

**ORDINANCE NO. 07-06**

AN ORDINANCE PERTAINING TO ANIMALS AMENDING SECTIONS 5-1-101, 5-1-103, 5-1-106, 5-1-107, 5-1-112, 5-1-113, 5-1-114, 5-1-117, 5-1-118, 5-1-120, ARTICLE 5-1, CHAPTER 5; SECTIONS 5-2-201, 5-2-202, 5-2-203, 5-2-204, 5-2-205, 5-2-206, ARTICLE 5-2, CHAPTER 5; SECTION 5-3-302, ARTICLE 5-3, CHAPTER 5; SECTION 5-4-401, ARTICLE 5-4, CHAPTER 5; SECTIONS 5-5-501, 5-5-502, 5-5-503, 5-5-508, 5-5-510, ARTICLE 5-5, CHAPTER 5; AND ADDING SECTIONS 5-1-105, 5-1-109, 5-1-123, ARTICLE 5-1, CHAPTER 5, AND SECTION 5-5-512, ARTICLE 5-5, CHAPTER 5, LAWTON CITY CODE, 2005, BY REQUIRING A SPECIAL LICENSE FOR UNALTERED DOGS OR CATS; EXCEPTING CERTAIN ANIMALS FROM STERILIZATION; REQUIRING A PERMIT TO BREED, ADVERTISE FOR SALE OR GIVE AWAY, OR TRANSFER OWNERSHIP OF DOGS AND CATS; IDENTIFYING CIRCUMSTANCES CONSTITUTING ANIMAL RELATED NUISANCES; PROHIBITING MENACING BEHAVIOR BY DOGS; LIMITING THE AUTHORITY TO EUTHANIZE ABANDONED ANIMALS TO LAW ENFORCEMENT/ANIMAL CONTROL OFFICERS AS SPECIFIED BY STATE LAW; AUTHORIZING THE DEPOSIT OF TWENTY-FIVE PERCENT (25%) OF ALL REVENUES FROM ANIMAL-RELATED CITATIONS INTO AN EXISTING ACCOUNT USED EXCLUSIVELY FOR ANIMAL WELFARE FACILITIES, ADMINISTRATION AND ENFORCEMENT, AND PROGRAMS; AND IMPOSING A MINIMUM FINE OF FIVE HUNDRED DOLLARS (\$500.00) FOR VIOLATIONS OF SPECIFIED ANIMAL-RELATED ORDINANCES, PROVIDING FOR SEVERABILITY AND CODIFICATION.

***NOW, THEREFORE, BE IT ORDAINED*** by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 5-1-101 is hereby amended to read as follows

5-1-101 Definitions.

A. As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Abandon" means to:
  - a. Cease providing for the daily care, welfare or maintenance of an animal without the transfer of ownership of such animal;
  - b. Fail to retrieve, claim, or relinquish ownership to the city, an animal impounded at the Animal Welfare Kennel for any violation of Lawton City Code after notice is given to the owner of such animal, if known; or
  - c. Allowing an animal to reside at a property or dwelling not used as a primary dwelling, or without water or electric service, or other utilities in service.
2. "Altered" means any cat or dog over the age of six months which has been neutered or spayed;
3. "Animal" means any warm blooded animal (excluding fowl when regarding Section 5-2 of this code).
4. "Animal shelter" means the premises owned and operated by the city for the purposes of impounding, sheltering or caring for animals;
5. "Animal welfare officer" means the person or persons employed by the city as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter;

6. "At large" or "running at large" means any animal which is not confined on the property of its owner or keeper, the leased premises of the animal's owner or keeper or under the actual physical control of a competent person;

7. "Breeding/Advertising/Transfer permit" or "(B.A.T.)", would authorize the holder to breed, sell, trade, advertise, receive for any compensation, give away or transfer ownership of no more than one litter per licensed animal, per household, per year.

8. "Cat" means any *Felis catus*, excluding large cats (lions, tigers, etc.) and hybrids.

9. "City License" means any one of two licenses, A or B, issued by the animal welfare division for registration of animals.

a. License A: the dog or cat registered under this license has been spayed or neutered.

b. License B: the dog or cat registered under this license is intact and has not been spayed or neutered.

10. "Confinement" means to secure an animal in a house or by a fence within the boundaries of the owner's, leaseholder's or keeper's property (I. e. house, fenced yard);

11. "Cruelty" means to endanger the life, health, or safety of an animal;

12. "Currently vaccinated" means properly immunized by or under the supervision of a licensed veterinarian with an antirabies vaccine licensed and approved by the United State Department of Agriculture for use in that animal species, or meeting conditions specified in Oklahoma State Department of Health Zoo Notice Disease Control Rules, OAC Title 310, Chapter 599 Section 310:599-3-8. Vaccine must have been given at appropriate time interval(s) for the age of the animal and type of vaccine administered.

13. "Dog" means any *Canis familiaris*, excluding hybrids.

14. "Domestic birds" means canaries, parrots, parakeets, mean birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto;

15. "Exposed to rabies" means any animal that has been bitten by or exposed to any other animal known to have been infected with rabies;

16. "First party ownership" means a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling-sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same.

17. "Fowl" means chickens, guineas, geese, ducks and pigeons;

18. "Health Officer of the City" shall mean such specifically designated person as provided by Section 1-1-102 of the Lawton City Code.

19. "Impoundment" means placing an animal in the animal control vehicle or unit or holding an animal in custody at the animal control shelter;

20. "Keeper" means any person, acting in the capacity of the owner, at the owners request, who is responsible for the care, welfare and maintenance of the animal;

21. "Kennel" means any place where any combination of eight or more dogs or cats more than six months of age are sheltered, fed and watered;

22. "Large animals" means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature;

23. "Neuter" means to render a male dog or cat unable to reproduce;

24. "Nuisance" means the conduct or behavior of any small or large animal, cat or dog which molests passersby or passing vehicles; attacks other animals, damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter;

25. "Owner" means any person, firm, corporation, organizations, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal. The occupant of any premises on which a domesticated animal remains, or to which it

customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

2426. "Permit" means the permit issued by the animal welfare division;

2527. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked, or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched, or squeezed by a person;

2628. "Rabies" means an acute disease of humans and warm-blooded mammals caused by the rabies virus (genus *Lyssavirus*) that affects the central nervous system and is almost always fatal.

