

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, STATE OF OKLAHOMA, AMENDING CHAPTER 3, ANIMALS, ARTICLE 1, GENERAL PROVISIONS, ANIMALS, ARTICLE 3-1-1 TO ADD THE DEFINITIONS FROM FORMER SECTION 3-8-1 AND DELETING NUMBERING OF DEFINITIONS; AND AMENDING ARTICLE 1, GENERAL PROVISIONS, SECTIONS 3-1-4, 3-1-5, 3-1-9(c), AND 3-2-2 (A) (2) TO CLARIFY THE AUTHORITY OF THE ANIMAL CONTROL OFFICER; 3-1-7(B) AND 3-9-1 TO SPECIFY AN ANNUAL LICENSE PERIOD; 3-1-8 TO SUBSTITUTE CITY CLERK WITH COMMUNITY DEVELOPMENT DEPARTMENT; AND AMENDING ARTICLE 2, PETS, SECTION 3-2-7 ANIMALS TO BE IMPOUNDED AMENDED TO PROVIDE FOR 72 HOUR IMPOUNDMENT; SECTIONS 3-2-1, 3-2-2(C)(13), 3-2-8, AND 3-2-9, ARTICLE 3, LIVESTOCK, SECTIONS 3-3-1(B)(7) AND 3-3-4(c)(6), ARTICLE 4, FOWL, SECTION 3-4-1(b)(5), AND ARTICLE 5, RODENTS, INSECTS, REPTILES, ETC., SECTION 3-5-1(B)(5), AND ARTICLE 6, DEAD ANIMALS, SECTION 3-6-1, AND ARTICLE 9, KENNEL LICENSE, SECTION 3-9-3 OF THE CODE OF THE CITY OF CHICKASHA TO ESTABLISH THAT ALL FEES CHARGED UNDER CHAPTER 3, ANIMALS, SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; AND AMENDING CHAPTER 3, ANIMALS, ARTICLE 2, PETS, SECTION 3-2-2(C)(2) TO CORRECT GRAMATICAL ERROR CHANGING 'PERSONAL' TO 'PERSON'; SECTION 3-2-4(c) TO REQUIRE STERILIZATION AS A CONDITION TO HARBORING EIGHT DOGS AND/OR CATS; AND AMENDING ARTICLE 8, BY DELETING IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, OKLAHOMA.

SECTION 1. That Chapter 3, Article 1, General Provisions, of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-1-1. Definitions.

As used in this chapter the following terms shall mean:

"Animal": Any live, vertebrate creature, domestic or wild.

"Animal bite": Any scratch or penetration of the skin by the teeth of an animal.

"Animal Shelter": Any facility operated by a humane society, or municipal agency or its authorized agents for the purpose of impounding or caring of animals under the authority of this chapter or of state law.

"At large": Shall refer to an animal or fowl, which is free of physical restraint beyond the boundaries of the property or its owners or keepers.

"Auctions": Any place or facility where animals are bought, sold, or traded other than individual sales of animals by owners.

"Bees": Four winged insects that live in colonies and make honey.

"Bird": A warm blooded, feathered vertebrate.

"Circus": A commercial variety show featuring animal acts for public entertainment.

"Dangerous dog or other animal" means any dog or animal that:

- (a) Has inflicted severe injury on a human being without provocation on public or private property.

- (b) Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog or other animal thereafter aggressively bites, attacks, or endangers the safety of humans, or
- (c) Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog or other animal thereafter kills or severely injures a domestic animal.

"Fish": A vertebrate animal living only in water and having gills.

"Fowl": An edible bird either game or domestic.

"Insects": A class of invertebrate animals.

"Kennel": Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling pets.

"License": An annually renewable approval issued by the City of Chickasha certifying that animals comply with all applicable city requirements. .

"Livestock": Domestic animals to include horses, cattle, goats, and sheep, but not including billy goats.

"Miniature animals": Any domesticated animal that has been selectively bred so as to produce offspring when full grown that do not exceed seventy-five (75) pounds in weight and twenty-four (24) inches in height. .

"Neuter" means to render a male dog or cat unable to reproduce;

"Owner": Any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

"Performing animal exhibition": Any spectacle, display, act, or event other than circuses, in which performing animals are used.

