

ORDINANCE NO. 564

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF LINDSAY, GARVIN COUNTY, STATE OF OKLAHOMA AMENDING THE CODE OF ORDINANCES OF THE CITY OF LINDSAY, OKLAHOMA: REPEALING ORDINANCE 498 CHAPTER 3 ANIMAL CONTROL; ADDING CHAPTER 3 ANIMAL CONTROL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTLICT CLAUSE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Oklahoma (the “City”) deemed the need to clarify, revise, and consolidate the existing laws and regulation of the City related to animal control;

WHEREAS, the City deems that this Ordinance is necessary to protect health, life, and property, and preserve the good government, order and security of the City and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY, OKLAHOMA:

Section 1. Findings

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds the determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Repeal

Repealing in its entirety Chapter 3 Animal Control.

Section 3. Adding Chapter 3 Article I – Animal Control Adding Chapter 3 Article II – Division 1. – Generally Adding Chapter 3 Article II – Division 2. -- Livestock

Chapter 3 Animal Control Shall read:

Section 3-1 Definitions

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

Abandon means to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal; and shall also mean failing to properly redeem any animal impounded or quarantined by the city.

Adequate care means normal and prudent attention to the needs of an animal including wholesome food, clean water, shelter and healthcare as necessary to maintain good health in a specific species of animal.

Adequate food means provisions at suitable intervals at no more than 24 hours unless dietary requirements of the species require a longer interval, of a quality, wholesome food suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, served in a safe receptacle, dish or container.

Adequate water means the continual access to or access at suitable intervals not less than once each eight hours for at least one hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition and age of the animal and in sufficient amounts to maintain good health in the animal. Such water shall be provided in a secure manner so the container cannot be overturned.

Adequate shelter means structurally sound, properly ventilated, sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal which is free of litter or hazardous substance and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from inclement weather conditions. Shelter shall be fully enclosed on three sides, roofed and a solid floor. The entrance to the shelter shall allow the animal's entry and exit. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn around comfortably. Unacceptable shelter includes, but not limited to, pipes, crates, cardboard boxes, pet carriers or tarpaulins.

Animal means any living creature, domestic or wild, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, and livestock but specifically excluding human beings.

Animal control authority means a person employed by the City of Lindsay and is designated by the city manager for the welfare of the city, is a part of the city's first response team.

Animal shelter means any premises designated by action of the council for the purpose of impounding and caring of animals.

At large or running at large means any animal (**except cats**) not under the control of a competent person. As applied to animals, the term "at large" or "running at large" means:

- a) **Off-premises.** Any animal (**except cats**) which is not restrained by means of a leash or chain of sufficient strength and not more than six feet in length to control the actions of such animal while off the owner's property; and
- b) **On-premises.** Any animal (**except cats**) not confined within the owner's property by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from the owner's property and so arranged so that the animal will remain upon the property when the leash is stretched to full length. A dog intruding upon the property of another person other than the owner shall be termed running at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed running at large.

Body harness means a set of straps that extend around the chest and midsection of the animal's body, so as to not tighten around the animal's neck when the animal pulls at the end of the tether.

Cat means a domesticated animal that is a member of the *Felidae* (feline) family, but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

Collar means a band of leather or soft material fastened round the neck of an animal to attach a license, tag or tether.

Compendium means the most recent version of compendium of animal rabies control established by the **National Association of State Public Health Veterinarians Inc.**, adopted by the animal control authority.

Creature means a domesticated animal used as a household pet such as a hamster, gerbil or similar animal.

Dangerous animal. See Vicious canine.

Dog means a domesticated animal that is a member of the *Canidae* (canine) family, but does not include a wolf, jackal, fox, coyote, or other wild animal of this family or hybrids.

Dog house means See **Adequate Shelter** Meaning

Domesticated means trained or adapted for use in a human environment.

Domesticated birds means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

- a. The term ***“enclosure”*** means a fenced area or structure that is:
 - 1) Secured; while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry and designed to prevent the animal from escaping.
 - 2) Capable of preventing the entry of the general public, including children; and
 - 3) Capable of preventing the escape or release of an animal or any part of the animal that can cause harm to another animal or human.
- b. The term ***“enclosure”*** does not mean a wireless or electric fence.

Euthanized means to put to death in a humane manner.

Exposed to rabies means any animal (except fowl) that has been bitten by or exposed to any other animal known to have been infected with rabies.

Fowl means domesticated chickens, guineas, geese, ducks and pigeons, peacocks and turkeys.

Harbor means to feed or shelter an animal at the same location for five or more consecutive days.

Humane society/rescue organization means a person or a group of people who can show proof of a 501c nonprofit status and whose sole intentions are to the care and well being of animals or the placement of animals into good homes.

Hybrid means the product of the mating of two different species of animals regardless of the number of generations born since that original mating.

Feral animal means a domestic animal, which has returned to its wild state, living on its own and generally avoids humane contact.

Impound means to apprehend, catch, trap, net or if necessary, kill any animal by the animal control authority or its agent.

Impounding facilities means any premises designed by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Keeper means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.

