Chapter 6 - ANIMALS

Footnotes:

--- (1) ---


ARTICLE I. - IN GENERAL

Sec. 6-1. - Definition.

As used in this article, the term "domestic animal" means any animal except dogs or cats, but including fowl.

(Code 1966, § 3-4; Code 1982, § 6-1; Ord. No. 1692, § 1, 9-12-1977; Ord. No. 2221, § 1, 9-23-1985)

Sec. 6-2. - Prohibited in certain areas.

(a) It is unlawful for any person to allow or permit any fowl, including, but not limited to, chickens, turkeys, pigeons, ducks and geese, or any domestic livestock, including, but not limited to, horses, mules, donkeys, cows, sheep and goats, within one 150 feet of any dwelling, house trailer, mobile home, manufactured home, hotel, motel, grocery store, supermarket, or food service establishment, except in a duly established A Agricultural District wherein such distance limitation shall be 50 feet.

(b) It shall be unlawful for any person to keep and maintain swine, hogs, shoats, or pigs within the corporate limits of the city; provided, however, that such prohibition shall not apply in any duly established A Agriculture zoned district, but rather swine, hogs, shoats, or pigs shall be maintained within said A Agriculture zoned district in accordance with chapter 23, land development code.

(c) It shall be unlawful for any person to keep and maintain within the corporate limits of the city any venomous, poisonous and/or dangerous animal, including but not limited to snakes longer than 15 feet or over 40 pounds; bears, cougars, African lions, leopards, tigers, or any large, nondomestic cat over 25 pounds; wolves or wolf hybrids, coyotes or coyote hybrids.

(d) Subsections (a) through (c) of this section shall not apply so as to prohibit the use of any animal or fowl named therein for educational or laboratory purposes in any educational institution within the corporate limits of the city.

(e) It shall be unlawful for any person to release or abandon any nonindigenous animals, including but not limited to fish and reptiles, within the corporate limits of the city.

(f) It shall be unlawful for any person to deposit any animal carcass or leave any live dog, cat or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal.

(Code 1966, § 3-1; Code 1982, § 6-2; Ord. No. 1692, § 1, 9-12-1977; Ord. No. 1959, § 1, 9-14-1981; Ord. No. 2777, § 1, 3-24-2003)

Sec. 6-3. - Enclosures—Generally.
Suitable pens or enclosures, substantially erected, shall be provided and maintained for the safekeeping of all fowl or animals kept within the city. A minimum of 900 square feet shall be enclosed for a fowl pen, and a minimum of 1,500 square feet per animal shall be enclosed for the keeping of any other domestic animals.

(Code 1966, § 3-2; Code 1982, § 6-3; Ord. No. 1692, § 1, 9-12-1977)

Sec. 6-4. - Same—Sanitation.

All enclosures where animals are kept shall be kept clean and free from all filth. All manure shall be removed regularly and kept in a separate receptacle, properly covered, which shall be removed at least twice a week or whenever directed by the health officer or other officials of the city. Each enclosure shall be sprayed with a suitable residual spray as often as necessary to control flies and other insects, and the premises shall be disinfected not less than once in a period of two weeks.

(Code 1966, § 3-3; Code 1982, § 6-4; Ord. No. 1692, § 1, 9-12-1977)

Sec. 6-5. - Investigations of inhumane treatment.

For the purpose of discharging the duties imposed by this article and to enforce its provisions, any animal control officer or any police officer is empowered to enter the premises upon which he observes and reasonably believes any domestic animal is being kept or harbored in a cruel or inhumane manner and demand to examine such animal. Further, the officer may take possession of such animal when, in his opinion, the animal requires humane treatment.

(Code 1982, § 6-5; Ord. No. 2240, § 1, 3-3-1986)

Sec. 6-6. - Running at large.

It is unlawful for any owner of any domestic animal to permit, allow, or suffer the domestic animal to run at large in the city.

(Code 1966, § 3-4; Code 1982, § 6-6; Ord. No. 1692, § 1, 9-12-1977)

Sec. 6-7. - Impounding, redeeming animals.

