



ORDINANCE 746

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING CHAPTER 15, AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING THE FOLLOWING PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE TO PROVIDE CLARIFICATION AND ADDITIONAL SAFEGUARDS FOR ANIMAL CONTROL AND DOG SAFETY: CHAPTER 5, ARTICLE I, SECTION 5-7; CHAPTER 5, ARTICLE II, SECTION 5-24; THE TITLE OF CHAPTER 5, ARTICLE II, DIVISION 2; CHAPTER 5, ARTICLE II, SECTIONS 5-75 THROUGH 5-78; THE TITLE OF CHAPTER 5, ARTICLE II, DIVISION 3; AND CHAPTER 5, ARTICLE II, SECTIONS 5-102 THROUGH 5-103; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

Section 1. That Chapter 5, Article I, Section 5-7 of the Code of Ordinances is hereby amended to read as follows:

Sec. 5-7. Pens, enclosures; Proper sanitation required.

- a) Any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored shall maintain said structure, pen, enclosure, place, or yard in a secure, clean and sanitary condition, devoid of vermin and rodents, so as to prevent animals kept in such spaces from running at large, to prevent odors and unsightly appearance, and to minimize disease hazards.
- b) Any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored shall, insofar as practical, remove all fecal matter from said structure, pen, enclosure, yard, or place at least once every twenty-four (24) hours.
- c) It shall be unlawful for any person, owner, occupant, or tenant in control of or responsible for any structure, pen, enclosure, yard, or place wherein an animal is harbored, to allow the odor of animal feces originating from said structure, pen, enclosure, yard, or place, to emanate, drift, or otherwise be detected by any person situated on an adjacent or nearby property or to fail to comply with subsections (a) and (b) above.

(Ord. No. 250, 1(2-2-6), 12-19-78; Ord. No. 499, 1, 3-15-94; Ord. No. 607, §3, 08-02-2005)
Cross references--Dog defecation, urination, 5-27; Fences in disrepair, 15-25(6).

Section 2. That Chapter 5, Article II, Division 1, Section 5-24 is hereby amended to read as follows:

Sec. 5-24. Running at large.

It shall be unlawful for any person to fail to keep any dog in his custody physically confined on his property or confined by a leash at all times. Confinement shall be



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accomplished by means of a substantial fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or from extending its head through the enclosure so as to constitute a threat to any person or animal in the area adjoining the enclosure; or by keeping the dog inside a house or other building **or, if a person is present, by a tether of at least ten (10) feet consisting of material of sufficient strength to prevent the dog from escaping.**

(Code 1976, 2-1-5(a); Ord. No. 227, 6, 1-18-77)

Section 3. That the title of Chapter 5, Article II, Division 2 is hereby amended to read as follows:

Division 2. Potentially Dangerous Animals.

Section 4. That Chapter 5, Article II, Sections 5-75 through 5-78 are hereby amended to read as follows:

Sec. 5-75. Definition of potentially dangerous animal.

- a) A potentially dangerous animal is defined as any animal, when unprovoked:
1. Acts as if intends to bite a human, dog, or cat whether on public or private property;
 2. Chases or approaches a human upon a public way in a threatening fashion as if to inflict injury or serious harm;
 3. Demonstrates aggressive behavior, which requires a human to take defensive or evasive action to avoid physical contact with the animal.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-76. Pound Master - Judge to make determination; notification.

- a) **Determination by Pound Master/Police Officer.** The Pound Master or investigating Police Officer shall investigate complaints of potentially dangerous animals and make a determination of the facts. If the Pound Master or investigating Police Officer observes an animal, which is the subject of the complaint, and is witness to life-threatening or aggressive behavior as set forth in Section 5-75 above, the Pound Master or investigating Police Officer shall notify the owner of the potentially dangerous animal of said determination in writing. Said notification shall provide the owner of said animal written notification to register the animal with the Pound Master and to comply with all the provisions of this article within thirty (30) days. The Pound Master shall also provide a copy of the written notice to the owner of the property, if other than the owner of the animal.



