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(RESERVED)

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ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS.

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

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;

2. "At large" means:

a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or

b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash, whether on the owner's premises or not;

3. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and

4. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.

SECTION 4-102 ANIMALS NOT TO BE AT LARGE EXCEPT CATS.

No owner shall permit any animal, including fowl, owned, harbored or kept by him to be at large within the town except a cat. It is unlawful for any animal as provided in this section to be at large at any time within the town.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL.

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

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SECTION 4-104 PASTURING IN PUBLIC AREAS ILLEGAL.

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

SECTION 4-105 ANIMALS WHICH DISTURB PROHIBITED.

It is unlawful for any person to keep or harbor within the town any dog or other animal who by barking, howling or otherwise, disturbs the peace and quiet of any person. The keeping of such an animal is hereby declared a nuisance.

SECTION 4-106 SWINE NOT TO BE KEPT WITHIN TOWN.

It is unlawful for any person being the owner of, or having the care, custody, or control thereof, to keep or allow to be kept any hogs, shoats, or pigs at any time in any enclosure within the town, or any lot therein, or running at large within the town. However, any shipper may hold swine in the stockyards temporarily while preparing for shipment of the swine.

SECTION 4-107 BUILDINGS FOR ANIMALS, LOCATION.

A. Every building wherein any livestock or animal raised for fur-bearing purposes is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

C. No building, place or establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

SECTION 4-108 MANURE.

Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

SECTION 4-109 TO BE KEPT CLEAN.

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

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SECTION 4-110 HEALTH OFFICER TO INSPECT.

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

SECTION 4-111 OFFENSES.

It is an offense to:

1. Own, keep, possess, harbor or allow to remain on premises under his control any dog or cat unless such dog or cat over four (4) months old has a current vaccination against rabies as required herein;
2. Fail or refuse to deliver to the animal control officer, upon demand, any rabies-suspected animal, dog found at large, or any animal the keeping or harboring of which is declared to be an offense;
3. Harbor, keep or have possession of any vicious animal or animal which is a nuisance;
4. Remove or fail to affix or attach to the collar or harness worn by dogs, a current tag, as provided for in Sections 4-131; and
5. Keep any animal, wild by nature or dangerous, except when kept by a licensed circus or show or in a zoo or accredited school.

ARTICLE B

DOG AND CAT LICENSES

SECTION 4-120 DOG AND CAT LICENSE FEE; TAG.

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

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

C. The owner shall pay the fee levied to the town for every calendar year and within thirty (30) days after acquiring or bringing the dog or cat into the town. The licenses shall expire one year from the date the license was last issued and shall not be issued for less than one year.

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

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

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

Ed. Note: Prior code sets license fees at \$1.00 annually for spayed cats and all dogs; \$3.00 for unspayed female cats; and \$3.00 for all other animals.

SECTION 4-121 TAG TO BE PLACED ON DOG OR CAT COLLAR; LOST TAGS.

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

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

ARTICLE C

DOG AND CAT VACCINATION AND HEALTH

SECTION 4-130 DOGS AND CATS TO BE VACCINATED.

A. It is the duty of every person, owning or having in his charge or possession within the corporate limits of the town, any cat or dog four (4) months or more of age, to cause such cat or dog to be inoculated for rabies as herein provided:

1. Inoculation must be by, or under the supervision of, a person licensed to practice veterinary medicine in the State of Oklahoma or other states; and

2. Inoculation must be with a vaccine approved by the United States Department of Agriculture to prevent rabies and, effective August 1, 1978. Rabies vaccine currently licensed by United States Department of Agriculture will be recognized in the town for a one-year immunization period. New vaccines which may be approved by the United States Department of Agriculture will be recognized as complying with this chapter.

B. Thirty (30) days shall be permitted for an owner to secure revaccination of his dog or cat after the previous time has lapsed.

C. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner, and upon request shall show such certificate to the animal control officer or his designee. Such certification shall include the following information:

1. Owner's full name, address, zip code and telephone number;
2. Breed, date of birth, sex and color or marking of the dog or cat;
3. Type of vaccine and duration of immunity;

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4. Signature of the veterinarian or other authorized person administering the vaccination; and

5. Name of the animal, if applicable.

SECTION 4-131 RABIES VACCINATION TAGS.

A. When a veterinarian vaccinates a dog against rabies, he shall issue to the owner of such dog a metal tag or check evidencing such vaccination and the year of vaccination.

B. It is the duty of the owner of a dog to attach the tag or check, issued to him pursuant to Subsection A above, to the dog and it shall be unlawful for any person to remove such tag or check without the owner's consent.

SECTION 4-132 VETERINARIAN'S RECORDS AND REPORTS: REPORTING ON RABIES-SUSPECTED ANIMALS.

A. It is required of every veterinarian practicing in the town to keep a record of every dog or cat vaccinated. Such record to be available to the town clerk-treasurer at any reasonable time and upon proper demand.

B. It is the duty of every veterinarian to report immediately to the city-county health officer diagnosis of any animal observed by him as a rabies suspect or the death of any animal under observation for rabies.

SECTION 6-133 CONFINEMENT OR DESTRUCTION FOR RABIES OBSERVATION OR EXAMINATION.

A. Any cat or dog which is suspected of having rabies, or which has been bitten by a rabid animal, or by an animal suspected of having rabies, or any cat or dog which has bitten a person and has thereby caused an abrasion of the skin of such person, shall be seized and confined in the town pound or in a veterinary hospital for a period of ten (10) days or a term designated by the health officer; provided that, where such dog or cat has been properly vaccinated, it may be confined by its owner, away from the public, for a like term. No such dog or cat shall be removed from the town limits until released from such confinement by the health officer.

B. If any cat or dog described in Subsection A of this section is vicious or cannot be caught with reasonable diligence and effort, the animal warden or any police officer of the town shall have the authority to kill such cat or dog. The head of any cat or dog so killed shall be submitted to the state health department for examination.

SECTION 4-134 VICIOUS ANIMAL MAY BE KILLED.

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

SECTION 4-135 DOGS MUZZLED AND CATS CONFINED.

A. When the health officer determines and certifies that a dog, cat or other animal in the town or within five (5) miles of the town is or was infected with rabies

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and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

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

ARTICLE D

ANIMAL SHELTER

SECTION 4-140 ANIMALS TO BE IMPOUNDED, ENTRY ON PROPERTY.

The animal control officer, a police officer, or such other officer or employee of the town as the town board of trustees may authorize shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the town. In taking an animal into custody under authority of this article, the animal control officer or other officer or employee may enter into private property to gain custody of the animal.

SECTION 4-141 IMPOUNDMENT, DESCRIPTION, NOTICE, DISPOSITION.

A. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If a dog or cat is licensed, he shall enter the name and address of the owner and the number of the license tag.

B. Not later than three (3) days after impounding any animal, the town shall notify the owner, if known, by:

1. Mailing notice at the address shown on town records, if any; or
2. By leaving a copy with a member of the owner's family over the age of fifteen (15) years,

to notify him of the impoundment and provisions of this code.

C. It is the duty of the animal control officer to keep all animals impounded for a period of seventy-two (72) hours. All inquiries concerning lost or impounded animals shall be directed to the animal control officer, and after an animal has been destroyed, the animal control officer shall be required to dispose of the animal.

D. Animals that are not reclaimed within the time limits as previously set forth in this section shall be destroyed. Provided, that the animals may be reclaimed by paying all fees and charges, and satisfying all other conditions set forth in this code.

E. The animal control officer of the shelter personnel may destroy any animal:

1. If it has been donated to the shelter with the request that it be destroyed;
- or

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2. If the animal is so sick or injured that its cure is considered by the mayor or his designee to be impracticable, or if death is imminent; and in either of such events, such destruction may be done immediately without notice or any waiting period.

SECTION 4-142 BREAKING POUND.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-143 FEES FOR IMPOUNDING.

