

Chapter 3

ANIMALS

Article 1. General Provisions.

Sec. 3-1-1. Definitions.

As used in this chapter the following terms shall mean:

- (1) "Animal": Any live, vertebrate creature, domestic or wild.
- (2) "Animal bite": Any scratch or penetration of the skin by the teeth of an animal.
- (3) "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.
- (4) "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.
- (5) "Auctions": Any place or facility where animals are bought, sold, or traded other than individual sales of animals by owners.
- (6) "Bees": Four winged insects that live in colonies and make honey.
- (7) "Bird": A warm blooded, feathered vertebrate.
- (8) "Circus": A commercial variety show featuring animal acts for public entertainment.
- (9) "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.
- [10] "Fish": A vertebrate animal living only in water and having gills.
- [11] "Fowl": An edible bird either game or domestic.
- (12) "Insects": A class of invertebrate animals.
- (13) "Kennel": Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling pets.
- (14) "License": An annually renewable approval issued by the City of Chickasha certifying that animals comply with all applicable city requirements. .
- (15) "Livestock": Domestic animals to include horses, cattle, goats, and sheep, but not including billy goats. .
- (16) "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. .
- (17) "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. .
- (18) "Performing animal exhibition": Any spectacle, display, act, or event other than circuses, in which performing animals are used. .
- (19) "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.
- (20) "Pet": Any animal kept for pleasure or companionship. For purposes of this ordinance, pets shall include only dogs and cats.
- (21) "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.
- (22) "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.
- (23) "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.
- (24) "Reptile": A cold-blooded, air breathing vertebrate. .
- (25) "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.
- (26) "Rodent": Relatively small mammals having a single pair of upper incisors with a chisel shaped edge. .
- (27) "Snakes": A long, slender, crawling reptile having a body with scales and no legs or feet.
- (28) "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.
- (29) "Wild Animal": Any animal, which can normally be found living in, a natural state and not ordinarily tame or domesticated.
- (30) "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.
- (31) "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.
- (Amended Ord No. 2007-13, 10/01/2007)*

Sec. 3-1-2. Animal Shelter.

There is hereby established a city animal shelter to be located at such place as the council shall approve. *(Ord. 1515, § 1.)*

Sec. 3-1-3. Animal Control Officer; position created.

There is hereby created the position of animal control officer who shall be the keeper of the city animal shelter. He shall be appointed by the chief of police. (Ord. 1515, § 1.)

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

- (a) It shall be the duty of the animal control officer 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.
- (b) Animal control officers are authorized to enforce the provisions of this chapter. In carrying out such duties, animal control officers may issue a citation to such person to appear in court.
- (c) In issuing a citation, the animal control officer shall proceed as follows:
 - (1) He shall prepare a written citation to appear in court, containing the name and address of the person cited in the offense charges, and stating when the person shall appear in court.
 - (2) Unless the person requests an earlier date the time specified in the citation to appear shall be at least five (5) days after the issuance of the citation.
 - (3) One (1) copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the officer.
 - (4) The officer shall thereupon release the cited person from his custody.
 - (5) As soon as practical the officer shall cause to be filed one (1) copy of the citation with the court specified therein.
- (d) If a person fails to appear in response to a citation, a warrant for his arrest shall be issued, and any person who willfully fails to appear in response to a citation shall be guilty of an offense. (Ord. 1515, § 1.)

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

It shall be a condition of the issuance of any permit that the animal control officer, health officer or such other person that may be designated by the police chief shall have the authority to inspect all animals and the premises where animals are kept, and shall, if permission for such inspection is refused, revoke the permit of the refusing owner. (Ord. 1515, § 1.)

Sec. 3-1-6. Obstructing animal control officers, etc.

Any person who shall break in or in any manner directly or indirectly aid or assist in or counsel or advise the breaking open of any city animal shelter or shall hinder or delay or obstruct the animal control officer and his duly authorized agent in taking up or taking to the city animal shelter any such animal, or shall destroy or mutilate any notice of sale of any impounded animal, shall be guilty of an offense. (Ord. 1515, § 1.)

Sec. 3-1-7. Animal license and permits.

- (a) The City of Chickasha, State of Oklahoma shall promulgate regulations for the issuance of animal permits and licenses.
- (b) The license period shall be for a period of time beginning January 1 of each year and ending on December 31 of each year. (Ord. 1585, § 2.) Animal permits may be revoked by Mayor and Council at any time upon a determination that the public interest is not well served by continuation of the permitted activity. (09/06/1994, Ord. No. 94-12).
- (c) No person who has been connected with cruelty to animals shall be issued a permit or license.
- (d) Application for an animal permit shall be made at the Community Development office.

- (e) No person shall maintain livestock animals within the city limits without first obtaining a permit except that Agricultural Zoning districts shall not require a permit to maintain livestock. The City of Chickasha shall not require a license for any livestock animal.

Sec. 3-1-8. City clerk to keep register.