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1. **Appeal.** Any person whose animal is determined to be potentially dangerous by the Pound Master or investigating Police Officer, may appeal the determination by filing a written appeal to the Municipal Judge within fifteen (15) days of receipt of notice that said person's animal has been declared potentially dangerous.
2. **Hearing.** The Municipal Judge shall hold a hearing within thirty (30) days of the date of appeal to determine if the animal is potentially dangerous as defined by this code.

(Ord. No. 613, §2, 02-21-2006)

3. **Determination.** The Municipal Judge shall be empowered to make one of the following determinations at the conclusion of said hearing:
 - a. That the animal is in fact not potentially dangerous in which event the Pound Master or investigating Police Officer shall notify the appellant in writing of the decision.
 - b. That the animal is, in fact, potentially dangerous.
 4. **Judicial Order.** Upon a ruling that the animal is potentially dangerous, the Judge shall order the animal to be regulated in accordance with this article and may order the imposition of one or more of the requirements listed in Section 5-77 of this article within thirty (30) days. The Judge may also provide an exemption from one or more of those requirements, based on the facts and circumstances of each case. The Judge's decision shall be final.
- b) **Determination by Judicial Hearing.** If the Pound Master or investigating Police Officer is unable to make a determination that the animal is potentially dangerous as defined by this article, the complainant is authorized to request a hearing before the Municipal Judge.
1. **Hearing.** Upon the receipt of written statement of the complainant that an animal should be deemed potentially dangerous, the Municipal Judge shall hold a hearing within thirty (30) days of the date of said statement to determine if the animal is potentially dangerous as defined by this article.

(Ord. No. 613, §3, 02-21-2006)

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



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- a. That the animal is in fact not potentially dangerous in which event the Pound Master or investigating Police Officer shall notify the appellant in writing of the decision.
 - b. That the animal is in fact potentially dangerous and should be regulated in accordance with this article.
3. **Judicial Order.** Upon a ruling that the animal is potentially dangerous, the Judge shall order the animal to be regulated in accordance with this article and may order the imposition of one or more of the requirements listed in Section 5-77 of this article within thirty (30) days. The Judge may also provide an exemption from one or more of those requirements, based on the facts and circumstances of each case. The Judge's decision shall be final.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-77. Requirements for keeping a potentially dangerous animal.

1. **Confinement.** All potentially dangerous animals shall be securely confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subsection 2 below. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine potentially dangerous 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 (2) feet. All structures erected to house potentially dangerous animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.
2. **Leash and muzzle.** No person shall permit a potentially dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a potentially dangerous animal to be kept on a leash or tether outside its kennel or pen, unless a person is in physical control of the leash or tether. Such animals may not be leashed or tethered to inanimate objects such as trees, posts, buildings, etc. In addition, all potentially dangerous animals on a leash or tether outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons, dogs, or cats.
3. **Sight proof fencing.** The yard where a potentially dangerous animal is kept shall be enclosed with a six-foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially dangerous



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animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other animal to go through. Said fence shall also be maintained to prevent another animal from entering the property where the potentially dangerous animal is kept. Electric fences, if installed, shall be installed in accordance with applicable building and safety codes. Electric fences shall not be installed on the top of the fence or be installed in such a way as to be likely to shock humans on the opposite side of the fence.