Any domestic animal found running at large upon the streets, alleys, public places, or other private places, not under control of the owner, shall be taken up by the animal control officer or any police officer of the city. Any domestic animal so taken up shall be confined by the city. The owners, or the persons having custody of any such animal so taken, may redeem such animal by paying an impounding fee of $5.00 and the cost of maintaining such animal or fowl in such custody, not to exceed $5.00 per day. If any animal or fowl so taken is not redeemed by the owner thereof within 96 hours of its taking, the animal or fowl may be sold pursuant to section 6-8. No city employee shall purchase any such animal.

(Code 1966, § 3-7; Code 1982, § 6-7; Ord. No. 1692, § 1, 9-12-1977; Ord. No. 2221, § 2, 9-23-1985)

Sec. 6-8. - Sale of unredeemed animals.

(a) When any livestock used for agricultural purposes is impounded by the city for a period of 96 hours or longer without redemption thereof by the owner, the city manager will give notice by publication
once each week for two successive weeks in a newspaper of general circulation within the city. Such notice shall set forth therein the date of impoundment, the description of the animal impounded which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information, the fact that the animal will be offered for sale on a date which is not less than five days from the date of the last publication, and that upon the sale thereof the city shall give a bill of sale to the purchaser, without warranty, and give possession of the animal to the purchaser. 

(b) When any animal that would by common definition be considered a pet, such as but not limited to rabbits, guinea pigs, ferrets, hamsters, gerbils, nonindigenous reptiles and birds, or pocket pets such as sugar gliders, is impounded by the city for a period of 96 hours or longer without redemption thereof by the owner, the animal will be offered for sale, without warranty, to the public. 

(c) All money received from such sales shall be deposited in the general fund of the city. 

(State Law reference—Sale of certain unclaimed animals, 4 O.S. § 85.6.)

Sec. 6-9. - Cruelty prohibited. 

It shall be unlawful for any person to abandon, overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance or water, beat, mutilate or kill any animal or fail to give such animal sufficient water, or cause or procure an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented or deprived of necessary sustenance or water, beaten, mutilated, or killed, or to fail to provide an animal adequate shelter and protection from the weather. This section shall also apply to dogs and cats. Further, it shall be unlawful to:

1. Deprive an animal of adequate shelter and shade. Adequate shelter is defined as watertight housing in which an animal is able to enter and turn around. Adequate shade shall be present or provided, other than the animal's house, that protects the animal from the heat of the sun.

2. Knowingly allowing obvious nutritional deficiencies or denying veterinary care to an injured, sick, or parasitized animal.

3. Leave an animal enclosed within a vehicle, or the bed of a parked truck, in ambient temperature which exceeds 79 degrees Fahrenheit unless said animal is enclosed inside the vehicle with the air conditioning turned on.

4. Tether an animal in a manner that it can become entangled on any object or with another tethered animal. Such tethering restraint shall be a chain or cable of an appropriate size and tensile strength that is suitable to successfully restrain the animal, and will be attached to the animal with a well fitted collar or harness that does not press into or tear or cut the animal's neck. A rope or cord is not a sufficient or adequate tethering device.

5. Confine incompatible dogs together in the same enclosure and allow them to injure each other. At any sign of serious aggression among dogs that are housed together, the dogs must be separated into individual quarters.

6. Promote animal fights, including but not limited to fowl or fish. 

(State Law reference—Cruelty to animals, 21 O.S. § 1685.)
Sec. 6-10. - Exemption.

Unless specifically stated, the provisions of this article shall not apply to dogs or cats.

(Code 1966, § 3-6; Code 1982, § 6-10; Ord. No. 1692, § 1, 9-12-1977)

Sec. 6-11. - Violations.

No person shall violate, neglect or refuse to comply with any regulation, requirement or provision of this chapter. A violation of this chapter shall be a Class C offense.

(Code 1966, § 3-25; Code 1982, § 6-11; Ord. No. 1692, § 1, 9-12-1977; Ord. No. 2721, § 2, 8-13-2001)

Sec. 6-12. - Animals of nonresidents.

Any nonresident of the city, who lives in the vicinity of a ten mile radius from city hall, who wishes to leave an animal at the animal shelter, including, but not limited to, dogs and cats, shall pay a fee set by the city of no less than $10.00 per animal. Said animal will not be accepted if the nonresident or the animal is from an area or other municipality that provides animal control services or has an animal shelter, and/or may not be accepted if the animal has a communicable disease. The city animal shelter personnel reserve the right to refuse an animal from outside the corporate city limits if the animal shelter is deemed full.


Sec. 6-13. - Pet rabbits kept for nonagricultural purposes.