- (a) It is hereby made the duty of the city clerk 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 clerk 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. *(Ord. 1515, § 1.)*

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

- (a) It shall be the duty of the animal control officer to take into his possession any animal capable of carrying or transmitting rabies or other disease when said animal bites or otherwise injures a person, or is suspected of having rabies. The animal shall be impounded for a period of ten (10) days at either the shelter or a licensed veterinarian's hospital for the purpose of observation.
- (b) In the event such animal is impossible to capture, it shall be destroyed, and the animal control officer shall use the procedure as established at that time.
- (c) If said animal is determined to be infected with rabies or any other disease it shall immediately be euthanized and disposed of by the animal control officer as provided in this article.
- (d) If the animal is determined not to be infected with rabies or any other disease then the owner thereof, by requesting possession of the animal and agreeing to pay the costs of keeping said animal while in quarantine, shall be given possession of said animal.
- (e) In the event the owner fails to request possession of such animal within fifteen (15) days after the same is taken into quarantine and confinement as herein provided, then the same shall be delivered to the animal control officer for disposition as other impounded animals, as provided for under this chapter.

Sec. 3-1-10. Proof of ownership.

- (a) The animal control officer shall, before he releases any impounded animal to the owner or to any person who claims that he/she is the owner, shall satisfy himself/herself of the fact that such representations are true and to this end shall have the right to make such inquiry as may be necessary to establish such facts.
- (b) The animal control officer shall have the unreserved right to require the affidavit of the claimant to the effect that he/she is the true and lawful owner of such animal and that he/she has owned such animal for the time which claimant alleges that he/she has owned such animal.
- (c) He/she shall have the further unreserved right to require such claimant to produce witnesses of the fact, whose representations may or may not be reduced to writing and certified accordingly, as the animal control officer in his/her discretion shall determine. *(Ord. 1515, § 1.)*
- (d) Owners must also show proof of a city license and a current vaccination. If unable to do so, the fees for such will be paid before the release of the animal.

Sec. 3-1-11. Description of impounded animals to be kept.

The animal control officer shall keep a book giving a description of all animals impounded by him, showing the date impounded, the date of sale, or other disposition, the amount realized for such animal and the name of the purchaser and owner. (Ord. 1515, § 1.)

Sec. 3-1-12. Animal which annoy not to be kept, etc.

- (a) No person shall keep, possess or harbor any animal within the limits of the city, which is a public nuisance, or shall annoy or disturb the peace and quiet of any neighborhood, family or person.
- (b) It is the intent of this section to restrict the privilege of keeping, possessing, owning or harboring an animal within said city to those of a quiet and peaceful nature; and not only shall the owner of such animal be liable for the infliction of the penalties provided for by this chapter for the keeping of said animal, but upon order of the municipal judge shall surrender the animal for the purpose of destruction or disposition. (Ord. 1515, § 1.)

Sec. 3-1-13. Animals running loose.

The animal control officer or any law enforcement officer may be required to kill an animal running loose in the City of Chickasha, that is rabid or which is determined to be a threat to public safety. (Ord. 1515, § 1.)

Sec. 3-1-14. Animal care.

- (a) No owner shall fail to provide their animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and with humane care and treatment.
- (b) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal.
- (c) No person shall abandon an animal.
- (d) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.
- (e) No person shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to harm or be eaten by any pet or livestock. This is not meant to apply to rodent poisons on a person's own property.
- (f) When any complaint is filed in municipal court of the city or a citation issued alleging cruelty to animals, then the person against whom the complaint is filed, or any person having control or custody of the animal shall deliver it to the animal control officer for confinement in the city animal shelter pending judgment of the municipal court. (Ord. 1515, § 1.)
- (g) No person shall indecently exhibit or cause the indecent exhibition of any animal, or let or cause to let any animal to an animal of the opposite sex for sexual intercourse, unless the same shall be in some enclosed place entirely out of public view. (Ord. No. 91-5.)
- (h) No animal shall be left to exposed weather without proper shelter. A shelter for a dog or cat shall consist of a moisture-proof and wind-proof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material, and shall be provided with sufficient quality and quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat. (Ord. No. 2002-13, 03/04/2002).

Sec. 3-1-15. Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his/her animal(s) on public walks, recreation areas, or private property. (Ord. 1515, § 1.)

Sec. 3-1-16. Animals that die within ten (10) days after injuring a person.

- (a) Should any animal bite, scratch, or inflict by other means, an open wound in a human being, and thereafter die for any reason within fourteen (14) days, the owner of that animal must notify animal control and secure an examination of the animal's head by an authorized agency of the city, county, or state qualified to give such examinations.
- (b) The head of the animal shall be delivered to such examining agency within a period of not more than twelve (12) hours subsequent to its death, if the death occurs at night; and no more than three (3) hours subsequent to the death if such occurs between the hours of 5:00 a.m. and 6:00 p.m., and shall be delivered to the agency.
- (c) Upon receipt of the examination report, the results must be transmitted to the person bitten, or if such person be a minor, to some relative of that bitten person who has attained his/her majority.
- (d) Should any animal die while impounded at the shelter the animal control officer shall follow the procedure as set forth in this section.

