal Court for violations of this chapter, and impound animals found to be in violation or to be owned, maintained or held in violation of the provisions of this Code.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 1, 7-5-17)

§ 8-17. - Failure to appear in response to citation.

If a person fails to appear in response to a citation issued pursuant to this division, a warrant for his/her arrest may be issued. Any person who willfully fails to appear in response to a citation is guilty of an offense.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-18. - Authority of Animal Welfare Officer to enter private property without a warrant.

For the purpose of investigating complaints, impounding animals and carrying out other actions necessary to enforcing the provisions of this Code, Animal Welfare Officers shall have authority to enter private property without a warrant when:

- (a) entry is by permission of the occupant of the property or of the person in apparent charge;
- (b) there is imminent danger to public safety; or
- (c) there is an urgent need enter premises to preserve the life and health of an animal in imminent danger of death or serious injury.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26968, § 1, 2-1-22)

§ 8-19. - When warrant required.

If the conditions stated in Section 8-18 do not exist, the Superintendent or Animal Welfare Officer authorized by the Superintendent may apply to a Judge of the Municipal Court for a warrant to enter the property for inspection or to remove and impound an animal inside or outside of homes and other buildings as permitted by 11 O.S. § 28-121.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26968, § 1, 2-1-22)

§ 8-20. - Reserved.

Editor's note— Ord. No. 26968, § 2, adopted Feb. 1, 2022, repealed § 8-20, which pertained to impoundment by judicial order and derived from Ord. No. 23145, § 2, 10-3-06.

§ 8-21. - Obstructing enforcement.

It shall be unlawful for any person to:

- (a) refuse to surrender an animal upon lawful demand by the Superintendent or his/her designee, or by any Police Officer in the official performance of his/her duties.
- (b) interfere with the Superintendent or any Animal Welfare Officer who is lawfully performing his/her duties.
- (c) hold, hide, or conceal any animal that the Superintendent or an Animal Welfare Officer has deemed to be in violation of this Chapter.
- (d) take or attempt to take any animal from the Superintendent or any Animal Welfare Officer or from any vehicle used by an Animal Welfare Officer to transport animals in the legal performance of his/her duties.
- (e) take or attempt to take any animal from the City Animal Shelter, a humane live trap, or an animal carrier without proper authority.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-22. - K-9 dogs exempt from certain provisions.

K-9 dogs, while on duty, shall be exempt from the provisions of this Chapter, other than those provisions dealing with humane care and treatment, cruelty and with rabies and diseases, as long as such animals are under the control of their handler.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-23. - Penalty where no penalty provided.

Except as otherwise expressly provided in this Chapter, any person violating any provision of this Chapter shall, upon conviction thereof, be guilty of a Class "a" offense as provided in Section 1-6 of this Code.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-24—8-35. - Reserved.

#### DIVISION 4. - CONTROL AND CONFINEMENT OF ANIMALS; OWNERSHIP OF DOGS AND CATS

§ 8-36. - Definitions.

- (a) *Animal bite* means any penetration of the skin by the teeth or claws of an animal, but shall exclude scratches by the claws of dogs.
- (b) *At large* means the status of any dog, livestock or domesticated fowl other than homing pigeons that is/are not confined to the property of the owner of the animal, or when the dog or livestock is not confined to the property of the owner and is not under direct control of the owner or a person able to safely and humanely restrain the animal.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-37. - Number of dogs and cats permitted.

- (a) No person shall harbor or keep dogs or cats totaling more than four of each over the age of six months in any household. The owner or occupant shall be held responsible for any violation of this section by any member of such household.
- (b) Exception. Households that obtain a kennel license as provided in Article V of this Chapter may harbor or keep dogs or cats totaling more than four over the age of six months.

(Ord. No. 23145, § 2, 10-3-06)



**§ 8-38. - Animals running at large prohibited; registration required; exceptions.**

- (a) It shall be unlawful for the owner, keeper or other person in control of any dog, livestock or domesticated fowl other than homing pigeons to permit the same to be at large, or to trespass upon the property of any other person.
- (b) A violation of this section, upon conviction, shall be a Class "a" offense.
- (c) Any dog which is at large or trespassing shall be impounded and shall only be reclaimed as established in this article.
- (d) Provided, however, this section shall not apply to:
  - (1) any person who takes a dog upon private property with the consent of the owner or person in control of the property, or upon a street or other public place when the dog is under direct control.
  - (2) any person utilizing a designated City-approved dog park in accordance with the provisions of Section 38-107 of this Code.
  - (3) any person riding or leading a horse along a street or right-of-way provided the horse is under the control of the person riding or leading the same and in compliance with any other provisions of this Code.
  - (4) any livestock ridden or driven in compliance with the provisions of Section 8-70 of this Chapter.
  - (5) any menacing or dangerous dog at large or trespassing, which instead shall be subject to the provisions of Article III of this Chapter unless the dog has an unknown owner.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 2, 7-5-17; Ord. No. 26483, § 3, 6-16-20)

**§ 8-39. - Confinement of dogs required.**

- (a) *Confinement of dogs required.* It shall be unlawful for any person who owns, harbors or possesses any dog to fail to confine such dog as required by the provisions of this section.
- (b) *Confinement required; means of confinement.* Every person who owns, possesses, or harbors any dog within the City shall confine the dog to property owned or controlled by him. Confinement shall be accomplished by means of a substantial fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or from extending its head through the enclosure so as to constitute a threat to any person or animal in the area adjoining the enclosure; or by keeping the dog inside a house or other building. Dogs not confined in enclosures may be confined by a tether. Such tether shall consist of a metal chain or

other material of sufficient strength to prevent the dog from escaping from the property. The tether shall be long enough to permit the dog to have reasonable exercise, but shall not allow the dog access to public property or to sidewalks or rights-of-way or to property owned or leased by persons other than the owner of the animal.

(c) Any person who owns, harbors or possesses any dog within the City who fails to confine such dog as required by this section shall upon conviction be guilty of a Class "a" offense except any menacing or dangerous dog, which instead shall be subject to the provisions of Article III.

(d) Any dog not confined as required in this section shall be impounded and shall be reclaimed only as provided in this chapter.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 2, 7-5-17)

**§ 8-40. - Confinement of dogs and cats in heat required.**

(a) It shall be unlawful for the owner of any female dog or cat in heat to fail to confine such dog or cat in accordance with the provisions of this section.

(b) The owner of any female dog or cat in heat shall keep such dog or cat confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-41. - Confinement of livestock and domesticated fowl required.**

It shall be unlawful for any person who owns or harbors any livestock or domesticated fowl other than homing pigeons to fail to securely confine the same to property owned or controlled by him.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-42. - Impoundment of animals.**

Subject to the provisions of § 8-18 and § 8-19, any animal that is not confined as provided in this article may be impounded by an Animal Welfare Officer or by any Law Enforcement Officer. If the animal cannot be safely impounded or chemically tranquilized and if it is posing a threat to the public or to domestic animals, it may be destroyed by the officer seeking to apprehend it.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-43. - Impounded animals to be confined in City Animal Shelter.

Except as otherwise provided herein, any impounded animal shall be confined in the City Animal Shelter.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-44. - Animals suspected of biting to be impounded.

Any animal reasonably suspected of having bitten a person shall be impounded for observation at a location approved by the Animal Welfare Superintendent or his/her designee.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-45. - Animals suspected of rabies to be impounded.

Any animal that has been exposed to or is reasonably suspected of having been exposed to rabies shall be impounded and shall be subject to the provisions of Article IV of this Chapter.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-46. - Rabies vaccination required for dogs and cats.

There shall be a requirement for vaccination of dogs and cats against rabies. Such requirement shall be as stated in Article IV of the Chapter.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-47. - Prohibited acts.

(a) It shall be unlawful and an offense for any person to allow any animal to:

- (1) chase vehicles, or
- (2) molest passersby; or

- (3) allow any animal to continuously bark, howl or otherwise disturb the peace.
- (b) It shall be unlawful for any person to allow animal fecal matter to accumulate in a yard or a run or other enclosure so that such matter causes unsanitary or unhealthy conditions to exist.
- (c) The Superintendent or his/her designee may issue a citation for committing or allowing an animal to commit any of the prohibited acts and/or may specify the terms and conditions under which the owner may maintain custody of the animal that is in violation this section, which terms and conditions shall be signed by the owner or keeper of the animal. The violation of the terms and conditions set by the Superintendent or his/her designee shall be an offense against the City and shall be cause for the issuance of a citation and may result in the impoundment of the animal.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-48. - Defecating on sidewalks, public parks, alleys, other places open to the public or on certain private property prohibited; possession of waste removal equipment required; prohibition of similar acts.

- (a) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.
- (b) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on public property or public easement.
- (c) It shall be unlawful for the owner, keeper or person having control of any animal to permit such animal to destroy or damage property of any kind or to deposit solid waste or to commit a similar prohibited act on the private property of a person or the property of the City, including its parks and playgrounds, or any property other than that of the owner of the animal.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-49—8-55. - Reserved.

DIVISION 5. - FEES AND CHARGES; RECLAMATION OF IMPOUNDED ANIMALS; ABANDONMENT; ADOPTION

**§ 8-56. - Fees and charges authorized.**

- (a) *Fees and charges authorized.* Fees and charges for impoundment, boarding, and maintenance of animals found running at large, including menacing or dangerous animals, as well as for the care and treatment of animals and the adoption of animals and for miscellaneous services provided by the division in the course of such boarding, care and treatment and miscellaneous fees and charges for services provided by the division are hereby authorized. The amounts of such fees and charges shall be as set forth in Chapter 60 - General Schedule of Fees. The Animal Welfare Superintendent shall be authorized to waive any and all fees or procedures during a state of emergency as declared by the governor of this State.
- (b) *Impoundment, registration and reclamation fees.* No person shall reclaim an animal from the City Animal Shelter without first paying to the City the required impoundment, registration and related fees for the boarding, care and treatment of the animal except as provided in Section 8-57 of this chapter.
- (c) *Adoption fees.* No person shall adopt an animal from the City Animal Shelter without first paying to the City the required adoption fee.
- (d) *Non-resident relinquishment fee.* A non-resident of the City wishing to relinquish an animal or animals to the City Animal Shelter shall pay to the City a fee for such service.
- (e) *Miscellaneous fees and charges.* The division may charge fees and/or deposits for special services such as, but not limited to, implanting of microchips and loaning of cat or dog traps.
- (f) *Exception.* Impoundment fees and related charges other than rabies vaccination fees shall not be owed to the City by a person whose animal was impounded in connection with a citation issued for a possible violation of the provisions of this Chapter if charges are declined or are dismissed or if the person is found not guilty thereof. Provided, however, this exception shall not apply if the boarding and care of the animal and any medical treatment or other services in the course of such boarding and care are provided by a private veterinarian or kennel.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 23766, § 1, 12-16-08; Ord. No. 25674, § 3, 7-5-17)

**§ 8-57. - Reclamation of impounded animals; registration of at-large, unconfined, menacing or dangerous dogs; spaying or neutering and microchipping requirement; no release without required proof of confinement or compliance with Court order and payment of fees; exceptions.**

- (a) The owner of an impounded animal may reclaim the animal upon providing the Animal Welfare Division with proof of ownership and paying any and all fees and other charges as authorized in this division, except as provided herein:

