

ORDINACE NO. 08-02

Definitions:

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

Animal Control Officer: means a person duly appointed to enforce the animal control ordinances.

Animal Nuisance: means any animal that is a nuisance when by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil or shrubbery, and in doing so injures the same, or which habitually prowls around or over any premises or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or any animal which chases or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season is a nuisance. Any dog or other animal trained for enforcement purposes and used by the police department or other legitimate law enforcement agencies shall not be considered a nuisance.

At Large: means any dog or other animal on or off the property of its owner and not under restraint, with the exception of any dog or other animal trained for enforcement purposes and used by the police department or other legitimate law enforcement agency.

Restraint: means a dog is under restraint if:

- (1) It is controlled by a leash hand held by a competent person over ten (10) years of age; or if it is an animal specifically trained for enforcement purposes, used by the police department or other legitimate law enforcement agency and is under the verbal control of its trainer, handler or police officer. A leash, chain or harness shall not be required in this instance.
- (2) It is within the confines of a motor vehicle.
- (3) It is leashed, chained or in a box-type container when being transported in a pickup truck.
- (4) It is on the property of its owner and is restrained by a leash or chain of such length to prohibit the animal access to other private or public property.

- (5) It is on property of the owner and is confined to the premises through the use of fencing or walls sufficient to prohibit access of the dog to other property.
- (6) It is considered to be a vicious or dangerous dog and is restrained in an enclosure which has sides and top and is constructed in a way which will not allow digging out.

Vicious or Dangerous Dog: means any dog that when unprovoked, inflicts bites on a human or domestic animal, either on public or private property; or chases or approaches a person on the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a know propensity, tendency or disposition to attack unprovoked, to cause injury, or to cause to others or threaten the safety of humans or domestic animals; provided, however, that the attacks do not occur in the enclosure in which the dog is being kept.

BE IT ORDAINED BY THE CITY COUCL OF THE CITY OF KREBS, OKLAHOMA

DETERMINATION OF VICIOUS DOGS:

SECTION 1: It shall be an offense under the terms of this Ordinance for any person within the City to own, keep, possess, harbor or allow to remain upon the premises under his/her control any vicious dog.

SECTION 2: It shall be the duty of the Chief of Police, or his designated agent, to investigate any proper claim that an animal is vicious within the meaning of this Ordinance. Should the investigating officer determine that a vicious animal poses an immediate threat to the public health or safety, he shall immediately seize and impound the animal, or otherwise seek an order for the court that the animal shall be impounded. The Chief of Police shall also refer the matter to the City Prosecutor for approval of a verified complaint requesting a finding by the Court that the impounded animal is vicious and aid in the proceedings instituted in the municipal court against any person for harboring a vicious animal.

SECTION 3: If the Court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is not a vicious animal; the court shall order the Chief of Police to return the animal to its owner. If such animal is found by the Court to be a vicious animal, the Court shall order the Chief of Police to euthanize the animal. In the alternative, the court may order the animal to be permanently removed from the city. Prior to removal of the animal from the city, the animal shall be tattooed with identification marks by a local veterinarian. The costs of the tattooing shall be the responsibility of the owner of the animal.

SECTION 4: At the option of the owner, but subject to the approval of the Chief of Police, an animal impounded pursuant to this Ordinance may be confined in a private kennel or veterinary clinic during the pendency of the vicious animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the

Chief of Police or the Court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the city be liable for costs or fees charged by the private facility. Further, the city may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

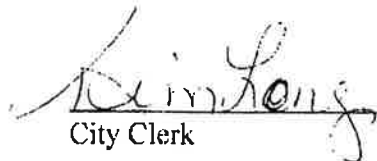
SECTION 5: For the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect, immediately from and after its passage, approval and publication, as required by law.

PASSED by the City Council of the City of Krebs, Oklahoma this 17 day of MARCH, 2008.

CITY COUNCIL OF KREBS, OKLAHOMA

By: 
Mayor

ATTEST:


City Clerk