Kennel means any place where four or more dogs or four or more cats, more than six months of age, are kept, sheltered or fed and watered.

Leash means a lead, cord, or rope six feet or less in length that is attended by a person at all times and used as a temporary restraint.

License means annual pet registration required by the city for animals vaccinated against rabies, issued by the animal control authority.

Licensed veterinarian means a person licensed to practice veterinary medicine.

Livestock means domestic animals such as swine, horses, mules, asses, sheep, goats or cattle. When these terms are used herein, it shall include any related member of the species.

Live Trap means a box constructed to trap an animal without injuring it.

Local rabies control authority means a certified animal control officer designated by the city manager in accordance with the provisions and statutes adopted by the state department of health.

Muzzle means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person, animal or livestock.

Neuter means to render a male animal unable to reproduce.

Non choke type collars means a collar that when worn by an animal does not constrict or choke the animal when the animal pulls or extends the attached tether.

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

Owner or keeper means any person owning, keeping, controlling, harboring, or caring for an animal, including members of the same household.

Person means an individual, firm, partnership, association, corporation or other legal entity.

The term “prohibited animal” means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential

physical or disease threat to the public or that is protected by international, federal or state regulations, including but not limited to the following:

The term “prohibited animal” does not mean:

- a) A bird kept in a cage or aviary that is not regulated by international, federal or state law; or
- b) A gerbil, hamster, guinea pig, ferret, or laboratory mouse or rat.

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

Unprovoked means action by an animal that is not:

- a) In response to being tormented, abused or assaulted by any person; or
- b) In response to pain or injury.

Quarantine facility means a facility approved by the state department of health for the strict confinement of an animal for rabies observation, as defined in provisions and statutes adopted by the state department of health.

Rabies policy and procedure means the “**compendium**” unless otherwise stated.

Rat Proof means that the state of being constructed so as to effectively prevent entry of rats.

Registration and vaccination for rabies means the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate issued by a licensed veterinarian.

Restraint means that an animal is controlled by leash or tether, either of which shall not exceed six feet in length, by a competent person, or is within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or is confined within the property limits of its owner or keeper.

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

Severe injury means any physical injury that results in bruising, lacerations, or causing blood to be drawn.

Spay means to render a female animal incapable to reproduce.

Steel traps include all manner of mechanism or device intended by physically clamping parts of the trap around any portion of the animal's anatomy.

Tag means any object that bears a registration number and the words "registered and vaccinated for rabies" in the shape and color recognized by the National Association of State Public Health Veterinarians which has been issued by a veterinarian.

Tether means a rope, chain, or cable that is attached to an animal's collar or harness for the purpose of restraining the animal.

Vaccination means a treatment with a vaccine to produce an immunity against disease.

Vicious canine means:

- a) Any canine which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property where such a person is conducting himself peaceably and lawfully;
- b) Any canine which, according to the records of the appropriate authority, requires a defensive action by any person to prevent bodily injury or property damage without provocation on public or private property where such a person is conducting himself peaceably and lawfully;
- c) Any canine which, according to the records of the appropriate authority, has killed a domestic animal or livestock without provocation while off the owner's property or has caused economic loss to the owner of livestock as a result of the canine's attacking or harassing the livestock;
- d) Any canine owned or harbored primarily or in part for the purpose of canine fighting or any canine trained for canine fighting; or

Wild animal means any animal except the common domestic species (dogs, cats, horses, livestock and other common farm animals) regardless of the state or duration of captivity.

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

Section 3-2 Enforcement

- a) The City manager shall designate an employee as the animal control officer who shall be assigned to Lindsay Animal Welfare.

- b) The animal control officer shall have police powers in the enforcement of this chapter and no person shall interfere with, hinder, molest, or abuse this officer in the exercise of such powers. Any such acts shall constitute a violation.
- c) The animal control officer shall have the authority to issue citations for any violation of this chapter. If the person is not present, the animal control officer or police officer may mail the citation to the alleged violator by certified mail, return receipt requested.
- d) The animal control officer is authorized to:
 - 1) Impound any animal in violation of this chapter;
 - 2) Issue citations for any violation of this chapter or applicable state law;
 - 3) Obtain search and seizure warrants for animals from the court of competent jurisdiction; and
 - 4) Exercise all powers given to animal control officers by the state.
 - 5) The animal control officer shall have the right of entry onto any unenclosed lots or lands for the purpose of enforcing the provision of this chapter; provided, however, the animal control officer shall not have the right of entry to enclosed dwellings or fenced enclosures used for residential purposes, except when pursuing an at large animal that has entered said enclosure while fleeing the animal control officer or for the purpose of examining or obtaining any animal suspected of having rabies, having been exposed to rabies, or having bitten a person or another animal and or any suspicion of cruelty or neglect from the owner.

Section 3-3 State law adopted

In addition to the provisions of this chapter, the city adopts all state statutes and the state health department codes regarding the regulation of animals.

Section 3-4 Fees

Fees associated with this chapter shall be as provided in the city fee schedule.

Section 3-5 Violations

A person who violates any provision of this chapter, or who fails to perform an act required by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.