Sec. 3-1-17. Disposal of animals not retrieved by owners.

Any animal which is impounded by the city shall be destroyed or otherwise disposed of after five (5) days from the time of its impoundment at the shelter; provided; however, in the event an animal is taken into custody by animal control and the animal has been injured or otherwise disabled which ordinarily would require the animal's destruction or treatment by a veterinarian. Animal control may destroy such animal if the ownership of such animal cannot be determined within a reasonable period of time. Should ownership be determined, the injured or disabled animal shall be promptly delivered over to such owner.

Article 2. Pets

Sec. 3-2-1. Pet license; fee; 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 follows:
 - (1) Each spayed female and male, -- five dollars (\$5.00)
 - (2) Each unspayed female, -- eight dollars (\$8.00)
 - (3) The licensing period shall begin with January 1 of each year and shall run for one (1) year, ending on the 31st day of December of the same year.
 - (4) Application for a license may be made thirty (30) days prior to the start of the calendar year.
- (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. (Ord. 1585, § 3.)
- (c) Written application for license shall be made to the city clerk or his/her agent. 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
 - (4) By whom vaccinated.
- (d) Upon acceptance of the license application and fee, the clerk shall issue a durable tag on which shall be stamped:

- (1) The year in which the license is paid;
- (2) An identifying number;
- (3) Carry the words "City of Chickasha"; and
- (4) All pets must wear the license tag at all time when off the premises of the owner. *(Ord. 1515, § 2. as amended by Ord. 1585, § 3.)*

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

(A) Dangerous or Vicious Animals

(1) It shall be unlawful for any person to own, harbor, shelter, keep, possess, or allow to remain on any premises under his control within the City of Chickasha a dangerous or vicious animal.

(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 his duly appointed representative for confinement in the city animal shelter, pending the judgment of the municipal court.

(3) After an animal has been determined in writing to be potentially vicious or potentially dangerous, further complaints against that animal will be treated as complaints that the animal is dangerous or vicious. *(Amended Ord No. 2007-13, 10/01/2007)*

(B) Proceedings against Dangerous or Vicious Animals and Potentially Dangerous and Potentially Vicious Animals

(1) *Complaint.* Any person who has actual knowledge of a dog or other animal may file a complaint in municipal court alleging that the dog or other animal is potentially vicious, potentially dangerous, vicious, or dangerous.

(2) *Determination by Animal Control Officer or a Commissioned Police Officer.* An Animal Control Officer or a Commissioned Police Officer shall investigate complaints of dangerous, vicious, potentially dangerous, or potentially vicious animals and make a determination of the facts. If the Animal Control Officer or a Commissioned Police Officer observes an animal, which is the subject of the complaint, and is witness to dangerous, vicious, potentially dangerous or potentially vicious behavior as set forth in Section 3-1-1 above, the Animal Control Officer or the Commissioned Police Officer shall notify the owner of the vicious, dangerous, potentially dangerous or potentially vicious animal of said determination in writing. Said notification shall provide the owner of said animal written notification to register the animal with the Animal Control Officer and to comply with all the provisions of this article within thirty (30) days. The Animal Control Officer or Commissioned Police Officer shall also provide a copy of the written notice to the owner of the property, if other than the owner of the animal.

(a) *Appeal.* Any person whose animal is determined to be dangerous, vicious, potentially dangerous or potentially vicious by the Animal Control Officer or Commissioned Police Officer, may appeal the determination by filing a written appeal to the Municipal Judge within fifteen (15) days of receipt of notice that said person's animal has been declared dangerous, vicious, potentially dangerous or potentially vicious.

(b) *Hearing.* The Municipal Judge shall hold a hearing within fifteen (15) days of the date of the appeal to determine if the animal is vicious, dangerous, potentially dangerous, or potentially vicious as defined by this code.

(c) *Determination.* The Municipal Judge shall be empowered to make one of the following determinations at the conclusion of said hearing:

(1) That the animal is in fact not vicious, dangerous, potentially dangerous or potentially vicious. The Animal Control Officer shall notify the appellant in writing of the decision.