"Permit": Approval issued by the City of Chickasha, which does not require annual renewal. Such approval certifies that the site complies with all applicable city requirements.

"Pet": Any animal kept for pleasure or companionship. For purposes of this ordinance, pets shall include only dogs and cats.

"Potentially dangerous dog or other animal" means any dog or other animal that:

- (a) When unprovoked inflicts bites on a human either on public or private property, or
- (b) When unprovoked kills or severely injures a domestic animal either on public or private property;
- (c) Dogs or other animals shall not be declared potentially dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or animal; or who was tormenting, abusing, or assaulting the dog or animal; or who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or animal; or who was committing or attempting to commit a crime.

"Potentially vicious Animal" is an animal, when unprovoked:

- (a) Acts as if it intends to bite a human, dog, cat, animal or livestock whether on public or private property;
- (b) Chases or approaches a human upon a public way in a threatening fashion as if to inflict injury or serious harm;
- (c) Demonstrates aggressive behavior, which requires a human to take defensive or evasive action to avoid physical contact with the animal.

"Proper enclosure of a dangerous dog" means, while on the owner's property, a potentially dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the

animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

"Public nuisance": Any animal or animals which --

- (a) molest passersby or passing vehicles;
- (b) attacks other animals;
- (c) trespasses;
- (d) is repeatedly at large;
- (e) damages private or public property; or
- (f) barks, whines, scratches, howls or makes excessive noise in continuous or untimely fashion.

"Reptile": A cold-blooded, air breathing vertebrate. .

"Restraint": Any animal secured by leash or lead or under the control of a responsible person and obedient to that person's commands or within the real property limits of its owner.

"Rodent": Relatively small mammals having a single pair of upper incisors with a chisel shaped edge.

"Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

"Snakes": A long, slender, crawling reptile having a body with scales and no legs or feet.

"Spay" means to remove the ovaries of female dog or cat in order to render the animal unable to reproduce;

"Sterilization" means to spay or neuter a dog or cat

"Vicious Animal": An animal which, without provocation, attacks and makes physical contact with a person, dog, cat, animal or livestock with the potential to cause harm or the infliction of serious injury. If an animal has previously bitten a human being two (2) or more times without provocation, such finding shall be prima facie evidence that the animal is vicious.

"Wild Animal": Any animal, which can normally be found living in, a natural state and not ordinarily tame or domesticated.

SECTION 2. That Chapter 3, Article 1, General Provisions, Section 3-1-4(a) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-1-4. Animal control officer: Duties and authorization; issuance of citations to appear; failure to appear.

- (a) The animal control officer is authorized to capture and impound any and all animals running at large within the city in violation of any city ordinance and to take, keep and dispose of the same as provided by this chapter. This includes assigning contractors to trap and dispose of wildlife animals regulated under the Oklahoma Department of Wildlife Conservation and other nuisance wildlife animals.

SECTION 3. That Chapter 3, Article 1, General Provisions, Section 3-1-5 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-1-5. Right to inspect.

The animal control officer, police officer or code enforcement officer, upon complaint of any person, may inspect any structure or place where an animal is kept, and may do so on his/her own initiative. The officer may issue any such reasonable directive as deemed necessary to the owner of such animal to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance.

SECTION 4. That Chapter 3, Article 1, General Provisions, Section 3-1-7(b) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Section 3-1-7 Animal license and permits

- (b) The license period shall be for a one year/12 month period of time.

SECTION 5. That Chapter 3, Article 1, General Provisions, Section 3-1-8 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Section 3-1-8. Community Development Department to keep register

- (a) It is hereby made the duty of the Community Development Department to keep a register of all licenses and permits in the city pursuant to the provisions of this chapter.
- (b) The register shall show the date of issuance of each permit or license and in whose name the license or permit is issued.
- (c) The Community Development Department shall also maintain a copy of each application and a record of the identifying numbers of all tags issued and shall make this record available to the public.

SECTION 6. That Chapter 3, Article 1, General Provisions, Section 3-1-9(c) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-1-9. Certain animals to be impounded, etc.

- (c) If said animal is determined to be potentially infected with rabies (i.e. shows signs of infection) or any other disease it shall immediately be euthanized and disposed of by the animal control officer.

SECTION 7. That Chapter 3, Article 2, Pets, Section 3-2-1 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-2-1. Pet license; application, etc.

