

## ORDINANCE NO. 2796NS

AN ORDINANCE AMENDING CHAPTER 5 “ANIMALS” OF THE SHAWNEE MUNICIPAL CODE BY AMENDING ARTICLE III “DOGS”, DIVISION 2 “LICENSE”; ARTICLE III “DOGS”, DIVISION 5 “KENNELS”; AND ARTICLE IV “CATS”, DIVISION 2 “LICENSE”; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

**BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SHAWNEE:**

**SECTION 1: AMENDATORY.** That Article III of Chapter 5 of the Shawnee Municipal Code is hereby amended to read as follows:

**§5-111. REQUIRED GENERALLY: USER FEE.**

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

*Altered dog* means either a male or female dog that, by a procedure rendered by a veterinarian, has been prevented from impregnating or from becoming impregnated.

*Unaltered dog* means a dog that has not been spayed or neutered by a veterinarian.

*Government Service Dog* means any dog owned or employed by a Municipal, County, State, Federal or Tribal government used for official purposes.

*Third-Party Vendor* means any company the City enters into an agreement with to provide pet licensing service.

- b) Fee. Every person owning or harboring any dog within the City over the age of four (4) months shall pay a license user fee provided by the City Fee Schedule for each unaltered male or female dog; and a fee for each altered male or female dog having been neutered or sprayed. Senior citizens shall receive a fifty percent (50%) discount on licenses. Such license user fee shall cover a period of one (1) year or three (3) years from the date of issuance, dependent upon the length of license purchased. Upon the expiration of a period of one (1) year or three (3) years from the date of issuance of such dog, the license shall expire, dependent upon the length of license purchased. The license user fee shall become due and payable upon each dog attaining the age of four (4) months and upon the expiration of the period covered by the license.

**§5-112. - REQUIRED AFTER ACQUISITION.**

It shall be the responsibility of any person acquiring a dog, whether newly born or transferred from another owner, to obtain a new license, which shall be valid one (1) year or three (3) years from the date of license issuance, dependent upon the length of license purchased.

**§ 5-113. - EXCEPTIONS.**

Any dog brought into the City by any traveler or nonresident of the City, while with its owner or keeper, shall not be impounded, nor shall such owner or keeper be arrested for the reason that the dog is not lawfully licensed by the City.

**§ 5-114. - ISSUANCE.**

- a) The Animal Welfare Division is responsible for the issuance of licenses and collections of fees. Fees shall be remitted to the City Finance Department in a timely manner. The City and the Animal Welfare Division may use a third-party vendor for handling of pet licensing and collection of fees.
- b) Procedures for handling of funds dictated by policy and/or contracts with third-party vendors.

The Animal Welfare Division or third-party vendor shall record information concerning each such license issued, including the following:

1. The date of issuance,
2. The date of expiration,
3. The name of the owner or the person in whose name the license was issued,
4. The sex of the dog,
5. The age, color, and breed of the dog, and
6. The date of vaccination and by whom vaccinated.

**§ 5-115. - RECEIPT.**

- a) The Animal Welfare Division or third-party vendor shall issue a receipt to the person paying the dog license user fee. Such receipt shall show the following:
  1. The date and the amount of payment,
  2. The age of the dog, as stated by the owner, and
  3. The sex, color, and breed of the dog.
- b) The dog user license receipt shall operate as a license to own, keep, or harbor the dog therein described for the year ending on the last day of the period covered by the license, which shall be valid for a period of one (1) year or three (3) years from the date of license issuance, dependent upon the length of license purchased.

**§ 5-116. - EXPIRATION; DELINQUENT PAYMENT.**

The license user fee required in this division shall become delinquent upon the expiration of the period covered by a license issued pursuant to this division. If the license user fee is not paid within thirty (30) days after the delinquency date, a penalty shall be added to the delinquent fee and collected together with such fee. A senior citizen discount shall not apply to any penalty fees. Penalty fee shall be listed in the City Fee Schedule.

**§ 5-117. - ISSUANCE AND USE OF TAGS.**

The Animal Welfare Division or third-party vendor shall furnish any person who shall pay a dog license user fee a metal tag, on which shall be inscribed and stamped or printed in a durable manner, the year for which the fee was paid, a number separate and distinct from all other numbers used for like purposes in the same year, and "City of Shawnee". The owner of the dog shall provide a substantial collar to be worn by the dog at all times and to which such tag shall be firmly fixed in a good and substantial manner.

**§ 5-119. - REPLACEMENT TAGS.**

Whenever a dog license tag is lost or stolen from any dog, the owner of the dog shall procure another tag from the Animal Welfare Division or third-party vendor. Upon proof of a current license for said dog and payment of a replacement tag fee, the Animal Welfare Division or third-party vendor shall issue a replacement tag. A senior citizen discount shall not apply to duplicate tag fees. Replacement tag fee shall be listed in the City Fee Schedule.