2729. "Ratproof" means that state of being constructed so as to effectively prevent entry of rats;

2830. ~~"Restraint" means that an animal is controlled by leash or tether, either of which shall not exceed six feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper.~~ "Restraint" means an animal is controlled by leash or tether either of which shall not exceed six feet in length, by a competent person. Vehicle restraints used to secure an animal in the back of a truck or trailer shall be a device designed specifically for this purpose, which secures the animal in the center of the back of the truck or trailer bed preventing the animal from jumping or falling out.

2931. "Run" means an area used to confine an animal that is no less than one hundred (100) square feet and is at least five feet in width; the area will be designed to be escape proof, must contain proper shelter, food and water, and a cover to provide protection from the weather. Multiple animals may be housed in this area as follows: 3 small dogs under 10 lbs. each, 2 medium dogs under 25 lbs. each or one dog over 25 lbs. This definition does not apply to confinement of a dangerous dog.

3032. "Sanitary" means any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding, and which preserves the health of the city;

3133. "Severe injury" means any physical injury that reasonably results in hospitalization or medical treatment.

3234. "Small animals" means rabbits, hares, chinchillas, turkeys, fowl, pigeons, (except homing pigeons) miniature pigs, as further defined herein, for household pets, or any other animal of similar size or stature; for the purpose of this definition, miniature pig has a maximum weight of 125 pounds and a maximum height of 22 inches as established by the American Miniature Pig Association (AMPA);

3335. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;

3436. "Special handler's license" ~~means a license issued to a person who has~~ authorizes the license holder to have four or more but less than eight dogs or cats or a combination thereof where such dogs or cats or combination thereof are sheltered, fed and watered in or on the premises, property or residence of the person who has such a license;

3537. "Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian;

3638. "Transfer" means to convey or change the ownership of an animal from one person to another with or without the exchange of money or other consideration;

3739. "Unaltered" means any cat or dog over the age of six months which has not been neutered or spayed.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

State Law Reference: City powers to regulate animals, 11 O.S. Sec. 22-115. (Ord. 2005-11, Amended, 04/22/2005; Ord. 2004-39, Amended, 11/11/2004; Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997; 96-20, Amended, 04/23/1996)

Section 2. Section 5-1-103 is hereby amended to read as follows

5-1-103 Injuring, poisoning or trapping animals prohibited.

A. A person who accidentally or otherwise strikes an animal with an automobile and injures it shall notify the animal welfare division.

B. No person shall expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control, by a professional, state licensed pest controller or game warden, of certain species of rodents and fowl.

C. No person shall set or expose an open jaw type trap, leg hold trap, snare trap, or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals as provided in Section 4-119 of Title 29 of the Oklahoma Statutes.

State Law Reference: Poisoning animals, 21 O.S. Sec. 1681. (97-33, Amended, 07/22/1997)

Section 3. Section 5-1-105 is hereby amended to read as follows

5-1-105 Sterilization Spay/Neuter.

It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The council finds that each year thousands of dogs and cats are euthanized by the city because they are not wanted. The provisions of this section are designed to eliminate the excessive numbers of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding, advertising and/or transfer practices of local pet owners, pet stores, and breeders through measures that are both reasonable and enforceable.

A. No person shall own or keep any dog or cat over the age of six (6) months that has not been spayed or neutered unless such person holds a "B" license for an intact dog or cat, issued for such animal under Section 5-5-501 of this code.

B. Any person intentionally providing care or sustenance for a dog or cat for 10 days or more shall be deemed the owner of such dog or cat and shall comply with all provisions of this chapter.

C. Notwithstanding the provisions of this code, any person cited for a violation of subsection A of this section shall have his or her citation(s) dismissed, excluding court cost, if they can provide proof of compliance with the spay/neuter terms of this section within fourteen (14) calendar days of the date of the summons or by the date of arraignment.

D. Certain animals are exempted from the spay neuter provision.

1. Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities;

2. Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities;

3. Dogs or cats held at the city animal shelter and veterinary hospitals;

4. Dogs or cats whose owner has registered such animal and hold a current intact animal license, and are in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be spayed or neutered because such procedure would endanger the life of such animal. Said animals will not be allowed to breed or reproduce.

E. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than five hundred dollars (\$500.00) or by imprisonment in the city jail for not more than thirty (30) days, or by both such fine and imprisonment and will be ordered by the court to comply with the spay/neuter requirements of this section or face additional citation(s). (97-33, Repealed, 07/22/1997)

Section 4. Section 5-1-106 is hereby amended to read as follows

5-1-106 Breeding/Advertising/Transfer (BAT) Permit.

~~\_\_\_\_\_ A. Any person who finds an animal on his property to his injury or annoyance may:  
\_\_\_\_\_ 1. Remove such animal to an animal shelter, public or private, except that stray animals will be handled as provided by state law; or  
\_\_\_\_\_ 2. Retain possession of such animal or fowl and, within twenty-four (24) hours, notify the animal welfare division or other appropriate existing agency of this custody, giving a description of the animal and the owner's name, if known. Removal of the animal from property shall be done in such a manner so as not to cause injury to the animal.~~

Owners who wish to breed their dog or cat and meet the requirements of the breeding/advertising/transfer (BAT) permit as outlined in part B of this section, may apply for such permit through the animal welfare division. The holder of the (BAT) permit would be authorized to breed, sell, trade, advertise, receive for any compensation, give away or transfer ownership of no more than one litter per licensed animal, per household, per year.

A. Under no circumstances shall a (BAT) permit be issued:  
1. For any dog or cat not currently licensed as required in Section 5-5-501 of this code, with the exception of persons applying for a (BAT) permit who live outside the city limits of Lawton;  
2. For any person who breeds sick or genetically impaired animals; and  
3. To any person who has ever been convicted by any court of a charge relating to animal cruelty or neglect or has such a charge(s) pending until outcome of charge(s) has been determined.

B. A (BAT) permit must be obtained by, but not limited to:  
1. Any person wishing to breed their dog or cat;  
2. Any person, business establishment, or distributor who wishes to advertise or offer for sale, or intends to sell, trade, receive for any compensation or to give away or transfer ownership of a dog or cat or any litter of dogs or cats within the city limits of Lawton; and  
3. Any person who intentionally or unintentionally causes or allows the breeding of a dog or cat.

