

CHAPTER 3

ANIMALS

[Previous Chapter repealed & this Chapter Adopted 2/2011, Ord. No. 11-1078]

Article 1. Definitions

Sec. 3-1. Definitions.

The following words and phrases when used in this chapter, shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Altered or sterilized" means the surgical removal of the reproductive organs of an animal or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.
2. "Animal" means every nonhuman species of animal, both domestic and wild.
3. "Animal at large" means not securely confined by a fence or other means on the premises under the control of or occupied by the owner, and not under the control of the owner or the agent of the owner who is capable of maintaining positive control over the animal by the use of a leash or otherwise, whether on the owner's premises or not.
4. "Animal Control Officer" means any person designated by the City who is hired to perform such duties as required by this chapter and/or state law.
5. "Auction" means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.
6. "Bite" means puncturing or tearing of the skin by an animal's teeth.
7. "Cat" means any live or dead felis catus.
8. "Circus" means a commercial variety show featuring animal acts for public entertainment.
9. "Commercial animal establishment" means any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

10. “Currently vaccinated” means vaccinated and satisfying the following criteria:
 - a. The animal must have been at least three months of age at the time of vaccination;
 - b. At least 30 days have elapsed since the initial vaccination.
 - c. Vaccination is valid in accordance with the Oklahoma Department of Health guidelines and the licensed veterinarian that administered the vaccination.
11. “Dangerous Dog” means any dog that has inflicted severe injury on a human being without provocation on public or private property.
12. “Dog” means any live or dead canis familiaris.
13. “Domestic animal” means tame, domesticated, of or pertaining to the family or household.
14. “Exposure” means any possible exposure to rabies through a break in the integrity of the skin caused by a bite or scratch, or through saliva or central nervous system tissue contact with a fresh open wound or mucous membrane.
15. “Fowl” means a bird of any kind; domestic cock or hen (gallus gallus).
16. “Grooming shop” means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.
17. “Guard dog” means any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.
18. “Kennel or cattery” means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four animals of the same species.
19. “Large animals” means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature.
20. “Licensed veterinarian” means a veterinarian licensed to practice veterinary medicine in the state.
21. “Livestock” means domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep and swine, regardless of age, sex or breed.

22. “Observation period” means the ten days following a bite incident during which the biting animal’s health status must be monitored. The ten-day observation period will begin on the day of the bite incident (day one).
23. “Owner” means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.
24. “Performing animal exhibition” means any spectacle, display, act, or event, other than circuses, in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.
25. “Pet” shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.
26. “Possible exposure to rabies” means the receipt of a bite or scratch from any warm-blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.
27. “Potentially vicious animal” means any animal [that], when unprovoked, acts as if it intends to bite a human, dog, cat, animal, or livestock whether on public or private property or chases or approaches a human upon a public way in a threatening fashion as if to inflict injury or serious harm or demonstrates aggressive behavior which requires a human to take defensive or evasive action to avoid physical contact with the animal.
28. “Provocation” means any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner’s premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.
29. “Public nuisance” means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” means and includes, but is not limited to, any animal that:
- a. Is repeatedly at large or stray;
 - b. Damages the property of anyone other than its owner;
 - c. Molests or intimidates pedestrians or passersby;

- d. Trespasses on school grounds;
 - e. Chases vehicles;
 - f. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - g. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - h. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 - i. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or type of animals maintained; or
 - j. Attacks other domestic animals.
30. “Quarantine” means strict confinement for the purpose of preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or in any other manner approved by the local health authority on the private premises of the owner or at a facility approved by the state Department of Health.
31. “Quarantine period” means that portion of the observation period during which a biting animal is physically confined for observation.
32. “Rabies” means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.
33. “Releasing agency” means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual’s home to a dog or cat.
34. Restraint” means that an animal is secured by a leash or lead and under the control of a responsible person and obedient to that person’s commands. At all other times, a dog or other such animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping there from; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent such dog or other animal

from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight feet of any street, park, or other public land or within eight feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance and shall be impounded. Dogs need not be on a leash if the dog is under the constant visual and verbal control of the owner and on the owner's private property. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.