Sections 3-6--3-26 Reserved

DIVISION 1 – GENERALLY

Section 3-27 Running at large/restraint

- a) It shall be unlawful for an owner of an animal without regard to mental state, to fail to keep an animal from running at large as defined in this chapter.
- b) It shall be unlawful to restrain on a leash any unattended animal within five feet of a public sidewalk, street, or roadway without being immediately supervised by the owner.
- c) It shall be unlawful for any animal owned by a person to run at large within the city limits.

Section 3-28 Rabies Vaccination

- a) No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat four months of age or older is vaccinated for rabies.
- b) Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past 12 months, the owner shall be guilty of an offense.
- c) Inoculation must be by or under the supervision of a person licensed to practice veterinary medicine in the state of other states.
- d) Inoculation must be with a vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the city 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.
- e) Ten days shall be permitted for an owner to secure revaccination of his dog or cat after the previous time has lapsed.
- f) 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, who, upon request, shall show the certificate to the city. Such certification shall include the following information:
 - g) Owner's full name, address, zip code and telephone number;
 - a. Breed, date of birth, sex and color or markings of the dog or cat,
 - b. Type of vaccine and duration of immunity;
 - c. Signature of the veterinarian or other authorized person administering the vaccination; and Name of the animal, if applicable.
 - d. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or certificate evidencing such vaccination and year of vaccination.
- h) It shall be the duty of the owner of the dog or cat to attach the tag or certificate issued to him pursuant to subsection (G) of this section to the dog or cat and it shall

be unlawful for any person to remove such tag or certificate without the owner's consent.

- i) No person shall provide a facsimile or deface or change the tag or vaccination certificate issued in any way which shall make or cause the tag to appear valid for a longer period of time than originally intended.
- j) A tag or rabies vaccination certificate shall not be transferred from the dog or cat for which it was issued to any other dog or cat.

Section 3-30 Registration

Every person owning or harboring within the city any dog, cat, or ferret over the age of four months shall pay an annual tax in such sums as set by the council by motion or resolution for each male or spayed female, and for each un spayed female, owned or harbored. The license shall become due and payable annually with documentation of current rabies vaccination. The animal control shelter or his designee shall issue his receipt to the payee, which shall show the date and the amount of the payment, the age as stated by the owner, and the kind, size, color and breed of the dog or cat. The pet tax receipt as herein provided shall operate as a license to own, keep or harbor the dog or cat. No such license shall be issued until the provisions of this chapter relating to vaccination shall have been complied with and certified to the Animal Control Officer. This section shall not apply to animals kept by licensed veterinarians or in veterinary clinics in the city.

Registrations shall be kept on file at Lindsay Animal Welfare.

Section 3-31 Revocation and denial of registration

- a) The animal control officer may deny or revoke registration for an animal owned by a person who:
 - 1) Has been convicted of 21 O.S. part VII, Chapter 67 (21 O.S. 1680 et seq.), or any other adopted state statutes related to animal cruelty and/or dogfighting or on two or more separate violations of this chapter or of any other animal control ordinance of another jurisdiction within any 12-month period;
 - 2) Has had the same animal impounded three or more times within any 12-month period; or
 - 3) Has abandoned an animal.
- b) If the animal control officer revokes or denies registration of a dog or cat, a written notice of the action and of the right to an appeal shall be given to the owner. The owner may appeal the decision of the animal control officer to the city municipal court. The filing of a request for an appeal hearing stays an action of the animal control officer in revoking or denying the registration until the city municipal court makes a final decision, that revocation of registration has been upheld.

- c) Within 15 calendar days after receipt of a notice or revocation or denial of registration, or after a final decision of the city municipal court if an appeal is filed, a dog or cat owner shall remove the affected animal from the city limits. The animal control officer or the city municipal court may extend 15-day removal period for an additional 15 calendar days. The owner shall provide the animal control officer with a sworn statement confirming the removal of the animal.
- d) A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog or cat within the city during a period when registration for the animal has been revoked or denied, or fails to remove a dog or cat when required by this section.

Section 3-32 Impoundment

- a) The following animals may be impounded:
 - 1) Cats or dogs not exhibiting evidence of vaccination or registration.
 - 2) Any animal kept under conditions, which can endanger the public or animal health.
 - 3) Any animal that has rabies or symptoms of or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that required observation for rabies as determined by the animal control officer.
 - 4) Any animal running at large.
 - 5) Any animal treated in a manner determined to be in violation of 21 O.S. part VII, Chapter 67 (21 O.S. 1680 et seq.) as amended.
 - 6) Any animal in violation of any provision of this chapter.
 - 7) Any animal reasonably suspected of having inflicted harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
 - 8) Any prohibited animal.
- b) If any animal is found on the premises of any person, that person may confine such animal in a humane manner until the animal control officer impounds such animal. When so notified, it may be impounded by a city animal control officer or police officer.
- c) The City Manager or his designee shall select and establish facilities in the city for the impoundment, quarantine, maintenance, and destruction of animals.
- d) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded, which is wearing a current vaccination tag, or microchip, however, the final responsibility for an impounded animal is that of the owner.