C. Breeding/Advertising/Transfer (BAT) permit requirements:  
1. Each dog or cat must be currently registered with a "B" license, with the exception of persons applying for a (BAT) permit who live outside the city limits of Lawton.  
2. Applicant shall furnish the city with a copy of the current rabies vaccination certificate issued by a licensed veterinarian, for said dog or cat.  
3. Applicant shall furnish the city with a copy of a health certificate issued by a licensed veterinarian, attesting to the good health of each dog or cat, with the document no older than one year of the application date.  
4. Applicant shall also furnish the city with the following information:  
a. Owners' name  
b. Address  
c. Phone number  
d. Date of birth  
e. Social security number

f. Picture I.D.

D. Dogs and cats; Advertising requirements

No person within the City limits shall publish or advertise to City of Lawton residents the availability of any cat or dog unless the publication or advertisement includes: the animal's "B" license number (unless advertiser lives out of town), and the breeding/advertising/transfer permit (BAT) number, provided, however that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters. The (BAT) permit must be displayed at all times during the duration of any advertising of said animal(s). The permit number must be included in all advertisements, to include but not limited to flyers, newspaper announcements, and clearly posted in all pet stores on the holding pen of said animal(s).

E. The (BAT) permit shall be obtained at the animal welfare division, for a fee as outlined in the fee schedule and shall be issued or renewed only if the city determines that all conditions have been met. All applications for a (BAT) permit are subject to an inspection by an animal welfare officer prior to issuance of the permit.

F. The owner shall furnish a copy of the (BAT) permit number and a copy of the health certificate and a vaccination record to each buyer or new owner of an animal at time of sale, transfer, trade, or other compensation or free giveaway, as proof and assurance that the animal was legally bred and is of good health. The immunization of all dogs and cats, puppies and kittens is required prior to the advertisement, sale, transfer, trade or other compensation or free giveaway of the animal. Dogs and puppies will be immunized against canine distemper, adeno-virus parainfluenze, parvovirus, coronavirus and leptorpirosis. Cats and kittens will be immunized against feline rhinotracheitis, and panleucopenia.

G. No puppy or kitten under eight weeks of age shall be offered for sale, trade, or other compensation or free giveaway.

H. It is unlawful to sell, transfer, trade or give away, or attempt to do so, any dogs or cats on curbsides, roadsides, parking lots, or store fronts. In addition to any fines and/or jail time imposed by the municipal court, all cats, dogs, or litters will be immediately confiscated and impounded with the owner signing relinquishing documentation and paying all fees related to releasing ownership to the shelter as provided in the fee schedule. A second offense will result in a permanent ban on breeding, advertising, selling, trading, or otherwise transferring ownership of dogs or cats in the city limits of Lawton.

I. Commercial establishments or public auctions selling dogs or cats shall prominently display the (BAT) permit number provided by the breeder or individual who supplied the dogs or cats, or obtain a (BAT) permit in their own name and obtain a health certificate and vaccination record on each animal, all of which shall be provided to the new buyer or owner of any dog or cat.

J. The (BAT) permit fee can be reimbursed in the event that the animal becomes sick or dies, upon receipt of written documentation from a licensed veterinarian detailing the sickness or death of each individual animal.

K. Should an animal accidentally breed, the owner must obtain a (BAT) permit immediately.

L. A (BAT) packet will be provided to owners with the issuance of all (BAT) permits. The packet will contain the (BAT) certificate and number, a copy of the city code relating to the (BAT) permit, a copy of a Schedule C (Form 1040) and the Oklahoma Sales Tax form. It will be the responsibility of each (BAT) permit holder to complete and submit these forms to the proper authority.

M. A list of (BAT) permit holders will be provided by the City of Lawton at the end of each year to both the state and federal tax commission. For this purpose, all (BAT) permit holders are required to keep records of the name, address, and phone number of the new owner and a description of the animal they obtained.

N. Permit holders will furnish the animal welfare division with information on the birth of each litter, to include the number of animals in litter, and the health certificate and vaccination record of each littermate. The (BAT) permit number must be attached to this information and all information furnished to the animal welfare division. No additional (BAT) permits will be issued to holder unless this information is provided to the animal welfare division.

O. Kittens and puppies born to cats and dogs in violation of this section shall be forfeited and given to the care of the animal welfare division and handled in accordance with the standard policies and procedures.

P. Dogs or cats whose owner has registered such animal and holds a current intact animal license, and are in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be spayed or neutered because such procedure would endanger the life of such animal, will not be allowed to breed or reproduce.

Q. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than five hundred dollars (\$500.00) or by imprisonment in the city jail for not more than thirty (30) days, or by both such fine and imprisonment.(97-33, Amended, 07/22/1997)

Section 5. Section 5-1-107 is hereby amended to read as follows

5-1-107 Nuisance Animals And Abatement Procedures.

A. ~~No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. It is unlawful for any person to own, maintain, or harbor an animal in such a manner to cause a public nuisance. A public nuisance includes but is not limited to:~~

1. Any person having an animal which disturbs the rights of or threatens the safety of a member of the general public, or interferes with the ordinary use and enjoyment of their property; or

2. Any person who, due to the conditions of providing for or harboring an animal(s), creates a situation that allows an animal(s) to damage the property of anyone; or

3. Any person maintaining animals in an environment of unsanitary conditions which results in offensive odors, jeopardizes the health of the animal which constitute or become a health hazard as determined by the animal welfare division; or

4. Any person allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, frequent or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises or disturbs any reasonable person in the vicinity; or

5. Any person failing to remove feces deposited by an animal on any public street, sidewalk, gutter, park or other publicly owned or private property.

B. Any violation of this section is declared to be a nuisance and as such may be abated as provided in this code.

~~BC. Any person with knowledge thereof of such a nuisance prohibited by this section or a violation of this chapter may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, and/or order punishment as provided in Section 1-119 of this code. (97-33, Amended, 07/22/1997)~~

Section 6. Section 5-1-109 is hereby amended to read as follows

5-1-109 Menacing 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 behavior.

B. Menacing behavior as used in this section means that a dog, while not under physical restraint of a responsible person at least eighteen (18) years of age, causes a reasonable person to believe that an unprovoked attack on a person or on a domestic animal is imminent.

C. No dog shall be determined to be exhibiting menacing 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

(4) was committing or attempting to commit a crime.