- (2) That the animal is in fact vicious, dangerous, potentially dangerous, or potentially vicious. The Animal Control Officer shall notify the appellant in writing of the decision.
 - (3) That the animal is in fact dangerous or vicious and should be destroyed. The Animal Control Officer shall notify the appellant in writing of the decision.
 - (d) *Judicial Order.* Upon a ruling that the animal is vicious, dangerous, potentially dangerous, or potentially vicious, the Judge shall order the owner or possessor to comply with the provisions of this article within thirty (30) days. The Judge's decision is final.
- (3) *Determination by Judicial Hearing.* If the Animal Control Officer or a Commissioned Police Officer is unable to make a determination that the animal is vicious, dangerous, potentially dangerous or potentially vicious as defined by this article, the complainant is authorized to request a hearing before the Municipal Judge.
- (a) *Hearing.* Upon the receipt of written statement of the complainant that an animal should be deemed vicious, dangerous, potentially dangerous, or potentially vicious, the Municipal Judge shall hold a hearing within fifteen (15) days of the date of said statement to determine if the animal is potentially dangerous or potentially vicious as defined by this article.
 - (b) *Determination.* The Municipal Judge shall be empowered to make one of the following determinations at the conclusions of said hearing:
 - (1) That the animal is in fact not dangerous, vicious, potentially dangerous, or potentially vicious, in which event the Animal Control Officer shall notify the appellant in writing of the decision.
 - (2) That the animal is in fact dangerous, vicious, potentially dangerous, or potentially vicious and should be regulated in accordance with this article. The Animal Control Officer shall notify the appellant in writing of the decision.
 - (3) That the animal is in fact dangerous or vicious and should be destroyed. The Animal Control Officer shall notify the appellant in writing of the decision.
 - (c) *Judicial Order.* Upon a ruling that the animal is vicious, dangerous, potentially dangerous, or potentially vicious, the Judge shall order the animal to be regulated in accordance with this article and shall order the owner of the animal to comply with the provisions of this article within thirty (30) days. The Judge's decision shall be final. *(Amended Ord No. 2007-13, 10/01/2007)*
- (C) Requirements for keeping a potentially dangerous or potentially vicious animal.
- (1) *Confinement.* All potentially dangerous or potentially vicious animals shall be securely confined in a securely enclosed and locked pen or kennel with at least one hundred fifty (150) square feet of space for each animal kept therein, except when leashed and muzzled as provided in Subsection 2 below. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine potentially dangerous or potentially vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house potentially dangerous or potentially vicious animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.
 - (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.

(3) *Sight proof fencing.* In addition to other requirements provided herein, the yard where a potentially dangerous or potentially vicious animal is kept shall be enclosed with a six foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially dangerous or potentially vicious animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other animal to go through. Said fence shall also be maintained to prevent children and other animals from entering the property where the potentially dangerous or potentially vicious animal is kept.

(4) *Signs.* All owners, keepers or harborers of potentially dangerous or potentially vicious animals must, within thirty (30) days of notification, display in a prominent place of their premises a sign easily readable by the public using the words "Beware of Potentially dangerous or potentially vicious Animal." In addition, a similar sign is require to be posted on the kennel or pen of such animals.

(5) *Insurance.* All owners, keepers or harborers of potentially dangerous or potentially vicious animals must, within thirty (30) days of notification, provide proof to the Animal Control Officer of public liability insurance in a single incident amount of one-hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of Chickasha, by the owner, keeper, or harborers.

(6) *Identification photographs.* All owners, keepers or harborers of potentially dangerous or potentially vicious animals must, within thirty (30) days of notification, provide to the Animal Control Officer two (2) color photographs of the potentially dangerous or potentially vicious animals clearly showing the color and approximate size of the animal. Said photographs shall be no small than 3" by 5" in size.

(7) *Electronic Identification Tag.* All owners, keepers, or harborers of potentially dangerous or potentially vicious animals must, within thirty (30) days of notification, have an electronic identification chip installed on the animal. The chip shall be installed by a Veterinarian licensed in the State of Oklahoma and shall be readable with the use of an industry standard universal reader.

(8) *Reporting requirements.* All owners, keepers, or harborers of potentially dangerous or potentially vicious animals must within thirty (3) days of the incident, report the following information in writing to the Animal Control Officer as required hereinafter:

- (a) The removal from the city or death of a potentially dangerous or potentially vicious animal;
- (b) The birth of offspring of a potentially dangerous or potentially vicious animal;
- (c) The new address of a potentially dangerous or potentially vicious animal owner should the owner move within the corporate city limits.

(9) *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way dispose of a potentially dangerous or potentially vicious animal within the city to any person within the city unless the recipient personally resides permanently in the same household and on the same premises as the owner of such animal; provided that the registered owner of a potentially dangerous or potentially vicious animal may sell or otherwise dispose of a potentially dangerous or potentially vicious animal or the offspring of such animal to persons who do not reside within the city.

(10) *Breeding of potentially dangerous or potentially vicious animals.* It shall be unlawful to breed any potentially dangerous or potentially vicious animals within the city.

(11) *Animals born of registered dogs.* All offspring born of potentially dangerous or potentially vicious animals registered within the city must be removed from the city within six (6) weeks of the birth of such animal.

(12) *Sterilized.* All owners, keepers, or harborers of potentially dangerous or potentially vicious animals must, within thirty (30) days of notification, have the potentially dangerous or

potentially vicious animal sterilized. Sterilization shall be performed by a Veterinarian licensed in the State of Oklahoma.

(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 initially be established at One Hundred Dollars (\$100.00). Said registration fee shall thereafter be established by resolution of the City Council.