Section 3-33 Redemption of an animal

- a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the city as provided in the annual fee schedule for the impoundment, care and welfare of the animal upon proof of compliance with the vaccination and registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine by the animal control officer.
- b) Impounded animals shall be held for five days after the date of impoundment including any animal wearing a current vaccination tag or microchip. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.
- c) If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any city shelter or contact shelter, or hinders, delays or obstructs any person duly authorized in taking up or taking to the city shelter any animal liable to be impounded, he shall be guilty of an offense.
- d) No person shall interfere with, or hinder, or molest any agent of the city in the performance of any duty of such agent, or seek to release any animal in the custody of the city or its agents, except as provided by law.

Section 3-34 Disposition of animals

- a) Except as provided herein, any animal not redeemed within the state time periods in section 3-33, after impoundment, or release from quarantine, shall become the property of the city and shall at the direction of the animal control officer be placed for adoption, transferred to a facility designated by the city, a bona fide humane society, or humanely destroyed.
- b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court or competent jurisdiction.
- c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering. Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.
- d) Any owner who no longer wishes responsibility for an animal or believes the animal to be ill or injured may sign a written waiver supplied by the animal control officer allowing the animal to be adopted or destroyed by the city. The owner off such an animal shall be charged a fee, as established by the city council, for this service.
- e) Animals appearing to be feral, uncontrollable, or vicious and not wearing an identification tag, collar or vaccination tag can, at the discretion of the animal control officer, may be destroyed.

Section 3-35 Adoption of animals

- a) A person may adopt any animal from the city impoundment facility that has been classified as adoptable.
- b) The animal control officer may refuse to allow a person to adopt an animal to whom he has reason to believe:
 - 1) Would not have proper facilities to contain or care for the animal.
 - 2) Wants the animal for the purpose of resale or for purposes other than pet ownership.
 - 3) There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty.
- c) The person adopting the animal shall pay all applicable costs of adoption set by the city's designated facility, including vaccination, registration and veterinarian fees.

Section 3-36 Animal quarantine/animal bites

- a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be impounded immediately. Upon notification, the owner shall surrender the animal to the animal control officer for quarantine at the city-designated quarantine facility, or with approval from the animal control officer deliver the animal to a state-approved veterinarian quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten days beginning on the date the incident occurred or longer as the animal control officer may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the state department of health.
- b) Quarantine shall be subject to the following conditions:
 - 1) The quarantine animal showing clinical signs of rabies shall be immediately destroyed and the head submitted to the nearest state department of health.
 - 2) The animal placed in quarantine shall not be released without prior notification to and written approval from the animal control officer.
 - 3) Home quarantine at the residence of the owner, if approved by the animal control officer, must satisfy the following conditions in addition to those outlined or adopted by the state department of health:
 - 4) Secure facilities are available and approved by the animal control officer.
 - 5) The animal is currently vaccinated against rabies.
 - 6) The local rabies control authority must observe the animal on the first and last days of the quarantine period.
 - 7) The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case

of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.

- 8) The animal is being isolated from all other animals, and human beings other than the individuals who own the animal.
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- c) A person who knows of an animal bite to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid shall report the incident or animal to the animal control officer. The report shall include the name and address of the victim and owner of the animal, and any other information relating to the incident or animal.
 - d) The owner shall submit for quarantine an animal that:
 - 1) Is reported rabid or has exposed an individual to rabies;
 - 2) The owner knows or suspects is rabid or has exposed an individual to rabies; or
 - 3) Has bitten, or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being.
 - e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.
 - f) The owner of a quarantined animal shall pay all reasonable costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the state department of health laboratory for testing.
 - g) An animal that has been quarantined may be released, after the local rabies control authority determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:
 - 1) At the end of the observation period upon proof of vaccination prior to release from quarantine.
 - 2) When all applicable fees have been paid.
 - 3) If the animal is not being held up for legal proceedings.
 - 4) If appropriate city registration has been completed.
 - h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.
 - i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the local rabies control authority.
 - j) The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the local rabies control authority.

- k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner the brain is not mutilated. The brain will then be submitted to a state department of health laboratory for testing.
- l) No person shall fail or refuse to surrender an animal for quarantine or for destruction and testing when ordered by the local rabies control authority under the conditions outlined in this section.

Section 3-37 Domestic animal exposed to rabies

- a) This section applies only for domestic animals that can be legally vaccinated for rabies and have been exposed, by physical contact, with a rabid animal, or suspected rabid animal.
- b) The owner of such animal shall notify the local rabies control authority within 24 hours of an incident, who shall investigate and if investigation warrants, follow the requirements set forth herein.
- c) If the exposed animal was currently vaccinated (more than 30 days prior to bite and within the past 36 months) against rabies at the time of exposure, it must be:
 - 1) Vaccinated against rabies immediately and placed in strict isolation for 45 days. Strict isolation shall be defined as a secure, locked enclosure that would prevent the animal from escape, prevent access to the animal by the public, and care of animal restricted to one individual; or
 - 2) Humanely destroyed.
- d) If the exposed animal was not vaccinated against rabies at the time of the exposure, it must be:
 - 1) Vaccinated against rabies”
 - a. Immediately after exposure;
 - b. Given a second vaccination three weeks after exposure;
 - c. Given a third vaccination eight weeks after exposure; and animal under 16 weeks at time of exposure may require an additional booster; and
 - d. Placed in strict isolation for six months from the date of exposure. Strict isolation shall be defined as a secure, locked enclosure that would prevent the animal from escape, prevent access to the animal by the public, and care of the animal restricted to one individual; or
 - 2) Humanely destroyed.
- e) The owner or harbor of such an animal shall be responsible for all costs associated with this section.