- (1) Impoundment fees and board and care fees shall be waived if the owner provides medical proof that the dog or cat was spayed or neutered at the time of impoundment, except for dogs and cats housed in special handling areas.
  - (2) An amount not greater than \$150.00 of the combined impoundment fees and board and care fees shall be waived upon the reclaim of a dog or cat housed in special handling areas, such as rabies observation and evidence holding, if the dog or cat was spayed or neutered prior to impoundment.
- (b) All dogs and cats shall be spayed or neutered and micro-chipped prior to being released, including those reclaimed or otherwise returned to their owners. The Animal Welfare Superintendent may exempt the owner of a full-breed registered animal from the requirement to spay or neuter an animal prior to release upon the owner's presentation satisfactory proof of pure breed status as verified by the American Kennel Club or similar entity and payment of a registration fee or if a licensed veterinarian certifies in writing that the animal is incapable of reproduction or that spaying or neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be spayed or neutered immediately after the health condition has been corrected.
  - (c) The owner of a dog impounded for being at large or unconfined may reclaim the dog upon registering the dog on forms required by the Animal Welfare Division including the owner's written verification that the fence or enclosure in which the dog is to be kept is in good repair along with photographic evidence of the fence or enclosure and payment of the required fees.
  - (d) The division shall not release to its owner an animal being held for a judicial determination of whether it is menacing or dangerous or because the owner has been charged with cruelty to an animal or with failure to provide humane care and treatment for an animal until such case has been decided in a court or the charges are declined or dismissed. If the charges are declined or dismissed, the animal is determined to be not a menacing or dangerous animal, or the defendant is found not guilty, no fees shall be assessed to the owner. Otherwise, the animal shall only be released back to the owner pursuant to Court order and the Animal Welfare Division shall verify that any release requirements ordered by the Court and mandatory registration, spaying or neutering and micro-chipping requirements in this chapter have been met and fees required by this chapter are paid.
  - (e) An animal impounded because the owner has been charged with cruelty to an animal or with failure to provide humane care and treatment for an animal may be transferred to a foster facility approved by the Animal Welfare Superintendent until the court has decided the case or the charges are declined or dismissed. The Court in its discretion may order the Superintendent to modify the placement of the animal on motion of the owner at any time prior to final disposition of the case.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 23766, § 1, 12-16-08; Ord. No. 25674, § 3, 7-5-17; Ord. No. 26647, § 1, 1-19-21)

**§ 8-58. - Abandonment.**

- (a) *Abandonment as result of failure to appear for a hearing before the Municipal Court.* If the owner of an impounded animal fails to appear for a hearing before the Municipal Court after notice has been provided to the owner as provided in Section 8-149 of this Chapter setting forth the date, time, and location of the hearing, the animal shall be deemed abandoned upon the passage of five days following the date of such hearing. If the owner of an impounded animal fails to appear at any hearing or trial scheduled in connection with a charge of cruelty to an animal or failure to provide humane care and treatment for an animal, the animal shall be deemed abandoned upon the passage of 15 days following the date of such hearing or trial, unless a motion to recall warrant has been filed before that date. If the owner fails to appear a second time at any hearing or trial, the animal shall be deemed abandoned upon the passage of five days following the date of such hearing or trial, unless a motion to recall warrant has been filed before that date.
- (b) *Abandonment as a result of failure to pay penalties, costs, charges and fees.* Failure to pay any and all penalties and costs imposed by the Municipal Court and/or to pay the fees and charges for the boarding care and treatment of the animal within five days of the Court's decision, unless the Court grants a longer time, shall be deemed abandonment of the animal.
- (c) *Abandonment as a result of failure or refusal to sign terms and conditions statement.* Failure to sign a terms and conditions statement as provided in Article I, Division 4 or in Article II, Division 1 of this Chapter may be deemed abandonment.
- (d) *Abandonment generally.* Any animal may be deemed abandoned as otherwise provided in this Chapter.
- (e) *Disposition of abandoned animals.* Any abandoned animal shall be subject to immediate disposition by the Animal Welfare Superintendent or his/her designee in accordance with the provisions of this division.
- (f) *Impoundment of abandoned animals.* Any abandoned animal may be impounded by the division.

(Ord. No. 23145, § 2, 10-3-06 ; Ord. No. 26483, § 3, 6-16-20; Ord. No. 26647, § 1, 1-19-21)

**§ 8-59. - Disposition of unclaimed, relinquished, abandoned, and impounded animals.**

- (a) Unclaimed impounded animals which are not reclaimed within the holding times described below, abandoned animals, animals voluntarily relinquished to the division, and impounded animals, may be adopted, transferred to approved Pet Placement Partners or to animal sanctuaries, humanely euthanized, or held in custody for longer than the minimum period of holding time at the discretion of the Superintendent.

- (1) Untagged impounded animals, other than livestock and domesticated fowl, shall be impounded for a minimum of three full working days, not including the day of arrival and excluding holidays and other days the shelter is closed to the public, except as provided below.
- (A) Cats that appear to be feral and to be stray may be deemed to be community cats and shall immediately become the property of The City of Oklahoma City. They may be placed into the Community Cats Project upon intake without being held a minimum number of days. Feral or stray cats not placed into the Community Cats Project shall be held for three working days, not including holidays or days the shelter is closed.
- (B) Cats eligible for the Community Cats Project include:
- (i) feral or stray cats living outdoors,
  - (ii) feral kittens that are at least 12 weeks old that can be vaccinated against rabies and sterilized and
  - (iii) friendly, socialized cats. However, friendly, socialized cats may be kept for the City's adoption program or transferred to a rescue organization for adoption.
- (C) Cats ineligible for the Community Cats Project include:
- (i) indoor-only cats,
  - (ii) cats who have a known or suspected owner,
  - (iii) unhealthy cats as determined by the Shelter Veterinarian,
  - (iv) cats that test positive for Feline Leukemia or Feline AIDS,
  - (v) injured cats that require hospitalization, fosterage or long-term care,
  - (vi) kittens under four months of age that are not able to be vaccinated,
  - (vii) declawed cats, and
  - (viii) cats involved in unprovoked bites or attacks.
- (D) Community cats may be returned to their place of origin after being sterilized, vaccinated against rabies, and ear notched to identify them as being sterilized. Cats shall not be returned to their place of origin if they have been the subject of abuse in their place of origin or have been threatened with abuse if they return to their place of origin, in such case, the cat can be transferred to a rescue organization or euthanized.

(2)



Tagged impounded animals, and all livestock and domesticated fowl, shall be impounded for a minimum of five full working days, not including the day of arrival and excluding holidays and other days the shelter is closed to the public.

- (3) Abandoned animals, animals with unknown owners and animals voluntarily relinquished by their owners may immediately be adopted, transferred to approved Pet Placement Partners or animal sanctuaries, humanely euthanized, held in custody or otherwise placed at the discretion of the Superintendent.
- (4) Animals that are deemed abandoned pursuant to section 8-58(a) and are alleged to be dangerous may be transferred to approved Pet Placement Partners or animal sanctuaries, humanely euthanized, held in custody or otherwise placed at the discretion of the Superintendent. The Superintendent shall notify the Municipal Counselor's Office of the disposition of the animal.
- (b) Foster-to-Transfer Program for animals impounded as strays. Stray puppies under six months of age, all stray kittens, and the lactating mothers of such puppies or kittens, and cats may be eligible for the Foster-to-Transfer Program. Such animals may be fostered by Animal Welfare Division foster homes or by Pet Placement Partners upon intake, and cared for until their stray holding time has elapsed, after which the fostered pets may be chosen for the Animal Welfare Division's adoption program, transferred to one or more Pet Placement Partners, or returned to the animal shelter.
  - (1) Photographs of pets in the Foster-To-Transfer Program shall be kept in the Animal Shelter during the pet's stray holding period in the event the pet is lost and the owners are looking for him or her.
  - (2) If an owner identifies a pet as his or hers prior to the end of the stray holding period, the Pet Placement Partner must return the animal to the animal shelter within 24 hours for the owner to reclaim the pet. Prior to reclaiming the pet, the reclaiming owner shall pay to The City any fees accrued by The City prior to the pet's reclaim, pursuant to laws and policies in place at the time of reclaim.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 24456, § 1, 5-29-12; Ord. No. 24684, § 1, 6-18-13; Ord. No. 24813, § 1, 1-14-14; Ord. No. 25001, § 1, 10-7-14; Ord. No. 25673, § 1, 7-5-17; Ord. No. 26483, § 4, 6-16-20)

§ 8-60. - Spaying or neutering of dogs and cats required prior to permanent adoption.

- (a) No unclaimed or owner-relinquished dogs and cats from the division shall be adopted through the division or through a Pet Placement Partner who receives dogs and cats from the division, without spaying or neutering of the animal prior to the animal being placed into a new home, except as provided in Section 8-61 herein.
- (b)

A person adopting a dog or cat from the City Animal Shelter may, upon the payment of the required adoption fee and the spay or neuter deposit, elect to have sterilization services provided by a private veterinarian. Provided, however, if an animal is sent to a private veterinarian for sterilization and is then not claimed by the adopter, the adoption fee and the spay or neuter deposit shall be retained by the City.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-61. - Spaying or neutering of dog or cat on health-hold.**

Dogs and cats placed on a "health hold" by a veterinarian shall be exempt from the requirements of Section 8-60. The "health hold" must indicate that sterilization at that time would be injurious to the animal's health as attested to in a sworn affidavit by the veterinarian who has examined the animal and has determined that the animal's health would be jeopardized by such surgery. Any animal which has been identified as unsuitable for sterilization for health reasons must be immediately sterilized if the animal's health improves and the animal can be sterilized without jeopardizing the animal's health. In such cases, sterilization shall occur no later than ten calendar days after the veterinarian has released the animal from its "health hold."

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-62. - Animals held during appeal of a decision of the Municipal Court.**

An animal that is the subject of an appeal from a decision of the Municipal Court shall be confined at the City Animal Shelter during the course of such appeal. Provided, however, at the sole discretion of the Municipal Court Judge the animal may be confined in a licensed veterinary clinic or other licensed facility at the owner's expense no matter what the outcome of the appeal. If the appeal is decided in favor of the owner, resulting in dismissal or acquittal of the defendant, all costs of confinement in the City Animal Shelter shall be at the expense of the City.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 26647, § 1, 1-19-21)

**§ 8-63. - Use of live animals for experimentation prohibited; cadavers available for limited purposes.**

No live animal in the custody of the division shall be made available for scientific research or for other scientific purposes. Provided, however, cadavers of animals euthanized in the course of normal operations may be provided directly to accredited colleges of veterinary medicine for the express purpose of teaching veterinary students and veterinary technician students. No cadavers shall be provided to any entity for the

purpose of resale or for commercial purposes.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 23962, § 1, 10-20-09)

~~§§ 8-64—8-67.~~ - Reserved.

#### DIVISION 6. - MISCELLANEOUS PROVISIONS

§ 8-68. - Owning or keeping skunks prohibited.

It shall be unlawful for anyone to own, harbor or possess a skunk.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-69. - Song birds; killing and robbing of nest prohibited.

It shall be unlawful for any person to willfully kill any song bird or to molest or rob the nest of any song bird or wild bird.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-70. - Driving or parading animals without a parade permit prohibited.

It shall be unlawful for any person to drive or parade animals through the City without first having obtained a parade permit in accordance with the provisions of Section 50-271, et seq. of this Code.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-71. - Rabbits raised for sale for human consumption; permit required.

It shall be unlawful for any person to raise rabbits to sale for human consumption without first having obtained a permit from the Health Department, and paying to the City the fee as established in Chapter 60 - General Schedule of Fees. Any such rabbit shall at all times be subject to inspection by the Health Department.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-72—8-84. - Reserved.

#### DIVISION 7. - DECLARED EMERGENCIES OR DISASTERS

§ 8-85. - Authorized actions of the division.