**§ 5-147. - REGISTRATION FOR VACCINATION CERTIFICATE.**

The owner of every dog vaccinated pursuant to this division shall present the certificate therefor to the Animal Welfare Division or third-party vendor who shall register the vaccination certificate by noting in the dog register the date of vaccination and the veterinarian who administered the vaccine. No license shall be issued to keep or harbor a dog within the City until such certificate has been presented to the Animal Welfare Division or third-party vendor.

**§ 5-148. - OBSERVATION OF DOG THAT BITES PERSON.**

- a) Any dog that bites a person within the City limits shall be reported to Animal Welfare. The owner of the dog shall place the dog in the care of a veterinarian. Exceptions to this rule include the following circumstances:
  1. Dogs involved in a first party ownership may be allowed to be placed in a home quarantine for a ten-day period immediately following the bite.
  2. Dogs meeting the criteria of currently vaccinated against rabies, and not inflicting a severe injury, shall be placed in a home quarantine until the end of a ten-day period from the bite. In some instances, a certification of animal health obtained

- after examination by a licensed veterinarian on the tenth day may be required.
3. Animals in service to the blind or hearing-impaired, and search and rescue dogs or other animals used for police enforcement duties shall be exempt from the quarantine when a bite exposure occurs and proper record of immunization against rabies is presented. A certification of animal health obtained after examination by a licensed veterinarian at the end of ten days may be required by the department.
- b) Within twenty-four (24) hours, the dog will be placed under the care of a veterinarian. Failure to do so will constitute a violation of this article.
  - c) The owner may elect at his own expense to have the animal euthanized by a licensed veterinary doctor and tested by the Oklahoma City Health Department for rabies. Once the testing is completed, the owner must supply a copy of the health department report to the City animal shelter.
  - d) The veterinarian shall impound the dog for care and observation for a period of ten (10) days from the date of the bite.
  - e) When a dog under observation has been diagnosed as being rabid or suspected by a veterinarian as being rabid and dies while under observation, the veterinarian shall immediately send the dog to the Oklahoma City Health Department for rabies testing and shall notify the animal shelter of the test results.
  - f) It shall be a violation of this article for any person to release any dog held for observation to any person prior to completion of the period of observation.
  - g) The person to whom the dog is released shall have proof prior to release that the dog does not have rabies and that the dog has been properly vaccinated against rabies.
  - h) If ownership of a dog that bites a person within the city limits cannot be verified, the dog shall be impounded for twenty-four (24) hours and then euthanized and tested by the Oklahoma City Health Department for rabies.

**§ SEC. 5-207. - LICENSE REQUIRED.**

- a) No person shall maintain or operate any kennel for the sale, exchange, boarding, training, breeding, or raising of dogs within the City without first obtaining an inspection of the facility by the Animal Welfare Division and City Code Enforcement Office. Upon approval by the City Code Enforcement Office and Animal Welfare Division a kennel license shall be issued.
- b) Each facility regulated by this division shall be considered a separate enterprise and shall require an individual license.
- c) No fee shall be required of any veterinary hospital or government-operated zoological park or city-operated facility.
- d) Failure to obtain a license before opening any facility covered in this division shall be an offense, punishable with each day constituting a separate violation.

**§ 5-208. - LICENSE FEE; PERMIT TERMS AND CONDITIONS.**

- a) Any person desiring to operate a dog kennel shall pay an annual license fee provided by the City Fee Schedule for such privilege. All such dogs over four months of age shall be vaccinated in the same manner as other dogs. A City license shall also be required for each dog kept at an established licensed kennel.
- b) The license shall not be valid until approved in writing by the Animal Welfare Division and City Code Enforcement Office.
- c) Each permit shall state the following:
  1. The name of the person to whom it is issued.

2. The date of issuance.
  3. The period for which the permit is valid, which shall be one (1) year from the date of issuance.
  4. The maximum number of dogs allowed, which will be determined with the restriction that each dog must have at least thirty-five (35) square feet of unrestricted pen area with a solid floor.
- d) It shall be the duty of the Animal Welfare Division and/or City Code Enforcement Office to notify the person who keeps a kennel contrary to this section to correct the violation within three (3) days from the date of such notice.