D. 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.

E. A violation of this section shall require the dog be confined in a properly locked enclosure as defined in Section 5-2-201 of this chapter, and the conspicuous display of a sign on the enclosure with a warning symbol that informs children of the presence of a potentially dangerous dog. It is unlawful to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial leash and under physical restraint of a responsible person at least eighteen (18) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Section 7. Section 5-1-112 is hereby amended to read as follows

5-1-112 Vaccination Required-Certificate Of Vaccination.

A. The owners or keepers of all dogs, cats, and ferrets are required to have their animals vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issue the owner or keeper of the animal a vaccination certificate, and such owner or keeper shall retain such certificate until the vaccination is renewed. At the time of the vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinarian, the tag number, and the year of issuance.

AB. No person shall own, keep or harbor any dog, cat or ferret within the city limits unless such dog, or cat or ferret six months of age or older is vaccinated for rabies by a licensed veterinarian.

BC. Any person who adopts a dog, cat or ferret from the city's animal shelter shall have such animal vaccinated by a licensed veterinarian within two weeks from the date of adoption or within two weeks after the animal reaches the age of six months. (Ord. 2005-11, Amended, 04/22/2005; 97-33, Amended, 07/22/1997)

State Law Reference: City's power to regulate dogs, 11 O.S. Sec. 22-115.

Section 8. Section 5-1-113 is hereby amended to read as follows

5-1-113 Tag and collar required-Removal-Nontransferable-Inspection-Offense.

~~A. The owners of all dogs and cats are required to have the dogs or cats vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issue the owner of the animal a vaccination certificate, and such owner shall retain such~~

~~certificate until the vaccination is renewed. At the time of the vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinarian, the tag number, and the year of issuance.~~

~~BA.~~ Every owner or keeper of a dog or cat is required to affix the tag issued by a licensed veterinarian for rabies vaccination to a collar to be worn by the dog or cat at all times ~~while off the premises~~. It shall be unlawful for any person other than the owner or keeper to remove the collar from the dog or cat.

~~CB.~~ No person shall use a rabies tag or veterinarian certificate ~~or receipt~~ for any dog or cat or ferret, other than for that dog or cat or ferret to which the rabies tag, or veterinarian certificate, ~~or receipt~~ was issued.

~~DC.~~ A city animal welfare officer or any police officer may ~~at any reasonable time~~ require an owner or keeper to provide proof of rabies vaccination, on any animals while responding to a complaint ~~provided reasonable cause has been established that would require an animal welfare officer or police officer to make contact with the owner, or investigating offenses~~ such as ~~response to a complaint, suspected animal abuse, running at large, or bite incidents~~. Any owner or keeper not possessing a current rabies tag, or certificate ~~or receipt~~ for such dog, ~~or cat, or ferret~~ over six months of age or older may be cited by the animal welfare officer or police officer. (97-33, Amended, 07/22/1997)

Section 9. Section 5-1-114 is hereby amended to read as follows

5-1-114 Control of animals required-At large-Arrest-Estrays-Confinement in season.

A. It is unlawful for any owner or keeper to fail to prevent or permit any animal from running at large within the city. Any animal found running at large within the city shall be either:

- ~~1. Fail to prevent any animal from running at large within the city;~~
  - ~~a. Impounded by the animal welfare officer, and such animal shall be kept at the animal shelter. Impounded animals may be reclaimed as provided in Section 5-118 of this chapter; or~~
  - ~~b. At the judgment of the animal welfare officer, an animal found at large which is licensed by the city, except a dangerous dog or a menacing dog, as those terms are defined in this chapter, may be released to the custody of the owner or keeper of the animal which has been impounded.~~

~~2. Perform, do or carry out any inhumane or cruel treatment against any animal;~~

~~3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the animal welfare division; or~~

~~4. Permit any animal to run at large. Any animal found running at large within the city shall be either:~~

~~a. Impounded by the animal welfare officer, and such animal shall be kept at the animal shelter. Impounded animals may be reclaimed as provided in Section 5-118 of this chapter; or;~~

~~b. At the judgment of the animal welfare officer, an animal found at large which is licensed by the city, except a dangerous dog or a potentially dangerous dog, as those terms are defined in this chapter, may be released to the custody of the owner or keeper of the animal which has been impounded.~~

B. When a police officer effects an arrest of a person who is in possession of or caring for an animal and no responsible person of at least eighteen (18) years of age is present at the scene to take care of the animal, the animal will be impounded for the welfare of the animal.

The animal will be impounded at the animal shelter until the proper disposition of the animal can be determined.

C. An animal welfare officer is authorized to trap or impound any animal observed to be in violation of any of the provisions of this section or for humane reasons pursuant to Section 5-1-120 of this code humane reasons or public health and safety concerns. An animal welfare officer may, upon exigent and life-threatening emergency circumstances when in physical pursuit of an at large animal, enter upon the premises of the owner or other private premises to take such animal into custody, once it has been established that the occupant is not home present and ownership of the animal cannot be established.

D. No impounded animal shall be returned to its owner or keeper until the animal impoundment and boarding fees are paid.

~~E. Stray animals shall be treated in the manner provided in Chapter 4 of Title 4 of the Oklahoma Statutes.~~

~~FE.~~ Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the animal welfare division which are in season (heat) shall be kept separate from male animals at all times. (Ord. 2005-11, Amended, 04/22/2005; Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997)

Section 10. Section 5-1-117 is hereby amended to read as follows

5-1-117 Impoundment-Records-Disposition of animals-Adoption-Licensing of dogs and cats.

A. Any dog or cat or other small animal found running at large and impounded in the animal shelter shall be there confined in a humane manner. Animals not claimed by their owner or keeper before the expiration of seventy-two (72) hours, exclusive of Saturdays, Sundays, Mondays and city holidays, shall become the property of the city and shall be disposed of at the discretion of the city.

B. The animal welfare officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color and sex of the animal and whether or not it is licensed, and the date and time of impoundment. If the animal is licensed or if the owner or keeper is known, the officer shall enter the name and address of the owner or keeper, or the city license or rabies tag number as may be shown on the impoundment records. If the owner or keeper is known or can be determined from city records or identification attached to the animal, the animal welfare division shall telephone the owner or keeper, or shall post written notice at the address shown on city records to be that of the owner or keeper, to notify the owner or keeper that unless reclaimed in accordance with this code within seventy-two (72) hours after impoundment, Saturdays, Sundays, Mondays and city holidays excluded, the animal will be destroyed or otherwise disposed of by the city. Attempts to contact the owner or keeper will be recorded on the reverse of the impoundment record.