Rabbits may be kept as pets, no more than three adults and 14 young under the age of 12 weeks, may be housed in hutchs located at least 50 feet away from any dwelling, mobile home, manufactured home, house trailer, hotel, motel, grocery store, supermarket, or food service establishments not inclusive of the owner’s residence or outbuildings; or rabbits may be maintained, with no distance requirements from residences or other establishments, in a fenced yard that is at least 900 square feet. Said fence must be constructed of small, mesh wire that the rabbit cannot escape through, with the perimeter of the fence buried along the bottom to prevent the rabbit from burrowing out. Rabbits fenced in a yard must be provided with adequate housing for protection from the weather.


Sec. 6-14. - Administering of poisonous substances prohibited.

It shall be unlawful for any person to administer any poisonous or noxious drug or substance to any animal, or to expose any animal to any poisonous or noxious drug or substance, whether on public or private property, or whether such animal be on the property of its owner or another, when such substance is capable of causing the death or dangerous sickness of any domestic or household animal including, but not limited to, dogs and cats. Controlled programs under the direction of the health department or a licensed exterminator in performance of his job, or licensed veterinarians, euthanasia technicians, or animal control officers in the performance of humane euthanasia are excluded.

ARTICLE II. - DOGS AND CATS

DIVISION 1. - GENERALLY

Sec. 6-26. - Definitions.

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

*Animal a nuisance* means an animal is a nuisance when by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil or shrubbery, and in doing so injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases or kills any fowl or animal owned by another or which chases bicycles is also declared a nuisance. A female dog or cat in season at large is a nuisance.

*Animal control officer* means the person employed by the city as an enforcement officer of this article, said person to be selected by the city manager.

*At large* means any dog shall be deemed to be at large which is on or off the property of its owner and not under restraint.

*City animal shelter* means the premises operated and maintained by the city for the purpose of impounding and caring for dogs and cats in violation of this article.

*City health officer* means the director and sanitarians of the city-county health unit.

*Kennel* means any lot or premises on which four or more dogs more than six months of age are kept.

*Owner* means any person, group of persons, association or corporation owning, keeping or harboring a dog or cat.

*Restraint* means a dog is under restraint if:

1. It is controlled by a leash, handheld by a competent person.
2. It is within the confines of a motor vehicle.
3. It is leashed, chained or in a box-type container when being transported in a pickup truck.
4. On property of its owner and is restrained by a leash or chain of such length to prohibit the animal access to other private or public property or access to any walkway required by persons to make mail, newspaper or other deliveries.
5. On property of the owner and is confined to the premises through the use of fencing or walls sufficient to prohibit access of the dog to other public or private property.

*Stray* means any dog or cat found running at large upon public or private lands within the corporate limits of the city, displaying no identification tag, license tag or vaccination tag attached to its collar, and whose owner is unknown.

*Under leash*, as used in this article, means and includes the condition of a dog being securely held, restrained and confined by his owner, member of family, or agent by means of a strap, chain, rope, cord or other device not exceeding eight feet in length, and in such manner as to prevent the dog from attacking any person.
DIVISION 2. - CARE AND CONTROL

Sec. 6-27. - Restraint.

(a) The owner of any dog shall keep such dog under restraint and shall not permit the dog to be at large.

(b) Subsection (a) of this section shall not apply to the owner of any dog while such dog is participating in a dog show or training program authorized by law or by other appropriate authority. However, said dog must be within an interpretable distance of audible or hand commands given by the owner or some person designated by the owner.

Sec. 6-28. - Confinement of certain dogs.

(a) The owner shall confine within a building or secure proper enclosure every fierce, dangerous or vicious dog and not take such dog out of the building or secure proper enclosure unless such dog is securely muzzled and leashed in the manner described in section 6-26. The term "proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 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 have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(b) Every female dog or cat in heat shall be kept confined in a building or in a veterinary hospital or boarding kennel, in such a manner that the female dog or cat cannot come in contact with a male dog or cat except for breeding purposes. In such event, such dogs or cats shall be in some enclosed place entirely out of public view.

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

Sec. 6-29. - Rabies control, generally.