(14) *Failure to comply.* It shall be unlawful for the owner, keeper, or harbinger of a potentially dangerous or potentially vicious animal in the city to fail to comply with the requirements and conditions set forth in this article. Any potentially dangerous or potentially vicious animal found to be in the subject of a violation of this article shall be subject to immediate seizure and impoundment. All expenses associated with the impounding including shelter, food, handling and veterinary care shall be born by the owner of such animal during the period of impoundment. Failure to comply with all the requirements and conditions set forth in the article within fifteen (15) days of impoundment will result in the destruction of this animal. *(Amended Ord. No. 2007-13, 10/01/2007.)*

Sec. 3-2-3. Animals to be vaccinated.

- (a) The owners or keepers of all animals in the city are hereby required to have their animals vaccinated against rabies. Rabies vaccine shall be recognized for the duration of the vaccine used, i.e., vaccines with a labeled duration of one year, two years or three years will be recognized for one year, two years or three years respectively. The veterinarian, or other person legally authorized to immunize animals, shall furnish the owner with a certificate of vaccination. *(Ord. No. 2006-19, 08/07/2006).*
- (b) The vaccination shall be given and a rabies certificate issued by a licensed veterinarian, anti-rabies clinic, duly authorized animal control officer of the City of Chickasha, or a recognized nonprofit society dedicated to the care and protection of animals. *(Ord. 1515, § 2. and Ord. No. 93-1, 01/04/93.)*

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

- (a) All dogs shall be kept under restraint.
- (b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. *(Ord. 1515, § 2.)*
- (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. The owner or occupant shall be held responsible for any such violation of this section by any of the members of such household. Those households harboring or keeping more than four (4) cats may continue to harbor or keep such cats provided such cats are licensed within sixty (60) days after enactment of this section. Failure to license said cats will require such person to procure a license to operate as a kennel. *(Ord. No. 91-4.)*
- (d) Exception. Households that qualify for a kennel license may harbor or keep dogs and cats totaling more than four (4) over the age of six (6) months. *(Ord. No. 91-4, 02-14-91.)*

Sec. 3-2-5. Abandonment of cats and dogs.

- (a) No person shall abandon or desert their dog or cat or permit such animal to become a stray.

- (b) Any dog or cat found at large, not wearing any tag indicating proof of current vaccination against rabies or that the owner is a city resident, shall be presumed abandoned and will be impounded by the city.

Sec. 3-2-6. Unrestrained dogs and nuisance animals.

- (a) Unrestrained dogs and nuisance animals shall be taken by the police or animal control officers and impounded in an animal shelter and there confined in a humane manner.
- (b) In addition to or in lieu of, impounding an animal, the animal control officer or police officer may issue to the known owner of such animal a citation of ordinance violation.
- (c) Any person appearing at the city animal shelter who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any animal therein impounded shall have such animal returned to him upon the payment of the charges due and as authorized by the provisions of this article. *(Ord. 1515, § 2.)*

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

- (a) All animals seized and impounded without a tag as provided for in this article shall be kept in the city animal shelter for a period of not less than three (3) working days from the time they are impounded.
- (b) If by a license tag or other means the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail.
- (c) Animals, whose owners have been identified, or animals that are of a known pedigree shall be kept in the city animal shelter for a period of not less than five (5) days from the time they are impounded.
- (d) If at the expiration of such time, the owners have not reclaimed the animals, paid the fees for the keeping of such animals or have not otherwise fully complied with all the terms and provisions of this chapter, the animal shall be humanely euthanized and disposed of in an approved manner, or may be delivered to the custody of a nonprofit society dedicated to the care and protection of such animals for a fee not to exceed one half (1/2) the accumulated boarding charge or placed for adoption. *(Ord. 1515, § 2.)*

Sec. 3-2-8. Adoption.

Any animal shall be adopted in lieu of euthanasia after said animal has been held for at least five (5) days. 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 of twenty dollars (\$20.00) must be posted with the City of Chickasha. (This fee may be waived by authority of the city manager.)
- (b) The adopting party must sign an agreement to have the animal sterilized and deposit an amount of ten dollars (\$10.00) as set forth in Section 8. *(Ord. 98-16, 09/21/98).*
- (c) The adopting party must pay a vaccination deposit of fifteen dollars (\$15.00) along with the applicable fee for a city license. As required by Section 3-2-1, deposits shall be forfeited if required action is not met within fifteen (15) days of date of adoption. Upon proof of vaccination the deposit will be refunded. *(Ord. 98-16, 09/21/98).*

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

The cost of claiming an animal shall be as follows:

- (a) An impoundment service fee of fifteen dollars (\$15.00) shall be charged for each animal lawfully impounded by the animal control officer.
- (b) A boarding fee shall also be charged at a rate of five dollars (\$5.00) per day for each impounded animal or such rate as set hereafter by resolution of the City Council. 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. (*Ord. No. 2003-05, 05/19/2003*).
- (c) A vaccination deposit of fifteen dollars (\$15.00) shall be made for each animal not shown to have received the rabies vaccination from a licensed veterinarian within the twelve (12) months immediately preceding its impoundment. Upon proof of vaccination the deposit will be refunded.