C. At the end of the period prescribed in this section, animals that have not been reclaimed by the owner or keeper thereof shall be destroyed, adopted or otherwise disposed of in a humane manner and as required by law. Any animal which is eligible for adoption may be adopted after the seventy-two (72) hour period but shall be destroyed or otherwise disposed of after one hundred twenty (120) hours after impoundment. If in the judgment of the animal welfare supervisor, an animal has been well maintained, the animal may be retained for an additional seventy-two (72) hours for the purpose of adoption, or transferred to an animal adoption agency or National Breed Rescue organization.

D. Before any dog or cat is released for adoption from the city's animal shelter, such dog or cat shall be issued a license, as provided for in this chapter, if such dog or cat has not previously been licensed.

E. No animal may be adopted from the animal shelter by any employee of the shelter for any reason, nor may any employee of the shelter adopt, give away or sell any animal from the shelter except in accordance with the provisions of this chapter.

F. There is hereby established a grace period of seven days beginning on the day of adoption and ending at the close of business on the seventh day thereafter, during which period an animal adopted from the city's animal shelter may be returned to the animal shelter for a refund of the adoption fee, spay/neuter deposit, vaccination deposit and license fee or, at the option of the adopting party, a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

G. The city council, by duly enacted resolution, may designate certain days in which animals eligible for adoption may be adopted from the city's animal shelter without the payment of the adoption fee as required in the fee schedule. Provided, however, that the other provisions of this chapter shall apply to the animals adopted under this subsection.

H. There is hereby established a "No Questions Asked" period of three days, from the date of the adoption, whereby an adopted animal can be returned, for any reason, to the animal welfare division and a full refund of fees and any deposits received.

I. The animal welfare division reserves the right to refuse an adoption based on noncompliance with agreements required by a previous adoption(s), previous animal related citation(s) issued within the last 24 months of the application that resulted in a conviction or payment of costs, inability or refusal to provide a picture I.D. at time of adoption, inability to show proof of an established residence, and out-of-town residents who express refusal to comply with adoption spay/neuter policies mandated for city residents.

(Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997; 95-26, Amended, 06/27/1995)

State Law Reference: Destruction of animals, sodium pentobarbital and other approved methods, 4 O.S. Secs. 501 to 508.

Section 11. Section 5-1-118 is hereby amended to read as follows

5-1-118 Redemption of impounded animals-Licensing of dogs and cats.

A. Except as hereinafter provided, licensed and vaccinated animals impounded under the provisions of this chapter may be reclaimed by the owner or keeper upon payment of the impoundment fee as provided in the fee schedule and the animal shelter boarding fee. The owner or keeper has seventy-two (72) hours after impoundment, ~~Saturdays, Sundays, Mondays~~ and city holidays excluded, to redeem the animal. If the owner or keeper has not made arrangements to redeem the animal within this period, the animal becomes the property of the city and may be disposed of as provided in this chapter.

B. No unlicensed dog or cat may be released from impoundment to its owner or keeper until such dog or cat is issued a license, as provided in this chapter, and after payment of the fee as provided in the fee schedule.

C. No unvaccinated animal may be released from impoundment unless the owner or keeper signs an agreement to have the animal vaccinated against rabies within two weeks of release, or from the time the animal reaches the age of six months, by a license veterinarian and return documented proof of such to the animal welfare division on or before the contract compliance date. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of this chapter. The owner or keeper shall also be required to deposit funds with the animal shelter to ensure the animal is vaccinated. The amount of the deposit shall be set in the fee schedule, and will be refunded to the owner upon presentation of the documented proof on or before the contract compliance date.

D. The owner or keeper of an unaltered dog or cat impounded under the provisions of this chapter may redeem their pet upon payment of the required fees. The owner or keeper shall also be required to deposit funds with the animal shelter in an amount equal to the sterilization deposit, as established in the fee schedule, that will be refunded to the owner upon presentation of a written statement signed by a licensed veterinarian that the animal has been neutered or spayed. The statement must be presented within fourteen (14) days from the redemption date in order to receive the refund. If the dog or cat has been impounded for a ~~third or subsequent~~ second time, the animal may not be released from the animal shelter unless the owner or keeper signs an agreement, in addition to making the deposit, to have the animal neutered or spayed within two weeks of release. If the animal is less than six months old at the time of redemption, the statement must be presented within fourteen (14) days from the date the animal attains the age of six months. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of the chapter.

E. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an unaltered dog or cat may be jeopardized by surgery, the animal welfare ~~supervisor~~ superintendent shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating the necessity for such extensions.

F. The vaccination and sterilization deposits required above will be retained by the city, and a refund of the deposits will be made upon presentation of a written statement signed by a licensed veterinarian that the animal has been vaccinated and/or neutered or spayed. If the animal has not been vaccinated and/or altered within the time specified in the release agreement, the deposits will be forfeited to the city. Deposits forfeited to the city shall be placed in a separate account, which shall be an interest bearing account if feasible, and such forfeited funds shall be used for promoting programs which educate the public on the need for vaccinating and altering animals, and responsible pet ownership.

G. In addition to forfeited vaccination and sterilization deposits, twenty-five percent (25%) of all impoundment and boarding fees required to be paid to redeem impounded animals shall be deposited into the same account established in the preceding paragraph to promote the same programs. (Ord. 2004-39, Amended, 11/11/2004; Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997)

Section 12. Section 5-1-120 is hereby amended to read as follows

#### 5-1-120 Keeping of Animals; Mistreatment; Service Dogs.

A. All dogs, cats and other small animals kept as house pets within the city limits shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

B. No person shall willfully or maliciously:

1. Torture, cruelly beat ~~or treat~~, injure, maim, mutilate or unjustly destroy or kill any animal belonging to himself or to another;

2. Deprive any animal of food, drink or shelter;

3. Confine an animal in a vehicle under circumstances that place the animal in danger of such risks as extreme temperatures, lack of ventilation, or strangulation. Vehicle restraints used to secure an animal in the back of a truck or trailer shall be a device designed specifically for this purpose which secures the animal in the middle of the back of the truck or trailer bed;

34. Unjustly administer any poison or noxious drug or substance to any animal;

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

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

7. Attach any object around the neck or shoulder of any dog other than a leash or collar.

C. If an animal is found by the animal welfare officer to be in one of the above-described conditions, the officer may issue a citation to the offender or shall issue a notice to the offender warning him that if the animal's condition is not improved, a citation will be issued. If the animal welfare officer determines that a confined animal's life is in immediate danger or has been abandoned, or a confined animal is dead, the animal welfare officer may upon exigent and life threatening emergency circumstances enter upon the premises of the owner, keeper or other private premises to take such animal into custody, once it has been established that the occupant is not home. In all other than exigent and life threatening emergency circumstances, the animal welfare officer shall obtain a municipal court order directing such animal to be seized before such animal is seized. The animal welfare officer will leave a notice for the owner or keeper advising why the animal was seized and where the animal was taken. Seizure of an animal will be accompanied by issuance of a citation(s) when there is probable cause to believe the seizure of the animal was necessary as a result of commission of an offense.

