

Animals

PART 4

ANIMALS

CHAPTER 1
ANIMAL REGULATIONS

Section 4-101	Definitions
Section 4-102	Keeping in Annoying Manner
Section 4-103	Keeping of Fowl and Rabbits; Limits
Section 4-104	Keeping of Swine Prohibited
Section 4-105	Keeping of Hoofed or Exotic Animals; Prohibited
Section 4-106	Dogs Running at Large Prohibited
Section 4-107	Impoundment and Sale of Animals Running at Large
Section 4-108	Registration and Licensing of Dogs
Section 4-109	Licensing Tax
Section 4-110	Rabies Vaccination
Section 4-111	Cruelty to Animals
Section 4-112	Poisoning Animal
Section 4-113	Encouraging Animals to Fight
Section 4-114	Dogs Muzzled and Cats Confined
Section 4-115	Vicious Animal May Be Killed, Court Proceedings
Section 4-116	Animal that Bites to be Reported and Confined
Section 4-117	Rabid Animals
Section 4-118	Kennels Must Be Licensed
Section 4-119	Buildings for Animals
Section 4-120	Town May Enter Into Contract for Operation of Pound
Section 4-121	Hunting Animals Prohibited
Section 4-122	Livestock Auctions and Commission Sales Prohibited
Section 4-123	Nuisance Animals; Procedures
Section 4-124	Vicious Animals; Procedures
Section 4-125	General Offenses
Section 4-126	Seizure and Impoundment of Unlawful Animals
Section 4-127	Reclaiming Animals
Section 4-128	Exotic Animals
Section 4-129	Penalty

CHAPTER 2
(RESERVED)

Animals

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Section 4-101	Definitions
Section 4-102	Keeping in Annoying Manner
Section 4-103	Keeping of Fowl and Rabbits; Limits
Section 4-104	Keeping of Swine Prohibited
Section 4-105	Keeping of Hoofed or Exotic Animals; Prohibited
Section 4-106	Dogs Running at Large Prohibited
Section 4-107	Impoundment and Sale of Animals Running at Large
Section 4-108	Registration and Licensing of Dogs
Section 4-109	Licensing Tax
Section 4-110	Rabies Vaccination
Section 4-111	Cruelty to Animals
Section 4-112	Poisoning Animal
Section 4-113	Encouraging Animals to Fight
Section 4-114	Dogs Muzzled and Cats Confined
Section 4-115	Vicious Animal May Be Killed, Court Proceedings
Section 4-116	Animal that Bites to be Reported and Confined
Section 4-117	Rabid Animals
Section 4-118	Kennels Must Be Licensed
Section 4-119	Buildings for Animals
Section 4-120	Town May Enter Into Contract for Operation of Pound
Section 4-121	Hunting Animals Prohibited
Section 4-122	Livestock Auctions and Commission Sales Prohibited
Section 4-123	Nuisance Animals; Procedures
Section 4-124	Vicious Animals; Procedures
Section 4-125	General Offenses
Section 4-126	Seizure and Impoundment of Unlawful Animals
Section 4-127	Reclaiming Animals
Section 4-128	Exotic Animals
Section 4-129	Penalty

SECTION 4-101 DEFINITIONS

The following words and phrases, when used in this Section, shall have the meanings prescribed in this Section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, pig, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;

Animals

2. "At large" means not securely confined by a fence or others means on premises under the control of, or occupied by, the owner, and not under the control of a person competent to restrain the animal, whether it be the owner, a member of his immediate family over twelve (12) years of age, or an agent of the owner, by lease or otherwise, whether on the owner's premises or not;

3. "Owner" means any person, firm or corporation owning, harboring, maintaining or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and

4. "Vicious animal" means an animal which has bitten, or attempted to bite any person without undue provocation, or which attacks, or barks, or growls at and acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked.

