

ORDINANCE NO. 2627

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER REGULATING THE POSSESSION OF POT-BELLIED PIGS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 10, ANIMALS, SECTION 10-1, DEFINITIONS; SECTION 10-78, KEEPING SWINE PROHIBITED, EXCEPTION; SECTION 10-148, LICENSES; REPEALING ALL CONFLICTING ORDINANCES.

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BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, that:

SECTION 1: Chapter 10, Article I, Section 10-1 of the McAlester Code of Ordinances is hereby amended as follows:

Sec. 10-1. Definitions.

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 that are not pot-bellied pigs, regardless of age, gender or breed.

SECTION 2: Chapter 10, Article III, Division 1, Section 10-78 of the McAlester Code of Ordinances is hereby amended as follows:

Sec. 10-78. Keeping of swine prohibited; exception.

- (a) No permit shall be issued for the keeping of swine, with the exception of pot-bellied pigs, and it shall be unlawful for any person to keep swine other than pot-bellied pigs within the city limits; except for the purposes and at the following locations:
 - (1) Exhibition of a temporary duration at stock shows, fairs and circuses;
 - (2) For educational programs at McAlester Public High School with properly constructed facilities that have obtained a permit for up to a maximum of two swine pursuant to the guidelines set forth in section 10-77 that shall terminate when the educational program is completed;
- (b) Any place used for the keeping of swine, except for the purposes and at the locations exempted in subsection (a) of this section shall constitute a public nuisance subject to abatement under the provisions of Chapter 82, Article VII, of this Code.
- (c) Keeping of pot-bellied pigs as pets.
 - (1) For the purpose of this section, “pot-bellied pig” shall mean: Shar-pei pigs, Vietnamese, Chinese or Asian, or other similar swine meeting the provisions of this section.
 - (2) Pot-bellied pig is hereby defined as a pig which weighs less than 125 pounds, at maturity, is less than 22 inches high at the shoulder and less than 32 inches long.
- (d) A pot-bellied pig may be kept as a household pet in a single-family residential or duplex property under the following conditions:

- (1) Each such pot-bellied pig shall be a pet and not raised for human consumption.
- (2) There shall not be more than one (1) pot-bellied pig in excess of four (4) months of age at each residence and breeding of pot-bellied pigs is prohibited within City limits.
- (3) The pot-bellied pigs must be kept by their owners in a manner which does not violate other ordinances of the City nor create a nuisance to neighbors.
- (4) Pot-bellied pigs must be kept confined within the residential home or within any associated fenced yard, or held by a harness and leash under the control of the owner or the owner's representative. Pot-bellied pigs are subject to all applicable sections of this chapter including prohibiting animals running at large.
- (5) All pot-bellied pigs kept within the City shall be vaccinated against all swine diseases and must be spayed or neutered.
- (6) It shall be unlawful for any person to keep a pot-bellied pig within the City unless such person has obtained a license for each pig as stated in Section 10-148 of this Chapter.

SECTION 3: Chapter 10, Article IV, Section 10-148 of the McAlester Code of Ordinances is hereby amended as follows:

Sec. 10-148. Licenses.

- (a) It shall be unlawful to own, keep or harbor any dog, ~~or~~ cat, or pot-bellied pig over the age of four months within the city limits, unless such dog, ~~or~~ cat, or pot-bellied pig is licensed under this section. Written application for such license shall be made to the ~~police department~~ Pittsburg County Animal Shelter and shall state the name and address of the owner and the name, breed, color, age and gender of the dog, ~~or~~ cat, or pot-bellied pig. The annual fee for such license shall be ~~as provided in Chapter 48~~ established by the Pittsburg County Animal Shelter. There shall be no fee for guide dogs or hearing dogs and a 50 percent discount shall be given to all senior citizens. The fee shall be paid at the time of making application and a numbered metallic tag shall be issued to the owner; provided, however, that no license shall be issued for any dog, ~~or~~ cat, or pot-bellied pig until the owner thereof furnishes written evidence satisfactory to the ~~police department~~ Pittsburg County Animal Shelter that the dog, ~~or~~ cat, or pot-bellied pig has been vaccinated against rabies and all other applicable vaccinations associated with swine. It shall be permissible for voluntary licensing stations to be operated by veterinary hospitals, allowing such voluntary licensing station to retain \$2.00 of the pet licensing fee with the remainder of the licensing fee to be retained by the city. Such voluntary licensing stations shall be licensed by and through the offices of the city manager upon the request of any validly licensed veterinary hospital within the city limits.
- (b) All dog, ~~or~~ cat, or pot-bellied pig 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 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 license fee, which amount shall be added and collected with the regular fee.
- (c) The metallic tag issued for a dog, ~~or~~ cat, or pot-bellied pig 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, or pot-bellied pig~~ 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 ~~police department~~ Pittsburg County Animal Shelter at the of licensing.

- (d) If a dog license tag is lost, the owner may obtain a duplicate tag upon the payment of a fee as ~~provided in Chapter 48~~ established by the Pittsburg County Animal Shelter.
- (e) If there is a change in ownership of a dog, ~~or cat, or pot-bellied pig~~ during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee as ~~provided in chapter 48~~ established by the Pittsburg County Animal Shelter.
- (f) No person shall use for any dog, ~~or cat, or pot-bellied pig~~ a license receipt or license tag issued for another dog, ~~or cat, or pot-bellied pig~~.
- (g) For the purpose of enforcing this section, any animal controller or police officer is empowered to enter upon any premises upon which a dog, cat, or pot-bellied pig is kept or harbored and to demand the exhibition by the owner of such dog, ~~or cat, or pot-bellied pig~~ of the license or tattoo for such ~~dog~~ animal.

SECTION 4: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

PASSED by the CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA this 12th day of June, 2018.

CITY OF MCALESTER, OKLAHOMA,
A Municipal Corporation

By _____
John Browne, Mayor

ATTEST:

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of _____, 2018.

By _____
William J. Ervin, City Attorney