During times of declared emergencies or disasters within the City, the division shall be the lead agency for domestic animal-related response, rescue, and recovery efforts and shall work cooperatively with local, State and Federal governmental agencies, and private animal rescue groups to respond to the emergency or disaster. To provide pet owners with protection and assistance during times of declared emergencies or disasters, the division may:

- (a) require that no affected animals be removed from the City, other than by their owners, for a period of up to 30 days after an emergency or declared disaster, without the prior written permission of the division, so that owners have a reasonable opportunity to be reunited with lost pets.
- (b) establish a date after which affected animals can be removed from the City.
- (c) waive some or all of the fees associated with reclaiming lost pets.
- (d) distribute donated and purchased pet-related items, including dog houses, collars, leashes, pet food, pet care supplies, carriers, crates and similar items to the owners or keepers of pets affected by the emergency or disaster.
- (e) suspend normal operations to focus on the emergency or disaster, including transferring animals no longer being held for stray holding periods to other agencies, shelters, individuals or rescue groups as needed or take such other actions as may be required to address the demands of the emergency or disaster.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-86. - City guidelines to prevail.

It shall be unlawful and an offense for any non-governmental organization or entity, including those working under the auspices of governmental agencies, to fail to work within the guidelines and requirements of the City and the disaster response protocols established by the division or to conduct animal rescue activities or set up temporary animal shelters without the written consent of the Superintendent.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-87—8-94. - Reserved.

## ARTICLE II. - HUMANE CARE AND TREATMENT

### Footnotes:

— (2) —

*State Law reference— Animal cruelty and related offenses, 21 O.S. § 1680 et seq.*

## DIVISION 1. - STANDARDS OF CARE

§ 8-95. - Failure to provide humane care and treatment prohibited.

It shall be unlawful for any person owning an animal to fail to provide said animal with humane care and treatment in accordance with the standards set forth herein.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-96. - Standards of humane care and treatment.

The following standards of humane care and treatment are established for all animals within the City:

- (a) *Food requirements.* Food shall be free from contamination and of sufficient quantity and nutritive value to maintain an animal in good health. An animal shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. All food receptacles shall be kept clean and sanitary.

- (b) *Water requirements.* Safe, clean water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size and type of animal. Animals shall be watered as required by applicable State and Federal laws. All water shall be provided in sturdy, stable receptacles of adequate size for the animal and shall be kept clean and sanitary.
- (c) *Space requirements.* Enclosures or shelters for animals shall be constructed and maintained to provide sufficient space for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.
- (d) *Indoor shelter requirements.* Facilities shall be sufficiently heated, cooled and ventilated as to protect the animal from extremes of temperature and to provide for its health and prevent injury or disease. Sufficient light shall be provided, but lighting of primary enclosures shall be designed to protect the animal from physical harm. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning.
- (e) *Outdoor shelter requirements.* For purposes of this subsection, "outdoor" shall mean not within an enclosed structure, and subject to the weather and elements. Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal shall be provided for all animals left outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water.
  - (1) shelter for a dog or cat shall consist of a moisture proof and windproof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat. A dog will be considered "outdoors" regardless of access to an outdoor doghouse or similar structure, unless the structure has an independent source of heat that is safe for use in outdoor structures and does not pose a danger to the animal. The animal's body heat is not a sufficient source when the temperature is below 32 degrees Fahrenheit in Oklahoma City. A vehicle shall not be considered an adequate shelter and shall be prohibited, as described in Section 8-115 of this Chapter.
  - (2) shelter for livestock or domesticated fowl shall protect the animal from the weather.
  - (3) shelter for exotic wildlife shall be appropriate to the size and needs of the animal and in compliance with the requirements set forth in Chapter 35, Article VIII of this Code.

(f)

It shall be unlawful and a violation of Section 8-95 for any person to leave any dog outdoors and unattended for a period of one-half hour or longer, during such a period when the temperature is below 32 degrees Fahrenheit in Oklahoma City.

In the event temperatures are as described in subsection or facilities are not available as required in (e)(1) of this Section, then the dog shall be brought indoors and remain indoors until outdoor temperatures allow placement of an animal outdoors.

(g) *Sanitation requirements.* All shelters, enclosures, cages, and litter boxes shall receive necessary cleaning to remove excreta, waste materials, dirt, and trash to minimize disease hazards and to reduce odors. Litter in litter boxes and shaving or other materials used in cages or enclosures shall be changed as frequently as necessary to minimize disease hazards and to reduce odors.

(h) *Veterinary and other care requirements.* All animals shall have the veterinary and other care necessary to prevent suffering.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 24523, § 1, 8-28-12; Ord. No. 26995, § 1, 2-15-22)

§ 8-97. - Animal Welfare Superintendent may impound animal and/or provide terms and conditions for care.

(a) Whenever the Superintendent or his/her designee finds any animal is without humane care or treatment, he may, at the owner's expense, impound the animal for protective care. In the event of sickness or injury of the animal and upon the advice of a licensed veterinarian, the Superintendent may take appropriate action to relieve pain and suffering; this shall include the option of immediate humane euthanasia of the animal.

(b) The Animal Welfare Superintendent may issue a citation to the owner for a violation of Section 8-95 and/or may specify the terms and conditions under which the owner may regain or maintain custody of the animal, which terms and conditions statement shall be signed by the owner. Violation of the terms and conditions by the owner is an offense against the City and shall be cause for the issuance of a citation and may result in the impoundment of the animal.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-98—8-105. - Reserved.

## DIVISION 2. - CRUELTY TO ANIMALS

### Footnotes:

*State Law reference— Animal cruelty and related offenses, 21 O.S. § 1680 et seq.*

**§ 8-106. - Cruelty to animals prohibited.**

It shall be unlawful for any person to overload, overwork; torture or torment, poison, burn, beat, mutilate or inhumanely kill, or otherwise abuse any animal or cause, aid, abet or permit the same to be done, nor shall any person deprive an animal of essential water, sustenance, shelter and care as set forth in Section 8-96 so that the life and/or health of the animal is immediately threatened.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-107. - Abandonment of animals prohibited.**

It shall be unlawful for any person to abandon any animal.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-108. - Poisoning of animals prohibited.**

It shall be unlawful for any person to poison any animal or by any means to make accessible to any animal any harmful or poisonous substances. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin under the direction of the Health Department.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-109. - Inhumanely hobbling livestock prohibited.**

It shall be unlawful for any person to hobble livestock or other animals by any means that may cause injury or damage to the animal.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-110. - Cruel or inhumane use of leash or collar prohibited.**



It shall be unlawful for any person to confine an animal by a leash in such a manner to cause choking or injury, nor shall any animal confined by a leash be left without protection from extreme temperature or inclement weather or denied access to food and water.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-111. - Exploitation of animals prohibited.**

(a) It shall be unlawful for any person to promote, conduct or permit exploitive animal contests, performances, or exhibitions in which animals are encouraged, forced, or trained to perform unnaturally, including but not limited to greased pig contests, equine basketball, or equine diving acts.

(b) It shall be unlawful for any person to promote, conduct or permit a roadside zoo or menagerie.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-112. - Animal fights prohibited.**

(a) It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which an animal is used for the purpose of fighting, injuring, killing, maiming, or destroying any other animal.

(b) It shall be unlawful for any person to possess or maintain any materials or equipment or paraphernalia used in animal fighting.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-113. - Inhumanely caging or crating animals prohibited.**

It shall be unlawful for any person to confine any animal in a cage or crate or similar enclosure unless provisions are made for the proper feeding and watering of the animal. No person shall impound any animal in a crate, box or other enclosure that does not permit the impounded animal to stand in a natural erect position or provide sufficient space to allow the animal to turn around or move naturally.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-114. - Keeping of diseased animals prohibited.**

- (a) *Keeping of diseased or painfully crippled animals.* It shall be unlawful for any person to have, keep or harbor an animal which is inflicted with any dangerous, communicable or incurable disease, or which is in a painfully crippled condition. All such animals shall be humanely destroyed or turned over to the division for disposition. This Section shall not be construed to include veterinary hospitals or animals under active veterinarian care with due regard for public health and safety.
- (b) *Contagious diseases.* No owner, or other person in control of any animal, who knows the animal to have or to have been exposed to any contagious or infectious disease transmittable to humans, shall dispose of the animal to another person without a full disclosure of this knowledge to that person, or allow the animal to run at large or come in contact with other animals.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-115. - Leaving animal in vehicle without adequate ventilation or protection from extreme weather prohibited.

It shall be unlawful for any person to leave any animal in any standing or parked vehicle without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperatures while confined in a vehicle.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-116. - Sale of animals as toys, novelties, premiums prohibited.

It shall be unlawful for any person to sell, offer for sale, barter, or give away any animal or animals as toys, premiums or novelties.

- (a) this section shall not be construed to prohibit the sale or display of baby animals in proper facilities by breeders or stores engaged in the business of selling them to be raised for commercial or noncommercial purposes.
- (b) this section shall not be construed to prohibit the raising of animals by a private individual for his/her personal use and consumption provided he maintains proper brooders and other facilities for the care and containment of the animals while they are in his/her possession.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-117. - Artificial coloring prohibited; transporting artificially colored animals prohibited.

- (a) It shall be unlawful for any person to dye or artificially color or cause to be dyed or artificially colored any mammal, bird, reptile, or amphibian, including wild and domesticated species or to bring or transport any dyed or artificially colored mammal, bird, reptile, or amphibian, including wild and domesticated species into the City.
- (b) It shall be unlawful for any person to tattoo any fish or to cause any fish to be tattooed or to bring or transport any tattooed fish into the City.
- (c) It shall be unlawful for any person to artificially color any fish or cause any fish to be artificially colored or to bring or transport any artificially colored fish into the City when the artificial coloring is a result of the injection of dyes into the fish through the use of needles or other invasive techniques.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 23464, § 1, 10-9-07)

**§ 8-118. - Possession, sale, barter or gift of artificially colored animals prohibited.**

It shall be unlawful for any person to possess, offer for sale, sell, barter or give away any dyed or artificially colored animal.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-119. - Penalty for cruelty to animals.**

Any person violating any provisions of Sections 8-106 through 8-118 of this article shall upon conviction thereof be guilty of a Class "b" offense.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-120. - Veterinarians to report animal abuse.**

It shall be unlawful for any veterinarian practicing within the City to fail to report any animal abuse to the Superintendent when the veterinarian reasonably suspects and believes the animal has been abused. Such report shall be made within 24 hours of the knowledge of such suspected abuse. The report shall contain the breed and description of the animal together with the name and address of the owner. Reports of abuse of livestock shall be made to Superintendent.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-121. - Animal Welfare Superintendent to immediately impound any cruelly treated animal.

The Superintendent or his/her designee may immediately impound any animal found to be held or treated in violation of any provision of Section 8-106 through Section 8-118 and may issue a citation to the owner.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-122—8-130. - Reserved.

#### ARTICLE III. - MENACING BEHAVIOR BY DOGS AND DANGEROUS ANIMALS

##### *Footnotes:*

— (4) —

*Editor's note— Ord. No. 23238, § 1, adopted Dec. 19, 2006, amended the title of Art. III to read as herein set out. Prior to inclusion of said ordinance, Art. III was entitled, "Aggressive and Dangerous Animals." See also the Code Comparative Table.*

*State Law reference— State law reference—Dangerous dogs, 4 O.S. § 44 et seq.*

#### DIVISION 1. - GENERALLY

§ 8-131. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

- (a) *Animal bite* means any penetration of the skin by the teeth or claws of an animal, but shall exclude scratches by the claws of dogs.
- (b) *At large* means the status of any dog, livestock or domesticated fowl other than homing pigeons that is/are not confined to the property of the owner of the animal, or when the dog or livestock is not confined to the property of the owner and is not under the direct control of the owner or a person able to safely and humanely restrain the animal.