- f) Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in an animal shall immediately notify the local rabies control authority or designated agent for investigation.

Section 3-38 Animal nuisance

The following shall be considered a public nuisance and shall be unlawful:

- a) The keeping of an animal in such a manner as to endanger the public health, by the accumulation of animal waste, which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- b) To permit or allow an animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
- c) Property not kept free from decaying animal carcasses.
- d) To keep any animal, which causes loud and unusual barking, howling or other noise, that disturbs the peace and quiet of any person of ordinary sensibilities.
- e) Each complaint of such a violation is punishable as a separate offense.
- f) For any animal to be running at large in the city limits more than 72 hours.
- g) Any animal which is impractical or impossible to capture and is causing property damage, endangering persons or other domestic animals shall be deemed a nuisance and may be destroyed by a Certified animal control officer.

Section 3-39 Animals prohibited as novelties

- a) It shall be unlawful for any person to sell, offer for sale, rent, barter, or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three weeks old or rabbits under two months old, unless the manner or method is first approved by the animal control officer.
- b) It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, or other fowl or rabbits or to possess for the purpose of sale or to be given away, any of the animals mentioned in subsection (a) of this section which have been so colored.

Section 3-40 Restriction on number per household

- a) It shall be unlawful for any person to keep or cause to be kept over four dogs, cats, birds, gerbils, hamsters, guinea pigs, ferrets, or laboratory mice, rats or ferrets, snakes, lizards or any combination thereof, per household on, at or within the city limits, with the only exception being a female dog, cat, or ferret which has given birth. Under such circumstances, the animal owner will have 120 days from the animal's date of birth to reduce the required number of animals to the required number of four.
- b) Any person who exceeds this established limit, but meets the limits established by the previous ordinance this chapter was derived, has 30 days to register the animals

with Lindsay Animal Welfare. The registered animals are then grandfathered under the ordinance from which this chapter was derived, but the person cannot possess any additional animals until they are under the limits established by this chapter.

- c) With permitted approval per Animal Control officer, if you have a student that wishes to be involved with 4-H clubs or FFA and show rabbits or hens you may have no more than four of each species. These “show animals will not be counted or factored into the number per household. The permit can be purchased at Lindsay Animal Welfare 101 E. Kiowa.

Section 3-41 Prohibited animals

- a) It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the city.
- b) It is a defense to prosecution under this subsection that the owner or possessor:
 - 1) Holds a valid prohibited animal permit issued under this section; or
 - 2) Is a governmental entity.
- c) A permit for possession of a prohibited animal may be issued to:
 - 1) A public or private primary or secondary school; or
 - 2) An animal exhibition, rodeo, or circus of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property, or other animals.
- d) The term “prohibited animal” means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations, including but not limited to the following:
 - 1) *Class Reptilia*: Family Helodermatidae (venomous lizards); family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); family Elapidae (coral snakes, cobras, mambas and other elapids); the following listed species of family Coubridae: Dispholidus typus (boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake) and Thelotornis (African twig snake) only; order Phidia, family Boidae (racers, boas, water snakes, and pythons); and order Crocodilia (crocodiles, alligators, caimans and gavials);
 - 2) *Class Aves*: Order Falconiformes (such as hawks, eagles and vultures); subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus); and order Strigiformes (such as owls);
 - 3) *Class Mammalia*: Order Carnivora, family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated casts; family Canidae (such as wolves, wolf-dog hybrids, dingoes, coyotes and jackals), except domesticated dogs; family Mustelidae (such as weasels, skunks, martens, mink and

badgers); family Procyonidae (raccoon); family Ursidae (such as bears); order Marsupial (such as kangaroos and common opossums); order Edentata (such as sloths, anteaters, and armadillos); order Proboscidea (elephants); order Primata (such as monkeys, chimpanzees and gorillas); order Rodentia (such as porcupines); and order Ungulata (such as antelope, deer, bison and camels); and

- 4) *Animals not listed*: The animal control officer may declare any species of animal not listed in this subsection as prohibited if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

e) The term “prohibited animal” does not mean:

- 1) A bird kept in a cage or aviary that is not regulated by international, federal or state law; or
- 2) A gerbil, hamster, guinea pig, ferret, or laboratory mouse or rat.

Section 3-42 Dangerous dogs prohibited

Court Proceeding Against Vicious Animals

The owner or keeper of any animal alleged to be vicious or in violation of this chapter may be charged in municipal court after a complaint has been duly filed therein by any person having knowledge thereof. If the court finds that the animal is a vicious animal as defined in this article, the court shall order that the animal be confiscated and destroyed or confiscated until the owner or keeper complies with the provisions of this article within 30 working days of the judgement. The judge may additionally order that the owner or keeper comply with other preventive measures. A preventive measure shall not include the animal being removed from the city limits. The animal will be held at the animal shelter until such time as the owner or keeper reaches compliance. Should the owner or keeper fail to comply by the designated date, the owner or keeper, after paying a fee as established in the fee schedule, shall relinquish ownership or custody of the animal to the animal shelter and said animal will be destroyed.