**§ 5-209. - REVOCATION OF PERMIT OR LICENSE.**

- a) The City Manager may, after opportunity for hearing before the City Manager or designate, revoke any dog kennel license if the person holding the license refuses or fails to comply with this chapter, the regulations promulgated by the animal control officer or any law governing the protection and keeping of animals.
- b) Any person whose license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored by such person. No part of the license fee shall be refunded.
- c) It shall be a condition of the issuance of any license that the Animal Welfare Division shall be permitted to inspect all dogs and the premises where dogs are kept at any time. The City Manager shall, if permission for such inspection is refused, revoke the license of the refusing owner, after affording an opportunity for hearing before the City Manager or designate.
- d) If the applicant has withheld or falsified any information on the application, the Animal Welfare Division shall refuse to issue a license. No person who has been convicted of an offense related to cruelty to animals shall be issued a permit or license to operate a commercial animal establishment or kennel.
- e) Any person having been denied a license may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee, as set forth in this division.

**§ 5-210. - STANDARDS AND SANITATION.**

- a) Standards for dog kennels shall be developed by the Animal Welfare Division as a policy and shall be administered by the Animal Welfare Division.
- b) Any building, fence, pen or other enclosure in which the dogs are confined shall be located fifty (50) feet from any structure used for dwelling purposes or business purposes, and no human habitation shall be allowed within the animal establishment.
- c) The kennel wherein dogs are kept shall be maintained in a clean condition and free from filth at all times. Dog feces shall be removed from the kennel daily and the premises disinfected not less than once in each period of two weeks. Feces shall be disposed of properly by either burying or removing it from the site on a weekly basis.

**SECTION 2: AMENDEATORY.** That Article IV of Chapter 5 of the Shawnee Municipal Code is hereby created to read as follows:

**§ 5-276. - REQUIRED GENERALLY: FEE.**

Every person owning or harboring any cat within the City over the age of four (4) months shall pay a license user fee provided by the City Fee Schedule for each unaltered male or female cat, and a fee, for each altered male or female cat having been neutered or spayed. Senior citizens shall receive a fifty percent (50%) discount on licenses. Such license user fee shall cover a period of one (1) year or three (3) years from the date of vaccination of the cat for rabies. Upon the expiration of a period of one (1) year or three (3) years from the issuance of said license, the license shall expire, dependent upon the length of license purchased. The license user fee shall become due and payable upon each cat attaining the age of four (4) months and upon the expiration of the period covered by the license.

**§ 5-277. - REQUIRED AFTER ACQUISITION.**

It shall be the responsibility of any person acquiring a cat, whether newly born or transferred from another owner, to obtain a new license, which shall be valid for one (1) year or three (3) years from the date of license issuance, dependent upon the length of license purchased.

**§ 5-278. - ISSUANCE; TERM.**

- a) The Animal Welfare Division or third-party vendor shall issue a receipt to the person paying the cat license fee. Such receipt shall show the following:
  1. The date and the amount of payment:
  2. The age as stated by the owner:
  3. The sex, color, and breed of the cat.
- b) The cat license receipt shall operate as a license to own, keep or harbor the cat therein described for the year ending on the last day of the period covered by such license, which shall be one (1) year or three (3) years from the date such license was issued, dependent upon the length of license purchased.

**§ 5-279. - DELINQUENT PAYMENT.**

The license fee required in this division shall become delinquent upon the expiration of the period covered by a license issued pursuant to this division. If the fee is not paid within thirty (30) days after the delinquency date, a penalty fee shall be added to such delinquent fee and collected together with such fee. A senior citizen discount shall not apply to any penalty fees. Penalty fee shall be listed in the City Fee Schedule.

**§ 5-280. - TAG.**

The Animal Welfare Division or third-party vendor shall furnish any person who shall pay a cat license user fee a metal tag, on which shall be inscribed, stamped, or printed in a durable manner the year for which the fee was paid, a number separate and distinct from all other numbers used for like purposes in the same year, and the words "City of Shawnee". The owner of such cat shall provide a substantial collar to be worn by the cat at all times and to which such tag shall be firmly fixed in a good and substantial manner.

**§ 5-280. – UNLAWFUL USE OF DISPOSAL OF TAGS**

No person shall unlawfully use or dispose of any cat license tag for any consideration or without any consideration.

**§ 5-281. REPLACEMENT TAG**

Whenever a cat license tag is lost or stolen from any cat, the owner of the cat shall procure another tag from the Animal Welfare Division or third-party vendor. Upon proof of a current license for said cat and payment of a replacement tag fee, the Animal Welfare Division or third-party vendor shall issue a replacement tag. A senior citizen discount shall not apply to duplicate tag fees. Replacement tag fee shall be listed in the City Fee Schedule.

**SECTION 3. REPEALER.** All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance, are repealed.

**SECTION 4. SEVERABILITY.** The provisions of this ordinance are severable, and if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

**SECTION 5. CODIFICATION.** This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

PASSED AND APPROVED this 16<sup>th</sup> day of October, 2023.

(SEAL)  
ATTEST:

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ED BOLT, MAYOR

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LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 16<sup>th</sup> day of October, 2023.

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JOSEPH M. VORNDRAN  
CITY ATTORNEY