- (a) Any person owning, keeping, harboring, possessing, or having custody of any pet over six (6) months of age within the corporate limits of the City of Chickasha, State of Oklahoma, shall pay an annual licensing fee for each animal as determined by resolution by City Council.
- (b) The provisions of subsection (a) of this section, does not apply to the keeping of small cage birds or aquatic and amphibian animals kept solely as pets.
- (c) Written application for license shall be made to the Community Development Department. The application shall include:
 - (1) Name and address of applicant;
 - (2) Description of animal to include size, color, breed and approximate age;
 - (3) Proof of date rabies vaccination given and by whom vaccinated.
- (d) Upon acceptance of the license application and fee, a tag shall be issued to include
 - (1) The year in which the license is paid;
 - (2) An identifying number; and
 - (3) Carry the words "City of Chickasha".
- (e) All pets must wear the license tag at all times when off the premises of the owner.

SECTION 8. That Chapter 3, Article 2, Pets, Sections 3-2-2 (A) (2), 3-2-2(C)(2), and 3-2-2(C)(13) of the Code of the City of Chickasha, Grady County, Oklahoma, are hereby amended to read as follows:

Sec. 3-2-2. Dangerous or Vicious animals; Potentially Dangerous or Vicious Animals.

(A) Dangerous or Vicious Animals

(2) When any complaint is filed in the municipal court of the city alleging that a vicious or dangerous animal is owned, possessed, kept, harbored, sheltered or allowed to remain on any premises under his control within the City of Chickasha in violation of this section, then the person against whom the complaint is filed, or any other person having control or custody of the animal alleged to be vicious or dangerous, shall deliver the animal to the animal control officer or the duly appointed representative for confinement in the city animal shelter, pending the judgment of the municipal court.

(C) Requirements for keeping a potentially dangerous or potentially vicious animal.

(2) *Leash and muzzle.* No person shall permit a potentially dangerous or potentially vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length and under the physical restraint of a responsible person over sixteen (16) years of age. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition all animals on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons, dogs, or cats.

(13) *Annual Registration.* All potentially dangerous or potentially vicious animals shall be registered by the owner with the Animal Control Officer of the City within thirty (30) days of notification by the Animal Control Officer that the animal has been declared potentially dangerous or potentially vicious. A potentially dangerous or potentially vicious animal shall not be registered by the Animal Control Officer if the requirements of this chapter are not complied with at the time of application. The annual registration fee shall be established by resolution of the City Council.

SECTION 9. That Chapter 3, Article 2, Pets, Section 3-2-4(c) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-2-4. Animals to be kept, etc.

- (c) No persons shall harbor or keep dogs or cats totaling more than four (4) of each over the age of six (6) months in any household. However, if all animals are sterilized then any combination of dogs and cats are allowed up to a maximum of eight (8) animals. The owner or occupant shall be held responsible for any such violation of this section by any of the members of such household.

SECTION 10. That Chapter 3, Article 2, Pets, Section 3-2-7 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-2-7. Animals to be impounded, etc.

An impounded animal shall be held for 72 hours during which time it may be redeemed by the owner after showing proof of ownership. No animal may be destroyed or adopted until after this 72-hour period. However, if the animal is ill or injured to the extent that keeping it alive for the 72-hour period would cause the animal needless suffering and pain, then the animal shall be destroyed prior to the 72 hour limit. Such decision shall be made by the animal control officer or a licensed veterinarian who shall document the animal's condition. The Animal Control Officer shall attempt to find and contract

the owner from information on tags or chips, or who's name and/or address may be known to the Officer during the 72 hour wait time.

SECTION 11. That Chapter 3, Article 2, Pets, 3-2-8 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-2-8. Adoption.

Any person wishing to adopt an animal from the animal shelter shall meet the following requirements with the proper fees posted.

- (a) An adoption fee as determined by resolution of the City Council must be posted with the City of Chickasha.
- (b) The adopting party must sign an agreement to have the animal sterilized if not already altered.
- (c) If required action is not met within thirty (30) days of date of adoption, the animal must be returned to the shelter without refund of adoption fee.

SECTION 12. That Chapter 3, Article 2, Pets, Section 3-2-9 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-2-9. Fees and charges.