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

E. No person shall abandon or cause to be abandoned any dogs, cats or any other type of animals.

F. Owners and keepers of dogs, cats, and other small animals shall provide food, shelter, and medical attention to such animals, including, but not limited to, the following:

1. Sufficient wholesome food that is nutritious for the species;
2. Fresh, potable drinking water;
3. Medical attention to relieve such animals from suffering;
4. Provide shade from the sun; and

5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

G. In addition to the forgoing provisions of this section, it shall be unlawful for any person to willfully or maliciously ~~overdrive, overload,~~ torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink, or shelter, or veterinary care to prevent suffering; or shall cause, procure or permit any such animal to be so ~~overdriven, overloaded,~~ tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, or shelter, or veterinary care to prevent suffering; or willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. Any peace officer or animal welfare officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

H. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's or keeper's property or on the property of the dog owner's or keeper's landlord, unless authorized by an animal welfare officer or the animal welfare supervisor.

I. No person shall permit a dog owned by such person or under the custody of such person to be off that person's property or leased premises unless such dog is restrained by a leash. Such leash shall be used to control the dog or to prevent the dog from running at large.

J. Any owner, keeper or property owner allowing tenants to have dogs on their premises, must provide an adequate enclosed space for exercise based on a dimension of at least one hundred (100) square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner, keeper or property owner shall provide an enclosure or run for such dogs meeting the one hundred (100) square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

K. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service dog or any other service animal that is used for the benefit of any handicapped person.

L. No person shall willfully interfere with the lawful performance of any service dog used for the benefit of any handicapped person.

M. No person shall encourage, permit, or allow a dog owned or kept by such person to fight, injure, disable or kill a service dog used for the benefit of any handicapped person, or to interfere with a service dog in any place where the service dog resides or is performing. For purposes of this subsection, when a person informs the owner or keeper of a dog that the dog is a threat and requests the owner or keeper to control or contain the dog and the owner or keeper disregards the request, the owner or keeper shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service dog.

(Ord. 2005-11, Amended, 04/22/2005; 99-39, Amended, 11/09/1999; 97-33, Amended, 07/22/1997)

Section 13. Section 5-1-123 is hereby amended to read as follows

5-1-123 Euthanization of Abandoned Animals

Only peace officers or animal control officers may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.

Section 14. Section 5-2-201 is hereby amended to read as follows

5-2-201 Definitions.

A. As used in this article, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Dangerous dog" means any dog that:

a. Has inflicted severe injury on a human being or another animal without provocation on public or private property, or

b. Endangers the safety of humans or other animals by aggressively attacking in an apparent attempt to inflict severe injury, or

c. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully present upon the premises occupied by the owner or keeper of the dog, or was tormenting, abusing, or assaulting the dog or was committing or attempting to commit a crime under any federal, state or local law. For the purpose of this article, a person is considered to be lawfully present upon the property of a dog owner or keeper when he is on such property in the performance of any duty imposed upon him by the laws of the state, or by the laws of the United States, or the postal regulations of the United States, or when

reading meters, or making repairs to any public utility or service located on the premises, or when working on said property at the request of the owner, keeper or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, expressed or implied, of the owner, keeper or lessee of such property;

2. “Provoke” or “provocation” means, with respect to an attack by an animal, that the animal was hit, kicked, agitated by teasing or struck by a person with an object or part of a person’s body or that any part of the animal’s body is pulled, pinched, or squeezed by a person;

3. “Severe injury” means any physical injury that reasonably results in hospitalization or medical treatment;

4. “Proper enclosure of a dangerous dog” means, a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall be constructed of commercial grade materials such as heavy gauge chain link fencing, with escape proof sides, floor and top, and shall have secure sides and a secure top, and shall also provide protection from the elements for the dog;

5. “Animal control authority” means the city’s animal welfare division acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city and state for the protection of the general public and the welfare of animals;

6. “Owner” means any person, firm, corporation, or organization, possessing, harboring, keeping, having an interest in, or having control or custody of an animal. The occupant of any premises on which a domesticated animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal. (Ord. 2004-39, Amended, 11/11/2004; 97-33, Amended, 07/22/1997)

Section 15. Section 5-2-202 is hereby amended to read as follows

5-2-202 Unlawful to own dangerous dog without certificate of registration.

A. It is unlawful for an owner or keeper to have a dangerous dog in the city without the certificate of registration issued as provided in this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The animal welfare division shall issue a certificate of registration to the owner or keeper of a dangerous dog if the owner or keeper presents to the animal welfare division sufficient evidence of:

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

2. A policy of liability insurance, such as homeowner’s insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of no less than fifty thousand dollars (\$50,000.00) insuring the owner or keeper for any personal injuries inflicted by the dangerous dog.

3. Written documentation from a licensed veterinarian, stating said dog has been spayed or neutered. Any dog deemed dangerous by the court must be spayed or neutered within 14 days of the date of the courts determination.

C. The transfer of ownership of a dangerous dog will not be recognized or allowed within the city limits.

(Ord. 2004-39, Amended, 11/11/2004; 97-33, Amended, 07/22/1997)

Section 16. Section 5-2-203 is hereby amended to read as follows

5-2-203 Unlawful for dangerous dogs to be outside enclosure.