Duty To Register Incoming Vicious Canines

If any canine that has previously been deemed vicious from another jurisdiction enters the City of Lindsay, the owner of such canine shall abide by the same criteria and responsibilities as if the canine was deemed vicious by the City of Lindsay and shall within ten days of entering the city, notify animal control of the canines' presence.

Owner's Responsibility

- a) While on the owner's property, the canine must be securely confined indoors or, while outside, in a securely enclosed and locked pen or structure suitable to prevent

entry and designed to prevent the animal from escaping. Such an enclosure must have minimum dimensions of five feet by ten feet and must be at least six feet high. Such enclosure must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the canine. Structures are subject to annual inspection.

- b) The canine shall not be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- c) In addition, the canine shall not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- d) The canine may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person.
- e) The owner of the canine shall within 30 days of determination; display in a prominent place on his premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the pen or structure of the canine.
- f) The owner of the canine determined to be a vicious canine shall within 30 days of determination register the canine with the animal control officer. Registration shall be updated annually. Registration must be accompanied by the following:
 - 1) Two color photographs of the canine clearly showing the color and approximate size of the canine;
 - 2) The fees required for a dog license as set forth in this chapter, or evidence of the fees having been paid; and
 - 3) An additional fee as set by the council for each vicious canine.
 - 4) The owner of any canine determined to be vicious shall notify the animal control officer immediately within 24 hours if a dangerous animal or canine subject to registration as provided in this order is loose, unconfined, has attacked another animal or livestock or has attacked a human being, or has died.
- g) Any canine declared vicious shall be spayed or neutered within 30 days of such findings unless a duly licensed veterinarian provide documents to the municipal court or animal control that medical conditions of the dog contradict sterilization. Such sterilization shall require removal of the reproductive organs. Verification that sterilization has taken place shall be presented to the municipal court or animal control by the licensed practicing veterinarian performing the procedure.
- h) Any canine declared vicious shall receive an identification microchip implant within 30 days of the determination. The microchip used must be implanted by

licensed veterinarian. It shall be a violation of the code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The animal control must be notified immediately of said removal.

- i) The owner of any canine determined to be vicious shall obtain a policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in an amount not less than \$100.00 insuring the owner for any personal injuries inflicted by the vicious canine. The owner shall provide proof of liability insurance to the Animal Control Department of the City of Lindsay and shall provide updated coverage annually for as long as the canine is within the city limits. Failure to provide and maintain said insurance shall result in impoundment of the canine and possible euthanasia.

Actions On Failure To Comply

Any owner of a canine that fails to comply with the responsibilities set forth in section 3-42 above shall, upon conviction in court. In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed ten days and canine may be impounded and destroyed.

Exemption For Canines That Are Provoked

No canine may be declared vicious if the threat, injury or damage was initiated by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the canine, or was teasing, tormenting, abusing or assaulting the canine, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the canine or was committing or attempting to commit a crime

Affidavit Of Complaint

Upon receipt of an "Affidavit of Complaint" signed by one or more residents of the city made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the canine, the address of the owner and the description of the canine doing such act, the animal control officer shall investigate the complaint to determine if in fact the animal is vicious. If after investigation, the animal control officer determines the animal may be vicious, a citation shall be issued for a determination hearing and the animal control officer shall take possession of the alleged vicious animal for immediate impound. The owner or keeper of the alleged vicious animal may make arrangement to house the animal at a licensed veterinarian facility at the owner/keepers expense.

Determination Hearing

- a) A determination hearing shall be conducted by the municipal judge whenever there is cause to believe that a dog may be a vicious canine. The hearing shall be conducted within ten days of serving notice to the owner either by delivering a copy

of the notice or summons personally to the owner of the canine or by leaving copies thereof at the owners dwelling house or usual place of abode with some person then residing therein who is 15 years of age or older or by certified mail and may be held in conjunction with any criminal proceedings if so ordered by the municipal judge. In no event shall there be a delay of more than ten days in the hearing on determination of viciousness.

- b) Pending the outcome of the hearing, the canine must be securely confined in a humane manner at the animal control shelter or with a licensed veterinarian.
- c) The municipal judge shall determine whether or declare the canine to be a vicious canine based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be considered germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination.
- d) The judge shall issue written finding within five days after the determination hearing. The owner has the right to appeal the decision to the district court.

