

## Chapter 14 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 14-1. Definitions.

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

*Animal* means any live vertebrate creature, domestic or wild, except Homo sapiens.

*Animal control officer* means any person designated by the state, the city or a humane society as a law enforcement officer qualified to perform such duties under this chapter or the laws of this state.

*Animal bite* means any penetration of the skin by the teeth or claws of an animal, but shall exclude scratches by the claws of dogs.

*Animal shelter* means any facility operated by a humane society or a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*At large* means not within a fenced area, whether on or off the premises of the owner, and not otherwise under restraint.

*Attack* means the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or the person occurs or an act of aggression against a person or a domestic animal that requires the person or the other animal to take evasive action to prevent injury.

*Commercial animal establishment* means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibit, kennel or like establishment.

*Direct control* means immediate continuous physical control of an animal at all times by means of a leash, cord, rope or chain of such strength to restrain the animal, and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the animal, voice control shall be considered direct control when the animal is actually participating in training or official showing, obedience, or field events. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or K-9 dogs.

*K-9 dog* means a dog specifically trained for and being used by a public law enforcement agency, or specifically trained as a search and rescue dog and being used at the request of a public law enforcement agency.

*Kennel* means any premises wherein any person engages in the business of either boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; however, for purposes of article V of this chapter, the term "kennel" means any place where more than three dogs or three cats are kept or harbored.

*Licensing authority* means the city clerk or a veterinarian or veterinary hospital designated by the city.

---

<sup>1</sup>Cross reference(s)—Environment, ch. 38; health and sanitation, ch. 54; agricultural districts, § 122-191 et seq.; supplementary zoning regulations for animals, § 122-847.

State law reference(s)—Animals generally, 4 O.S.; authority to regulate animals, 11 O.S. § 22-115.

---

*Owner* means any person, firm, business, organization, or corporation owning, possessing, harboring, or keeping any animal, or having an interest in or control of an animal, or in the case of a person under 18 years of age, that person's parent or legal guardian. This definition shall not apply to any licensed animal shelter, veterinary clinic or kennel that is boarding animals belonging to another.

*Pet* means any animal kept for pleasure rather than utility or profit.

*Pet shop* means any person, except for a licensed kennel, which as part of its business buys, sells or boards animals.

*Public nuisance* means any animal which:

- (1) Molests passersby or passing vehicles.
- (2) Attacks persons or other animals.
- (3) Is repeatedly at large.
- (4) Trespasses on school grounds.
- (5) Damages private or public property.
- (6) Barks, whines or howls in an excessive, continuous or untimely fashion, or emits any loud or offensive noise, which disturbs the tranquility of the neighborhood or adjoining residents.
- (7) Overturns any garbage can or other vessel for waste products or scatters the contents of the same.

*Residential districts* means those areas of the city included within the residential use districts as fixed and established by the zoning ordinance of the city (chapter 122).

*Restraint* means any animal that is under direct control as defined herein or is secured by a fence or within a residence or other building, or within the confines of a vehicle.

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery or other diagnosis and treatment of injury or disease of animals.

*Vicious or dangerous animal* means any animal:

- (1) That inflicts an injury upon a human as a result of an unprovoked attack either on public or private property; or attempts to bite or attacks a human requiring that person to take evasive action regardless of the location;
- (2) That, when unprovoked, either kills, bites or attacks another animal on public or private property;
- (3) That is owned, trained, used, or harbored, primarily or in part, for the purpose of animal fighting;
- (4) Which another governmental entity has determined to be vicious or dangerous;
- (5) Having poisonous bites;
- (6) That has been bitten by an animal or known to have been inflicted by rabies; or
- (7) Any warm-blooded, carnivorous or omnivorous wild or exotic animal, dangerous or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined in a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which causes a reasonable person to be fearful of bodily harm, or property damage (including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

*Unprovoked* means an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting or motivation.

---

*Wild animal* means any animal other than dogs, cats or farm animals normally found in a wild or undomesticated state.

*Zoological park* means any facility, other than a pet shop or kennel, exhibiting one or more species of wild animals.

(Code 1977, §§ 6.04.010, 6.12.160; Ord. No. 1027, § 1, 10-6-2009)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 14-2. Conflicts with zoning regulations.**

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.

(Code 1977, § 6.04.020)

Cross reference(s)—Zoning, ch. 122.

### **Sec. 14-3. Running at large generally.**

- (a) No owner, keeper or possessor or other person in control of any animal, except homing pigeons kept for racing and message-carrying purposes or domestic household cats, shall permit the animal to run or fly at large in the city, or to trespass upon the premises of any other person.
- (b) No owner, keeper or possessor or other person in control of any domestic household cat shall permit such cat to be at large. For purposes of this provision, a domestic household cat shall not be considered to be at large while on the premises of their owner even though the cat is not confined within a fenced area or otherwise under restraint.

