

ORDINANCE NO. 11-05

ARTICLE I. IN GENERAL

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 means horses, mules, donkeys, cattle, goats, sheep, dogs, cats, rabbits, hares, guinea pigs, chinchillas, chickens, turkeys, guineas, ducks, geese, hamsters, pigeons (except homing pigeons) and all other animals and fowl.

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.

Exposed to rabies refers to an animal that has been bitten by or exposed to any animal known to have been infected with rabies.

Health Officer means the director of the County-City Health department, or his authorized agent or the City code administrator.

Inhumane treatment includes, but is not limited to, the following:

- (1). Any physical punishment inconsistent with the health of such animal.
- (2). Lack of water for more than an eight-hour period.
- (3). Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal.
- (4). Improper use of any collar or harness or a fixed lead for the purposes of confining any animal which results in flesh lacerations, obvious pain or to cause choking to such animal.
- (5). Depriving animal of adequate shelter.
- (6). Inhumanely killing or attempting to kill any animal.

- (7). Willfully and maliciously pouring on, or applying to, an animal any drug or other thing which inflicts pain on the animal; or knowingly treating an animal in a cruel or inhumane manner; or knowingly neglecting an animal belonging to him or in his custody in a cruel or inhumane manner.
- (8). Willfully poisoning any dog or other animal except a noxious, nondomesticated animal; or knowingly exposing poison so that the same may be taken by such animal.
- (9). Willfully instigating or encouraging a fight between animals; or encouraging an animal to attack, pursue or annoy another animal except a noxious, nondomesticated animal; or keeping a house, pit or other place used for fights between animals.
- (10). Willfully depositing within the limits of the City any animal with the intention of abandoning same.

Kennel means any premises whether operated for pleasure or profit where there is being maintained or harbored a total of four or more dogs, except a veterinary hospital.

Large Animals means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature.

Owner or keeper means any person owning or actually keeping, having, using or maintaining any of the animals referred to in this chapter.

Quarantine means the placement of an animal in confinement under the supervision of a licensed veterinarian during which an animal suspected of contagious infection is restricted by a separate cage or enclosure within an enclosure from contact with other animals. Hence, an area of quarantine is a place where no more than one animal is allowed during the quarantine period.

Rat proof means a state of being constructed so as to effectively prevent the entry of rats.

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.

Sanitary means any condition of good order and cleanliness, as established by standards set by rules and regulations promulgated by the Health Officer.

Small animals means rabbits, hares, guinea pigs, dogs, cats, chinchillas, chickens, Turkeys, guineas, geese, ducks, hamsters, pigeons (except homing pigeons) or any other animal of similar size or stature.

Spayed female dog means any bitch which has been operated upon to prevent conception.

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 known propensity, tendency or disposition to attack unprovoked, to cause injury, or to cause injury 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, and provided further, that the enclosure meets the requirements as outlined in this chapter. Vicious or dangerous shall be used interchangeably and shall have the same meaning.

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

KEEPING OF ANIMALS OTHER THAN CATS OR DOGS:

- (A). An application filed under this section shall be referred to the Animal Control Officer, who shall inspect the premises where the animals are to be kept. The Animal Control Officer shall approve such animals only after determining that the owner / designated caretaker complies with the requirements for the keeping of animals, as set forth in the chapter. The Animal Control Officer shall designate the number and kind of animals that may be kept on the premises.
- (B). The failure of any keeper of any animal to comply with the provisions of this chapter or the sanitation standards and requirements established by the Animal Control Officer for the keeping of such animal, or if permission has been previously granted to such keeper, shall be cause for the revocation of the same.
- (C). It shall be unlawful to keep skunks or any other animal that does not respond to rabies vaccine as a pet or part of a commercial enterprise. It shall be unlawful to maintain a fighting animal or train animals for fighting. It shall be unlawful to maintain a vicious animal.