~~A. It is unlawful for an owner or keeper of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining-restraint of a responsible person of at least eighteen (18) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.~~

~~B. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing an unlawful presence upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime under any federal, state or local law. For the purpose of this article, a person is considered to be lawfully present upon the property of a dog owner when he is on such property in the performance of any duty imposed upon him by the laws of the state, or by the laws of the United States, or the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on the premises, or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, expressed or implied, of the owner or lessee of such property.~~

~~C. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service dog or any other service animal that is used for the benefit of any handicapped person in the state.~~

~~D. No person shall willfully interfere with the lawful performance of any service dog used for the benefit of any handicapped person in the state.~~

~~E. AnyNo person whoshall encourages, permits or allows a dog owned or kept by such person to fight, injure, disable or kill a service dog used for the benefit of any handicapped person in this state, or to interfere with a service dog in any place where the service dog resides or is performing, shall, upon conviction, be guilty of a misdemeanor. For purpose of this subsection, when a person informs the owner of a dog that the dog is a threat and requests the owner to control or contain the dog and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service dog.~~  
(Ord. 2005-31, Amended, 06/14/2005; 97-33, Amended, 07/22/1997)

Section 17. Section 5-2-204 is hereby amended to read as follows

5-2-204 Confiscation of dangerous dogs authorized under certain conditions-Penalty.

~~A. Any dangerous dog shall be immediately confiscated by an animal welfare officer if, following a hearing by the municipal judge, the judge determines that:~~

~~1. The dog is not validly registered under Section 5-202 of this code;~~

~~2. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person. The owner or keeper does not secure the liability insurance coverage.~~

~~3. The dog is not maintained in the proper enclosure; and~~

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

~~B. The dog shall remain in the custody of the animal welfare division until such time as a hearing is held by the municipal judge, with the judge determining the disposition of the dog.~~

~~C. Should the judge find the dog dangerous, the owners or keepers must comply with the provisions of this article within 8 working days of the judgment. The dog will be held at~~

the shelter until such time as the owners or keepers reach compliance. Should the owners or keepers fail to comply by the designated date, the owners or keepers, after paying a fee as stipulated in the fee schedule, shall relinquish ownership or custody of the dog to the animal welfare division and said dog shall be destroyed.

(97-33, Amended, 07/22/1997)

Section 18. Section 5-2-205 is hereby amended to read as follows

5-2-205 Purpose and construction of Article 2.

It is the purpose of this article to provide additional and cumulative remedies to control dangerous ~~and potentially dangerous~~ dogs in the city. Nothing in this article shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil. (97-33, Amended, 07/22/1997)

Section 19. Section 5-2-206 is hereby amended to read as follows

5-2-206 Court proceedings against vicious or dangerous dogs.

The owner ~~or keeper~~ of any dog alleged to be dangerous may be charged in Municipal Court after a complaint has been duly filed therein by any person having knowledge thereof. If the court finds that the dog ~~has attacked human beings or animals without provocation~~ is a dangerous dog as defined in this article, then the court shall have the authority to order the dog kept muzzled, confined, destroyed, or delivered to the animal welfare division for further action, ~~as in addition to the penalty~~ provided in Section 1-119 of this code. (Ord. 2005-11, Add, 04/22/2005)

Section 20. Section 5-3-302 is hereby amended to read as follows

5-3-302 Responsibility for costs incurred.

Payment of fees incurred for daily boarding, euthanasia, preparation and transport of specimens for laboratory testing, or any other costs incurred to comply with ~~Section 5-3-301~~ Chapter 5, shall be the responsibility of the person or entity owning, keeping, or harboring the animal. (Ord. 2005-11, Amended, 04/22/2005; 97-33, Repealed, 07/22/1997)

Section 21. Section 5-4-401 is hereby amended to read as follows

5-4-401 License required for kennels-Application-Fee-Rabies vaccination-Term-Sanitary conditions-Exception.

A. No person shall own, maintain or operate a kennel within the city unless such kennel is licensed as herein provided. Application for such license shall be made to the city and shall state the name and address of the owner or operator of the kennel with the street address and legal description of the property upon which the kennel is located. Application for a renewal license must be received by the city at least sixty (60) days prior to the expiration of the license.

B. A kennel license fee shall be as provided in the fee schedule, and such license shall be exhibited in a conspicuous place on the premises. A license processing fee is also applicable as provided in Section 7-111 of this code.

C. The owner or operator of a kennel must show proof of rabies vaccination on all animals over six months of age when applying for a license, as set forth in Section 5-112 of this code.

D. Licenses expire annually on July 31. There is no pro-ration of license fees.

E. Any person maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this chapter. Nonconforming kennels shall be deemed a public nuisance.

F. No kennel license will be issued for any residentially zoned areas.  
(97-33, Amended, 07/22/1997)

Cross Reference: Zoning regulations, see Secs. 18-101 et seq.

Section 22. Section 5-5-501 is hereby amended to read as follows

5-5-501 License for dogs and cats.

A. It shall be unlawful for any person to own, possess or have under his control three or less dogs or cats, or any combination thereof, over six months of age, without obtaining a license for each such animal from the city animal welfare division. ~~The license on each such animal will be valid as long as the owner has such animal and the license is validated every year upon proof of rabies vaccination. When ownership of such animal is transferred to another person, the new owner of such animal must obtain a new license from the city.~~ There shall be two types of dog and cat licenses available. An "A" license will be issued for dogs and cats which have been spayed or neutered and a "B" license will be issued for intact dogs and cats, that have not been spayed or neutered.

1. An "A" license will be issued for a dog or cat that has been spayed or neutered, provided the owner or keeper presents certificates issued by a licensed veterinarian indicating a valid current rabies vaccination and a certification that the animal has been altered and upon the payment of required license fees as provided in the fee schedule, and any additional information required at the time of registration.

The "A" license will be valid as long as the owner or keeper has such animal and the license is validated every year on or before the anniversary date the license was issued and upon proof of current, updated rabies vaccination issued by a licensed veterinarian. A renewal fee will not apply for an "A" license.

2. A "B" license will be issued for a dog or cat that is intact (has not been spayed or neutered), provided the owner or keeper presents a valid current rabies vaccination issued by a licensed veterinarian as well as a certificate of health stating the dog or cat is examined regularly by a licensed veterinarian and is found to be in good health with no obvious genetic defects common to that particular breed and upon payment of required license fees as provided in the fee schedule, and any additional information required at the time of registration.

The "B" license will be valid for one year from the anniversary date the license was issued, at which time the owner or keeper must provide proof of current, updated rabies vaccination and health certificate issued by a licensed veterinarian, and upon payment of renewal fees as specified in the fee schedule.