(Code 1977, § 6.08.060; Ord. No. 1027, § 2, 10-6-2009)

### **Sec. 14-4. Control and restraint of dogs.**

- (a) *Dogs trespassing on public or private property.* No person shall permit any dog owned, possessed or harbored by him to:
  - (1) Trespass upon any private property which he does not own or control; provided that this section shall not apply to any person who takes a dog upon private property not owned by him or under his control if he does it with the consent of the person who owns or controls such property, and if the dog is either confined in a vehicle or under such person's direct control.
  - (2) Trespass upon any street or public place unless the dog is under the direct control of the owner or is confined within a locked, parked vehicle with or without the owner being present.
- (b) *Exceptions.* K-9 dogs, while on duty, shall be exempt from the provisions of this section as long as they are under the control of their commanding officer.

(Code 1977, § 6.08.020; Ord. No. 1027, § 3, 10-6-2009)

### **Sec. 14-5. Keeping vicious or dangerous, nuisance or diseased animals.**

- (a) *Keeping vicious or dangerous animal.* It shall be unlawful for any person to own, harbor, possess, or maintain within the city limits any animal that is vicious or dangerous as defined in this chapter, unless the municipal

---

court orders the animal returned to the person owning, harboring, possessing or maintaining the animal under restrictions designated by the municipal court.

- (b) *Keeping nuisance animal.* It shall be unlawful for any person to own, harbor, possess or maintain an animal which is a public nuisance.
- (c) *Keeping diseased animal.* No person shall keep any animal which is known or believed by him to be infected with a dangerous or communicable disease.
- (d) *Defenses.*
  - (1) Defenses. It is a defense to prosecution under this section that the biting, attacking or death was sustained by a person who:
    - a. At the time was committing a willful trespass or other tort upon the property occupied by the owner of the animal;
    - b. Was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal;
    - c. Was committing or attempting to commit a crime.
  - (2) A K-9 dog which approaches a person in an apparent attitude of attack or which attacks or bites a human upon command of the person in charge of the animal at the time of the incident shall not, by reason of such incident, be deemed to be in violation of this section.
  - (3) Subsections a., b. and c. of this section shall not apply to any licensed veterinary hospital, kennel, or zoo where such animals are adequately cared for with due regard for public health and safety.

(Code 1977, § 6.08.070; Ord. No. 1027, § 4, 10-6-2009)

### **Sec. 14-6. Keeping domestic livestock and small animals.**

- (a) Domestic livestock, including but not limited to cattle, swine, fowl or horses, shall not be maintained, kept or raised within the city except within a district zoned for agriculture or rural estates. Less than five fowl maintained by one or more owners shall be exempted from this provision.
- (b) In any district zoned for agricultural, residential or rural estates, rabbits, ducks, geese, chickens, hamsters, chinchillas, guineas, pigeons and other similar size small animals or fowl may be kept. In residential and rural estates districts, no more than four adults and 14 young under the age of 12 weeks, may be kept and must be in pens located at least ten feet from any adjoining property line of a residence, church, school or business. Such animals shall be kept within an enclosure sufficient to prevent them from escaping there from, and all cages, hutches or houses shall be kept in a clean and sanitary condition and disinfected in such a manner and to the extent necessary to prevent odors or unsanitary conditions. No person shall keep rabbits, ducks, geese, chickens, hamsters, chinchillas, guineas, pigeons and other similar size small animals or fowl that create a nuisance. This subsection shall not authorize the keeping of any animal that is considered wild and non-domesticated.

(Code 1977, § 6.08.100; Ord. No. 942, § 1, 8-2-2005)

### **Sec. 14-7. Noisy animals.**

No person shall own, possess, keep or harbor any animal which barks, whines or howls in an excessive, continuous or untimely fashion, or emits any loud or offensive noise, which disturbs the tranquility of the neighborhood or adjoining residents.