35. "Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.
36. "School zone" means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.
37. "Scratch" means a scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.
38. "Sick animal" means any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.
39. "Small animals" means rabbits, hares, guinea pigs, dogs, cats, chinchillas, chickens, turkeys, guineas, geese, ducks, hamsters, pigeons (except homing pigeons) or any other animal of similar size or stature.
40. "Stray" means animal running free or at large, with no physical or verbal restraint.
41. "Unowned animal" means any animal for which an owner has not been identified.
42. "Vaccinated" means properly injected with a rabies vaccine licenses for use in the subject species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.
43. "Vicious animal" means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal that is

believed to have a dangerous disposition and is likely to be harmful to humans or other animals.

44. “Wild animal” means any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.
45. “Wild state” means living in its original, natural condition; not domesticated.
46. “Wildlife” means any animal that occurs naturally in the wild state.

Article 2. Animals General

Sec. 3-2. Animals Nuisance Generally.

1. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance or to be at large as defined in Section 3-1.
2. Any person owning or having in his possession or under his control any animal constituting a nuisance shall be summoned before the municipal court of the City to show cause why such animal should not be confined, disposed of or removed or the nuisance otherwise abated and, upon proof that the animal constitutes a public nuisance, the animal in question shall, by order of the municipal court the City, either be confined, removed from the City, or the nuisance activity otherwise abated as such court shall order. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered disposed of or removed by the municipal court, or to fail to confine or restrain an animal when such an order has been entered by the court.
3. Any person who owns any dog, cat, or other animal that has been adjudged a nuisance pursuant to this section by the municipal court and who appeals that decision to the district court shall be responsible for the fees connected with the impounding of the animal by the city. If on appeal the district court determines that the dog, cat, or other animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.

Sec. 3-3. Nuisance-Noise.

1. It shall be unlawful for any person to keep a dog without exercising proper care and control of such dog to prevent it from disturbing the peace of others by barking in a loud, continuous or untimely manner. Any person, whether as owner, tenant, occupant, lessee or otherwise, in charge or control of the property where such dog is kept, or the owner of such dog, shall be responsible for exercising control of such dog under this section.
2. It shall be the duty of any Animal Control Officer or police officer, who may find any dog disturbing the peace of others by barking in a loud, continuous or untimely manner, to advise the owner of such dog, or the person in charge or control of the property where such dog is kept, to exercise proper control and care of such dog to prevent it from barking in such manner. If such owner or person refuses to cooperate with the police officer or Animal Control Officer, or is unable to prevent such dog from barking in such manner, or if the Animal Control Officer or police officer is unable to locate any person on the property where such dog is kept, it shall be the duty of the Animal Control Officer or police officer to take such dog into possession. The impoundment provisions of this chapter shall be

applicable to and followed by the Animal Control Officer, or police officer upon taking any dog into possession under this section.

3. It shall be unlawful for any person to keep or permit on his or her premises or in any public place any animal or fowl that creates a public nuisance or that makes objectionable noise and thus disturbs public peace and rest.
4. The animal control officer or police officer may issue a summons to any person he finds in violation of this section.

Sec 3-4. Abandoning or Dumping Domestic Animals in Public Places

It shall be unlawful for any person to or on City-owned property. abandon, dump or otherwise dispose of a dog, cat or other domesticated animal on any City-owned property; on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way; or on private property without the written consent of the owner thereof or his agent. When a violation of this subsection has been observed by any person, and the animal illegally abandoned, dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person abandoning, ejecting or disposing of the animal. Such presumption shall be rebuttable by competent evidence. If found guilty of the offense described in this Section, punishment shall be imposed by a fine of not less than 250.00 dollars (\$250) and not more than 500.00 dollars (\$500).

Sec 3-5. Using Animals as Prize or Inducement

No person shall give away any live vertebrate animal as a prize for or as an inducement to enter any contest, a game or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement, whereby the offer was for the purpose of attracting trade.

Sec. 3-6. Disposition of Dead Animals Generally

The owner of any animal which has died from disease or other cause shall forthwith cremate or bury or dispose of the remains of such animal in a manner authorized by law.