(c)

*Attack* means the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or the person occurs or an act of aggression against a person or a domestic animal that requires the person or the other animal to take evasive action to prevent injury.

(d) *Dangerous animal* means any animal:

- (1) that inflicts an injury upon a human as a result of an unprovoked attack regardless if the dangerous animal is on or off the property on which it is harbored; or attempts to bite or attacks a human requiring that person to take evasive action regardless of the location; or
- (2) that, when unprovoked, either kills, bites or attacks another animal off the property on which the dangerous animal is harbored; or
- (3) that is owned, trained, used, or harbored, primarily or in part, for the purpose of animal fighting.

(e) *Menacing behavior* as used in this section means an animal that, unprovoked, charges an individual, growls, snarls, takes an aggressive stance, shows teeth or destroys property (e.g., a fence) in an attempt to get to a human or domesticated animal. An animal cannot be considered as menacing if it is on its owner's property, unless its attempts to escape appear to be reasonably likely to be successful. Barking or being at-large does not of itself constitute menacing behavior.

(f) *Owner* means any person, firm, business, organization, or corporation owning, possessing, harboring, or keeping any animal, or having an interest in or control of an animal, or in the case of a person under 18 years of age, that person's parent or legal guardian. This definition shall not apply to any animal shelter, veterinary clinic or kennel that is boarding animals belonging to another.

(g) *Unprovoked* means an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting or motivation.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 4, 7-5-17)

§ 8-132. - Menacing or dangerous behavior by dogs prohibited.

- (a) It shall be unlawful for any person to allow any dog owned, harbored, possessed or maintained by him within the City to exhibit menacing or dangerous behavior. No person who has an ownership interest in real property shall permit another person to harbor, possess, or maintain on that property and within the City limits any animal that is dangerous or menacing as defined in this chapter, unless the Municipal Court orders the animal returned to the person owning, harboring, possessing or maintaining the animal under restrictions designated by the Municipal Court.

- (b) A dog that is exhibiting menacing or dangerous behavior shall be immediately impounded.
- (c) A dog determined to be menacing or dangerous but ordered released under specific conditions pursuant to § 8-151 of this chapter shall be micro-chipped and spayed or neutered, as set out in § 8-57, before the dog shall be released from impoundment.
- (d) A dog determined to be menacing or dangerous but ordered released under specific conditions pursuant to § 8-151 of this chapter shall be annually registered as a menacing or dangerous dog through a process established by the Superintendent for as long as the cited owner is in possession of the menacing or dangerous dog. The process shall include annual verification that the Court's conditions continue to be met.
- (e) No dog shall be determined to be exhibiting menacing or dangerous behavior toward a person who at the time such behavior was exhibited:
  - (1) was committing or attempting to commit a willful trespass or other tort upon property occupied by the person who owns, harbors, possesses or maintains the animal; or
  - (2) was not lawfully present upon the property occupied by the person who owns, harbors, possesses or maintains the animal; or
  - (3) was attempting to or was tormenting, abusing, or assaulting the dog or who had, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or
  - (4) was committing or attempting to commit a crime.
- (f) A K-9 dog which attacks a human upon command of the person in charge of the dog at the time of the incident shall not, by reason of such incident, be deemed to be exhibiting menacing behavior.

(Ord. No. 23238, § 1, 12-19-06; Ord. No. 25674, § 4, 7-5-17)

§ 8-133. - Reserved.

Editor's note— Ord. No. 25674, § 5, adopted July 5, 2017, repealed § 8-133, which pertained to dangerous animals prohibited. and derived from Ord. No. 23145, § 2, 10-3-06.

§ 8-134. - Animals classified by other governmental entities.

It shall be unlawful for any person to own, harbor, possess or maintain an animal which another governmental entity has determined to be dangerous.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-135. - Exceptions to classification.

- (a) No animal, whether or not it was confined on its Owner's property, shall be classified as a dangerous animal because of injuries or death it has inflicted upon another domestic animal that, at the time, was attacking the animal.
- (b) Defenses. It is a defense to prosecution under Section 8-133 of this Chapter that the biting, attacking or death was sustained by a person who:
  - (1) at the time was committing or attempting to commit a willful trespass or other tort upon the property occupied by the owner of the animal;
  - (2) was not a person lawfully present upon the property occupied by the owner of the animal
  - (3) was attempting to or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal;
  - (4) was committing or attempting to commit a crime.
- (c) A K-9 dog which approaches a person in an apparent attitude of attack or which attacks or bites a human upon command of the person in charge of the animal at the time of the incident shall not, by reason of such incident, be deemed to be in violation of Section 8-133.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-136. - Exception for certain facilities.

The provisions of this article shall not apply to any veterinary hospital or zoo or other licensed facility where such animals are adequately cared for with due regard for public health and safety.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-137—8-145. - Reserved.

DIVISION 2. - ENFORCEMENT

§ 8-146. - Superintendent to investigate complaints; file report; and maintain records.

- (a) The Superintendent or designee shall investigate any incident appearing to involve a menacing or dangerous animal, or any citizen complaint of a menacing or dangerous animal, or any impoundment of an animal believed to be a menacing or dangerous animal. If the incident or impoundment meets the criteria for classification of an animal as menacing or dangerous, a citation shall be issued in accordance with the provisions of Article I of this chapter unless the animal has an unknown owner.
- (b) During the course of the investigation, the Superintendent shall cause photographs to be taken of the animal and shall collect other information gathered pertaining to the animal's size, weight, markings or other distinctive characteristics.
- (c) The Superintendent shall maintain a record of all animals upon which menacing or dangerous animal charges have been filed and the disposition of each case, together with the photographs and other information pertaining to each animal.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17; Ord. No. 26483, § 5, 6-16-20)

§ 8-147. - Impoundment.

Any animal not already impounded shall be impounded pursuant to the provisions of Article I of this chapter.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-148. - Confinement.

An animal that is impounded at the time of an incident that resulted in the owner being charged with harboring or possessing a menacing or dangerous animal, or an animal impounded by order of the Municipal Court, shall be confined in the City Animal Shelter pending the disposition of the animal. Such confinement shall be at the owner's expense unless the Municipal Court does not find the animal to be a menacing or dangerous animal or the charge is declined or is dismissed. Provided, however, the animal may be confined in a licensed veterinary clinic or other licensed facility at the sole discretion of the Municipal Court Judge and at the owner's expense no matter what the outcome of the court hearing.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)



**§ 8-149. - Notice of hearing to determine nature of the animal.**

The Municipal Counselor shall determine whether prosecution shall be undertaken or declined under this article with respect to the animal. If prosecution is determined, the Municipal Counselor shall file an information with the Municipal Court Clerk and a copy of the pleading together with a notice to appear and notice of hearing concerning disposition of the animal shall be served by first class mail at the last known address of the defendant. At the option of the Municipal Counselor, a notice of hearing may be combined with an order to impound the animal and served in accordance with Section 8-20 of this Chapter. A certificate of service of the notice or order shall be filed with the Municipal Court in any case in which charges have been filed.

(Ord. No. 23145, § 2, 10-3-06 ; Ord. No. 26483, § 5, 6-16-20)

**§ 8-150. - Hearing and adjudication.**

- (a) If, after notice as set forth in this article, the owner does not appear at the hearing, the animal shall be deemed abandoned and subject to disposition under the provisions of Article I, Division 5 of this chapter.
- (b) The Municipal Court Judge, upon the presentation of all evidence at the hearing and upon a finding that the animal is a menacing or dangerous animal, may order the animal euthanized or require confinement of the animal under restrictions designated by the Municipal Court.
- (c) If the Municipal Court does not order the animal euthanized, but does find the animal to be menacing or dangerous, the judge may refer to the following list and may impose other remedies as determined by the Municipal Court. Such restrictions may include:
  - (1) Secure confinement in an enclosure;
  - (2) No contact with other animals or humans;
  - (3) Muzzle;
  - (4) Restraint;
  - (5) Signs;
  - (6) Notification of escape or death of the animal; and
  - (7) Notification of change of address or ownership.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)

§ 8-151. - Restriction guidelines for maintaining a menacing or dangerous animal.

The Court may order the owner of an animal found to be menacing or dangerous to be in compliance with any requirements imposed by the Court. The Court shall determine the time frame within which the owner must be in compliance. The Court may use the following guidelines, but may impose lesser or additional restrictions as the Court deems necessary.

- (a) *Confinement; enclosure.* Except as provided herein, the animal shall be confined at all times to prevent it from escaping. Confinement may be within the owner's residence or other building and shall provide access to a secure outside enclosure.
  - (1) Any enclosure used for the animal shall be of dimensions appropriate to the size and needs of the animal.
  - (2) The Court may require the enclosure to have a secure top, secure sides, concrete footings around the perimeter to prevent the animal from escaping over, through, or under the structure, and be kept locked at all times to prevent unintentional opening of the enclosure.
  - (3) The outside enclosure shall include suitable shelter and protection from the elements, be cleaned regularly to maintain sanitation, and shall provide adequate exercise room, light, and ventilation for the animal.
  - (4) The Court may order that the enclosure be approved by the Animal Welfare Division prior to usage for confinement.
- (b) *No contact with other animals or humans.* The Court may prohibit the menacing or dangerous animal from having contact with animals or humans other than those that reside on the owner's property, and may restrict the ages of people who may have contact with the animal.
- (c) *Muzzle.* The Court may order a menacing or dangerous animal to wear a properly-fitted muzzle when it is outside of the enclosure, except while the animal is receiving medical care, to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.
- (d) *Restraint.* The Court may order that whenever a menacing or dangerous animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the animal and may designate the length and type of leash to be used. If so ordered, when being transported, such animals shall be safely, humanely and securely restrained within a vehicle or carrier capable of preventing the animal from escaping or making physical contact with persons outside the vehicle.
- (e)

**Signs.** The Court may order the owner of a menacing or dangerous animal to display clearly visible warning signs on the property on which the menacing or dangerous animal is maintained warning that a menacing or dangerous animal is being harbored on such property, including posing entry points, the enclosure in which the animal is maintained, and any other locations designated by the Court. The Court may designate that the signs inform both children and adults of the presence of the menacing or dangerous animal and may include a graphic of a snarling dog and wording that warns of the presence of the menacing or dangerous animal.

**(f) Notification of escape or death of animal.**

- (1) the Court may order the owner of a menacing or dangerous animal to notify the Animal Welfare Division immediately if the animal escapes from its enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal, or if it dies.
- (2) If so ordered by the Court, in the event of the animal's death, satisfactory proof of such death shall be provided to the Animal Welfare Division within 48 hours of the animal's death. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an Animal Welfare Officer that he or she has seen the dead body of the animal.

**(g) Notification of change of address or ownership.** The Court may order the owner of a menacing or dangerous animal who intends to change his/her address, or intends to move the animal, or intends to sell, give away, or trade any animal classified as dangerous, to notify the Animal Welfare Division prior to such change of address, sale, transfer, or trade. If so ordered, the owner shall provide the Animal Welfare Division with the name, address, and phone number of the person receiving the animal, as well as the location at which the animal shall be maintained.