---

(Code 1977, § 6.08.050; Ord. No. 1027, § 5, 10-6-2009)

**Sec. 14-8. Vicious animal hearing and determination.**

- (a) The animal control officer, upon the filing of a verified complaint of a vicious or dangerous animal, shall forward to the municipal prosecutor the official report. The municipal prosecutor shall make a determination on the case and if applicable set the case for a hearing before the municipal judge to determine if the animal is vicious or dangerous as defined by this Code.
- (b) This hearing shall be in addition to any hearings, which may be required on criminal charges. Said hearing may be held in conjunction with the criminal proceedings.
- (c) At the hearing the municipal judge shall be empowered to make one of the following determinations as a result of said hearing:
  - (1) That the animal is in fact not vicious or dangerous, in which event the animal control officer shall cause the animal to be surrendered to the owner. The owner shall be responsible for all charges in relation to the sheltering of the animal, unless otherwise ordered by the court.
  - (2) That the animal is in fact vicious or dangerous and should be destroyed.
  - (3) That the animal is in fact vicious or dangerous but that for good cause shown, the animal should not be destroyed in which event the judge shall order one of the following:
    - a. That the animal be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city, or
    - b. That the owner be allowed to maintain the vicious or dangerous animal within the corporate limits of the city under the conditions outlined in section 14-9.
- (d) Dogs shall not be declared vicious or 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 was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
- (e) All owners, whose animal is adjudged to be vicious or dangerous at the hearing, and sentence imposed by the municipal judge pursuant to this section, upon written demand, may appeal the judge's decision with ten days to the district court of the county.
- (f) This section shall not apply to K-9 dogs.
- (g) Any person violating or permitting the violation of any provision of this section by allowing a vicious or dangerous animal to remain in the city shall be deemed to be in violation of section 14-5 of this Code for "Keeping vicious, dangerous, nuisance or diseased animals." Each day upon which a violation continues shall be deemed a separate offense.

(Ord. No. 937, § 1, 8-16-2005; Ord. No. 1027, § 6, 10-6-2009)

**Sec. 14-9. Requirements for owners of vicious animals.**

The municipal judge may order such conditions as appropriate, but which shall be no less restrictive than the following:

- (1) Pursuant to the provisions of subsection 14-8(c)(3) no animal covered by this section shall be permitted to go outside its kennel or pen unless such animal is under the direct control of a person over the age of 17. In addition, all animals outside the animal's kennel must be muzzled by a muzzling device

---

Created: 2022-06-02 09:38:08 [EST]

(Supp. No. 23)

---

sufficient to prevent such animal from biting persons or other animals. No person shall permit said animal to be leashed to inanimate objects such as trees, posts, buildings, etc. when outside of the kennel or pen.

- (2) All animals covered by this section shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have at least 150 square feet of space for each animal therein that is six months of age or older. The pen or kennel must have secure sides and a secure top attached to the sides. All structures used to confine said 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 or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house said animals must comply with all zoning and building regulations of the city. All such structures must provide protection from the elements for the animal and be adequately lighted, ventilated and kept in a clean and sanitary condition.
- (3) No animal covered by this section may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (4) All owners, keepers or harborers of animals covered by this section within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Vicious Animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal. The owner shall also display a sign with a warning symbol that informs children of the presence of a vicious or dangerous animal.
- (5) All owners, keepers or harborers of animals covered by this section must provide proof to the city animal control officer of public liability insurance in a single incident amount of \$50,000.00 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 days' written notice is first given to the city animal control division.
- (6) All owners of animals covered by this section shall pay an annual fee of \$20.00, in addition to regular licensing fees, to register the vicious animal.
- (7) The animal control officer, or any peace officer, shall have the authority to immediately confiscate any vicious or dangerous animal that is kept in violation of this section.
- (8) Any person violating or permitting the violation of any provision of this section shall be punishable as provided in section 1-8. Each day upon which a violation continues shall be deemed a separate offense.

(Ord. No. 938, § 1, 8-16-2005; Ord. No. 1027, § 7, 10-6-2009)

#### **Sec. 14-10. Menacing behavior by dogs prohibited.**

- (a) It shall be unlawful for any person to allow any dog owned, harbored, possessed or maintained by him within the city to exhibit menacing behavior.
- (b) Menacing behavior as used in this section means that a dog, while not under direct control or under restraint as defined in section 14-1, causes a reasonable person to believe that an unprovoked attack on a person or on a domestic animal is imminent.
- (c) No dog shall be determined to be exhibiting menacing behavior toward a person who at the time such behavior was exhibited:

- 
- (1) Was committing a willful trespass or other tort upon property occupied by the person who owns, harbors, possesses or maintains the animal;
  - (2) Was tormenting, abusing, or assaulting the dog or who had, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or
  - (3) Was committing or attempting to commit a crime.

A K-9 dog which attacks a human upon command of the person in charge of the dog at the time of the incident shall not, by reason of such incident, be deemed to be exhibiting menacing behavior.

(Ord. No. 1027, § 8, 10-6-2009)

### **Sec. 14-11. K-9 dogs exempt from certain provisions.**

K-9 dogs shall be exempt from the provisions of this chapter, other than those provisions dealing with humane care and treatment, cruelty and with rabies and diseases, as long as such animals are under the direct control of their handler.