Sec. 3-7. Leaving Disabled Animal on Street or Sidewalk Generally

1. No person having custody of any maimed, diseased, disabled or infirm animal, abandon or leave it to lie or be in or on any street, road, alley or sidewalk.
2. If found guilty of the offense described in this Section, punishment shall be imposed by a fine of not less than 250.00 dollars and not more than 500.00 dollars.

Sec. 3-8. Care of Animals Generally

1. No owner shall fail to provide for each animal under his care with each of the following:
 - a. Adequate feed;
 - b. Adequate water;
 - c. Adequate shelter that is properly cleaned;
 - d. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species and weight;
 - e. Adequate exercise;
 - f. Adequate care, treatment, and transportation; and
 - g. Veterinary care when needed or to prevent suffering or disease transmission. Provisions of this section shall also apply to every animal shelter, pound, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment.
 - h. It is unlawful to tether any animal for more than three hours, cumulatively, in a twenty-four (24) hour period.
 - i. It is unlawful to leave animals unattended inside a motor vehicle without adequate temperature control or adequate ventilation.
 - j. It is unlawful to allow any animal to willingly and knowingly allow any animal to urinate or defecate on the private property of other persons without their consent, or that of the authorized agent of the one having control of the premises.
2. If found guilty of the offense described in this Section, punishment shall be imposed by a fine of not less than 250.00 dollars and not more than 500.00 dollars.

Sec.3-9. Striking with a Motor Vehicle

Any person who, as operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as is possible and shall immediately report such injury or death to the animal's owner or to the Police Department. If the owner cannot be

ascertained and located, such operator shall at once report the accident to the Police Department.

Sec 3-10. Exposure to Poisons

1. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be liable to be eaten by any animal. However, it shall not be unlawful for a person to expose, on that person's own property or property under that person's control, an anticoagulant-type rat poison commonly known as "red squill" and other rat poisons approved by the health officer.
2. If found guilty of the offense described in this Section, punishment shall be imposed by a fine of not less than 250.00 dollars and not more than \$500.00.

Sec. 3-11. Collection, Storage, and Disposal of Litter and Droppings

When required by the Health Officer, every keeper of animals shall cause the litter and droppings there from to be collected daily in a container or receptacle of such a type that, when closed, it is rat proof and fly tight, and after each such collection, the container or receptacle shall be kept closed. At least twice each week, each keeper shall cause all litter and droppings so collected to be disposed of in a way so as not to permit the presence of fly larvae.

Sec. 3-12. Storage of Feed

Every keeper of animals shall cause all grain feed provided thereto to be stored and kept in a rat proof, fly tight building, box, container or receptacle.

Sec. 3-13. Keeping of Wild Animals, Poisonous or Dangerous Reptiles Prohibited;

No wild animal or poisonous or dangerous reptile shall be kept within the city limits; provided, however, that the same may be kept for exhibition purposes by circuses, zoos and education institutions, in accordance with such regulations as shall be established by the city council by resolution.

Sec. 3-14. Enclosures for Keeping-Required Size and Location

Every keeper of animals shall confine the same in an enclosure sufficient to prevent them from running at large and of sufficient size to be conducive to good sanitation practices for the number of animals kept therein. For large animals, such enclosure shall be at least 10,000 square feet in area for each large animal kept therein and shall not be located nearer than 100 feet to any dwelling, excluding dwelling of the owner.

Sec.3-15. Performing Animal Exhibitions

1. No person may sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically, or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event, whether for free or for a fee to entrants or spectators.
2. All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 3-16. Requirements for Keeping a Potentially Vicious Animal

1. *Confinement.* All potentially vicious animals shall be securely confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subsection 2 below. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine potentially vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house potentially vicious animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.
2. *Leash and Muzzle.* No person shall permit a potentially vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a potentially vicious animal to be kept on a chain, rope or other type of leash outside its kennel or pen, unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons, dogs or cats.
3. *Sight Proof Fencing.* In addition to other requirements provided herein, the yard where a potentially vicious animal is kept shall be enclosed with a six foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially vicious animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other

animal to go through. Said fence shall also be maintained to prevent another animal from entering the property where the potentially vicious animal is kept. Electric fences, if installed, shall be installed in accordance with applicable building and safety codes. Electric fences shall not be installed on the top of the fence or be installed in such a way as to be likely to shock humans on the opposite side of the fence.