All currently valid "B" licenses issued prior to (effective date of new ordinance) will be exempt from the renewal fees only, provided the "B" license remains valid by timely renewal. Should the owner or keeper allow the "B" license to expire, the owner or keeper will be subject to any and all fees and renewal fees associated with a "B" license thereafter.

B. It shall be unlawful for any person to own or keep four or more but not more than seven dogs or cats, or any combination thereof, over six months of age, without obtaining a special handler's license per additional animal over three from the city and pay the appropriate fee as provided in the fee schedule. The special handler's license is in addition to the "A" or "B" license required under paragraph A. ~~The special handler's license will be valid as long as the owner has each unaltered dog and/or cat they own altered. Owners who obtain a special handler's license and own one or more unaltered dogs or cats must renew the license annually. The special handler's license will be valid for one year from the anniversary date the license was~~

issued. Licenses issued to owners or keepers of altered animals will need to validate the license with required documentation at that time. Owners or keepers of unaltered animals will need to renew the license with required documentation and pay the annual renewal fee as provided in the fee schedule. All renewals and validations are subject to property and housing inspection by an animal welfare officer. No permanent outdoor housing will be allowed.

C. It shall be unlawful for any person to own or keep eight or more dogs or cats, or any combination thereof, over six months of age, without obtaining an annual kennel license from the city and pay the annual fee as provided in the fee schedule. The kennel license is in addition to the "A" or "B" license required under paragraph "A".

D. An intact animal license or "B" license is not a license to breed or reproduce.

E. If the ownership of such animal is transferred, the transferring owner must first obtain a (BAT) permit as required in Section 5-1-106, and the new owner of such animal must obtain a new city license from the city and pay the required license fees as provided in the fee schedule.

F. The dogs and cats will at all times be kept in accommodations that are suitable in respect of construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness and as to not cause a nuisance as outlined in Section 5-1-107 of this code. The dogs and cats will be adequately supplied with suitable food, fresh water, bedding material, and adequately exercised. Any license and/or permit may be refused or withheld on the grounds that such conditions are not suitable for the breeding or housing of dogs or cats.

G. The special handler's license will not be issued for animals on city campground property.

(Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997)

Section 23. Section 5-5-502 is hereby amended to read as follows

5-5-502 Terms of license and fee waiver.

A. The license issued for three or less dogs or cats shall be validated or renewed every year, during the anniversary month that the license was issued, upon receipt of proof of rabies vaccination, the health certificate if required, and upon payment of the renewal fee if applicable.

B. City of Lawton residents who are sixty-five (65) years of age or older may obtain a license "A" license for a cat or dog provided all required documentation is provided, at no cost. However, if a "B" license, kennel or special handler license is applied for, the "B" license, kennel or special handler' s license fee will apply to such resident. (Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997)

Section 24. Section 5-5-503 is hereby amended to read as follows

5-5-503 Issuance of records.

A. Upon obtaining a license for a dog or cat, a license tag shall be issued. The tag, of durable material, shall be designed to be easily fastened or riveted to the animal' s collar or harness. The tag shall bear a number and a letter "A" or "B" corresponding to the receipt issued by the animal welfare division.

B. The city' s animal welfare division shall maintain records of licensed dogs and cats, and such records shall be open to public inspection. (Ord. 2001-09, Amended, 02/27/2001; 97-33, Amended, 07/22/1997)

Section 25. Section 5-5-508 is hereby amended to read as follows

5-5-508 Use of revenues collected from fees and animal related citations.

A. The revenues collected for the licensing of dogs and cats shall be specifically expended for the physical improvements to the facilities of the city's animal welfare division, for the cost of administration and enforcement of this chapter, costs associated with public education programs and activities, and refunds to adopting parties upon return of an adopted animal.

B. The revenues collected as adoption fees for the adoption of animals shall be used for general municipal purposes of the city and to provide refunds to adopting parties upon prior presentation of written certification by a licensed veterinarian that an adopted animal is in poor health or in the case of "No Questions Asked Returns" as outlined in Section 5-116~~7~~ of this code.

~~C. The revenues collected from spay/neuter deposits, in addition to the refunds contemplated in Section 5-119 of this code, for animals which are neutered or spayed, shall be used to provide refunds to adopting parties upon presentation of written certification by a licensed veterinarian that an adopted animal is in poor health or in the case of "No Questions Asked Returns" as outlined in Section 5-117 of this code.~~

C. Twenty-five percent (25%) of all revenues collected from citations issued under the provisions of Sections 5-5-105, 5-5-106, and 5-5-112 shall be deposited into the same account established in subsection A of this section and shall be specifically expended for the physical improvements to the facilities of the city's animal welfare division, for the cost of administration and enforcement of this chapter, and costs associated with public education programs and activities.

(97-33, Amended, 07/22/1997)

Section 26. Section 5-5-510 is hereby amended to read as follows

5-5-510 Transfer of cats and dogs.

A. When ownership of a dog or cat is transferred within the city limits, the new owner will have thirty days to ~~update the registration of the animal with the animal welfare division~~obtain the appropriate license(s) in their own name.

B. ~~When ownership of a vicious or dangerous dog is transferred within the city limits, the previous owner will notify the animal welfare division and provide the name and address of the new owner, if the new owner resides within the city limits. The transfer of ownership of a dangerous dog is prohibited.~~

~~C. The new owner will be required to:~~

~~1. Immediately register the dog with the animal welfare division.~~

~~2. Ensure the requirements for maintaining a vicious or dangerous dog, as outlined within Section 5-202 of this chapter, are complied with prior to the dog being placed on the new owner's property.~~(97-33, Amended, 07/22/1997)

Section 27. A new Section 5-5-512 is hereby added to read as follows

5-5-512 Penalties.

Any person convicted of violating the provisions of this article shall be punished by a fine of not less than five hundred dollars (\$500.00) or by imprisonment in the city jail for not more than thirty (30) days, or by both such fine and imprisonment.

Section 26. Codification. Sections 5-1-105, 109, 123 of this ordinance shall be codified as Sections 5-1-105, 109, and 123, Article 5-1, Chapter 5 and Section 5-5-512 of this ordinance shall be codified as Section 5-5-512, Article 5-5, Chapter 5, Lawton City Code, 2005.

Section 27. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
JOHN P. PURCELL, JR., MAYOR

ATTEST:

\_\_\_\_\_  
TRACI L. HUSHBECK, CITY CLERK

**APPROVED** as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
JOHN H. VINCENT  
CITY ATTORNEY