(Ord. No. 1027, § 9, 10-6-2009)

### **Secs. 14-12—14-30. Reserved.**

## ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT<sup>2</sup>***

### ***DIVISION 1. GENERALLY***

### **Sec. 14-31. Authority of animal control officers; citations.**

- (a) *Authority of animal control officers.* Animal control officers, as designated by the chief of police, are authorized to enforce the provisions of ordinances dealing with animals. In carrying out such duties, animal control officers may arrest any person violating such provisions and, without a warrant, may issue a citation to such person to appear in court.
- (b) *Issuance of citations.* 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 cited person and the offense charged, and stating when the person shall appear in court. Unless the person requests an earlier date, the time specified in the citation to appear shall be at least five days after the issuance of the citation.
  - (2) One 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.
  - (3) The officer shall thereupon release the cited person from any custody.
  - (4) As soon as practicable, the officer shall cause to be filed one copy of the citation with the court specified therein.

---

<sup>2</sup>Cross reference(s)—Administration, ch. 2.

- 
- (c) *Failure to appear in response to citation.* If a person fails to appear in response to a citation, a warrant for his arrest shall issue, and any person who willfully fails to appear in response to a citation is guilty of an offense.

(Code 1977, § 6.08.010)

**Sec. 14-32. Payment of fine in lieu of court appearance.**

The presiding municipal judge may designate specified offenses dealing with animals in respect to which payment of fines may be accepted by the municipal court. Unless otherwise provided in this Code, the presiding judge may specify what number of such offenses shall require appearance before the magistrate, and may specify, by suitable schedules, the amount of fines which may be accepted in satisfaction of each specified offense for first, second and subsequent offenses. The fines shall be within the limits declared by this Code.

(Code 1977, § 6.08.140)

**Secs. 14-33—14-50. Reserved.**

*DIVISION 2. IMPOUNDMENT*

**Sec. 14-51. Generally.**

- (a) *Impoundment authorized.* Unless otherwise provided in this chapter, any animal, either licensed or unlicensed, which is not confined shall be taken by the animal control officer or his duly appointed representative, or by any police officer. If such animal is so vicious that it cannot be safely taken up, it may be killed by the officer seeking to apprehend it.
- (b) *Place of confinement.* Any animal so taken up shall be confined in the city animal shelter or, for exigent reasons, may be confined in an alternate approved facility.
- (c) *Notification of owner.* If, by a city license tag, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment attempt to notify the owner.
- (d) *Payment of fees.* An owner reclaiming an impounded animal shall pay the required fee.
- (e) *Disposition of animals not reclaimed by owner.* Any animal not reclaimed by its owner within five working days after impoundment may be disposed of in the manner provided by section 14-54.
- (f) *Issuance of citation.* In addition to or in lieu of impounding an animal found at large, the animal control officer or other designated officer may issue to the owner, if known, a citation for violation of this chapter. This citation will require the owner or caretaker of the animal to appear in municipal court at a prescribed time and answer the charges made against him.
- (g) *Proof of ownership of animal.* Prior to reclamation of any animal, the owner shall present a bill of sale or other evidence acceptable to the animal control office showing proof of ownership. Home-raised animals without a bill of sale or identifiable marking (tattoo, brand, etc.) shall be released only after the animal control officer or his designee is satisfied that the person is the rightful owner of the animal.

(Code 1977, § 6.08.030; Ord. No. 1099, § 1, 2-4-2014)



---

### **Sec. 14-52. Obstruction of impoundment.**

No person shall hinder, delay or obstruct any person duly authorized to take animals into custody or to the city animal shelter during the performance of his official duties.

(Code 1977, § 6.08.120)

### **Sec. 14-53. Breaking into animal shelter.**

No person shall break open or in any manner directly or indirectly aid or assist in or counsel or advise the breaking open of any city animal shelter.

(Code 1977, § 6.08.130)

### **Sec. 14-54. Disposition of animals.**

Any animal not reclaimed by its owner within the time required by subsection 14-51(e) may be disposed of only in the following manner:

- (1) Humanely euthanized;
- (2) Donated to a licensed educational or research institution in accordance with the provisions of 4 O.S. §§ 391 through 402; or
- (3) Placed for adoption as a pet in a suitable home.

Animals that may be appropriate for adoption may be delivered to a licensed animal dealer or a licensed animal rescue group to be placed for adoption in a suitable home, at no cost to the city. If a suitable home is found, the dealer or group completing the adoption shall provide a record of such adoption to the city. In the event a suitable home is not found, the animal shall be returned to the animal control officer for further disposition. Animals may be held for possible adoption for a minimum period of at least 60 days, provided, animals need not be held for possible adoption if doing so would cause the animal shelter to exceed its occupancy limit.