KEEPING SWINE PROHIBITED:

- (A). No permissions shall be issued for the keeping of swine, and it shall be unlawful for any person to keep swine within the City limits.
- (B). Any place used for the keeping of swine shall constitute a public nuisance subject to abatement under the provisions contained within "Article II: Administration and Enforcement".

ANIMAL NUISANCE:

It shall be unlawful for any person to keep or harbor an animal which is determined to be a nuisance.

ANIMALS USED FOR AGRICULTURAL PURPOSES:

Where, at the effective date of adoption or amendment of this chapter, lawful uses of animals for agricultural purposes exist that are no longer permissible under the terms of this chapter, as enacted or amended, or such land is zoned A-1 agricultural district, such uses may be continued as long as they remain otherwise lawful and in compliance with the provisions contained within "Animal Nuisance" and definitions, applicable thereto.

KEEPING OF WILD ANIMALS, POISONOUS OR DANGEROUS REPTILES PROHIBITED; EXCEPTION:

No wild animal or poisonous or dangerous reptile shall be kept within the City limits; provided, however, that the same may be kept for exhibition purposes by circuses, Zoos and education institutions, in accordance with such regulations as shall be established by the City Council by resolution.

ENCLOSURES FOR KEEPING - REQUIRED; SIZE, LOCATION:

Every keeper of animals shall confine the same in an enclosure sufficient to prevent them from running at large and of sufficient size to be conducive to good sanitation practices for the number of animals kept therein. For large animals, such enclosure shall be at least 10,000 square feet in area for each large animal kept therein and shall not be located nearer than 100 feet to any dwelling, excluding dwelling of the owner.

SAME-MAINTANENCE:

Enclosure in which animals are kept shall be maintained in a clean and sanitary condition at all times and an approved insecticide shall be used as often as deemed necessary by the Animal Control Officer. Any enclosure not maintained in accordance with this section shall constitute a public nuisance subject to abatement under the provisions contained within "Administration and Enforcement".

STORAGE OF FEED:

Every keeper of animals shall cause all grain feed provided thereto to be stored and kept in a rat proof, fly tight, building, box, container, or receptacle.

COLLECTION, STORAGE, DISPOSAL OF LITTER AND DROPPINGS:

When required by the Animal Control Officer, every keeper of animals shall cause the litter and droppings there from to be collected daily in a container or receptacle of such a type that, when closed, it is rat proof and fly tight, and after each such collection, the container or receptacle shall be kept closed. At least twice each week, each keeper shall cause all litter and droppings so collected to be disposed of in a way so as not to permit the presence of fly larvae.

(C). No unspayed female dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed.

ADOPTION:

No animal shall be put up for adoption unless it has had rabies vaccination. If an animal is less than four months old, a commitment from the new owner is required. An animal up for adoption shall be isolated for ten days. The physical condition of the animal after the ten-day isolation period shall be determined by the Animal Control Officer, and the cost of such examination and food for the ten-day period shall be paid for by the new owner. The new owner shall agree to have the animal spayed or neutered within two days after adoption. The new owner will be required to sign a release relieving the City of all responsibility or guarantee that the animal is in good health, and the City may require at its option to have a veterinarian certify the animal as being suitable for adoption. The fee for this examination shall be borne by the new owner plus any fee set forth under the provisions of "Fees".

ARTICLE III. DOGS AND CATS

DETERMINATION OF VICIOUS DOG:

(A). 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.

(B). 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.

(C). 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 or micro-chipped with identification marks by a local veterinarian. The costs of the tattoo or micro-chip shall be the responsibility of the owner of the animal.

(D). 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.

TATTOO OR MICRO-CHIP IDENTIFICATION:

Tattooing or Micro-Chip implantation is a legal means of identification; in addition to, not in lieu of, a tag and may be used at the owner's option. The owner must identify such number to the city at the time of licensing.

PERMIT TO KEEP FOUR TO SIX DOGS OR CATS:

Persons keeping four to six dogs or cats shall be required to have a special permit to keep. Such permits shall be based on space provided, health provisions and public nuisance consideration.