4. *Signs.* All owners, keepers or harborers of potentially vicious animals must, within thirty (30) days of notification, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Potentially Vicious Animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
5. *Insurance.* A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially vicious animal to keep or harbor said animal on the landowner's premises and all owners, keepers or harborers of potentially vicious animals must, within thirty (30) days of notification, provide proof to the Chief of Police and Animal Control of public liability insurance in a single incident amount of one-hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of Wilburton, by the owner, keeper or harborers.
6. *Identification photographs.* All owners, keepers or harborers of potentially vicious animals must, within thirty (30) days of notification, provide to the Chief of Police two (2) color photographs of the potentially vicious animal clearly showing the color and approximate size of the animal. Said photographs shall be no smaller than 3" by 5" in size.
7. *Electronic Identification Tag.* All owners, keepers or harborers of potentially vicious animals must, within thirty (30) days of notification, have an electronic identification chip installed on the animal. The chip shall be installed by a Veterinarian licensed in the State of Oklahoma and shall be readable with the use of an industry standard universal reader.
8. *Reporting requirements.* All owners, keepers or harborers of potentially vicious animals must within thirty (30) days of the incident, report the following information in writing to the Chief of Police and Animal Control as required hereinafter:
 - a. The removal from the city or death of a potentially vicious animal;
 - b. The birth of offspring of a potentially vicious animal;

- c. The new address of a potentially vicious animal owner should the owner move within the corporate city limits.
9. *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way dispose of a potentially vicious animal within the city to any person within the city unless the recipient personally resides permanently in the same household and on the same premises as the owner of such animal; provided that the registered owner of a potentially vicious animal may sell or otherwise dispose of a potentially vicious animal or the offspring of such animal to persons who do not reside within the city.
10. *Breeding of potentially vicious animals.* It shall be unlawful to breed any potentially vicious animal within the city.
11. *Animals born of registered dogs.* All offspring born of potentially vicious animals registered with the city must be removed from the city within six (6) weeks of the birth of such animal.
12. *Sterilized.* All owners, keepers, or harborers of potentially vicious animals must, within thirty (30) days of notification, have the potentially vicious animal sterilized. Sterilization shall be performed by a Veterinarian licensed in the State of Oklahoma.
13. *Annual Registration.* All potentially vicious animals shall be registered by the owner with the City within thirty (30) days of notification by the Chief of Police that the animal has been declared potentially vicious. A potentially vicious animal shall not be registered by the Chief of Police if the requirements of this chapter are not complied with at the time of application. The annual registration fee shall initially be established at One Hundred Dollars (\$100.00). Said registration fee shall thereafter be established by resolution of the City Council.
14. *Failure to Comply.* It shall be unlawful for the owner, keeper or harbinger of a potentially vicious animal in the city to fail to comply with the requirements and conditions set forth in this article. Any potentially vicious animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. All expenses associated with the impounding including shelter, food, handling and veterinary care shall be born by the owner of such animal during the period of impoundment. Failure to comply with all the requirements and conditions set forth in this article within fifteen (15) days of impoundment will result in the destruction of this animal.

Sec. 3-17. Traps.

No person, except a person licensed by the State of Oklahoma, shall place or set out

steel jaw leg and/or neck traps with the intent of trapping any animal within the city limits.

Sec. 3-18. Running at Large.