(Ord. No. 1099, § 2, 2-4-2014)

State law reference(s)—Similar provisions, 4 O.S. § 501.

### **Sec. 14-55. Ill, injured or mistreated animals.**

In the event an impounded animal suffers from sickness, injury or mistreatment, the impounded animal may be released to the care of a licensed veterinarian or to a licensed facility that provides care to injured animals; provided, such veterinarian or licensed care facility shall return the animal to the owner at the request of the city and at no cost to the owner during the reclamation period set forth in subsection 14-51(e). If the animal remains unclaimed for the period provided in subsection 14-51(e), the animal shall be disposed of in the manner provided in section 14-54. An impounded animal may be euthanized at any time as determined necessary by a veterinarian licensed by the State of Oklahoma.

(Ord. No. 1099, § 3, 2-4-2014)

### **Secs. 14-56—14-80. Reserved.**

**ARTICLE III. CRUELTY TO ANIMALS AND RELATED OFFENSES<sup>3</sup>**

**Sec. 14-81. Cruelty to animals generally; disposal of dead animals.**

- (a) No person shall beat, maim, poison, kill or otherwise mistreat any animal; nor shall any animal be overworked or overloaded, or worked while in an injured condition, or left underfed or exposed to unsanitary, diseased conditions or other inhumane care. No person shall instigate or allow combat between animals or between animals and humans.
- (b) No person shall expose any poisonous substance in a residential area where the substance may constitute a hazard to humans or domestic animals in the neighborhood.
- (c) The owner or keeper of any animal which has died shall be responsible for disposal of its body. Any person who knows the location of the dead animal within the city limits shall give immediate notice to the animal control officer. The proper authority shall cause the dead animal to be removed within 12 hours after receipt of such notice.
- (d) Nothing in this section shall prevent the proper authority from killing an animal where authorized by this chapter.

(Code 1977, § 6.08.080)

**Sec. 14-82. Duty to report injury or death of animal struck by automobile.**

Every person who willfully or negligently strikes any animal with an automobile and injures or kills such animal shall notify the police department immediately after the occurrence, giving the time and place of the injury or death, together with a description of the animal, and the name and address of the person making the report.

(Code 1977, § 6.08.090)

**Sec. 14-83. Treatment of animals in performing exhibitions.**

- (a) No performing animal exhibition or circus shall be permitted in which animals are induced to perform through the use of chemical, mechanical or electrical devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Code 1977, § 6.08.110)

**Sec. 14-84. Sanitary requirements for commercial animal establishments.**

The following sanitary conditions are required for commercial animal establishments:

---

<sup>3</sup>State law reference(s)—Cruelty to animals and related offenses, 21 O.S. § 1680 et seq.

- 
- (1) Any building, fence or pen or other enclosure in which the dogs or cats are confined shall be located 50 feet from any building used for human habitation, and no human habitation shall be allowed within the animal establishment.
  - (2) The owner shall keep all buildings, pens and fences or other enclosures in which the dogs or cats are confined in a sanitary condition.
  - (3) Facility premises are subject to inspection at any time by the animal control officer, police officers or state or county health officers.

(Code 1977, § 6.12.140)

State law reference(s)—Animal Facilities Protection Act, 21 O.S. § 1680 et seq.

### **Sec. 14-85. Animal food and water requirements.**

- (a) Food shall be free from contamination and of sufficient quantity and nutritive value to maintain animals in good health. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices.
- (b) Potable water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size and type of animal.
- (c) Persons violating the provisions of this section shall be subject to the penalties provided in section 1-8.

(Ord. No. 963, § 1, 3-21-2006)

### **Sec. 14-86. Leaving animal in vehicle.**

- (a) No dogs, cats or other small animals shall be confined within a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to dangerous temperatures, lack of food or water.
- (b) Persons violating the provisions of this section shall be subject to the penalties provided in section 1-8.

(Ord. No. 964, § 1, 3-21-2006)

### **Sec. 14-87. Abandonment of animals.**

- (a) It is unlawful for any person owning, harboring, or having care, custody or control over any animal to abandon any animal within the City of Mustang.
- (b) Persons violating the provisions of this section shall be subject to the penalties provided in section 1-8.

(Ord. No. 965, § 1, 3-21-2006)

### **Secs. 14-88—14-110. Reserved.**

## ***ARTICLE IV. RABIES CONTROL<sup>4</sup>***

---

<sup>4</sup>Cross reference(s)—Health and sanitation, ch. 54.