(a) Any person or entity owning, harboring, or keeping a dog, cat, or ferret which in the preceding ten days has bitten any person, shall upon notification by animal control authority or police officer or designated department designee, place the animal at the owner's, person harboring or animal's keeper's expense in quarantine under the supervision of a licensed veterinarian for a period of ten days from the date the person was bitten. Failure to surrender any animal immediately after demand for quarantine or rabies testing by an animal control officer, police officer or department designee shall be deemed in violation of this article. The impoundment and observation of the dog, cat, or ferret shall be conducted at the veterinarian's facility. Boarding kennels shall not be considered proper confinement facilities. Unvaccinated animals shall be vaccinated against rabies on the final day of the ten-day observation period prior to discharge from the veterinarian's supervision. The veterinarian shall notify animal control of the disposition of the said animal. Exceptions to this rule include the following circumstances:

(1) Dogs, cats, or ferrets involved in a first party ownership may be allowed to be securely confined and closely observed at the owner's home for ten-day home quarantine period immediately
following the bite. The term "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. The term "home observation or quarantine" means quarantine of an animal allowed at the animal owner's property, where one of the following acceptable methods of confinement for a dog are used:

a. Complete indoor housing;

b. Caging or kenneling in an enclosure with a securely latched door;

c. Yard confinement with perimeter fencing that the dog is unable to climb over or dig under and has never done so in the past.

Acceptable methods for confinement for a cat or ferret are:

a. Complete indoor housing; or

b. Caging in an enclosure that prevents escape.

The animal's needs for ambient temperature control, water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method.

(2) Dogs, cats, and ferrets meeting the criteria of currently vaccinated against rabies, and not inflicting a severe injury, can be placed in home quarantine, as described in subsection (a)(1) of this section, until the end of a ten-day period from the bite. If there are any changes in health or condition of an animal in a home quarantine, or if the animal dies, the person caring for that animal must take the animal directly to their veterinarian and report the change to the animal control division. A certification of animal health obtained after examination of a licensed veterinarian on the tenth day will be required and presented to animal control within two days of the end of the quarantine period. Approval for home quarantine will be determined by the animal control division officer, police officer or department designee.

(3) Animals in service to the blind or hearing-impaired, and search and rescue dogs or other animals used for police enforcement duties shall be exempt from quarantine when a bite exposure occurs and proper record of immunization against rabies is presented. A certification of animal health obtained after an examination by a licensed veterinarian at the end of ten days may be required by the department.

(4) Stray or unwanted dogs, cats, or ferrets that have bitten any person may either be quarantined for ten days at a veterinary facility or recognized quarantine facility or euthanized and the brain tissue submitted to the state department of health laboratory for rabies testing. Upon successful completion of the ten-day period, a stray animal may be placed for adoption by the animal control division's authority. At the end of the ten-day period, the animal control officer shall notify the person bitten by such animal of the disposition and/or the laboratory test results.

(b) If, within the impoundment period provided herein, said animal dies or exhibits symptoms or indications of rabies, it shall be examined by a veterinarian for clinical diagnosis and then properly destroyed by a licensed veterinarian. The suspect's head or the head of any rabies-suspected animal which dies shall be submitted to the state health department laboratory for confirmation of diagnosis. In this event, the animal control officer shall immediately in writing notify the person bitten of said diagnosis.

(c) When an examination report gives a positive diagnosis of rabies, the city health officer may recommend to the city manager citywide quarantine for a period of 30 days; and upon the invoking of such quarantine by the city manager, no animal shall be taken into the streets except under leash and complete control of a competent adult during such period of quarantine. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional period.
(d) In the case of a dog, cat or ferret known to have been bitten or scratched by a rabid animal, said dog, cat or ferret shall be euthanized immediately either by a veterinarian of the owner's choice or by an animal control officer. If the owner of such dog, cat or ferret is unwilling to have such dog, cat or ferret destroyed, then, at the expense of the owner, any such unvaccinated dog, cat or ferret shall be placed in strict quarantine and observed for a period of six months under the supervision of a licensed veterinarian. The exposed animal shall be immediately vaccinated against rabies upon entry into quarantine and then given booster vaccinations at the third and eighth week of the quarantine period. Animals less than 16 weeks of age at the time of entry into quarantine could be required by the veterinarian to receive a booster vaccine in addition to the protocol set forth in this section. Any dog, cat, or ferret which is currently vaccinated against rabies and is exposed to a rabid animal shall be revaccinated immediately and isolated and confined by the owner for a period of at least 45 days.