Article 3. Livestock.

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

- (a) Any person, firm or corporation wishing to keep livestock within the city limits of the City of Chickasha will not do so until first obtaining a permit except that livestock maintained in agricultural zoning districts shall not require a permit.
- (b) Livestock shall not be so kept except under the following conditions:
 - (1) Livestock other than cows, horses, sheep, or goats shall not be kept within the limits of the City of Chickasha unless otherwise provided in Section 3-3-4;
 - (2) Sheep and goats may be kept within the city limits provided all applicable requirements are met, except billy goats may not be kept within the city limits;
 - (3) All livestock shall be kept under restraint;
 - (4) All livestock shall be kept in a suitable enclosure, substantially erected with a ground area of not less than one (1) acre for each animal;
 - (5) No part of the enclosure shall be within fifty (50) feet of any residence, including that of the owners;
 - (6) The lot and stables wherein the animals are kept shall be maintained in a clean condition and free from filth at all times;
 - (7) The applicant shall pay an annual permit fee of \$10.00 per animal or such other fee as set hereafter by resolution of the City Council. The applicant shall pay such annual permit by December 31 of each calendar year to the City Clerk; (*Ord. No. 2003-05, 05/19/2003*).
 - (8) All applicable zoning district requirements shall be met. (*Ord. No. 93-4, 01/04/93; Ord. No. 94-12, 09/06/1994*).

Sec. 3-3-2. Livestock, Impounding, sale, etc.

- (a) The animal control officer shall take up and impound any livestock found running at large within the city limits in violation of any ordinance provision and shall proceed to sell the animal so impounded at public auction for cash, under the following conditions:
 - (1) By giving five (5) days public notice of the time, terms and place of the sale by posting three (3) written or printed notices in three (3) public places in the city, describing the animal impounded and stating that the same will be sold to defray cost, if not reclaimed, and costs of said sale;
 - (2) He shall, between the hours of 9:00 a.m. and 3:00 p.m. of said day, sell the animal at public auction, at the place of sale designated in the notice;
 - (3) After deducting all expenses of taking up and keeping such animal, including the feeding and sale of such animal, the balance of the proceeds, if any, shall be returned to the owner of the animal; and
 - (4) If no owner files a claim for the balance within ninety (90) days from the date of sale, it shall belong to the city. (*Ord. 1515, § 3.*)

Sec. 3-3-3. Livestock owner may redeem.

The owner of any animal impounded may redeem the same as follows:

(1) Before being sold, by paying the expenses of taking up and keeping together with the costs of advertising, if any, and the fees for taking up, impounding, caring for and selling animals shall be determined from time to time by the city manager and approved by the city council.

(2) After sale, by paying the purchaser double the amount paid him for such animal or animals, and his reasonable expense for keeping the same, provided the owner so redeems said animal within thirty (30) days after the date of sale, otherwise, said animal shall become absolute property of the purchaser. *(Ord. 1515, § 3.)*

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

(a) It shall be unlawful for any person, firm, or corporation to keep or maintain swine within the City of Chickasha, except as specifically provided in this section.

(b) The keeping of not more than two (2) Asian Potbellied pigs or similar small swine per lot or premises shall be allowed by permit under the following conditions. *(Ord. No. 94-12, 09/06/1994.)*

(1) For the purposes of this ordinance "potbellied pig" shall mean: Asian Potbellied pigs, Shar-pei pigs, Vietnamese, Chinese, or Asian pigs, or other similar swine meeting the provisions of this ordinance.

(2) Each potbellied pig shall be a pet that is to be kept for personal enjoyment and not kept or raised for human consumption.

(3) Each potbellied pig shall be licensed with the City of Chickasha under such conditions, as the animal control division deems appropriate, including but not limited to rabies vaccination, if available.

(4) Each potbellied pig shall be permitted with the City of Chickasha under such zoning regulations as may apply. *(Ord. No. 94-12, 09/06/1994.)*

(5) A potbellied pig shall not exceed seventy-five (75) pounds in weight, and twenty-one (21) inches in height. *(Ord. No. 94-12, 09/06/1994.)*

(6) There shall not be more than two (2) potbellied pigs, more than three (3) months of age per lot or residence. *(Ord. No. 94-12, 09/06/1994.)*

(7) The keeping of potbellied pigs for commercial breeding purposes is prohibited in the City of Chickasha. *(Ord. No. 94-12, 09/06/1994.)*

(8) The premises where potbellied pigs are kept shall be cleaned regularly and shall be maintained so that noxious odors are controlled. *(Ord. No. 94-12, 09/06/1994.)*

(9) Any person who keeps, maintains, or harbors a potbellied pig shall keep it confined on the premises. The confinement shall be accomplished by the following means: *(Ord. No. 94-12, 09/06/1994.)*

(a) A fence or similar enclosure to prevent escape.

(b) Keeping inside a house or other building.

(c) Keeping on a leash to prevent escape. *(Ord. No. 94-12, 09/06/1994.)*

Sec. 3-3-5. Keeping of certain animals; exceptions.