State Law Reference: Town authority to regulate animals, *11 Okla. Stat. Ann. tit. 11 ' 22-115.*

SECTION 4-102 KEEPING IN ANNOYING MANNER

The keeping of, or permitting the keeping of, any animals within the corporate limits of the Town in such a manner that it annoys or bothers a person or persons, by barking, howling, or otherwise, or disturbs the peace and quiet of a person is unlawful.

SECTION 4-103 KEEPING OF FOWL AND RABBITS; LIMITS

Each residence within the limits of the Town of Barnsdall shall be allowed to keep up to fifteen (15) fowl and five (5) rabbits. (Ord. No. 07-1-1, 01-08-2007)

SECTION 4-104 KEEPING OF SWINE PROHIBITED

The keeping or permitting the keeping of any pigs or hogs within the corporate limits of the Town is hereby declared a nuisance, and any person maintaining such a nuisance shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this Code.

SECTION 4-105 KEEPING OF HOOFED OR EXOTIC ANIMALS; PROHIBITED

It is unlawful for there to be any hoofed or exotic animals upon the premises of any residence located within the limits of the Town of Barnsdall. (Ord. No. 07-1-1, 01-08-2007)

SECTION 4-106 DOGS RUNNING AT LARGE PROHIBITED

It is unlawful for any owner or person having control over a dog to permit the dog to be at large, or for any such dogs to be at large. Any authorized officer of the Town shall take into custody and impound any animal running at large in violation of the provisions of this Section.

SECTION 4-107 IMPOUNDMENT AND SALE OF ANIMALS RUNNING AT LARGE

A. It is the duty of the police or any of the pound officer of the Town to take into their possession any animal that may be in violation of this Section or running at large upon the streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the Town, and impound such animal. An animal impounded by virtue of this Section shall be released to the owner or person entitled to the possession thereof upon payment of the cost of feeding such animal. A boarding fee shall be charged to cover food costs incurred by animals picked up by the Animal Control Officer, at the rate of \$4.00 for small animals and \$6.00 for large animals per 24 hour period. (Ord. No. 07-3-1, 03-03-2007)

B. The police or other authorized persons shall post a description of the impounded animal in the Town Clerk's Office, which description shall give the color, sex and description of the animal impounded and shall state that the animal will be sold, or otherwise disposed of, unless it is released from impoundment on a date not less than seventy-two (72) hours from the date the notice or description is posted in the Clerk's office. Impoundment may be in another town or city. Time starts when the animal is impounded at a permanent facility.

C. If the owner or person entitled to the possession of any animal impounded under this Section is known to the officer, the police or pound officer shall notify him, in writing or by telephone, that the animal will be disposed of or destroyed unless the owner or other person releases such animal from impoundment. If such animal is not released from impoundment by the owner or person entitled to the possession thereof prior to such date, the police may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal, or may cause the animal to be destroyed.

D. From the proceeds of the sale of animals sold under this Section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the Office of the Town Clerk and placed to the credit of the general fund. The owner of any animal at the time it is impounded may, within thirty (30) days after such animal is sold, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the pound officer, and in addition thereto the vaccination charges, if any were incurred, and in addition thereto, a charge of One Dollar (\$1.00) per day for the number of days from the date of sale of such animal to the day of redemption. At the end of thirty (30) days from the date the animal is sold, the right to redeem shall expire.

E. Any person may take up and deliver to the public pound any animal at large in violation of this Section.

SECTION 4-108 REGISTRATION AND LICENSING OF DOGS

A. Every person owning, keeping or harboring within the Town any dog six (6) months of age or older shall cause such dog to be registered with the Town Clerk, by giving the Clerk a description of the dog, including its name, breed and sex, and the owner's or keeper's name and address, and applying for and obtaining a license for such dog, within thirty (30) days after such dog reaches the age of six (6) months or after the dog is brought into the Town, and on or before the first of May of each year thereafter. The fee shall be in such sum as set by the Town Council.