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

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


State Law reference— Rabies control, 63 O.S. § 1-508.

Sec. 6-30. - Report of bite cases.

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

(Code 1982, § 6-30; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-31. - Vaccination against rabies.

(a) It shall be unlawful for any person to own, keep, or harbor any dog, cat, or ferret, male or female, over four months of age within the corporate limits of the city unless such dog, cat or ferret has been immunized by vaccination against rabies in accordance with the regulations promulgated by the state department of health.

(b) Such vaccination shall be performed by or under the supervision of a veterinarian, licensed to practice veterinary medicine within the state.

(c) Each veterinarian shall utilize one of the rabies vaccines recommended by the Compendium of Animal Rabies Vaccines, as amended every year by the National Association of State Public Health Veterinarians, Inc.

(d) Each veterinarian, after vaccinating a dog, cat, or ferret for rabies, shall issue a legible certificate in duplicate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner. Each certificate shall include the following information:

(1) Date on which the vaccination is administered.

(2) Owner's full name, address, zip code and telephone number.

(3) Type of vaccine and duration of immunity.
(4) Signature of the veterinarian administering the vaccination.

(5) Name of the animal if applicable.

(6) Breed, age, sex, and color or marking of the dog or cat or ferret.

(e) Upon payment of the veterinarian’s fee, the veterinarian shall deliver to the owner, keeper or harborer of each dog or cat vaccinated a metallic or plastic tag showing the name of the veterinarian or veterinary clinic vaccinating said dog or cat, and showing the registration or certificate number from said veterinarian or veterinary clinic.

(f) Any person owning, keeping or harboring within the city any dog or cat not vaccinated as required in this article shall be guilty of an offense.


Sec. 6-32. - Tag and collar generally.

Every owner is required to see that the numbered tag issued pursuant to this article is securely fastened to the dog or cat’s collar, choke, chain or harness, or, in the case of a cat, a breakaway collar, which must be worn by the dog or cat at all times. It is unlawful for any person to unlawfully remove the tag from any dog or cat without the owner’s consent.

(Code 1982, § 6-32; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-33. - Noisy dogs.

It is unlawful for any person to own, possess, keep or harbor any dog which by loud and frequent howling, yelping or other noises, causes annoyance or disturbance to any of the citizens of the city.

(Code 1982, § 6-33; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-34. - Transfer of tag or receipt.

It shall be unlawful for any person to use for any dog or cat a receipt or tag issued for another dog or cat.

(Code 1982, § 6-34; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-35. - Pens or yards.

It shall be unlawful for any person to allow the yard, pen or other confines where a dog or cat is kept to become filthy or unsanitary.

(Code 1982, § 6-35; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-36. - Nuisance.

It shall be unlawful for any person to keep or harbor an animal which is a nuisance as defined in section 6-26.
Sec. 6-37. - Investigations.

For the purpose of discharging the duties imposed by this article and to enforce its provisions, the animal control officer or any police officer is empowered to enter on premises upon which a dog or cat is kept or harbored and to demand the exhibition by the owner of the tag or receipt for such dog or cat. It is further provided that the animal control officer may enter the premises where any dog is kept in a reportedly cruel or inhumane manner and demand to examine such dog and take possession of such dog when, in his opinion, the dog requires humane treatment.

Sec. 6-38. - Interference with enforcement.

It shall be unlawful for any person to interfere with, hinder or molest the animal control officer in the performance of any duty of such agent, or seek to release any dog or cat in the custody of the animal control officer except as herein provided.

Sec. 6-39. - Records.

(a) It is the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all dogs and cats coming into his custody.

(b) It is the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all moneys belonging to the city, which records shall be open to inspection at reasonable times by persons responsible for similar records of the city, and shall be audited annually in the same manner as other city records are audited.

Sec. 6-40. - Reserved.

DIVISION 3. - STERILIZATION

Footnotes:

--- (2) ---

State Law reference— Dog and cat sterilization act, 4 O.S. § 499.1 et seq.

Sec. 6-41. - Citation.

This division shall be known and may be cited as the "Stillwater Sterilization Act."

(Code 1982, § 6-36; Ord. No. 2069, § 1, 5-2-1983)

(Code 1982, § 6-37; Ord. No. 2069, § 1, 5-2-1983)

(Code 1982, § 6-38; Ord. No. 2069, § 1, 5-2-1983)

(Code 1982, § 6-39; Ord. No. 2069, § 1, 5-2-1983)

(Code 1982, § 6-41; Ord. No. 2778, § 1, 3-24-2003)
Sec. 6-42. - Definitions.