(a) It shall be unlawful for any person, firm, or corporation to keep or maintain livestock animals other than cattle, horses, sheep, and goats, except as specifically provided in this section. *((Ord. No. 94-12, 09/06/1994.)*

(b) The keeping of not more than two (2) miniature animals per lot or premises shall be allowed by permit, except that more than two (2) miniature animals may be permitted at a density of one (1) head per acre and under the following conditions:

(1) Miniature animals shall be kept for personal enjoyment and not raised for human consumption or other commercial purposes.

- (2) Each miniature animal shall be licensed with the City of Chickasha under such conditions as the animal control division deems appropriate, including, but not limited to, rabies vaccination, if applicable.
- (3) Each miniature animal shall be permitted with the City of Chickasha under such zoning regulations as may apply.
- (4) Miniature animals shall not exceed seventy-five (75) pounds in weight, and twenty-four (24) inches in height.
- (5) The keeping of miniature animals for commercial breeding purposes is prohibited in the City of Chickasha.
- (6) The premises where miniature animals are kept shall be cleaned regularly and shall be maintained so that noxious odors are controlled.
- (7) Any person who keeps, maintains, or harbors a miniature animal shall keep it confined on the premises. The confinement shall be accomplished by the following means:
 - (a) A fence or similar enclosure to prevent escape.
 - (b) Keeping inside a house or other building.
 - (c) Keeping on a leash to prevent escape.
- (8) Failure to comply with above may result in the revocation of the permit. (*Ord. No. 94-12, 09/06/1994*).

Article 4. Fowl.

Sec. 3-4-1. Fowl.

- (a) Any person, firm or corporation wishing to keep fowl within the city limits of the City of Chickasha will not do so until first obtaining a permit.
- (b) Fowl shall not be kept except under the following conditions:
 - (1) All fowl shall be kept under restraint.
 - (2) Said fowl shall be kept in a suitable enclosure substantially erected with a ground area not less than two hundred (200) square feet.
 - (3) No part of the enclosure shall be within fifty (50) feet of any residence including that of the owners.
 - (4) All coops, houses and roosts shall be kept in a clean and sanitary condition and be disinfected in such manner and to the extent necessary to prevent odors or unsanitary conditions.
 - (5) The applicant shall pay an annual license fee of ten dollars (\$10.00) to the city clerk. (*Ord. No. 94-12, 09/06/1994*).

Article 5. Rodents; Insects; Reptiles, etc.

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

- (a) Any person, firm or corporation wishing to keep rabbits or other small rodents, within the city limits of the City of Chickasha, will not do so until first obtaining a permit.
- (b) Rodents shall not be kept except under the following conditions:
 - (1) All rodents shall be kept under restraint;
 - (2) All rodents shall be kept in a suitable enclosure;
 - (3) No part of the enclosure shall be within fifty (50) feet of any residence including that of the owners;
 - (4) All hutches or proper houses shall be kept in a clean and sanitary condition and be disinfected in such manner and to the extent necessary to prevent odors or unsanitary conditions; and
 - (5) The applicant shall pay an annual license fee of ten dollars (\$10.00) to the city clerk. (*Ord. 1515, Sec. 5; Ord. No. 94-12, 09/06/1994*).

Sec. 3-5-2. Insects and reptiles, etc.

It shall be unlawful and an offense for any person, firm or corporation to own, possess or harbor bees, snakes and other insects or reptiles which may become a nuisance or threat to any person or persons residing within the city except that bees, kept in beehives, may be kept in non-residential zoning districts provided control of all hives is strictly maintained. (Ord. 1515, 6; Ord. No. 92-26, 11/16/92).

Article 6. Dead Animals.

Sec. 3-6-1. Dead animals; disposal, 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 follows:
 - (1) Veterinarians who choose to dispose of small, domestic animals through the disposal services of the City of Chickasha shall pay a fee of fifteen dollars (\$15.00) per animal or such other fee as set hereafter by resolution of the City Council to cover the cost of disposal. (Ord. No. 2003-05, 05/19/2003).
 - (2) Individuals who choose to dispose of domestic animals through the disposal services of the City of Chickasha shall pay a fee of twenty dollars (\$20.00) per animal or such other fee as set hereafter by resolution of the City Council to cover the cost of disposal. (Ord. No. 1515, Sec. 7; Ord. No. 90-26, 12/20/90; Ord. No. 2003-05, 05/19/2003).
- (c) A fee of twenty dollars (\$20.00) or such other fee as set hereafter by resolution of the City Council shall be charged for the holding and disposal of each live animal accepted by the City of Chickasha for disposal. (Ord. No. 91-7, 2/7/91; Ord. No. 2003-05, 05/19/2003).
- (d) A fee of twelve dollars (\$12.00) shall be charged for the holding and disposal of each live animal accepted by the City of Chickasha for disposal. (Ord. No. 98-16, 09/21/1998).

Article 7. Penalty.