1. The owner or keeper of any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large.
2. It shall be unlawful for the owner of any animal to permit the animal to go upon any public street, sidewalk or right-of-way, unless it is kept secured by a leash or lead or other means of restraint not harmful or injurious to the dog and under the control of a responsible person capable of physically restraining the animal.
3. Unless otherwise provided in this section, any person found who does not restrain his animal, in accordance with this section, whether such person be the owner or custodian of such animal shall be issued a summons for violation of this section by a City Animal Control Officer or police officer.
4. This section shall not apply to any person who has a dog on his private property and has control of the dog by direct supervision through visual observation and verbal command or uses a dog under his direct supervision while lawfully hunting, while engaged in a supervised formal obedience training class or show, or during formally sanctioned field trials.
5. Any dog or other animal trained for enforcement purposes and used by the police department or other legitimate law enforcement agencies shall not be considered to be running at large if the animal is under the visual and verbal control of its handler, trainer or police officer with or without specific restraints.
6. If found guilty of the offense described in this Section, punishment shall be imposed by a fine as follows:
 - a. For the first offense in a 12 month period, a fine of not less than 50.00 dollars (\$50) for an unlicensed and not less than 25.00 dollars (\$25) for a licensed animal.
 - b. For the second offense in a 12 month period, a fine of not less than 75.00 dollars (\$75) for an unlicensed and not less than 40.00 dollars (\$40) for a licensed animal.
 - c. For the third and subsequent offense in a 12 month period, a fine of not less than 215.00 dollars (\$215) for an unlicensed and not less than 100.00 dollars (\$100) for a licensed animal.

Sec. 3-19. Vicious Dog May be Killed

Any person may kill a dog in self-defense or in defense of another by whatever means necessary when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person or animal toward whom the efforts of the dog are directed is about to be physically harmed. Dog must be at large.

Sec. 3-20. Rabid Dog May be Killed

Any person may kill a dog the appearance or conduct of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies. Dog must be at large.

Article 3. Administration and Enforcement

Sec. 3-21. Enforcement

This chapter shall be enforced by the Animal Control Officer(s) and all police officers or any person designated for such purpose by the Chief of Police. The Animal Control Officer shall have full authority to carry out the provisions of this chapter including gathering up and impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and nondomestic animals found running at large (stray) within the city limits. In addition to the authority provided by the general law, and in enforcing this chapter, officers may pursue animals onto city-owned or vacant or privately owned property.

Sec. 3-22. Relief from Personal Responsibility

The Animal Control Officer, police officer, animal handler or trainer working with and responsible for any animal used for enforcement purposes in the normal course of performing and discharging those duties, and charged with the responsibility for enforcement of the law while acting for the jurisdiction, as well as the City itself, shall not thereby be rendered liable personally and is hereby relieved from all personal or corporate liability for any damage or personal injury that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties and shall be held harmless and blameless for such acts.

Sec. 3-23. Interfering with Enforcement

No person shall interfere with, hinder or molest any agent of the City in the performance of any duty of such agent under this chapter, or seek to release any animal in the custody of the city or its agents, except as authorized in this chapter.

Sec. 3-24. Records

1. It shall be 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 animals coming into his custody.
2. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of the same.
3. It shall be the duty of the Animal Control Officer and City Treasurer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city

and paid to them under the provisions of this chapter. Such records shall be open to inspection at reasonable times by persons in the same manner as other city records are audited.

Sec. 3-25. Inspections

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

Sec. 3-26. Authority of Police to Take Possession of Animals Kept in Cruel Manner

Any Animal Control Officer or police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine the animal and take possession of the animal when, in his opinion, it requires humane treatment. The Animal Control Officer or police officer shall be authorized to give owners or custodians warnings or initiate proceedings to have charges filed against them for cruel and inhumane treatment.

Article 4. Impoundment

Sec. 3-27. Generally

1. Unrestrained dogs, cats, and nuisance animals found running at large shall be taken by the police or Animal Control Officers and impounded in an animal shelter/pound and there confined in a humane manner. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused shall also be impounded.
2. Impounded animal shall be kept for a maximum of 10 days unless sooner reclaimed by their owner.
3. Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept zero to 72 hours at the discretion of the Animal Control Officer.
4. If, by a license tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by direct contact, telephone, mail, or other reasonable means.
5. An owner reclaiming an impounded dog or cat shall pay all impounding fees and licensing fees according to the fee schedule in this chapter. If no proof of a current rabies vaccination can be produced, the owner will be responsible to obtain a rabies vaccination from any participating veterinarian prior to the animal being released. Impoundment and boarding fees for all other animals shall be according to the fee schedule contained in this chapter. Subsequent impoundments occurring within 12 months shall be charged double the scheduled fees.
6. No sick impounded animal shall be released to the owner until the Animal Control Officer is satisfied that arrangements have been made for proper treatment of such animal.
7. Any dog or cat not reclaimed by its owner within 10 days shall become the property of the City and shall be placed for adoption in a suitable home or humanely euthanized.
8. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or police officer shall issue to the known owner of such animal a summons for violation of this ordinance.