- (1) the Court may order that prior to transferring the classified animal to the custody or ownership of another, it shall be the responsibility of the owner to notify the person receiving the menacing or dangerous animal in writing of the classification of the animal as menacing or dangerous and that the person receiving the animal shall be responsible for meeting the requirements of this division prior to obtaining the animal. If so ordered by the Court, a copy of the written notice, signed and dated by both the owner and the person receiving the animal, shall be provided to the Superintendent of Animal Welfare no later than 24 hours prior to the transfer. If the animal is to be moved outside the City limits, the Superintendent shall give notice to the Animal Welfare Superintendent of the City in which the animal will be located.
- (2) Any person obtaining an animal classified as menacing or dangerous shall comply fully with the provisions of this division pertaining to the maintenance, control, and ownership of a dangerous animal and shall further comply with all orders of the Court regarding the maintenance of an animal found to be dangerous.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)

**§ 8-152. - Violations.**

It shall be unlawful to violate the provisions of Article III, including a failure to annually register a released menacing or dangerous animal or a failure to comply with the conditions of a Court order for release of a menacing or dangerous animal. An Animal Welfare Officer shall issue a citation to the owner of a menacing or dangerous animal when said animal is found in violation of any of the provisions of this division.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)

**§ 8-153. - Impoundment upon subsequent incident.**

An Animal Welfare Officer shall impound any animal which, subsequent to its classification as menacing or dangerous, is alleged to be at large or exhibiting menacing or dangerous behavior or it is alleged that any of the conditions in the Court's prior order regarding release of the animal are being violated. Such animal shall remain impounded pending an investigation by the Animal Welfare Superintendent. The impoundment and care of the animal shall be at the owner's expense upon conviction.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)

**§ 8-154. - Penalty.**

- (a) Any person who violates any of the provisions of Article III shall upon conviction be guilty of a Class "a" offense. The animal determined to be in violation of this article shall be impounded and, at the discretion of the Court, may be euthanized or conditionally released pursuant to §§ 8-150 and 8-151.
- (b) Upon a second or subsequent conviction, any person who shall be convicted of any of the provisions of Article III shall be guilty of a Class "b" offense, even if the first conviction involved a different menacing or dangerous animal. The animal determined to be in violation of this article shall be impounded and, at the discretion of the Court, may be euthanized or conditionally released pursuant to §§ 8-150 and 8-151.

(Ord. No. 23145, § 2, 10-3-06; Ord. No. 25674, § 6, 7-5-17)

**§§ 8-155—8-165. - Reserved.**

#### ARTICLE IV. - RABIES AND DISEASE CONTROL

##### DIVISION 1. - VACCINATION

###### § 8-166. - Rabies vaccination required for dogs or cats; exceptions.

- (a) It shall be unlawful for any owner to fail to have a dog or cat vaccinated against rabies in accordance with the provisions of this section.
- (b) All dogs and cats four months of age and older that are owned, kept, possessed or harbored within Oklahoma City shall be vaccinated against rabies by or under the direct supervision of a licensed veterinarian. Rabies vaccine shall be recognized for the duration of the vaccine used, i.e., vaccines with a labeled duration of one year, two years or three years will be recognized for one year, two years or three years, respectively.
- (c) A rabies vaccination need not be obtained for a dog or cat that:
  - (1) has been in the custody of its owner for 30 days or less; or
  - (2) is visiting in this City for 30 days or less; or
  - (3) when a veterinarian licensed in the State of Oklahoma certifies in writing that it would be detrimental to the animal's health to be vaccinated and places the animal on a health hold. If a veterinarian releases the animal from the health hold, the animal shall be vaccinated within ten days of release.
- (d) On demand of an Animal Welfare Officer or other authorized official, the owner or keeper of any dog or cat must present a completed and signed vaccination certificate for the animal that includes the type and duration of the vaccine administered.

(Ord. No. 23145, § 2, 10-3-06)

###### § 8-167. - Issuance of metal rabies vaccination tag.

A metal rabies vaccination tag having the telephone number of the administering veterinarian shall be issued for each vaccinated animal.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-168. - Rabies vaccination tags; securing and removing; transfer prohibited; manufacture or possession of stolen, forged or counterfeit tags, etc., prohibited.

- (a) A current rabies vaccination tag shall be secured to the vaccinated animal, and shall not be removed except while the animal is being kept in an approved kennel or veterinary hospital or is appearing in an approved show, training event or field trial. Any tag which has been removed from an animal must be kept in the possession of the person with custody of the animal and must be immediately displayed upon request by Law Enforcement Personnel.
- (b) It shall be unlawful for any person to transfer any rabies vaccination tag to an animal other than the animal to which it was issued.
- (c) It shall be unlawful for any person to manufacture, cause to be manufactured or have in his/her possession a stolen, counterfeit, or forged rabies vaccination tag or rabies vaccination certificate.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-169. - False statements.

- (a) Any false statement in a rabies certification or application shall render the same null and void.
- (b) Any person who makes a false statement in any application, affidavit or other document required by this Chapter or any regulation prescribed thereby shall be guilty of an offense.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-170. - Animal shelters and kennels required to vaccinate dogs or cats.

Dogs and cats kept in animal shelters or kennels or boarded shall be vaccinated in accordance with Section 8-166 or the owner thereof shall provide proof of prior rabies vaccinations to the kennel operator. A written record shall be kept by the animal shelter or kennel operator, which shall include the following information:

- (a) a description of the dog or cat, at a minimum to include the animal's breed, age, gender and color;
- (b) whether the dog or cat is boarded or owned by the kennel;
- (c) the type and duration of the vaccine administered to the dog or cat;

(d) the date each dog or cat was vaccinated; and

(e) the name of the veterinarian administering the vaccine or the name of the veterinarian who directly supervised the administration of the vaccine.

These records shall be available for inspection by any Animal Welfare Officer upon demand during normal business hours.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-171. - Vaccination of dogs and cats; type of vaccine required.

Except as otherwise provided by this Chapter, all dogs and cats shall be vaccinated against rabies with one of the rabies vaccines listed in the most recent "Compendium of Animal Rabies Control" as published by the Centers for Disease Control.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-172. - Vaccine to be administered by veterinarian; certificates.

The vaccination required by this division shall be administered by or under the direct supervision of a veterinarian duly licensed to practice in the State of Oklahoma. The rabies certificate required by this division must be signed by the veterinarian who either administers the vaccine or directly supervises its administration by another.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-173—8-191. - Reserved.

## DIVISION 2. - GENERALLY

§ 8-192. - Report of animal bite required.

Any person owning, harboring, or keeping an animal that bites a person and any person bitten by an animal must report that occurrence to the Animal Welfare Division within 24 hours.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-193. - Notification of required confinement and observation.**

Upon receiving a report that a person has been bitten by an animal, an Animal Welfare Officer shall issue a notice to the person owning, keeping or harboring the animal which states that confinement and observation of the animal are required.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-194. - Confinement and observation of animal required.**

Upon receiving the notice required by Section 8-193, the person owning, harboring, or keeping the animal that in the preceding ten days has bitten or is suspected of having bitten any person, shall have the animal immediately placed in confinement for rabies observation.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-195. - Period and method of confinement and observation.**

- (a) An animal that has in the proceeding ten days bitten a person or is suspected of having bitten a person shall be confined for a period of ten days from the date of any bite or suspected bite. The place of confinement shall be at the sole discretion of the Superintendent, who may impound the animal, allow the animal to be placed under the supervision of a licensed veterinarian, or allow the animal to be confined by the owner. Provided, however, the Superintendent shall not permit confinement by the owner unless the Superintendent deems the owner to be capable of providing the secure confinement and observation required and of following instructions pertaining to observation and reporting and the animal is in compliance with the provisions of this Chapter pertaining to rabies vaccination.
- (b) The veterinarian or person in custody of the animal must immediately advise the Animal Welfare Division of any changes occurring in the condition of the animal.
- (c) If no changes are reported within the ten-day observation period, the division shall make responsible inquiry regarding the suspect animal's condition.
- (d)



In the event of the suspect animal's death or illness, the person so designated as responsible for the animal shall immediately notify the division and make arrangements with the division for the removal and shipment of the animal's head to the laboratory of the State Department of Environmental Quality for examination.

- (e) In no event shall the suspect animal be removed from the City limits until released by the Superintendent or his/her specifically authorized representative.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-196. - Seizure and impoundment by Animal Welfare Officer.**

In the event the person who owns, harbors or keeps the animal specified in Section 8-192 cannot, with due diligence, be located or notified as provided in Section 8-193, or, in the event the person who owns, harbors, or keeps the animal specified in this division, refuses or fails to place the animal in confinement as required by this division after notice to do so has been given, an Animal Welfare Officer shall seize and impound the animal and place it in confinement for the required observation period. The division shall thereafter notify the owner or keeper of the animal of the seizure, impoundment and confinement. If, subsequent to the seizure and impoundment of the animal by the Animal Welfare Officer, the owner or keeper of the animal cannot be located or notified and if the animal remains unclaimed at the expiration of the confinement period, the division may dispose of the animal pursuant to the provisions of this Chapter concerning the disposition of unclaimed, impounded animals.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-197. - Euthanasia.**

In special circumstances, the Superintendent may order the euthanasia of an animal and may order the performance of tests for the diagnosis of rabies, provided, however, that, prior to disposing of the animal, the Superintendent shall attempt to locate and notify the owner of the animal. For purposes of this section, special circumstances shall be defined as those situations involving severe animal bites upon the head, face, neck or upper extremities, or deep lacerations, or multiple animal bite wounds.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-198. - Duty of practitioners and clinics to report animal bites.**

- (a) *Duty to report animal bites.* It shall be the duty of every attending practitioner, licensed to practice medicine, osteopathic medicine or veterinary medicine, and of any other person knowing of or in attendance on a case involving an animal bite to report that bite to the Animal Welfare Division and/or the Health Department within 24 hours of his/her first knowledge or attendance.
- (b) *Duty of clinic or hospital to report animal bites.* It shall be the duty of every clinic or hospital which has knowledge of a case involving an animal bite to report that case to the Animal Welfare Division and/or the Health Department within 24 hours of its first knowledge thereof.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-199. - Contents of reports.

The reports required by Section 8-198 shall contain the following information:

- (a) the name, address and gender of the person bitten;
- (b) the type and location of the bite;
- (c) the name and address of the owner of the animal which inflicted the bite; and
- (d) any other facts which may assist the Animal Welfare Division or the Health Department in ascertaining the location and immunization status of the animal which inflicted the bite.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-200. - Immunized animals exposed to rabies; re-immunization, confinement and observation required; means of confinement and observation.

- (a) *Re-immunization, confinement and observation required.* Any effectively immunized animal which is suspected of having been exposed to rabies and which is in compliance with the provisions of this Chapter shall be immediately re-immunized and confined for observation for symptoms of rabies for a period of not less than 90 days.
- (b) *Means of confinement and observation.* To provide the required confinement and observation, the suspect animal may be seized by the Animal Control Officer and placed in confinement at the Animal Shelter under the supervision of a veterinarian for the required period of observation. If the owner or keeper of the suspect animal possesses sufficient facilities and is able to adequately confine

and observe the animal, the confinement and observation period may, at the discretion of the Superintendent, be provided for by the owner or keeper.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-201. - Non-immunized animals exposed to rabies.**

Any animal which has not been effectively immunized against rabies and which is suspected of having been exposed to rabies shall be euthanized immediately either by the veterinarian in charge or by a representative of the Animal Welfare Division; or, in the alternative, the non-immunized rabies-exposed animal shall be seized by an animal control officer and strictly quarantined at the Oklahoma City Animal Welfare Shelter, or a veterinary hospital or clinic, and observed for any symptoms of rabies for a period of six months from the date of the suspected exposure. The quarantined animal shall be immunized against rabies at least 30 days prior to its release.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-202. - Non-immunized animal exposed to wild skunk, bat or carnivore.**

Any non-immunized animal which has been exposed to a wild skunk, bat or carnivore or which is suspected of having been exposed to a wild skunk, bat or carnivore shall be considered exposed to rabies and shall be dealt with pursuant to the provisions of this Chapter, unless such skunk, bat or carnivore is available for laboratory study.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-203. - Duties of supervising veterinarian; duty of Animal Welfare Division Superintendent; disposition of suspect animal.**

- (a) *Duty to isolate and observe.* It shall be the duty of the veterinarian under whose supervision any animal specified in this article is placed for confinement and observation to keep the animal isolated in a separate pen or kennel and under observation for any symptoms of rabies.
- (b) *Duty to report; notification of Health Department by Animal Welfare Division Superintendent.* The veterinarian shall report immediately to the Animal Welfare Superintendent any changes occurring in the condition of the animal. Upon such notification, the Superintendent, or his/her duly authorized representative, shall immediately notify the Director of the Health Department of the changes reported to him.