B. The registration and license fee provided in this Section shall not apply to a dog only temporarily brought and kept within the Town, nor to a dog brought within the Town to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

SECTION 4-109 LICENSE TAX

A. There is hereby imposed a license tax of Four Dollars (\$4.00) per annum on each dog in the Town, where the dog is male or female. Such tax shall be paid at the time the annual license is required by Section 4-108 is obtained. Upon the payment of such tax to the Town Clerk, the Clerk shall receipt therefore and furnish the applicant a duplicate thereof which duplicate receipt shall contain a description of the dog upon which the tax is paid.

B. All monies collected from a dog tax by the Town Clerk shall be paid into the Town treasury and placed in the general fund of the Town.

SECTION 4-110 RABIES VACCINATION

A. It is unlawful for any person to own, keep, or harbor, within the limits of the Town any dog or cat, male or female, over the age of six (6) months unless such dog or cat has been immunized by vaccination against rabies. Such vaccination shall be repeated each twelve (12) months after that date.

B. Such vaccination shall be performed by a graduate veterinarian, licensed to practice in the State. Upon payment of the veterinarian's fee, the veterinarian shall deliver to the owner, keeper or harbinger of each dog or cat vaccinated a certificate showing the date of vaccination, the license number of the dog or cat and its apparent age, and a statement as to whether said animal is spayed or neutered. At the time of delivery of the certificate, the veterinarian shall also deliver to the owner, keeper, or harbinger of the dog or cat a metal or plastic tag to be known as "vaccination tag", which shall be attached to the collar of the dog or cat vaccinated. The certificate and tag shall be a prima facie evidence that the dog or cat has been vaccinated.

C. It shall be unlawful for any person to own, keep or harbor in the Town any dog or cat which has not been vaccinated as provided in this Section.

Animals

D. All dogs or cats under the age of six (6) months at the time vaccinated as required by this Section shall be immunized as provided in this Section within three (3) days after they reach that age. All dogs or cats brought into the Town after the time required for vaccination shall within thirty (30) days thereafter be immunized by vaccination as provided in this Section unless the owner, keeper, or harbinger of such dog or cat can furnish a certificate from a duly licensed veterinarian showing that such dog or cat has been vaccinated within a period of twelve (12) months.

E. Any dog or cat found running at large in the Town without having attached to his collar, choke chain, or harness, the vaccination tag shall be immediately impounded. Such dog or cat may be reclaimed at any time within 72 hours thereafter by having it vaccinated, if it has not been vaccinated, and paying an impounding fee of Thirty-five Dollars (\$35.00). The impounding fee shall be paid whether or not the dog or cat has been previously vaccinated. If the dog or cat is not reclaimed within 72 hours after being impounded, it shall be disposed of by the Animal Control Officer as provided in this Section.

SECTION 4-111 CRUELTY TO ANIMALS

It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal, any drug or other thing which inflicts pain on the animal; or, knowingly to treat an animal in a cruel or inhumane manner or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-112 POISONING ANIMAL

It is unlawful for a person willfully to poison any dog or other animal except a noxious, nondomesticated animal. It is unlawful knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-113 ENCOURAGING ANIMALS TO FIGHT

It is unlawful for any person to instigate or encourage a fight between animals; or, to encourage one animal to attack, pursue, or annoy another animal, except a noxious nondomesticated animal; or to keep a house, pit, or other place used for fights between animals.

SECTION 4-114 DOGS MUZZLED AND CATS CONFINED

A. When the health or police officer determines and certifies that a dog, a cat, or other animals in the Town or within five (5) miles of the Town is or was infected with rabies and that an epidemic of rabies threatens the Town, the Board of Trustees, by resolution, may order all dogs to be muzzled when at large within the Town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the Town Board of Trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the Town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof.