Section 3-43 Commercial businesses

- a) No person shall engage in the business of selling, grooming, breeding, showing, exhibiting or boarding of animals without first having obtained a permit from the city. Written application for a permit and payment of the applicable permit fees as provided in the annual fee schedule shall be made to the city. The permit issued under this section shall be valid for one year from the date of issuance and shall be renewed annually thereafter; provided, however, permits to show or exhibit animals, including but not limited to rodeos, circuses and shows, shall be valid for 30 days immediately following issuance. All permits shall be conspicuously displayed in public view at the business at all times and shall be nontransferable.
- b) A permit shall not be required for licensed veterinarians, veterinarian clinics, or any person raising livestock in an area properly zoned for such use.
- c) The animal control officer is authorized to inspect any such business, the animals, and the premises where such animals are kept at reasonable times during normal business hours to ensure compliance with all provisions of this chapter. Building must meet all city building inspection regulations for housing animals.
- d) Sellers, boarders, and breeders shall only keep or house four adult animals and shall not exceed 15 juvenile or offspring of the adult animals more than 180 days from their date of birth. Certificates of birth or a record of birth dates shall be kept on file for inspection by the animal control officer.
- e) It shall be unlawful for any person, firm or corporation to sell or attempt to sell dogs or pups in the city without furnishing a certificate showing the date of birth of

said dog or pup and his name and address, or a health certificate from a licensed veterinarian, which certificate shall be transferred to the purchaser of said dog or pup the person selling the same.

- f) It shall be unlawful to sell any dog unless the same has first been inoculated against rabies and a certificate of vaccination issued.
- g) In addition to the other requirements of this chapter, such businesses shall keep all location where animals are kept in a clean and sanitary condition. Exercise areas shall be free of noxious odors and cleaned of excrement at least once each week.

Section 3-44 Sanitary requirements

- a) The owner or person who has custody or control of any animal shall comply with the following standards:
 - 1) All manure and other enclosures waste shall be removed from pens, stables, cages, yards or other enclosures to eliminate noxious odors at least once a week.
 - 2) Food shall be placed in impervious containers on impervious surfaces, other than livestock feed.
 - a) All waste on the premises shall be removed and disposed of by means approved by the animal control officer;
 - b) Watering troughs or tanks shall be equipped with adequate means for draining the over flow so as to prevent breeding of flies, mosquitoes or other insects excluding natural ponds;
 - c) No materials, which are likely to become putrid, shall be allowed to accumulate on the premises, and all such materials used to feed which is unconsumed shall be removed and disposed of by sanitary means;
 - d) Animal food shall not be made convenient for rodents, wildlife or strays.
- b) The owner or person who has custody and control of any livestock animal that dies shall be responsible for its removal.
 - 1) Livestock owners will be responsible for removal and disposal of their deceased livestock.
 - 2) Animals weighing less than 50 pounds may be buried on an owner's property at a required depth of three feet minimum.
 - 3) The owner may request the animal, excluding livestock, to be removed by the animal control officer after placing the animal in a suitable bag for transport. The owner the deceased animal will be responsible for paying a fee that is set by the city.

Section 3-45 Animal care

- a) The owner or person who has custody or control of any animal shall provide:

- 1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health; Please see *Adequate care, Adequate food, Adequate water*.
 - 2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times; Please see *Adequate care, Adequate food, Adequate water*.
 - 3) Adequate shelter and protection from the weather at all times. A dog kept outside of a residence for more than one hour at a time shall be provided a dog house as defined in; Please see *Adequate shelter*
- b) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.
 - c) No person other than a licensed veterinarian shall crop a dog's ears.
 - d) The operator of any motor vehicle, which strikes or injures a domesticated animal, shall immediately report such an incident to the animal control officer or the police, the police shall contact the animal control officer.
 - e) It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.
 - f) It shall be unlawful to keep or cause to be kept any dog on a permanent restraint including leads, cords, chains or ropes. The restriction on permanent restraints shall not apply to use of Ordinance Number 564 Chapter 3.

Section 3-46 Animal cruelty

It is unlawful for any person to intentionally or knowingly:

- a. Torture an animal;
- b. Fail unreasonably to provide necessary food, care and shelter for an animal in the person's custody;
- c. Abandon unreasonably an animal in person's custody;
- d. Transport or confine an animal in a cruel manner;
- e. Kill, seriously injure, or administer poison to an animal belonging to another without legal authority or the owner's effective consent, except when an animal is discovered on the person's property in the act of or immediately after injuring or killing livestock, fowl or any domestic animal;
- f. Cause one animal or fowl to fight with another;
- g. Use a live animal as a lure in dog race training or in a temporary restraint through the use of a leash.
- h. It shall be unlawful to leave you animals outside alone in temperatures below 45 degrees for longer than 30 minutes without providing a suitable heat source, the heat source MUST NOT be a danger to the animal. Heat lamps must be placed outside the shelter and 6-8 inches above the shelter. Straw or hay should be 2-3 inches thick inside the shelter. Vehicles,

unheated garages, non-insulated dog houses, are not considered adequate shelter or a source of heat during freezing temperatures. Animal control will be able to use their judgment based on the animals breed and body condition.

- i. It shall be unlawful to leave your animal locked inside a vehicle for longer than 30 minutes when the temperatures are above 75 degrees.
- j. Dog coursing on a racetrack;
- k. Trip a horse; or
- l. Seriously overwork an animal.

Section 3-47 Traps

It shall be unlawful for any person, firm or corporation to set, utilize or employ the use of steel leg hold traps for any purpose whatsoever within the city limits.