Sec. 3-28. Fees

The fee for impounding and keeping an animal under Sections 3-27 or 3-40 shall be twenty dollars (\$20) for each dog, cat, hog, sheep, goat, or other similar small animal, and the additional sum of seven dollars (\$7) for each day such animal is kept. For any fowl, the impounding fee shall be twenty dollars (\$20) and five dollars (\$5) for each day such animal is kept. For any horse, mule, donkey, pony, cow, or similar large animal, the fee for impounding is twenty dollars (\$20) and for each day a twenty dollar (\$20) fine will be charged. These fees are in addition to any fine that may be imposed for violation in this chapter and shall be paid prior to the animal being claimed.

Sec. 3-29. Redemption; Disposition of Unclaimed Animals

1. Any animal impounded may be reclaimed by the owner upon payment of the fees set forth in Section 3-27 within three days after the animal is impounded, subject to the following conditions.
 - a. No dog or cat may be reclaimed unless all requirements of Section 3-57 have been complied with.
 - b. No animal described in Section 3-18 may be redeemed by the owner unless the redemption is authorized by a court having jurisdiction.
 - c. When in the judgment of the Animal Control Officer an animal should be destroyed for humane reasons, such animal may not be redeemed.
2. Any animal impounded under the provisions of this chapter and not reclaimed by the owner within ten days (10) may be humanely destroyed by the City or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter. If the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.
3. No unspayed female dog or cat which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter/pound unless the prospective owner shall agree to have such female spayed.

Sec. 3-30. Adoption

No animal shall be put up for adoption unless it has had a rabies vaccination. If an animal is less than four months old, a commitment from the new owner is required. The new owner shall agree to have the animal spayed or neutered.

Article 5. Dogs and Cats

Sec. 3-31. Determination of Vicious Dog.

1. It shall be an offense under the terms of this chapter for any person within the city to own, keep, possess, harbor or allow to remain upon premises under his control any vicious animal.
2. It shall be the duty of the Animal Control Officer to investigate any proper claim that an animal is vicious within the meaning of this chapter. Should the investigating Animal Control Officer determine that a vicious animal poses an immediate threat to the public health or safety, he shall immediately seize and impound the animal. The Animal Control Officer shall also refer the matter to the City Judge for approval of a verified complaint requesting a finding by the court that the impounded animal is vicious and aid in the proceedings instituted in the municipal court against any person for harboring a vicious animal.
3. If the court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is not a vicious animal, the court shall order the Animal Control Officer to return the animal to its owner. If such animal is found by the court to be a vicious animal, the court shall order the Animal Control Officer to euthanize the animal. In the alternative, the court may order the animal to be permanently removed from the city. Prior to removal of the animal from the city, the animal shall be tattooed with identification marks by a licensed veterinarian. The costs of the tattooing shall be the responsibility of the owner of the animal.
4. At the option of the owner, but subject to the approval of the Animal Control Officer, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the vicious animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the Animal Control Officer or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the city be liable for costs or fees charged by the private facility. Further, the city may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

Sec. 3-32. Identification of Dogs and Cats

No owner or custodian of any dog or cat shall permit such animal to be out of doors outside of the owner or custodian's property or immediate physical presence unless such animal is bearing valid identification. For the purpose of this section, valid identification

shall mean a collar or harness and a legible city license tag for the current year registered to the current owner at the current address; a valid, legible rabies tag registered to the current owner at the current address; a legible personal identification tag, which bears valid and current owner information including address and/or telephone number. Any such dog or cat on which the owner or custodian is unable to maintain a collar or harness and valid identification within 30 days from the date that such dog or cat was acquired and/or 30 days from the date that the owner or custodian establishes residency in the city shall have caused the animal to be tattooed by a licensed veterinarian or implanted with permanent microchip identification, the registration for which shall include valid and current owner information and address.