CONFINEMENT, MUZZLING OF DANGEROUS DOGS:

The owner shall confine, within a building or secure enclosure, every dangerous dog, and shall not take such dog out of the building or secure enclosure unless the dog is securely muzzled and restrained. The license of dogs deemed to be fierce or vicious may be revoked by the Animal Control Officer and the owner or custodian shall be required to remove the animal from the City limits immediately. The license for dangerous animals may be revoked if the owner or custodian does not keep the animal muzzled or restrained. The animal shall be removed from the City limits.

CONFINEMENT OF FEMALES IN SEASON:

Every female dog or cat in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog or cat cannot come in contact with another animal except for controlled breeding purposes.

HARASSMENT OF POLICE DOGS, GUIDE DOGS:

No person shall interfere with, hinder, molest, tease or harass in any manner a dog specifically used for enforcement purposes by the Police Department, any other Law Enforcement Agency, or guide dog.

LICENSES:

(A). It shall be unlawful to own, keep or harbor any dog or cat over age of four months within the City limits, unless such a dog or cat is licensed under this section. Written application for such license shall be made to City Hall and shall state the name and address of the owner and the name, breed, color, age and sex of the dog and cat. The annual fee for such license shall be \$5.00 for both altered and unaltered dogs/cats. The fee shall be paid at the time of making application and a numbered receipt shall be given to the applicant and a numbered metallic tag shall be issued to the owner; provided, however, that no license shall be issued for any dog or cat until the owner thereof furnishes written evidence satisfactory to City Hall that the dog or cat has been vaccinated against rabies.

(B). All dog or cat licenses shall be issued for one calendar year, from January 1st to December 31st. Application for a license may be made prior to the month in which it is due and for 30 days from the first of the month in which it is due without penalty. When application to renew a license is made more than 30 days after the month in which license is due, there shall be assessed a penalty of 50 percent of the license fee, which amount shall be added and collected with the regular fee.

(C). The metallic tag issued for a dog or cat shall be stamped with the number and the year for which issued. The shape or design of such tag shall be changed from year to year. Every owner is required to see

AUTHORITY OF POLICE TO TAKE POSSESSION OF ANIMALS KEPT IN A CRUEL MANNER:

Any Animal Control Officer or Police Officer may enter the premises, where any animal is kept in a reportedly cruel or inhumane manner and demand to examine the animal and take possession of the animal when, in his opinion, it requires humane treatment. The Animal Control Officer or Police Officer shall be authorized to give owners or custodians warnings or initiate proceedings to have charges filed against them for cruel and inhumane treatment.

DIVISION 2. IMPOUNDMENT

GENERALLY:

- (A). Unlicensed dogs and cats and other animals found running at large in violation of this chapter, or animals not confined in accord with this chapter, shall be picked up and impounded at the animal shelter by any Police Officer, the Animal Control Officer or other authorized agent of the city; provided, that when dogs are found running at large and their ownership is known to the agents of the city, such dogs need not be impounded, but the agent may, in his discretion, cite the owners of such dogs to appear in court to answer charges of violation of this chapter.
- (B). Immediately upon impounding any animal, the impounding officer or agent shall make every possible effort to notify the owner of such animals and inform him of the conditions whereby he may regain custody of the animal.
- (C). Animals impounded under this section shall be confined in a humane manner for a period of not less than three days. Animals not claimed by their owners within three days shall become the property of the city and shall be disposed of.

FEES:

There are currently no fees associated as a result of the impound of any animal.

REDEMPTION; DISPOSITION OF UNCLAIMED ANIMALS:

- (A). Any animal impounded may be reclaimed by the owner within three days after the animal is impounded, subject to the following conditions:
 - (1). No dog may be reclaimed unless all licensing requirements have been complied with.
 - (2). No animal as described in the paragraph entitled "Running at Large" or "Confinement, muzzling of dangerous dogs".
 - (3). When in judgment of the pound master an animal should be destroyed for Humane reasons, such animal may not be redeemed.
- (B). Any animal impounded under the provisions of this chapter and not reclaimed by the owner within three days may be humanely destroyed by the City or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter. If the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by State law, such law shall be complied with.