SECTION 4-115 VICIOUS ANIMAL MAY BE KILLED, COURT PROCEEDINGS

If any animal within the Town shall bite, scratch or otherwise attack any person, and if the person so attacked was not at the time trespassing upon the property of the owner or person having control of such animal, or if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing the animal, the Municipal Court shall have the authority to order and hold a hearing. If the Judge shall determine at such hearing that such animal is vicious or dangerous to persons or other animals, the Court may order that such animal be kept muzzled, or that such animal be kept within a sufficient enclosure, or that such animal be delivered to the pound officer and by him destroyed.

SECTION 4-116 ANIMAL THAT BITES TO BE REPORTED AND CONFINED

Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the Town shall immediately report such incident to the Chief of Police of the Town. Such animal shall immediately be confined at the veterinary clinic chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine, for a period of ten (10) days to determine if such animal be rabid. The cost of confinement shall be borne by the owner or keeper of the animal.

SECTION 4-117 RABID ANIMALS

Any animal suspected of being rabid or of having been bitten by a rabid animal may be confined by order of the health officer or police or pound officer to determine whether the animal is rabid. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or pound officer may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. All expenses incurred in confining the animal as provided in this Section shall be paid by the owner or keeper of the animal.

SECTION 4-118 KENNELS MUST BE LICENSED

A. Any person owning or operating a kennel must first secure a license from the Town Clerk and pay a sum as set by the Town Board of Trustees per year for the license. The location of the kennel shall be subject to any planning or zoning guidelines or decisions of the Town Board of Trustees. In any case, no kennel may be kept in any residential area of the Town.

Animals

B. For the purposes of this Section, a kennel is defined as keeping of more than three (3) dogs on the same premises over six (6) months of age.

SECTION 4-119 **BUILDINGS FOR ANIMALS**

A. Every stable or building wherein any animal is kept within the Town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every stable or building, if located within two hundred (200) feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, such size as to hold all accumulations in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

C. No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

D. Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

E. Manure shall be hauled outside the Town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as weather permits.

F. The health or pound officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this Section or in a manner so as not to constitute a nuisance. He may make a complaint before the Municipal Judge against any person for violation of any provision of this Section or of any such reasonable order; but this shall not abridge the right of others to make such complaint.

SECTION 4-120 **TOWN MAY ENTER INTO CONTRACT FOR OPERATION OF POUND**

The Town Board of Trustees is authorized to join into a cooperative effort with the county or any other community in the county for the purpose of establishing, operating and maintaining a pound for animals running in violation of this Section. The Town Board of Trustees is also authorized to contact an area veterinarian(s) for impounding animals.

SECTION 4-121 HUNTING ANIMALS PROHIBITED

It is unlawful to hunt animals or fowls with firearms in the Town limits.

SECTION 4-122 LIVESTOCK AUCTIONS AND COMMISSION SALES PROHIBITED

Any auctioning of livestock is prohibited in the Town. Commission sales on the sale of livestock is also prohibited in the Town.

SECTION 4-123 NUISANCE ANIMALS; PROCEDURES

A. Any domestic animal, including cats, which does any of the following, is hereby declared a nuisance:

1. Scratches or digs into any flower bed, garden, tilled soil, vines, shrubbery or small plants;
2. Habitually prowls around or over any premises not the property of its owner to the annoyance of the owner or occupant of such premises;
3. Excessively barks or howls; or
4. Overturns any garbage receptacle or other vessels or waste products or scatters the contents of the same.

B. It is the duty of the Chief of Police or person designated by the Mayor upon being notified that a person claiming that a domestic animal is a nuisance, as defined herein, has filed a complaint, approved by the Town Attorney, alleging that such domestic animal is a nuisance, to seize and impound the domestic animal therein described. If the Court finds that no nuisance exists, the Court shall order the domestic animal to be surrendered to the owner. If the Court finds that a nuisance exists, the Court shall order the domestic animal to be destroyed as in the case of vicious domestic animal. However, if the owner of the domestic animal gives a good and sufficient bond in the sum of One Hundred Dollars (\$100.00), or other sum exceeding One Hundred Dollars (\$100.00) as set by the Town Attorney approved by the Clerk of the Court, on condition that such owner shall obey and prevent such nuisance, the Court shall order the return of such domestic animal to the owner thereof. Nothing in this Section shall be construed to permit any domestic animal to run or be at large except as permitted under the Town ordinances. No such domestic animal shall be returned to the owner if the same is a vicious domestic animal or in any event unless the same is vaccinated, registered and licensed as required under the ordinances of the Town. (Ord. No. 90-1, 9/4/90)