---

**Sec. 14-111. Vaccination of animals in kennels.**

- (a) It shall be the responsibility of any holder of a kennel license under this chapter to provide for the rabies vaccination of all dogs or cats six months or older under his control.
- (b) The burden of proving that all dogs or cats under his control have had the required rabies vaccination shall lie with the kennel license holder.

(Code 1977, § 6.12.230)

**Sec. 14-112. Disposition of rabid animals and animals exposed to rabies.**

- (a) Any animal exposed or believed to have been exposed to rabies shall be confined by a veterinarian, at the owner's expense, for a period of ten days, as may be directed by the animal control officer. The veterinarian shall be in Canadian County or Oklahoma County. The cost of such confinement shall be paid in advance by the owner or caretaker of the animal.
- (b) No person knowing or believing an animal is rabid or has been exposed to rabies shall remove or allow to be removed such animal from its place of observation.
- (c) Any person knowing an animal to be rabid or believing it to have been exposed to rabies shall inform the animal control officer of that fact. Upon ascertaining an animal to be rabid, the animal control officer or a police officer shall remove the animal to a veterinary hospital or summarily destroy it.

(Code 1977, § 6.08.040(E)—(G))

**Sec. 14-113. Confinement of animals biting or scratching human.**

Any dog or cat which bites, scratches or otherwise causes an abrasion of the skin on a human shall be confined by a veterinarian in either Oklahoma County or Canadian County for a period of ten days or longer, as required by the state health department. The cost of the confinement shall be paid in advance by the owner or caretaker of the animal.

(Code 1977, § 6.08.040(H))

**Sec. 14-114. Destruction of animals not given up for confinement.**

If the owner of an animal refuses to allow the animal to be placed in the care of a veterinarian as set forth in this article, the animal shall be ordered destroyed by the animal control officer or the chief of police. The animal shall be killed in a humane manner by some competent person, and the head shall be furnished to the state department of health for rabies examination.

(Code 1977, § 6.08.040(I))

**Secs. 14-115—14-140. Reserved.**

***ARTICLE V. LICENSES AND PERMITS***

***DIVISION 1. GENERALLY***

---

**Sec. 14-141. Fees.**

All fees and charges for licenses, permits and registrations pertaining to animals, and all other fees specifically required by this chapter, shall be as set by resolution of the city council upon the recommendation of the city manager. Fees and charges recommended by the city manager shall be consistent with the total costs of providing the services but still be reasonable and not overburdensome to the average citizen using the services.

(Code 1977, § 6.12.290)

**Secs. 14-142—14-160. Reserved.**

*DIVISION 2. DOG AND CAT LICENSE*

**Sec. 14-161. Required; exceptions.**

Except with regard to cats kept permanently under restraint, any person owning or keeping any dog or cat over six months of age within the city must obtain a license as provided in this division. This provision shall not apply to Seeing Eye dogs or governmental police dogs.

(Code 1977, § 6.12.010)

**Sec. 14-162. Date of application.**

Application for a license under this division must be made within 30 days after obtaining a dog or cat, except that this requirement does not apply to a nonresident keeping an animal within the city for no longer than 60 days.

(Code 1977, § 6.12.020)

**Sec. 14-163. Register of licenses.**

The animal control officer of the city shall keep a register of all animal licenses issued, in which he shall enter the following information:

- (1) The names and addresses of the persons to whom issued;
- (2) A description of the animal licensed;
- (3) The amount paid therefor;
- (4) The date of issuance and expiration of the license; and
- (5) The number of the license and metal license check issued.

(Code 1977, § 6.12.030)

**Sec. 14-164. Term; renewal.**

The licensing period under this division shall begin January 1 and the license shall run for the remainder of the year. Application for the license may be made 30 days prior to and up to 60 days after the start of the year. Persons applying for a license during the year will pay a prorated fee according to a quarterly schedule.

---

(Code 1977, § 6.12.040)

**Sec. 14-165. Issuance; rabies vaccination requirements.**

- (a) A license shall be issued under this division after payment of a fee and after proof of a rabies vaccination for any dog or cat at least six months of age which is capable of transmitting rabies is received.
- (b) Dogs under three months of age and dogs that have previously manifested an allergic reaction to modified live attenuated virus vaccines may be vaccinated with another attenuated virus vaccine. If a modified live attenuated vaccine or its equivalent is used, the dog may be immunized within the 120-day period immediately preceding the expiration date of the current license.
- (c) If the phenolized vaccine is used, the dog shall be immunized within the 60-day period immediately preceding the expiration date of the current license. The vaccination required by this section shall be performed by a veterinarian duly licensed to practice in this state.
- (d) The type of vaccine used shall be designated on all copies of the receipt for the dog license.