Sec. 3-33. Keeping of Domestic Animals

1. All persons residing in the city who own one or more dogs must keep such dogs at the residential premises permanently occupied and inhabited by the dog owners. It shall be unlawful for such dog owners to keep their dogs at any other location within the city limits. This section shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely cage or penned.
2. The provisions of such subsections shall not be construed to prohibit any person engaged in operating any abattoir, packinghouse or stockyard from keeping livestock for a reasonable length of time while awaiting their use in connection with the operation of such abattoir, packinghouse or stockyard which had been zoned for such use.

Sec. 3-34. Female Dogs and Cats in Season

No person shall permit any female dog or cat in season to go at large in the street or allow her to remain on that person's premises to the annoyance of the neighborhood. If located by an animal control officer, the female dog or cat may be impounded. The owner of any female dog or cat impounded under this section shall be subject to all impounding fees as set forth in this chapter.

Sec 3-35. Adequate Shelter and Space for Animals; Time Restriction on Tethering Dogs

1. It shall be unlawful to fail to provide any animal with adequate shelter. "Adequate shelter" means sufficient space to allow each animal to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and interact safely with other animals in the enclosure. The shelter shall provide protection from the weather elements specifically

wind, rain, direct sun during times of excessive heat, extreme cold temperatures and will have clean dry flooring.

2. When a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the dog. The tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and prevent the dog or the tether from becoming entangled with other objects or dogs, or from extending over an object or edge that could result in the strangulation or injury of the dog. Furthermore, the tether must be at least three (3) times the length of the dog, as measured from the tip of its nose to the base of its tail, except when the dog is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the dog, temporarily and appropriately restricting movement of the dog according to professionally accepted standards is considered to be provision of adequate space.
3. It shall be unlawful for any dog to be tethered for more than three (3) hours, cumulatively in any twenty-four-hour period.

Sec. 3-36. Dogs and Cats Riding in Motor Vehicles.

It shall be unlawful for dogs or cats to be left unattended inside a motor vehicle without providing adequate temperature control or ventilation.

Sec. 3-37. Allowing Dogs to Urinate or Defecate on Public or Private Property

It shall be unlawful for any owner or person in control of a dog to:

1. Knowingly or willfully allow his/her dog to urinate or defecate on the private property of other persons without their consent or that of the authorized agent of the one having control of the premises.
2. Knowingly or willfully allow his/her dog to urinate or defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner of the dog immediately removes the material defected and disposes of it in a safe and sanitary manner.

Sec. 3-38. Harassment of Police Dogs, Guide Dogs

No person shall interfere with, hinder, molest, tease or harass in any manner a dog specifically used for enforcement purposes by the Police Department, any other law

enforcement agency, or guide dog.

Sec. 3-39. Licenses

1. It shall be unlawful to own, keep or harbor any dog or cat over the age of four months within the city limits, unless such dog or cat is licensed under this section. Written application for such license shall be made to the City Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. The registration fee for such license shall be 5.00 dollars (\$5.00). There shall be no fee for guide dogs or hearing dogs. The fee shall be paid at the time of making application and a numbered receipt shall be given to the applicant and a numbered metallic tag shall be issued to the owner. No license shall be issued for any dog or cat until the owner thereof furnishes written evidence satisfactory to the City Clerk that the dog or cat has been vaccinated against rabies.
2. All dog or cat licenses shall be issued for one year. Application for a license may be made prior to the month in which it is due and for 30 days from the first of the month in which it is due without penalty. When application to renew a license is made more than 30 days after the month in which license is due, there shall be assessed a penalty of 50 percent of the license fee, which amount shall be added and collected with the regular fee.
3. The metallic tag issued for a dog or cat shall be stamped with the number and the year for which issued. The shape or design of such tag shall be changed from year to year. Every owner is required to see that such tag is securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog or cat at all times, or an appropriate number is tattooed in a place recommended by a veterinarian, provided, however, that such tattooed number must be identified to the City Clerk at the time of licensing.
4. If a dog license tag is lost, the owner may obtain a duplicate tag upon the payment of 1.00 dollar (\$1.00).
5. If there is a change in ownership of a dog or cat during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of 1.00 dollar (\$1.00).
6. No person shall use for any dog or cat a license receipt or license tag issued for another dog or cat.
7. For the purpose of enforcing this section, any Animal Control Officer or police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or cat of the license or tattoo for such dog.