SECTION 4-124 VICIOUS ANIMALS, PROCEDURES

It is the duty of the Chief of Police, or other person authorized by the Mayor, to seize and impound any domestic animal by him found to be vicious, and in such an event, to cause proceedings to be instituted in the Municipal Court against the owner of such domestic animal for the violation of this Chapter. It is also his duty, upon being notified, that charges of harboring a vicious domestic animal are pending against any person in the Court shall fail to find that the domestic animal so seized and impounded is a vicious domestic animal, then the Court shall order, and it shall be the duty of the Chief of Police or person designated by the Mayor, to cause the surrender and return of the domestic animal to the owner thereof. In the event such domestic animal is found by the Court to be a vicious domestic animal, the Court shall order the Chief of Police or person designated by the Mayor to destroy the vicious domestic animal. (Ord. No. 90-1, 9/4/90)

SECTION 4-125 GENERAL OFFENSES

It is an offense for any person to commit or to permit any of the following offenses:

1. To permit a dog that he owns or harbors to run at large within the Town at any time;
2. To keep, own or harbor any dog, within the limits of the Town, which by loud, frequent or habitual barking, whining, howling or making of other noises shall annoy or disturb the peace and quiet of any neighborhood, family or person;
3. For any person to own or harbor any dog within the Town which is vicious or dangerous;
4. To harbor, keep or have possession of any dog without first paying the license and registration fee;
5. To harbor, keep or have possession of any dog which is a nuisance;
6. To fail or refuse to deliver to the keeper of the pound or a police officer, or any such person designated by the Town upon demand any unlicensed dog, dog having or suspected of having rabies, vicious dog or dog kept in violation of any of the above mentioned provisions when demand is made for such dog; and
7. To abandon or desert any dog, or to permit any dog to become a stray.

SECTION 4-126 SEIZURE AND IMPOUNDMENT OF UNLAWFUL ANIMALS

It is the duty of the Chief of Police, or the person authorized by the Mayor, to seize and impound for the times and under the conditions hereinafter stated the following:

1. Every vicious domestic animal;
2. Any domestic animal which is a nuisance;

Animals

3. Any domestic animal the keeping or harboring of which is declared to be an offense.

(Ord. No. 90-1, 9/4/90)

SECTION 4-127 RECLAIMING ANIMALS

No person shall be entitled to reclaim any domestic animal found to be a nuisance, nor shall any person be entitled to reclaim any domestic animal found to be rabid or vicious, except as provided in this Section. The owner may reclaim any domestic animal seized hereunder by submitting proof, satisfactory to the Chief of Police or person designated by the Mayor of his ownership of such domestic animal and by paying license fees provided in this Chapter and at the following times:

1. Within three (3) days after the expiration of the ten (10) day term, as every domestic held under observation and not showing symptoms of rabies and
2. As to every other domestic animal within three (3) days from the date of seizure.

(Ord. No. 90-1, 9/4/90)

SECTION 4-128 EXOTIC ANIMALS

(To be added by Heskett & Heskett)

SECTION 4-129 PENALTY

Any person, firm or corporation who violates any provision of this Section, or who violates, refuses or neglects to carry out any reasonable order made by the health or other officer or pursuant to this Section, shall upon conviction thereof be punished as provided in Section 1-108 of this Code.

Animals

CHAPTER 2
(RESERVED)

Animals