(Code 1977, §§ 6.08.040, 6.12.050)

**Sec. 14-166. Issuance of tag.**

Upon acceptance of the application and fee for a license under this division, the licensing authority shall issue a durable tag or identification collar stamped with an identifying number and the year of issuance. Tags should be so designed that they may be conveniently fastened or riveted to the animal's collar or harness. The licensing authority shall maintain a public record of the identifying numbers of all tags issued.

(Code 1977, § 6.12.060)

**Sec. 14-167. Duplicate license.**

A duplicate dog or cat license may be obtained upon payment of a replacement fee.

(Code 1977, § 6.12.070)

**Sec. 14-168. Wearing of tag.**

Dogs and cats shall wear their identification tags or collars at all times, and no person shall use any license for any animal other than the one for which it was issued, nor shall any person remove an animal's license tag without the owner's consent.

(Code 1977, § 6.12.080)

**Secs. 14-169—14-190. Reserved.**

*DIVISION 3. ANIMAL ESTABLISHMENT AND ANIMAL SHELTER PERMITS<sup>5</sup>*

---

<sup>5</sup>Cross reference(s)—Businesses, ch. 22.

---

**Sec. 14-191. Required.**

No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this division.

(Code 1977, § 6.12.090)

**Sec. 14-192. Authority to prescribe additional regulations.**

The animal control officer shall promulgate regulations for the issuance of permits under this division, and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The animal control officer may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(Code 1977, § 6.12.100)

**Sec. 14-193. Issuance.**

Upon a showing by an applicant for a permit under this division that he is willing and able to comply with the regulations promulgated by the animal control officer, a permit shall be issued coincidentally with payment of the required fee. No person who has been convicted of an offense related to cruelty to animals shall be issued a permit to operate a commercial animal establishment.

(Code 1977, §§ 6.12.110, 6.12.270)

**Sec. 14-194. Making false application.**

If the applicant for a permit under this division has withheld or falsified any information on the application, the animal control officer shall refuse to issue a permit.

(Code 1977, § 6.12.270)

**Sec. 14-195. Term; renewal.**

The permit period for permits issued under this division shall begin with the calendar year and shall run for one year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after the start of the calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this division may be made at any time.

(Code 1977, § 6.12.120)

**Sec. 14-196. Transfer.**

If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon compliance with the provisions of this division and payment of a transfer fee.

(Code 1977, § 6.12.130)

---

**Sec. 14-197. Temporary permit.**

A temporary permit may be issued in any case and for any category for which an annual permit would be issued under this division. A temporary permit shall be valid for 60 days and is nonrenewable. The cost of a temporary permit shall be 25 percent of the fee for the corresponding annual permit.

(Code 1977, § 6.12.150)

**Secs. 14-198—14-220. Reserved.**

*DIVISION 4. DOG AND CAT KENNEL LICENSE*

**Sec. 14-221. Required.**

- (a) Except as provided in subsection (b) of this section, it shall be unlawful for any owner or keeper to keep or harbor more than three dogs or three cats more than six months of age within the limits of the city unless such owner or keeper has been issued a kennel license as provided in this division. Each facility regulated by this division shall be considered a separate enterprise and requires an individual license.
- (b) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(Code 1977, §§ 6.12.160—6.12.180)

**Sec. 14-222. Denial.**

- (a) If the applicant for a license under this division has withheld or falsified any information on the application, the animal control officer shall refuse to issue a kennel license. No person who has been convicted of an offense related to cruelty to animals shall be issued a kennel license.
- (b) Any person having been denied a kennel license may not reapply for a period of 30 days. Each reapplication shall be accompanied by the required license fee.

(Code 1977, §§ 6.12.270, 6.12.280)

**Sec. 14-223. Exemptions from fee.**

No fee is required of any veterinary hospital or government-operated zoological park for the license required by this division.

(Code 1977, § 6.12.190)

**Sec. 14-224. Adjustment of fee upon change in license category.**

Any person who has a change in the category under which a license was issued under this division shall be subject to reclassification, and appropriate adjustment of the license fee shall be made.

(Code 1977, § 6.12.210)



---

**Sec. 14-225. Inspections.**

It shall be a condition of the issuance of any kennel license that the animal control officer shall be permitted to inspect all animals and the premises where animals 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 his designate.

(Code 1977, § 6.12.260)

**Sec. 14-226. Revocation.**

The city manager may, after opportunity for hearing before the city manager or his designate, revoke any 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. Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored by such person. No part of the license fee shall be refunded.