(c) *Release of suspect animal.* Animals impounded for rabies observation may not be released by the veterinarian until authorized in writing by the Animal Welfare Division of the City.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-204. - Fees and charges.

The owner of any animal impounded and held for rabies observation or surrendered and held for rabies observation shall pay to the City a fee for such observation along with fees and charges for the boarding and care of the animal. In cases where special testing and/or euthanasia are required, the owner shall pay a fee to the City for such services. The amount of such fees shall be as set forth in Chapter 60 - General Schedule of Fees.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-205—8-209. - Reserved.

DIVISION 3. - RESTRICTIONS ON RABIES VACCINE

§ 8-210. - Administration of approved vaccine required.

It shall be unlawful for any person to administer rabies vaccine to any animal unless the vaccine is approved for use in the particular species of animal as provided by this chapter or as required, allowed, or approved by the Department of Environmental Quality of the State.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-211. - Sale of approved vaccine limited; record of rabies vaccination and type of vaccine administered required.

It shall be unlawful for any person to sell live rabies vaccine licensed for use in animals to anyone other than a licensed veterinarian. Veterinarians shall be required to keep a record of the type and/or brand name of the rabies vaccine administered to each animal and shall indicate whether the animal vaccinated is a dog or cat, vaccination number, and the zip code of its owner. These records shall be maintained for a period of three years. When inactivated (killed virus) vaccines are sold to individuals who are not licensed veterinarians, the seller must keep a

record for three years which includes: the name, address, and telephone number of the purchaser; the brand name, lot serial number, and expiration date of the vaccine sold; and the total amount of vaccine sold. The individual who administers rabies vaccine must keep a record for three years which includes: the name and address of the animal, date of vaccination, brand name of vaccine used, lot serial number of vaccine used, person or firm from whom purchased, their address and date of purchase; expiration date of vaccine used and the name, address, and telephone number of the individual administering the vaccine. All records required to be kept by the provisions of this Section shall be made available for inspection upon request of the Superintendent.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-212—8-228. - Reserved.

#### DIVISION 4. - LIVE TURTLES

§ 8-229. - Sale, offer for sale, barter or gift of live turtles; requirements.

- (a) *Requirements for lawful sale, offer of sale, barter or gift of live turtles.* It shall be unlawful for any person to sell, offer for sale, barter or give away live turtles used for commercial purposes except in conformance with the provisions of this section and with other appropriate City, State, and Federal regulations.
- (b) *Certificate of adequate bacteriological proof required.* Prior to the sale, offer of sale, barter or gift of any live turtles used for commercial purposes, a certificate of adequate bacteriological proof must be submitted to the Health Department that such turtles are free from salmonella contamination. Upon submission of such certificate, the Director of the Health Department shall have the option of approving the lot of turtles as free from salmonella contamination or of requiring further examinations pursuant to the provisions of Subsection (c) of this Section.
- (c) *Examinations by Health Department.* If the Director requires further examinations and cultures of any lot of turtles, a series of at least six consecutive cultures shall be taken at intervals of not less than one week and at a laboratory approved for that purpose by the Health Department. The results of the examinations and cultures shall be submitted on a form provided by the Health Department. If the results of all the cultures are negative and show that the lot of turtles is free from salmonella contamination, the Director shall approve the lot of turtles for sale, offer for sale, barter or gift by the owner with a written statement of approval.

- (d) *Owner or dealer of turtles must retain certificate and statement of approval.* The owner or dealer of any lot of approved turtles must retain his/her certificate of adequate bacteriological proof and his/her written statement of approval as provided in this section. These documents or copies thereof must be provided to and accompany any subsequent owner or dealer of any turtle sold from an approved lot.
- (e) *Certificate of adequate bacteriological proof.* The term "certificate of adequate bacteriological proof" as used herein shall consist of a written statement issued by the Chief Public Health Official of the State from which the lot of turtles is shipped and which certifies that, based upon laboratory examination, the turtles have been found free of salmonella contamination. The certificate must also specify the particular examinations upon which the opinion is based.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-230—8-249. - Reserved.

#### ARTICLE V. - KENNEL AND ANIMAL SHELTER REGULATIONS

##### DIVISION 1. - GENERALLY

###### § 8-250. - Purpose.

The intent of this article is to prevent and reduce the transmission of diseases from animals, particularly, dogs and cats, to preserve the peace, and to promote the health, safety and welfare of the citizens of the City by establishing rules and regulations over all kennel and private animal shelter operations within the City.

(Ord. No. 23145, § 2, 10-3-06)

###### § 8-251. - Exceptions.

All Federal, State and municipal facilities shall be exempt from the provisions of this article.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-252—8-259. - Reserved.

## DIVISION 2. - ANIMAL SHELTER AND KENNEL LICENSES

§ 8-260. - License required.

- (a) *License required.* It shall be unlawful for any person to operate an animal shelter or a kennel without first procuring a license for such operation from the licensing officer of this City.
- (b) All veterinary hospitals and nonprofit benevolent organizations dedicated to the care and protection of animals for humanitarian purposes shall be exempt from the payment of the animal shelter or kennel license fees unless the particular veterinary hospital or nonprofit benevolent organization maintains stud animals or maintains five or more animals for breeding purposes.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-261. - Revocation and suspension of license.

In addition to any other penalties prescribed by ordinance, the City may revoke or suspend an animal shelter or kennel license for any violation of these regulations pursuant to the provisions of Chapter 26-1 et seq.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-262. - License fees.

A person required to procure a license under this division shall pay a license fee to the City. A schedule of fees is hereby levied for the licensing of animal shelters and kennels in the amounts established in Chapter 60, the General Schedule of Fees.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-263—8-270. - Reserved.

## DIVISION 3. - ANIMAL SHELTER AND KENNEL REQUIREMENTS

§ 8-271. - Submission of plans and specifications; fee.

In addition to any other requirements of this Code, detailed plans and specifications shall be submitted to the Health Department to construct or remodel any animal shelter or kennel. Written approval of plans and specifications must be obtained from the Health Department prior to any construction or remodeling. The person submitting plans and specifications for review shall pay to the City the amount established in Chapter 60, General Schedule of Fees.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-272. - Contents of plans and specifications.

Any plans and specifications for animal shelters or kennels shall be in compliance with this article and must include descriptions of the proposed ventilation system, plumbing equipment, and finishes of floors, walls, and ceilings.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-273. - Separation of certain areas.

Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served or stored and from any living and/or sleeping areas of animal shelter or kennel personnel.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-274. - Physical facilities of animal shelters and kennels.

- (a) *Interior building surfaces.* Interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.
- (b) *Electric power.* Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of Chapter 18 of this Code.
- (c) *Water.* Adequate potable water shall be provided. Back flow preventers shall be installed on any threaded faucets.



- (d) *Heating.* Indoor housing for domestic animals shall be sufficiently heated when necessary to protect pet animals from cold, and to provide for their health and comfort. The ambient temperature shall be made consistent with the requirements of the particular species.
- (e) *Ventilation.* Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
- (f) *Lighting.* Adequate lighting must be provided a minimum of eight hours per day. Such lighting shall provide a minimum of 25-foot candles of illumination for 30 inches above floor level and must be uniformly distributed. Enclosures must be positioned to protect animals from excessive illumination.
- (g) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from animal housing facilities. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, waste water shall be disposed of by connection to a sanitary sewer or any approved sewage disposal system.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-275. - Primary enclosure standards.

- (a) *Generally.* All enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them and to prevent vermin from entering. They shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to clean food and water.
- (b) *Flooring.* The floors of the enclosures shall be constructed to prevent injury to animals' feet and legs. Enclosures for dogs and cats may have wire flooring provided, however, that (1) the wire is of adequate gauge to prevent sagging under the weight of the animals and (2) the wire mesh is small enough to prevent their feet from falling through the mesh.
- (c) *Space requirements.* Enclosures must be constructed to provide sufficient space to allow each animal to exercise normal postural movements.
- (d) *Additional requirement for cats.* A receptacle containing sufficient clean litter shall be provided to contain organic wastes.
- (e) *Exercise areas.* One run must be provided for every 18 primary enclosures. The run must be of sufficient size to allow an animal to break into a run. At least two exercise periods per day of 20 minutes each shall be provided.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-276. - Sanitation.

- (a) *Cleaning of animal enclosures.* Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. Cages shall be cleaned as often as may be necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.
- (b) *Equipment cleaning.* Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.
- (c) *Waste disposal.* Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of in a manner that ensures that vermin infestation, odors, disease hazards and nuisances are minimized.
- (d) *Property, generally.* The kennel property shall be kept clean, in good repair, and free of trash.
- (e) *Pest control.* An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be maintained.
- (f) *Storage of food and supplies.* Supplies of food and bedding shall be stored:
  - (1) off the floor; or
  - (2) in waterproof closed containers and adequately protected against infestation or contamination by vermin.
- (g) *Dead animals.* Animals that die at the facility shall be stored and disposed of in a manner that will not cause a disease hazard or nuisance.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-277. - Food and water.

- (a) All animals shall be fed at least once a day and shall be provided potable water at all times except when under special veterinary care. The food and water shall be free from contamination, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Refrigeration shall be provided for perishable food.
- (b)

Food and water containers shall be accessible to the animal and located to minimize contamination by excreta. These containers shall be cleaned daily. Self-feeders and self-waterers may be used if cleaned daily.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-278. - Inspection of facilities; fee.

- (a) All kennels or animal shelters must be inspected by the Health Department prior to the issuance of a license under this Article. The Health Department or its designated representatives may make periodic inspections of all facilities licensed under this article and may make re-inspections as necessary to achieve or maintain compliance with the requirements of this article. An inspection or re-inspection fee shall be paid to the City. The amount of such fee shall be as established in Chapter 60 - General Schedule of Fees.
- (b) Federal, State and municipal facilities shall be exempt from the provisions of this article.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-279. - Classification and separation of animals.

- (a) *Restrictions.* Animals housed in the same enclosure shall be maintained in compatible groups, with the following additional restrictions:
  - (1) *Females.* Females in heat shall not be housed in the same primary enclosure with males, except for breeding purposes.
  - (2) *Aggressive animals.* Any aggressive animal shall be housed individually in an enclosure.
  - (3) *Puppies or kittens.* Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.
  - (4) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
  - (5) Boarded animals shall not be housed in the same primary enclosure with those from another household unless the owners have been informed of and consented to that arrangement.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-280. - Disposal of animals by animal shelters.

Animal shelters shall follow the provisions of Section 8-57 of this Chapter pertaining to the disposition of animals. All euthanizations must be conducted in accordance with State law and in a humane manner.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-281—8-284. - Reserved.