The cost of claiming an animal shall be as follows:

- (a) An impoundment service fee as set by resolution of the City Council shall be charged for each animal lawfully impounded by the animal control officer.
- (b) A boarding fee shall also be charged at a rate set by resolution of the City Council for each impounded animal. Furthermore, a full day's charge shall be made for any portion of a day in excess of four (4) hours that an animal is impounded.
- (c) A vaccination agreement shall be signed for each animal not shown to have received the rabies vaccination from a licensed veterinarian immediately preceding its impoundment. Proof of vaccination is required within 30 days or the animal shall be returned to the shelter without refund of adoption fee.

SECTION 13. That Chapter 3, Article 3, Livestock, Section 3-3-1 (b)(7) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-3-1. Permits for horses, mules, donkeys, cattle, sheep and goats (except billy goats).

- (b) Livestock shall not be so kept except under the following conditions:
- (7) The applicant shall pay an annual permit fee per animal as set hereafter by resolution of the City Council.

SECTION 14. That Chapter 3, Article 3, Livestock, Section 3-3-4(c)(6) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-3-4. Keeping of swine; exceptions.

- (c) The keeping of not more than ten grain-fed hogs over twenty-five pounds and no trash-fed hogs shall be allowed by permit under the following conditions.
- (6) The applicant shall pay an annual permit fee per animal as set by resolution by City Council;

SECTION 15. That Chapter 3, Article 4, Fowl, Section 3-4-1(b)(5) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-4-1. Fowl.

- (b) Fowl shall not be kept except under the following conditions:
- (5) The applicant shall pay an annual license fee as set by resolution by City Council

SECTION 16. That Chapter 3, Article 5, Rodents; Insects; Reptiles, etc., Section 3-5-1(b)(5) of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-5-1. Rodents; keeping, etc.

- (b)(5) The applicant shall pay an annual license fee as set by Resolution of City Council.

SECTION 17. That Chapter 3, Article 6, Dead Animals; Disposal, etc., Section 3-6-1 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-6-1. Dead animals/Live animals; disposal, surrender, etc.

- (a) It shall be the duty of each animal owner to properly dispose of each animal carcass. Within one day, the animal carcass shall be buried outside the city limits or disposed of in a manner approved by the county/state health officer.
- (b) The City of Chickasha may accept carcasses of small domestic animals for disposal and shall charge for services rendered as set by resolution by City Council.
- (c) Live small domesticated animals may be surrendered to the Animal Shelter for holding and disposal for a fee as set by resolution of City Council.

SECTION 18. That Chapter 3, Article 8, Dog and Cat Sterilization, Section 3-8-1 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec. 3-8-1. Reserved.

SECTION 19. That Chapter 3, Article 9, Kennel License, Section 3-9-1 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

Sec 3-9-1. Kennels: Fee requirements and standards

- (a) No person shall own, maintain or operate a kennel within the city unless such kennel is licensed annually as herein provided. Application for such license shall be made to the city and shall state the name and address of the owner or operator of the kennel with the street address and legal description of the property upon which the kennel is located. Application for a renewal license must be received by the city at least sixty (60) days prior to the expiration of the license or be considered in the same manner as an application for a new initial license.
- (b) The owner or operator of a kennel must show proof of rabies vaccination on all animals over four (4) months of age when applying for a license.
- (c) Any person maintaining a kennel, whether for profit or not, shall be subject to the provisions of this chapter. Non-conforming kennels shall be deemed a nuisance.
- (d) Property where a kennel is located must meet proper zoning requirements.

SECTION 20. That Chapter 3, Article 9, Kennel License, Section 3-9-3 of the Code of the City of Chickasha, Grady County, Oklahoma, is hereby amended to read as follows:

3-9-3. Kennel license fee.

An annual fee as set by resolution by city council shall be charged for all licensed kennels.

SECTION 21. **Severability.** If any section, subsection, sentence, clause, phase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining portions of this ordinance.

SECTION 22. **Emergency.** It being immediately necessary for the preservation of the public, health, peace and safety of the City of Chickasha and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect immediately from and after its passage, approval as provided by law.

Adopted and approved this _____ day of _____, 2015.

Henry Ross, Mayor

ATTESTED:

Gina Snedeker, City Clerk, Certified Municipal Clerk

(SEAL)