(Code 1977, § 6.12.240)

**Secs. 14-227—14-250. Reserved.**

***ARTICLE VI. DOG AND CAT STERILIZATION<sup>6</sup>***

**Sec. 14-251. Definitions.**

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

*Neuter* means to render a male dog or cat unable to reproduce.

*New owner* and *owner* mean a person legally competent to enter a contract acquiring a dog or cat from a releasing agency.

*Releasing agency* means any pound, shelter or humane society organization, whether public or private.

*Spay* means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

*Sterilization* means to spay or neuter a dog or cat.

(Code 1977, § 6.16.020)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, 4 O.S. § 499.1.

---

<sup>6</sup>State law reference(s)—Dog and Cat Sterilization Act, 4 O.S. § 499 et seq.

---

**Sec. 14-252. Sterilization required as condition for adoption; amount of deposit.**

No dog or cat may be released for adoption from a releasing agency unless the animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be determined by each individual releasing agency. In no event shall the required deposit be less than \$15.00. The amount of the deposit required by the city animal control shelter shall be as set forth in section 42-14.

(Code 1977, § 6.16.030)

State law reference(s)—Similar provisions, 4 O.S. § 499.2.

**Sec. 14-253. Refund of deposit upon proof of sterilization.**

The funds deposited with the releasing agency pursuant to section 14-252 shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless the animal was spayed or neutered within 60 days of adoption in the case of adult animals, or, in the case of infant animals, within 30 days of the date a female animal attained the age of six months or a male animal attained the age of eight months.

(Code 1977, § 6.16.040)

State law reference(s)—Similar provisions, 4 O.S. § 499.3.

**Sec. 14-254. Authority of releasing agencies to establish rules for implementation of division; sterilization agreement.**

Releasing agencies may adopt any additional rules to implement this division, provided such rules do not conflict with the provisions or purpose of this article or the Dog and Cat Sterilization Act (4 O.S. § 499 et seq.) to require the spaying and neutering of all dogs and cats adopted from releasing agencies. The sterilization agreement to be used by releasing agencies shall be in substantially the following form:

**STERILIZATION AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by and between:

(Releasing Agency)	(New Owner)
Name	Name
Address	Address
City Telephone	City Telephone

In consideration of the releasing of said animal, and in further consideration of mutual obligations herein, Releasing Agency releases the following animal to the New Owner:

(Describe animal)

- 
1. Releasing Agency agrees to release the above listed animal into the care of the new owner and refund the new owner's spay/neuter deposit provided that:
    - (1) The animal is sterilized by a graduate licensed veterinarian by  (give date) .
    - (2) A written statement, signed by the veterinarian performing the sterilization, that the animal has been sterilized by the stated date, is given to the releasing agency.
  2. New Owner accepts the above listed animal and agrees:
    - (1) To have the animal sterilized by a graduate licensed veterinarian by  (give date) .
    - (2) To provide written evidence to the releasing agency from the veterinarian performing the sterilization that the animal has been sterilized by the above date listed.

This Agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

	Releasing Agency (signature of agent)
	New Owner (signature)

(Code 1977, § 6.16.050)

State law reference(s)—Similar provisions, 4 O.S. § 499.4.

**Sec. 14-255. Extension of time for performing sterilization.**

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 releasing agency shall grant a 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.

(Code 1977, § 6.16.060)

State law reference(s)—Similar provisions, 4 O.S. § 499.5.

**Sec. 14-256. Refund of deposit on death of adopted animal.**

If requested to do so, releasing agencies shall refund funds deposited pursuant to this article to the adopting party upon reasonable proof being presented to the releasing agency 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.

(Code 1977, § 6.16.070)

State law reference(s)—Similar provisions, 4 O.S. § 499.6.

---

**Sec. 14-257. Disposition of forfeited funds.**

Funds which have been forfeited by adopting parties under this article shall be placed in a separate account, which shall be an interest-bearing account whenever feasible, and releasing agencies shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. Allocations by the city releasing agency shall be approved by the city council. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

(Code 1977, § 6.16.080)

State law reference(s)—Similar provisions, 4 O.S. § 499.7.

**Sec. 14-258. Authority of releasing agencies to establish adoption standards.**

Subject to the provisions and purposes of this article and laws of the state, releasing agencies may establish adoption standards for pets in their care; provided, however, that in the case of public facilities the standards must be reasonably related to the prevention of cruelty to animals and the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

(Code 1977, § 6.16.090)

State law reference(s)—Similar provisions, 4 O.S. § 499.8.

**Sec. 14-259. Exceptions.**

The provisions of this article shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of 4 O.S. §§ 391—402.

(Code 1977, § 6.16.100)

State law reference(s)—Similar provisions, 4 O.S. § 499.9.