#### DIVISION 4. - DISEASE CONTROL IN ANIMAL SHELTERS AND KENNELS

§ 8-285. - Dogs and cats to be vaccinated against rabies.

Dogs and cats kept in animal shelters or kennels shall be vaccinated against rabies in accordance with the provisions of Article IV of this chapter.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-286. - Diseased animals.

- (a) Animals under quarantine or treatment for a communicable disease shall be physically separated from other susceptible animals to minimize dissemination of disease. Such quarantine area should have a separate ventilation system.
- (b) *Observation and separation.* Animals shall be observed daily for signs of disease. An animal suspected of having an infectious disease shall be physically separated from other animals until the condition is determined to be noninfectious.
- (c) *Humane care.* Sick or injured animals shall be provided with access to veterinary care.
- (d) *Disposal in a humane manner.* Animals with untreatable diseases, or injuries, or of an aggressive nature shall be disposed of in a humane manner.
- (e) *Quarantine.* In breeding kennels, the Health Department may require laboratory testing of a suitable number of animals or specimens to determine if such animals are disease free. The costs of the laboratory tests shall be the responsibility of the licensee. Quarantine will be lifted only through written release by the Health Department when it is determined a health risk no longer exists.

(Ord. No. 23145, § 2, 10-3-06)

§§ 8-287—8-299. - Reserved.

#### ARTICLE VI. - NON-HUMAN PRIMATES

§ 8-300. - Annual license required for non-human primates; certain medical tests required as condition of obtaining license; submission of certain information required as condition of obtaining license; license fee; license fee exemption for service animals; gorillas, orangutans, baboons, macaques and chimpanzees not eligible for annual license; exemption from particular tests under certain circumstances; exemption for non-human primate breeders.

- (a) It shall be unlawful for any person to own, possess, keep or harbor on his/her property any non-human primate unless such animal is annually licensed by the City. Each such license shall be obtained from the Supervisor of Licenses and shall be valid for a period of one year only from the date of issuance. Upon expiration of such annual license, a new annual license shall be obtained from the Supervisor of Licenses. If a new license for the animal is not obtained within 30 days following expiration of the previous license, the animal shall be considered to be unlicensed for purposes of this article.
- (b) Issuance of an annual non-human primate license, or any renewal thereof, shall be conditioned upon the following:
  - (1) submission to the Supervisor of Licenses of a certificate from a veterinarian licensed to practice in the State of Oklahoma that states:
    - a. that the non-human primate for which the license is sought has been tested for all of the following diseases:
      - 1. Salmonella;
      - 2. Shigella;
      - 3. Amoebic dysentery;
      - 4. Herpes B; provided, no test for herpes B shall be required for New World monkeys; and
      - 5. any additional disease or diseases that the Superintendent may specify in writing to the Supervisor of Licenses; provided, the Superintendent may specify for testing only diseases that the non-human primate, as a possible carrier thereof, might transmit to a human being; and

- b. that the non-human primate has tested negative for herpes B and such test result is on record; and that the animal has, within the last year, tested negative for, or has tested positive and is currently being treated by the veterinarian for, salmonella, shigella, amoebic dysentery, or any other disease specified by the Superintendent pursuant to Paragraph a. above; provided, no herpes B test result shall be required for New World monkeys.
- (2) submission to the Supervisor of Licenses of a certificate from a veterinarian licensed to practice in the State of Oklahoma that states that the veterinarian has personally examined the animal and that the animal does not present a public health danger; and submission to the Supervisor of Licenses of any and all other information about the animal being licensed that the Superintendent deems necessary.
- (3) payment of the non-human primate license fee provided in Chapter 60, General Schedule of Fees, of this Code. Provided, however, a qualified individual with a disability as defined in 28 C.F.R. § 35.104 of The Americans With Disabilities Act, who uses said non-human primate for the purposes of guidance or assistance shall be exempt from the payment of the license fee required by this section.
- (c) No license or renewal thereof shall be issued for any non-human primate for which the conditions set forth in Subsections (b)(1), (b)(2), and (b)(3) of this section are not or cannot be met.
- (d) Notwithstanding any other provision of this article, no license shall be issued for a gorilla, orangutan, baboon, macaque or chimpanzee because such animals are considered to constitute a public nuisance per se and are subject to abatement pursuant to the provisions of Article VIII of Chapter 35 of this Code; provided, macaques that were kept or harbored within the City limits prior to October 12, 1999, shall be eligible for a license pursuant to the provisions of this article.
- (e) Notwithstanding any other provision of this section, the Superintendent may exempt a particular non-human primate from the requirement for a particular test and authorize the issuance of a license without such test if the Superintendent, in consultation with the licensed veterinarian attending the animal, determines that conducting such test on the animal would pose a serious hazard to the animal's life or health and if the person owning, possessing, keeping or harboring the animal files an affidavit with the Superintendent that the animal will be kept confined in the home of such person and will not be taken out in public.
- (f) Except as provided by Section 8-304 of this article, the provisions of this section shall not apply to non-human primate breeders.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-301. - Violations and penalty.

Any person found owning, possessing, keeping or harboring any unlicensed non-human primate within the City in violation of this article shall be deemed guilty of a Class "a" offense.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-302. - Non-human primates that are not licensed or that test positive for certain diseases considered public nuisance per se and subject to abatement; report of unlicensed animal or positive test result by Supervisor of Licenses to Animal Welfare Superintendent; action by Superintendent.

- (a) Any non-human primate that is not licensed as required by Section 8-300 of this article shall be considered a public nuisance per se and shall be subject to abatement pursuant to the provisions of Article VII of Chapter 35 of this Code. Any non-human primate that tests positive for tuberculosis or herpes B shall be considered a public nuisance per se and shall be subject to abatement pursuant to the provisions of Article VII of Chapter 35 of this Code.
- (b) The Supervisor of Licenses shall notify the Superintendent of any unlicensed non-human primate of which he/she may be aware, and shall supply said Superintendent with all known information about the animal. The Supervisor of Licenses shall also report any positive result for any disease for which a medical test is required pursuant to Section 8-300 of this article to the Superintendent and shall supply said Superintendent with a copy of such test result.
- (c) Upon receipt of notice of an unlicensed non-human primate, or upon receipt of any such positive test result, the Superintendent shall take appropriate action pursuant to the provisions of Article VIII of Chapter 35 of this Code.

(Ord. No. 23145, § 2, 10-3-06)

§ 8-303. - Exemptions

The following persons or organizations shall be exempt from the provisions of this Article:

- (a) the Oklahoma City Zoological Park and the OMNIPLEX;
- (b) the Oklahoma City Animal Welfare Division;
- (c) any circus appearing in The City of Oklahoma City for less than 30 days;
- (d) any agency or official of the Federal, State or local government acting in an official capacity;
- (e) a licensed veterinarian while providing treatment for a non-human primate; and

(f) a duly licensed and authorized research facility, including without limitation a university or college research facility.

(Ord. No. 23145, § 2, 10-3-06)

**§ 8-304. - Non-human primate breeders.**

- (a) No person shall operate within the City as a non-human primate breeder without first obtaining a license from the Supervisor of Licenses. Each such license shall be valid for a period of one year only from the date of issuance. Upon expiration of such annual license, a new annual license shall be obtained from the Supervisor of Licenses. If a new license is not obtained within 30 days following expiration of the previous license, the non-human primate breeder shall be considered to be unlicensed for purposes of this article.
- (b) Issuance of a non-human primate breeder's license shall be conditioned upon the following:
  - (1) submission to the Supervisor of Licenses of satisfactory proof that the breeder is licensed and regulated by the USDA and that the breeder is in full compliance with all USDA regulations related to the breeding of non-human primates.
  - (2) submission to the Supervisor of Licenses of any and all other information about the breeder's operations that the Superintendent deems necessary.
  - (3) payment of the non-human primate breeder's license fee provided in Chapter 60, General Schedule of Fees, of this Code.
- (c) No non-human primate license or medical tests shall be required for any non-human primate in the possession of a duly licensed non-human primate breeder; provided, a non-human primate license and medical tests as provided by Section 8-300 shall be required for any non-human primate over the age of one year that is in the possession of the non-human primate breeder.
- (d) Notwithstanding any other provision of this article, no non-human primate breeder shall own, keep, harbor or possess a gorilla, orangutan, baboon, macaque or chimpanzee because such animals are considered to constitute a public nuisance per se and are subject to abatement pursuant to the provisions of Article VIII of Chapter 35 of this Code; provided, this prohibition shall not apply to macaques that were kept or harbored within the City limits prior to October 12, 1999, and that are duly licensed pursuant to the provisions of this Article.

(Ord. No. 23145, § 2, 10-3-06)



Attachment B2

## Chapter 6 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any dog, cat or other animal.

*At large* means not securely confined by fence or other means on premises under control of, or occupied by the owner or not under the control of the owner, a member of the owner's immediate family over 12 years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.

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

*Vicious or dangerous animal* means an animal which, without undue provocation, has attacked or acted as if it intended to attack any person or other domestic animal, or which has bitten or threatened to bite any person, or other domestic animal.

(Code 1992, § 5-1; Ord. No. 670, § 1, 8-8-1989; Ord. No. 879, § 1, 10-11-2005)

#### Sec. 6-2. Conflicts with chapter 50, zoning.

In case of conflict between this chapter and chapter 50, or any future zoning ordinance, the provisions of chapter 50 or the future zoning ordinance shall prevail and supersede the provisions of this chapter.

(Code 1989, § 3-28; Code 1992, § 5-4)

#### Secs. 6-3—6-22. Reserved.

### ARTICLE II. ADMINISTRATION AND ENFORCEMENT

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<sup>1</sup>State law reference(s)—Animals generally, 4 O.S. § 31 set seq.; city powers to regulate animals, 11 O.S. § 22-115; cruelty to animals, 21 O.S. § 1685; abandonment of animals, 21 O.S. § 1686; dead or dying animals, 21 O.S. § 1222; dogs generally, 4 O.S. § 41 et seq.; guide dogs, 7 O.S. §§ 19.2—19.3; running at large, 4 O.S. § 43; animals abandoned with veterinarians, 59 O.S. § 698.16; owner liability for injuries caused by dogs and cat bites, 4 O.S. § 42.3; dogs and cats, 4 O.S. § 41 et seq.; estrays, 4 O.S. § 85.1 et seq.; restraint and enclosure of animals, 4 O.S. § 99 et seq.; trespassing animals, damages and fences, 4 O.S. § 131 et seq.; dog and cat sterilization act, 4 O.S. § 499; Authority of city to impound animals and sell for costs, 11 O.S. § 14-115; disposition of animals held in shelter, 4 O.S. § 501.

PART II - NICHOLS HILLS CITY CODE  
Chapter 6 - ANIMALS  
ARTICLE II. - ADMINISTRATION AND ENFORCEMENT  
DIVISION 1. GENERALLY

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*DIVISION 1. GENERALLY*

**Secs. 6-23—6-47. Reserved.**

*DIVISION 2. IMPOUNDMENT<sup>2</sup>*

**Sec. 6-48. Appointment, authority of poundmaster.**

The city manager shall appoint, for a period to be terminated at his pleasure, a qualified person or persons to act in the capacity of poundmaster. For the purposes of enforcing this article, the poundmaster shall possess all the power and authority of a police officer of the city, and both he and police officers shall have all power and authority necessary to carry out the provisions of this article, including the right to enter upon private premises within the city and to seize and impound any animal that is required to be impounded under the provisions of this article.