ARTICLE 6. Rabies Control

Sec. 3-40 Rabies Vaccination

1. It shall be unlawful for any person to own, keep, hold, board or harbor any dog or cat over the age of four months, unless such dog or cat shall have been vaccinated with a rabies vaccine which has been approved by the State Department of Health by a licensed veterinarian or a certified veterinary technician working directly under the immediate and direct supervision of a licensed veterinarian, which vaccination must be valid at the time of application for the license.
2. Any person bringing a dog or cat into the City from some other jurisdiction shall conform with this section within 15 days after bringing such dog or cat into the City.
3. Any dog or cat found in the City not inoculated or vaccinated in accordance with this section may be impounded by any officer charged with the enforcement of this article. Any dog or cat not wearing a collar bearing a valid and current rabies tag shall rebuttably be presumed to be unvaccinated.
4. The record of vaccination must be maintained for at least three years.

Sec. 3-41. Proclamation of Rabies

1. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal for a period of ten days and shall not release such quarantined animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, the quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the City animal shelter/pound. In case of an animal whose ownership is unknown, such quarantine shall be at the City animal shelter/pound. The animal may be reclaimed by the owner if adjudged free of rabies and the owner shall then pay any related charges for confinement.
2. When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian while under observation, the health officer, veterinarian or other designated emissary shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper public health officer of any reports of human contact. If the animal dies or develops rabies-like symptoms within the specified period of confinement, the animal head shall be removed immediately

and packed in a shipping container in accordance with instructions published by the State Commissioner of Health and sent to the State Department of Health laboratory in Oklahoma City for examination.

3. When a report gives a position diagnosis of rabies and when the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the City Mayor a citywide quarantine, Upon the invoking of such quarantine by the Mayor, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During such quarantine, no animal may be taken or removed from the City without permission of the Health Officer.
4. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six months quarantine by the owner, the period of quarantine may be extended from time to time.
5. No person shall remove from the City any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Health Officer upon demand, and the Animal Control Officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

Article 7. Penalty

Sec. 3-42. Penalty

Unless otherwise specifically stated, any person, firm or corporation who violates any ordinance provision of this chapter, or who violates, or refuses or neglects to carry out, any reasonable order made by the Health Officer pursuant to this chapter, shall, upon conviction thereof, be fined a sum not to exceed five hundred dollars (\$500) including costs. Every day's violation of any ordinance provision of this chapter or of such order of the Health Officer, shall constitute a separate offense.

<u>Offense</u>	<u>Penalty</u>	<u>2nd or Subsequent Offense within One (1) year</u>
Dog at Large (Licensed).....	\$ 25	\$ 50 up to \$100
Dog at Large (Unlicensed).....	\$ 50	\$ 75 up to \$215
Deemed Vicious Dog at Large.....	\$150	\$225
Dog Barking	\$ 25	\$ 40
Dog Damaging Property.....	\$ 75	\$125
Dog Threatening/Chasing.....	\$150	\$225
Deemed Vicious Dog Threatening/Chasing....	\$250	\$275

Sec. 3-43. Confiscating any Dangerous Dog

The City of Wilburton Animal Control Authority shall immediately confiscate a dog if:

1. The dog is not validly registered with the City of Wilburton under Section 3-39.
2. The owner does not secure the liability insurance coverage or surety bond required under Section 3-16-5.
3. The dog is not maintained in the proper enclosure as defined in Section 3-16-1.
4. The dog is outside of the dwelling of the owner or outside the proper enclosure as required by Section 3-16-5.