It shall be unlawful for any person to remove, alter, damage or otherwise tamper with a trap or other equipment belonging to or set out by an animal control officer of the city.

It shall be unlawful to use humane live traps during inclement weather such as thunderstorms, temperatures over 90 degrees, or temperatures below 45 degrees. Traps are not to be set in standing water, full or direct sunlight.

Animal control can empty your traps for a fee set by the city, and can be found in the fee schedule.

DIVISION 2 – LIVESTOCK

Section 3-68 Restrictions for keeping and confinement

- a) It shall be unlawful for any person to keep, own, maintain, use or have in their possession or on premises under control the city limits any livestock, except in compliance with the provisions of this chapter and city zoning regulations.
- b) It shall be unlawful for any person to keep any swine within the city.
- c) All equine shall be vaccinated in accordance with state law. The health records should be available upon request by an animal control officer or police officer to ensure public health and safety.
- d) All livestock shall be kept in a suitable enclosure. A maximum of one livestock may be kept on a lot of five acres. A ground area of not less than one acre of unobstructed space for each additional livestock shall be required on the site, lot or property. Furthermore, it shall be unlawful for any person to keep more of said animals that can be cared for under sanitary conditions.

- e) The provisions of this subsection shall not apply to commercial farm operations or horse-training facilities on a minimum of 15 acres located in the agriculture zone as established by the city zoning requirements set forth in appendix A to this Code.
- f) Poultry.
 - 1) Poultry must be kept in a secure pen or enclosed yard. Litter from these animals must be collected and disposed of in accordance with this chapter; provided, however, that the provisions of this section shall not apply to ducks or other waterfowl inhabiting natural or manmade watercourse or bodies of water.
 - 2) Roosters are banned within the corporate limits of the city except for areas zoned or designated for agricultural purposes or on a lot of five acres or more, and are declared to be nuisances under Section 3-38 when located in residential districts.
 - 3) No more than four poultry animals are allowed per household. With the exception to children showing poultry and approved permit.
 - 4) Ducks, turkeys, geese, guinea fowl, and peacocks are prohibited. It shall be unlawful to own or keep these animals within the corporate city limits except in agriculture zoned districts, lakes or other natural or manmade watercourses or bodies of water, and public park lands.
- g) Confinement restriction.
 - 1) Any enclosure, pen, corral, or other restrictive area for livestock or poultry may not be located within 10 feet of any other property that is residentially zoned and owned by a different person.
 - 2) Any enclosure, pen, corral, or other restrictive area for livestock must be kept clean of debris, litter and manure.
 - 3) Confinement restrictions do not apply to grazing areas.
- h) Livestock pens, stables, corrals or enclosures shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock.
- i) Livestock are prohibited on city streets and city parks. Livestock are permitted, however, to use city streets or parks during events that have been issued permits for such use.
- j) Livestock currently in the city that do not meet the confinement requirement shall be grandfathered, as long as the owner of the property registers with the animal control officer within 30 days of the passage of the ordinance from which this chapter is derived. The property will be grandfathered only to the extent that the property can be maintained in a sanitary and clean condition with the same type and number of animals on the property. The property will lose its grandfathered status with any change of ownership or the property is found to be unsanitary or unclean.

Section 3-69 Exceptions to custody

The temporary keeping of livestock shall be permitted in commercial, industrial, and agricultural zoning districts as well as, in any public facilities and institutions for the purposes and in the locations outlined as follows:

- 1) Animal shows at the Lindsay Fairgrounds;
- 2) Care of animals at veterinary hospitals and clinics; boarding facilities
- 3) Exhibitions at fairs, carnivals, circuses or stock shows;
- 4) When offered for sale or trade at auction barns;
- 5) When located on the property of a vocational school, primary school, secondary school, college or research facility with facilities properly constructed as determined by the city;
- 6) Slaughter establishments, when permitted by applicable zoning.

Section 3-70 Impoundment standards

Animal control shall impound livestock including, but not limited to, equine, bovine, sheep, goats, llamas and chickens due to the public's safety when they are at large.

- 1) The owner of stray livestock will be solely responsible for the cost of any special transport of animals, such as contracting truck, trailers and herding wranglers.
- 2) There will be a fee to be paid by the owner of the livestock, set by the city for per day per animal charge, for care, food, water and shelter. Such fees are as provided in the annual fee schedule.
- 3) If an animal needs medical treatment, the owner of said animal shall be responsible for medical bills before the animal is released.
- 4) After 15 days the unclaimed livestock can be sold.

Section 4 Severability

Should any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5 Conflicts

Any ordinance or portions or ordinances in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict only.

Section 6 Effective Date

This Ordinance shall take effect upon final passage and publication, unless Emergency Clause is passed and approved.

Section 7 Emergency Clause

It being immediately necessary for the preservation of the public, health, peace and safety of the City of Lindsay and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effective immediately from and after its passage, approval and publication by law.

PASSED AND APPROVED and the emergency clause voted upon separately and passed and approved this 11th day of April, 2022.

MAYOR

ATTEST:

DEPUTY CITY CLERK

(SEAL)