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

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

New owner or owner means a person legally competent to enter into a contract acquiring a dog or cat from a releasing agency.

Releasing agency means any pound, shelter, or humane society organization, whether public or private.

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

Sterilization means to spay or neuter a dog or cat.

(Code 1982, § 6-42; Ord. No. 2778, § 1, 3-24-2003)

Sec. 6-43. - Spaying and neutering as condition for release of certain animals.

(a) No dog or cat may be released for adoption from a releasing agency unless said animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered.

(b) The amount of deposit required will be decided by the releasing agency. In no event will the required deposit be less than $10.00. Dogs or cats may be transferred to another animal agency which requires that the dog or cat be spayed or neutered before being released to a new owner.

(Code 1982, § 6-43; Ord. No. 2778, § 1, 3-24-2003)

State Law reference— Similar provisions, 4 O.S. § 499.3.

Sec. 6-44. - Refund of deposit upon proof of spaying or neutering.

The funds deposited with the releasing agency shall be refunded to the adopting party or new owner upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within 60 days of adoption in the case of adult animals; or, in the case of infant animals, within 30 days of the date a female animal attained the age of six months, or a male animal attained the age of eight months.

(Code 1982, § 6-44; Ord. No. 2778, § 1, 3-24-2003)

State Law reference— Similar provisions, 4 O.S. § 499.3.

Sec. 6-45. - Extension of time to spay or neuter.

Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.
Sec. 6-46. - Death of adopted animal; refund of deposited funds.

If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal dies before the expiration of the period during which the spaying or neutering was required to be completed.

Sec. 6-47. - Failure to comply with sterilization agreement.

It shall be unlawful for the adopting party to not comply with the provisions set out in the sterilization agreement that was entered into at the time of the adoption of the said dog or cat.

Secs. 6-48—6-50. - Reserved.

DIVISION 4. - IMPOUNDMENT

(a) Any dog found running at large in the city shall be immediately impounded.

(b) Any dog or cat found running at large in the city and not having attached to its collar, choke, chain or harness the vaccination and license tags required by this article shall be immediately impounded.

(c) Immediately upon impounding any dog or cat, the animal control officer shall make every reasonable effort to notify the owner of the dog or cat impounded, and inform the owner of the conditions whereby he may regain custody of the dog or cat.

(d) After the expiration of the five-day detention period, as aforesaid, unless the owner of said animal requests a shorter period of time, the animal control officer may humanely destroy or, as set forth in section 6-52(b), may sell and transfer title to any dog or cat impounded under this section and not redeemed by its owner.
(e) The animal control officer may transfer title to any dog or cat held by the city at its animal shelter to a competent person after the legal detention period herein referred to has expired and the dog or cat has not been claimed by its owner. In the event of such transfer of title, it is expressly understood that the new owner shall pay for each such animal's food until it shall be removed from the city animal shelter. Removal of any dog or cat from the city animal shelter under the provisions hereof shall be prima facie evidence that said dog or cat is owned by the person removing it.


Sec. 6-52. - Redemption or sale.

(a) The owner shall be entitled to resume possession of an impounded dog or cat except as herein provided in the cases of certain dogs and cats, upon payment of impoundment fees as set forth in section 6-53; provided that an impounded dog or cat shall not be released until it has been vaccinated against rabies; except a dog or cat may be released to its owner prior to vaccination, provided that within seven days of such release, the owner brings in a certificate of vaccination for such animal. If the owner fails to do so, the dog or cat shall be impounded again and shall not be released again until actually vaccinated.

(b) Any dog or cat impounded under section 6-51 and not reclaimed by its owners within five days, exclusive of Sundays and legal holidays, may be sold by the animal control officer for the amount of the impoundment fees against such dog or cat to any person deemed to be a responsible or suitable owner who will agree to comply with the provisions of this article and such other regulations as may be established by the city.


Sec. 6-53. - Fees.

Any dog and/or cat impounded hereunder may be reclaimed as herein provided upon payment by the owner to the animal control officer a fee not to exceed $5.00 for each day of impoundment. Such impoundment fees, after collection, shall be delivered by the animal control officer to the director of finance.