Sec. 3-7-1. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be deemed guilty of an offense and upon conviction thereof or plea of guilty thereto shall be fined an amount not to exceed the maximum amount allowed by law for a non-jury trial and court costs. Each day's violation of any provision of this chapter shall constitute a separate offense. (Ord. 1661, 7/14/83; Ord. No. 2003-05, 05/19/2003.)

Article 8. Dog and Cat Sterilization.

Sec. 3-8-1. Definitions.

As used herein the terms shall have the following meaning:

- (1) "Neuter" means to render a male dog or cat unable to reproduce;
- (2) "New owner" or "owner" means a person legally competent to enter into a contract acquiring a dog or cat from the city;
- (3) "Spay" means to remove the ovaries of female dog or cat in order to render the animal unable to reproduce; and
- (4) "Sterilization" means to spay or neuter a dog or cat. (Ord. No. 1808, 9/11/86.)

Sec. 3-8-2. Agreement to sterilization before being released for adoption.

No dog or cat may be released for adoption from the city animal shelter unless the adopting party signs an agreement to have the animal sterilized and deposits with the City of Chickasha the amount of ten dollars (\$10.00). The sterilization agreement to be signed by the adopting party shall be in substantially the form required by Section 499.4 of Title 4 of the Oklahoma Statutes. (Ord. No. 1808, 9/11/86; 09/21/1998, Ord. No. 98-16).

Sec. 3-8-3. Deposit required.

The required ten dollars (\$10.00) shall be refundable to the adopting party upon the adopting party's presentation of a signed statement by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refund shall be made unless the animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals; in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months. (Ord. No. 98-16, 09/21/98).

Sec. 3-8-4. Written report from veterinarian for extension.

Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the city shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity. (Ord. No. 1808, 9/11/86.)

Sec. 3-8-5. Refund of deposit.

If requested to do so, the city shall refund deposited funds to the adopting party upon reasonable proof being presented to the city by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed. (Ord. No. 1808, 9/1/86.)

Article 9. Kennel License.

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 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) License expires annually on June 30. There is no proration of license fee.
- (d) 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.
- (e) Property where a kennel is located must meet proper zoning requirements.

Sec. 3-9-2. Facility standards, space requirements, exceptions.

- (a) All kennels within the city limits shall meet the following minimum requirements:
 - (1) The kennel floor shall be made of concrete at least four (4) inches thick, with a smooth surface which shall have one-quarter (1/4) inch of a slope per foot of fall for drainage. The drainage shall be connected to the sanitary sewage line.
 - (2) Each cage shall have sleeping quarters and a lounging area. Sleeping quarters for the animals shall be protected from the weather, and each lounging area shall be individually

enclosed by chain link material of at least ten to fourteen (10 to 14) gauge, and shall have the following minimum dimensions for the number of animals to be accommodated:

<u>Width</u>	<u>Length</u>	<u>Height</u>	<u>Accommodation for:</u>
4 ft.	12 ft.	6 ft.	Lounging area for 1 large dog, or 2 Medium dogs, or 3 small cats.
4 ft.	6 ft.	3 ft.	Sleeping area for 1 large dog, or 2 medium dogs, or 3 small dogs or cats.

However, cages for cats shall be completely enclosed.

(3) For the purpose of this section only, small-sized dogs shall be defined as any dog weighing twenty-five (25) pounds or less; medium-sized dogs shall be defined as any dog weighing between twenty-five (25) and fifty (50) pounds; large-sized dogs shall be defined as any dog weighing in excess of fifty (50) pounds.

(4) There shall be at least one cage, which must be completely enclosed to house female dogs in heat.

(b) The provisions of this section shall not apply to kennels operated and maintained by licensed veterinarians, to commercial pet stores where all animals are kept within the establishment, nor to animal shelters.

3-9-3. Kennel license fee.

An annual fee of fifty dollars (\$50.00) shall be charged for all licensed kennels.

Article 10. Wild or Exotic Animals.

Sec. 3-10-1. Keeping of wild or exotic animals

- (a) No person shall keep and maintain, or allow to be kept or maintained any exotic or native wildlife animal.
- (b) Persons exempt from this section shall be:
- (1) Duly authorized and licensed circuses or educational institutions.
 - (2) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program.
 - (3) Zoological gardens.
 - (4) Zoos which are supervised and publicly maintained.
- (c) For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, etc.

Article 11. Animals in Motor Vehicles

Sec. 3-11-1. Confining animals to motor vehicles prohibited.

- (a) No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to extreme hot or cold temperature, lack of food or water, unattended or confinement with dangerous animals.
- (b) Any Animal Control Officer or Police Officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of this section. Any animal so removed shall be delivered to the city animal shelter after the removing officer leaves written notice in a conspicuous, secure location or within the vehicle of such removal and delivery including the officer's name.

- (c) No Animal Control Officer or Police Officer shall be held criminally or civilly liable for action pursuant to this section provided the officer acts in good faith, on probable cause and without malice. *(Ord. No. 98-16, 09/21/1998).*