(Code 1992, § 5-41; Ord. No. 670, § 3, 8-8-1989)

**Sec. 6-49. Impoundment authorized; redemption and disposition procedure.**

It shall be the duty of the poundmaster and police officers to enforce the provisions of this article. They shall cause to be impounded any dog or cat found within the city limits which has not been vaccinated and currently licensed, and any dog which shall be found running at large in the city limits in violation of the provisions of this article, and any vicious animal found running at large. They shall arrange for the maintenance of any animal so impounded for a period not to exceed 72 hours, within which time the owner may reclaim the animal upon payment of a fee in the amount established in the city fee schedule plus the accrued costs and expenses of impounding and maintaining the animal. Any animal not claimed by its owner within 72 hours from the date it is impounded shall be forfeited and shall be delivered to such society or agency as may be designated by the city council for disposition or, if no such designation has been made, the animal may be sold by the poundmaster for the best obtainable price at private or public sale and the proceeds of any such sale shall be paid over to the city treasurer for the general fund.

(Code 1992, § 5-42; Ord. No. 670, § 4, 8-8-1989; Ord. No. 808, § 1, 5-11-1999; Ord. No. 809, § 1, 5-11-1999)

State law reference(s)—Authority to prohibit fowl running at large, 11 O.S. § 22-115; taking up and keeping of stray dogs and cats, 4 O.S. § 85.1 et seq.

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<sup>2</sup>State law reference(s)—Authority of town to impound animals and sell for costs, 11 O.S. § 14-115; disposition of animals held in shelter, 4 O.S. § 501; animals as abandoned or unclaimed property, destruction of abandoned animals, 21 O.S. § 1686.

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**Sec. 6-50. Confinement of animals suspected of having rabies.**

Any animal that is suspected of having rabies, or that has been bitten by a rabid animal or by an animal suspected of rabies, or any animal which has bitten a person and has thereby caused an abrasion of the skin of such person, shall be confined in the care of a licensed veterinarian for a period of ten days or such other term as may be designated under guidelines established by the state department of health. If the owner or person having possession and control of the animal shall not submit evidence of such confinement, the poundmaster shall have authority to seize the animal and place it in the care of a licensed veterinarian for the required period of confinement. Any owner or other person having control over such animal that fails to comply with this section or refuses to cooperate with the poundmaster in the confinement of such animal shall be guilty of an offense.

(Code 1992, § 5-43; Ord. No. 670, § 5, 8-8-1989)

**Sec. 6-51. Liability for costs and expenses; billing.**

The owner of any animal that is impounded or confined under the provisions of this article shall be liable to the city for all costs and expenses of the impoundment, confinement and/or maintenance of the animal. Unless payment of such costs and expenses is made within five days after receipt of a bill from the city, the amount due shall be added to the next bill for water and utility services furnished to the residence of such owner and shall be payable at the same time the charges for water and utility services are payable.

(Code 1992, § 5-44; Ord. No. 670, § 6, 8-8-1989)

**Sec. 6-52. Failure to voluntarily surrender animal; interference with officers.**

Any owner or other person having control of an animal that is required to be impounded or confined under the provisions of this article who shall refuse to voluntarily surrender such animal to the poundmaster or a police officer for impoundment or confinement, or who shall interfere with the poundmaster or a police officer in the enforcement of this article, shall be guilty of an offense and each day in which such refusal or interference continues shall constitute a separate offense.

(Code 1992, § 5-45; Ord. No. 670, § 8, 8-8-1989)

**Sec. 6-53. Vicious or dangerous animals may be proceeded against.**

Any animal alleged to be vicious or dangerous may be proceeded against in the municipal court by complaint duly filed against the owner of the animal by any person having knowledge of the vicious or dangerous characteristics of the animal. It shall then be the duty of the owner or person having control of such animal to deliver it to the poundmaster for confinement, pending the judgment of the court in such proceedings. If the court shall find that the animal is a vicious or dangerous animal, such animal shall be destroyed by the poundmaster, upon order of the court, unless the owner of the animal shall make such arrangements for control or disposition of the animal as may be approved or adjudged by the court.

(Code 1992, § 5-2; Ord. No. 670, § 7, 8-8-1989; Ord. No. 879, § 1, 10-11-2005)

State law reference(s)—Animals as nuisances, 4 O.S. § 41; dangerous dogs, 4 O.S. § 44 et seq.

**Secs. 6-54—6-79. Reserved.**

## **ARTICLE III. CARE AND CONTROL**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-80. Keeping of animals other than dogs or cats prohibited; limitation on number of dogs and cats.**

- (a) It shall be unlawful for any person to own, keep, possess or harbor any animal or animals other than dogs or cats within the city.
- (b) It shall be unlawful for the owner or occupant of any private residence in the city to keep or maintain on the premises more than four each of dogs and cats over the age of six months.

(Code 1989, § 3-2; Code 1992, § 5-5)

#### **Sec. 6-81. Impoundment of animals at large.**

The poundmaster of the city who shall find or discover any stock or domestic animals trespassing upon the streets, alleys or parks, or upon the property of any person within the city, or the owner of any land or tenant thereof who shall find or discover any stock or domestic animals trespassing upon any land in the city limits, shall have the right to take up or restrain such animal or animals and impound them.

(Code 1989, § 3-3; Code 1992, § 5-6)

State law reference(s)—Authority to prohibit fowl running at large, 11 O.S. § 22-115; taking up and keeping of estray dogs and cats, 4 O.S. § 85.1 et seq.

#### **Sec. 6-82. Turning animals out 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 such animal at large, or in any manner to turn such animal at large.

(Code 1989, § 3-4; Code 1992, § 5-7)

#### **Sec. 6-83. Creation of nuisance.**

- (a) It shall be unlawful and an offense for any person to keep and maintain any dog or dogs or other animals within the city limits under circumstances amounting to or creating a nuisance.
- (b) The continued howling or barking of a dog so as to disturb the peace and quiet of the neighborhood where such dog is kept or maintained, and the running at large of such or dogs or other animals, upon the property of others within the city shall be considered a nuisance for the purpose of this section.

(Code 1989, § 3-5; Code 1992, § 5-8)

State law reference(s)—Animals as nuisances, 4 O.S. § 41.

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**Sec. 6-84. Pens, enclosures to be open for inspection; proper sanitation required.**

All dog pens or other places of confinement shall be opened for inspection by the health director of the city or his authorized agents at all times during daylight hours. All such pens or other places of confinement shall be kept in a sanitary condition so as to prevent an unsightly appearance and annoying odors to persons in the vicinity.

(Code 1989, § 3-8; Code 1992, § 5-9)

**Sec. 6-85. Cruelty to animals.**

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, 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.

(Code 1989, § 3-20; Code 1992, § 5-10)

State law reference(s)—Cruelty to animals, 21. O.S. § 1685.

**Sec. 6-86. 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.

(Code 1989, § 3-21; Code 1992, § 5-11)

State law reference(s)—Poisoning cattle, 21 O.S. § 1681.

**Sec. 6-87. Hunting, trapping, injuring or killing animals prohibited.**

It shall be unlawful to hunt, trap, injure or kill any wild or domestic animals or birds within the city.

(Code 1989, § 14-17; Code 1992, § 5-12)

State law reference(s)—Cruelty to animals, 21 O.S. § 1685.

**Secs. 6-88—6-117. Reserved.**

***DIVISION 2. DOGS AND CATS***

**Sec. 6-118. Licensing required; exception.**

It shall be unlawful for any person within the city to own, keep, possess, harbor or allow to remain on premises under his control any dog or cat unless such dog or cat is currently licensed and the metal license check is attached to its collar, as provided in this division. Such license need not be obtained for a nonresident dog or cat duly licensed in another city when such dog or cat is visiting in the city in the custody of its owner for a period of 30 days or less.

(Code 1989, § 3-10; Code 1992, § 5-66)

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**Sec. 6-119. Vaccination required.**

Before the license required in section 6-118 may be issued, every dog or cat, as the case may be, shall first be vaccinated against rabies within 90 days for a 1-year vaccination, within 455 days for a 2-year vaccination, or within 820 days from the booster of a 3-year vaccination, prior to the issuance of such license. The vaccination shall be performed by a veterinarian duly licensed to practice in the state. Upon payment of the fees herein provided, and the delivery to the poundmaster of a certificate signed by the veterinarian stating that the dog or cat has been vaccinated, and the date of the vaccination, the poundmaster or a duly authorized police officer shall issue a license for the dog or cat.

(Code 1989, § 3-11; Code 1992, § 5-67; Ord. No. 1033, § 1, 5-12-2015 )

**Sec. 6-120. Poundmaster to keep register of all licenses; metal checks to be issued and attached.**

The poundmaster shall keep a register of all dog and cat licenses issued. In the register there shall be entered the name and address of the person to whom the license is issued, the description of the dog or cat licensed, the amount paid therefor, the date of issuance, the expiration of the license, and the number of the license and metal license check issued. Such metal check shall be securely fastened in some manner to the dog or cat by its owner, who shall be responsible to ensure that the animal bears such check or tag at all times.

(Code 1992, § 5-68; Ord. No. 670, § 2, 8-8-1989)

**Sec. 6-121. Annual license renewal, fee payment.**

- (a) There is hereby levied an annual administrative regulation, inspection and license fee in the amount established in the city fee schedule for each dog and cat kept within the city.
- (b) All licenses issued for dog and cats shall expire one year after the date of issuance and shall be renewable on or before the date of expiration.

(Code 1989, § 3-13; Code 1992, § 5-69)

**Sec. 6-122. Unauthorized removal of license check.**

It is unlawful for any person to remove the metal license check from any dog or cat without the owner's consent.

(Code 1989, § 3-15; Code 1992, § 5-71)

**Sec. 6-123. Confinement of dogs to prevent running at large; exception.**

- (a) Any person who owns, possesses or harbors any dog within the city shall confine the dog to premises owned or controlled by such person. Confinement shall be accomplished by means of a substantial fence, wall or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, or by a leash consisting of a metal chain or other materials of sufficient strength to prevent the dog escaping from the premises when the leash is stretched to its full length. The confinement of a dog required by this section shall prevent the dog from going beyond the front wall of the main building located on the premises.

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- (b) This section shall not apply to any person who takes a dog upon private property with the consent of the owner or person in control of the property, or upon any street or other public place when the dog is under control of such person in a vehicle or by means of a leash not more than ten feet in length and of sufficient strength to control the actions of the dog.

(Code 1989, § 3-14; Code 1992, § 5-70)

**Sec. 6-124. Confinement of female dogs in heat.**

Female dogs and cats in estrus shall be confined in such a manner as to avoid the congregation of loose and stray animals in the area of the animal in estrus. The owner or other person having possession of any female dog or cat in estrus which is not so confined shall be guilty of an offense.

(Code 1989, § 3-15.1; Code 1992, § 5-72)

**Sec. 6-125. Reporting of all animal bites required.**

Any person bitten by a dog, cat or other animal and any person who has knowledge of an animal bite shall promptly report such incident to the animal control officer of the city.

(Code 1989, § 3-15.2; Code 1992, § 5-73)

**Sec. 6-126. Permitting dogs to defecate on public or certain private property prohibited.**

It shall be unlawful for the owner, keeper, or person having control of any dog to permit such dog to defecate upon any sidewalk, public park, street, alley, or other place open to the public, or on private property without permission of the owner thereof. In the event that the owner, keeper, or person having control of a dog is unable to prevent the deposit of waste material in violation of this section, it shall be the duty of such person to properly dispose of such waste material.

(Code 1992, § 5-74; Ord. No. 811, § 1, 7-13-1999)