(Code 1982, § 6-53; Ord. No. 2069, § 1, 5-2-1983)

Sec. 6-54. - Unlawful removal from animal shelter.

No person shall take out or attempt to take out of the animal shelter, or any animal shelter property, any animal or animals located therein without first paying the fees prescribed by this chapter and meeting the vaccination requirements contained herein.

(Code 1982, § 6-54; Ord. No. 2069, § 1, 5-2-1983)

Secs. 6-55—6-65. - Reserved.

ARTICLE III. - BIRD SANCTUARY

Sec. 6-66. - Bird sanctuary designated.
The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(Code 1966, § 3-26; Code 1982, § 6-66; Ord. No. 1692, § 1, 9-12-1977)

Sec. 6-67. - Unlawful to hunt, shoot, etc.

It is unlawful for any person to trap, hunt, shoot, molest, or attempt to trap, hunt, shoot, or molest, in any manner, any bird or wild fowl, or to rob bird nests or wild fowl nests within the limits of the city; provided, however, if any birds or wild fowl become a public nuisance or a menace to health or property, then in that event, the birds or wild fowl may be destroyed under the control and supervision of the city health authorities and the garden clubs, Audubon Society, or other interested clubs of the city.

(Code 1966, § 3-27; Code 1982, § 6-67; Ord. No. 1692, § 1, 9-12-1977)

Secs. 6-68—6-70. - Reserved.

ARTICLE IV. - KENNELS, GROOMING PARLORS, PET SHOPS AND SHELTERS

Sec. 6-71. - Definitions.

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

- **Animal control officer** means the person employed by the city as an enforcement officer of this article, said person to be selected by the city manager.
- **Chief of police** means the chief of the police department of the city, or his duly authorized representative.
- **City clerk** means the city clerk, or his duly authorized representative.
- **Kennel** means any lot or premises on which four or more dogs more than six months of age are kept.
- **Pet shop** means a retail shop primarily engaged in the business of selling animals and maintaining, keeping or possessing any animal for which a permit may be issued by the city clerk under section 6-72 at any time during the calendar year or any part thereof.

(Code 1982, § 6-71; Ord. No. 2069, § 2, 5-2-1983)

Sec. 6-72. - Permits—Generally.

(a) The city council hereby declares it to be conducive to the promotion of the health and general welfare of the inhabitants of the city to require a professional animal permit to operate a kennel, grooming parlor, pet shop or shelter and to impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, pet shop or shelter.

(b) Persons operating kennels, grooming parlors, pet shops or animal shelters shall obtain a professional animal permit from the city clerk.

(c) When a professional animal permit is applied for, an inspection of the kennel, grooming parlor, pet shop or shelter shall be conducted to determine compliance with this chapter. If inspection reveals that this chapter and other applicable laws, ordinances and regulations are met, a professional animal permit will be issued. Professional animal permittees who keep their animals confined shall,
at the option of the permittee, be exempt from the animal license requirements of this chapter, and will not be issued any license tags unless the required animal license fee is paid.

(d) Permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop and shelter.

(e) A permit holder shall notify the city clerk of any change in his operations which may affect the status of his permit and shall keep the city clerk apprised of any change in name or location of his business.

(f) Persons in charge of a kennel, grooming parlor, pet shop or shelter shall be responsible for complying with this chapter. There shall be kept at each kennel, grooming parlor, pet shop or shelter a record of all animals received and of their final disposition.

(g) The professional animal permit shall expire December 31 of each calendar year and shall be renewed by February 1 of the following year. New professional animal permits, but not a renewal, shall be issued with professional animal permit fees prorated on a semiannual basis.

(h) Professional animal permits shall not be required of licensed veterinary clinics.


Sec. 6-72.1. - Same—Fee.

(a) The fee for a professional animal permit shall be $50.00. Fees provided for herein shall be deposited to the general fund of the city.

(b) In the event that a person applying for a professional animal permit desires to do business in more than one place within the city, such applicant shall be required to pay only one $50.00 permit fee, which fee shall be made to cover all places of business of such applicant; however, each separate place of business shall be issued a permit by the city clerk and said permit shall be posted conspicuously in such place of business.

(Code 1982, § 6-72.1; Ord. No. 2123, § 1, 2-20-1984)

Sec. 6-73. - Specifications and maintenance of facilities.