A. The town board by motion or resolution shall determine the fees to be charged for impounding and keeping animals.

B. Any person redeeming an impounded animal shall pay the required fees to the town clerk-treasurer and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

Ed. Note: Prior code set fee at \$25.00 plus \$3.00 per day or any part thereof beginning at 12:01 A.M.

SECTION 4-144 RECLAMATION OF IMPOUNDED ANIMALS.

A. Reclamation of impounded animals may be made as provided in this section.

B. An animal may be reclaimed within the following times:

1. Within three (3) days after the impoundment if the owner is not identifiable; or

2. If the owner is known, with three (3) days after the notice set forth above is served or mailed, except for rabies quarantine cases which may be reclaimed at the end of the ten-day period.

C. An animal may be reclaimed in the following circumstances:

1. By paying the impounding fees and satisfying all other requirements as set forth in this section;

2. By depositing Twenty-five Dollars (\$25.00) with the animal shelter to be recovered upon proof of vaccination herein within forty-eight (48) hours. If proof of vaccination is not submitted in forty-eight (48) hours, not counting weekend or holidays, the animal must be returned or subject to reimpositionment.

D. No animal shall be released without the payment of the charges listed above and without satisfactory proof of ownership. The payment of these charges shall

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not constitute a defense to any prosecution that shall be instituted for the violations of the terms of this code. Provided, however, that no fees shall be charged for any animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a vicious animal.

SECTION 4-145 DISPOSITION, SALE OF IMPOUNDED ANIMALS.

A. At the end of the period prescribed in this article, animals that have not been redeemed by the owner thereof shall be destroyed in an humane manner or sold in the manner hereinafter provided.

B. The sales herein provided for shall be conducted by the person in charge of the animal shelter or such other persons as may be designated by the town board of trustees. Such sales shall be for cash to the highest bidder, but the animals shall not be sold in any event for less than that sum required to cover the impounding fee, board bill, vaccination, and license fees where applicable. If there is no bid, or an insufficient amount is bid as herein provided, the person in charge of the pound shall destroy such animal, unless he believes it to be for the best interests of the town to retain the animal and offer it for sale again. The proceeds of the sale, less the vaccination fees which shall be paid to the person administering the vaccination, shall be forthwith delivered to the town clerk-treasurer.

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

ARTICLE E

CRUELTY TO ANIMALS

SECTION 4-150 CRUELTY TO ANIMALS.

It is unlawful for any person to wilfully, maliciously or knowingly treat an animal, bird or fowl in a cruel or inhumane manner; or to knowingly neglect an animal, bird or fowl belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-151 POISONING ANIMALS.

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

SECTION 4-152 ENCOURAGING ANIMALS TO FIGHT.

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

ARTICLE F

CITATIONS AND PENALTIES

SECTION 4-160 ISSUANCE OF CITATIONS AUTHORIZED; COLLECTION OF FINES.

A. The judge of the municipal court shall designate the penalties to be paid for the violation of this chapter which may be satisfied by payment of the same at the office of the municipal court, provided the penalties are within the limits established for violation of the provisions of this chapter.

B. There shall be authorized by the municipal judge or mayor and provided by the municipal court clerk suitable forms for the notification of violators, notifying them to appear and answer charges for violating this chapter which forms shall be issued and receipted for by the clerk of the municipal court.

C. Upon the commission of any violation of this chapter, the mayor or his designee shall take the violator's name, address, place of employment, if known, and the issue to the judge on the forms provided for by the clerk of the municipal court commanding the violator to answer the charge against him within three (3) days at the place specified in the notice. The notice shall also contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the judge of the municipal court of the town.

D. The issuance of a citation may be in addition to, or in lieu of, impoundment of the offending animal.

E. Failure to give the required information or to answer the notice provided for in this section shall authorize the chief of police or his official representative to place the violator under arrest immediately and place him in custody. Whenever the chief of police deems it necessary, he may follow the procedure set out in this subsection.

SECTION 4-161 PENALTY.

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.

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CHAPTER 2
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