RUNNING AT LARGE:

The owner or keeper of any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large. Animals, except guide dogs or Police dogs, shall not be permitted at large in trailer camps or in place where food or drink is served. However, 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 to be running at large if the animal is under the visual and verbal control of its handler, trainer or Police Officer with or without specific restraints.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

RELIEF FROM PERSONAL RESPONSIBILITY:

The Animal Control Officer, Police Officer, animal handler or trainer working with and responsible for any animal used for enforcement purposes in the normal course of performing and discharging those duties, and charged with the responsibility for enforcement of the law while acting for the jurisdiction, as well as the City itself, shall not thereby be rendered liable personally and is hereby relieved from all personal or corporate liability for any damage or personal injury that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties and shall be held harmless and blameless for such acts.

INTERFERING WITH ENFORCEMENT:

No person shall interfere with, hinder, or molest any agent of the City in the performance of any duty of such agent under this chapter, or seek to release any animal in the custody of the City or its agents, except as authorized in this chapter.

INSPECTIONS:

The premises on or in which any animals are kept shall be subject to inspection by the Animal Control Officer or any of his representatives at any reasonable hour of the day for the purpose of enforcing this chapter.

RECORDS:

- (A). It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his custody.
- (B). It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of the same.
- (C). It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City and paid to them under the provisions of this chapter. Such records shall be open to inspection at reasonable times by persons in the same manner as other City records are audited.

that such tag is securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog or cat at all times.

(D). If a dog license tag is lost, the owner may obtain a duplicate tag upon the payment of \$5.00.

(E). If there is a change in ownership of a dog or cat during the license year, the new owner must have a new license issued as per the provision of § (B).

(F). No person shall use for any dog or cat a license receipt or license tag issued for another dog or cat.

(G). For the purpose of enforcing this section, any Animal Control Officer or Police Officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or cat of the license or tattoo for such dog.

ARTICLE IV. RABIES CONTROL

PROCLAMATION OF RABIES:

(A). Any warm-blooded animal capable of transmitting the rabies virus maintained or harbored at any time in the City shall be vaccinated against rabies with an approved vaccine administered by a veterinarian or Government entity, who shall maintain a record of vaccination for a period of at least three years and who shall issue the owner of such animal a vaccination certificate which shall be retained by the owner until it expires and is renewed. The failure to procure such certificate when requested by the Animal Control Officer shall be prima facie evidence that such animal has not been so vaccinated.

(B). The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal for a period of ten days and shall not release such quarantined animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, the quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the City animal shelter. In case of an animal whose ownership is unknown, such quarantine shall be at the City animal shelter. The animal may be reclaimed by the owner if adjudged free of rabies and the owner shall then pay any related charges for confinement.

(C). When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian while under observation, the Animal Control Officer, veterinarian or other designated emissary shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper Public Health Officer of any reports of human contact. If the animal dies or develops rabies-like symptoms within the specified period of confinement, the animal head shall be removed immediately and packed in a shipping container in accordance with instructions published by the State Commissioner of Health and sent to the State Department of Health laboratory in Oklahoma City for examination.

(D). When a report gives a position diagnosis of rabies and when the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the City Manager a Citywide quarantine, and upon the invoking of such quarantine by the City Manager, no animal shall be into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a

competent adult. During such quarantine, no animal may be taken or removed from the City without permission of the Health Officer.

(E). During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six months quarantine by the owner, the period of quarantine may be extended from time to time.

(F). No person shall remove from the City any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Health Officer upon demand, and the Animal Control Officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

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 October, 2011

CITY COUNCIL OF KREBS, OKLAHOMA

By: _____

Mayor

ATTEST:

Sherril Bailey
City Clerk