(a) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. Interior floors shall be smooth, of easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(b) Animals maintained in pens, cages or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.

(c) Indoor housing shall be provided for in all pet shops, grooming parlors, shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.

(d) Sufficient lighting shall be provided by either artificial or natural means.

(e) Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.

(f) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors and disease hazards.
(g) Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or
breeding purpose; and any vicious or quarantined animals shall be removed and caged by themselves.

(h) Except where indicated for health or welfare, animals shall be provided with clean, fresh, sufficient
and wholesome food and water. Food and water containers shall be kept clean.

(i) Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick,
diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person
operating or employed at a kennel, grooming parlor, pet shop or shelter who observes an animal
which he suspects of being rabid shall at once notify the animal control officer and segregate such
animal for a period of ten days unless such animal is examined and released by written statement of
a veterinarian and then only at the discretion of the animal control officer.

(Code 1982, § 6-73; Ord. No. 2069, § 2, 5-2-1983)

Sec. 6-74. - Inspections, generally.

The animal control officer or his duly appointed agent shall be permitted to enter, at any reasonable
time, any kennel, grooming parlor, pet shop or shelter for the purpose of making inspections to determine
compliance with this chapter. The animal control officer shall make as many inspections and
reinspections as are necessary for the enforcement of this chapter.

(Code 1982, § 6-74; Ord. No. 2069, § 2, 5-2-1983)

Sec. 6-75. - Permit violations, suspensions and revocations—Generally.

(a) If the animal control officer makes an inspection of a kennel, grooming parlor, pet shop or shelter and
discovers a violation of this chapter, he shall notify the permit holder or operator of such violation by
means of an inspection report form or other written notice. The notification shall:

(1) Set forth the specific violations found.

(2) Establish a specific and reasonable period of time for the correction of the violations found.

(3) State that failure to comply with any notice issued in accordance with this chapter may result in
immediate suspension of the permit.

(4) State that an opportunity for appeal from any notice or inspection findings will be provided if a
written request for a hearing is filed with the animal control officer within five days.

(b) Notices provided for under this section shall be deemed to have been properly served when the
original of the inspection report form or other notice has been delivered personally to the permit
holder or person in charge or such notice has been sent by registered or certified mail, return receipt
requested, to the last-known address of the permit holder. A copy of such notice shall be filed with
the records of the animal control officer.

(c) Permits may be suspended temporarily by the chief of police for failure of the holder to comply with
the requirements of this article or of other applicable laws, ordinances or regulations. Whenever a
permit holder or operator has failed to comply with any notice issued under the provisions of this
chapter, the permit holder or operator shall be notified in writing that the permit is, upon service of
notice, immediately suspended and that an opportunity for a hearing will be provided if a written
request for a hearing is filed with the chief of police by the permit holder. Notwithstanding the other
provisions of this chapter, when the animal control officer finds unsanitary or other conditions in the
operation of a kennel, grooming parlor, pet shop or shelter which, in his judgment, constitutes a
substantial hazard to public health, he may, without warning or hearing, issue a written notice to the
permit holder or operator, citing such condition and specifying the corrective action to be taken. If
deemed necessary by the chief of police, such notice shall state that the permit is immediately
suspended and all operations are to be immediately discontinued. Any person to whom an order is issued shall comply immediately therewith.

(d) For serious or repeated violations of any of the requirements of this chapter, or for interference with the animal control officer in the performance of his duties, the professional animal permit may be permanently revoked after an opportunity for a hearing has been provided by the chief of police. Prior to such action, the animal control officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the chief of police by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(Code 1982, § 6-75; Ord. No. 2069, § 2, 5-2-1983)

Sec. 6-76. - Same—Review of permit violations, suspensions and revocations.

(a) The hearings provided for in this section shall be conducted by the chief of police at a time and place designated by him. Based upon the record of such hearing, the chief of police shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the chief of police. This subsection shall not be intended to preclude the institution of court action as provided elsewhere in this chapter.

(b) Any person whose permit has been suspended may at any time make application for an inspection for the purpose of reinstatement of the permit. Within five days following a request for reinstatement, the animal control officer shall make an inspection. If the applicant is complying with the requirements of this chapter and other applicable laws, regulations and ordinances, the permit shall be reinstated.

(Code 1982, § 6-76; Ord. No. 2069, § 2, 5-2-1983)