4. **Signs.** Owners, keepers, or harborers of potentially dangerous animals within the city shall within thirty (30) days of notification display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Potentially Dangerous Animal." In addition, a similar sign is required to be posted on the kennel or pen of such animal. Signs pursuant to this section shall be purchased from the City of The Village. The cost of said signs shall be established by resolution of the Council.
5. **Insurance.** Owners, keepers, or harborers of potentially dangerous animals must, within thirty (30) days of notification, provide proof to the Pound Master of public liability insurance in a single incident amount of one-hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of The Village.
6. **Identification photographs.** Owners, keepers, or harborers of potentially dangerous animals must, within thirty (30) days of notification, provide to the Pound Master two (2) color photographs of the potentially dangerous animal clearly showing the color and approximate size of the animal. Said photographs shall be no smaller than 3" by 5" in size.
7. **Electronic Identification Tag.** Owners, keepers, or harborers of potentially dangerous animals must, within thirty (30) days of notification, have an electronic identification chip installed on the animal's ear. The chip shall be installed by a Veterinarian licensed in the state of Oklahoma and shall be readable with the use of an industry standard universal reader.
8. **Reporting requirements.** Owners, keepers or harborers of potentially dangerous animals must within thirty (30) days of the incident, report the following information in writing to the Pound Master as required hereinafter:
 - a. The removal from the city or death of a potentially dangerous animal;



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- b. The birth of offspring of a potentially dangerous animal;
 - c. The new address of a potentially dangerous animal owner should the owner move within the corporate city limits.
9. **Sale or transfer of ownership prohibited.** No person shall sell, barter or in any other way dispose of a potentially dangerous animal within the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such animal; provided that the registered owner of a potentially dangerous animal may sell or otherwise dispose of a potentially dangerous animal or the offspring of such animal to persons who do not reside within the city.
10. **Breeding of potentially dangerous animals:** It shall be unlawful to breed any potentially dangerous animal within the city.
11. **Animals born of registered dogs.** Offspring born of potentially dangerous animals registered with the city must be removed from the city within six (6) weeks of the birth of such animal.
12. **Neutering.** Owners, keepers, or harborers of potentially dangerous animals must, within thirty (30) days of notification, have the potentially dangerous animal neutered. Neutering shall be performed by a Veterinarian licensed in the State of Oklahoma.
13. **Annual Registration.** Potentially dangerous animals shall be registered by the owner with the Pound Master of the City within thirty (30) days of notification by the Pound Master that the animal has been declared potentially dangerous. A potentially dangerous animal shall not be registered by the Pound Master if the requirements of this chapter are not complied with at the time of application. The annual registration fee shall initially be established at One Hundred Dollars (\$100.00) Said registration fee shall thereafter be established by resolution of the City Council.
14. **Obedience/behavioral training.** By judicial order, owners, keepers, and harborers of potentially dangerous animals may be required to enroll the potentially dangerous animal in an obedience or behavioral training program led by a professionally certified dog trainer or behavioral consultant. All expenses associated with such program shall be borne by the owner of the potentially dangerous animal.
15. **Other.** By judicial order, owners, keepers, and harborers of potentially dangerous animals may have imposed on them other remedies or relief as determined by



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the Judge to be reasonable and appropriate, based on the facts and circumstances.

- 16. Failure to comply.** It shall be unlawful for the owner, keeper, or harbinger of a potentially dangerous animal in the city to fail to comply with requirements and conditions set forth in this article, unless exempted by judicial order. Any potentially dangerous animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. All expenses associated with the impounding including shelter, food, handling and veterinary care shall be borne by the owner of such animal during the period of impoundment. Failure to comply with all the requirements and conditions set forth in this article within fifteen (15) days of impoundment will result in the destruction of the animal.

(Ord. No. 607, §4, 08-02-2005)

Sec. 5-78. Responsibility and liability of property owner.

- a. Insurance.** A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially dangerous animal to keep or harbor said animal on the landowner's or property owner's premises must, within thirty (30) days of notification, provide proof to the Pound Master of public liability insurance in a single incident amount of One-Hundred Thousand Dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the City of The Village.
- b. Sight proof fencing.** A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially dangerous animal to keep or harbor said animal on the landowner's or property owner's premises shall, within thirty (30) days of notification, enclose the yard where a potentially dangerous animal is kept with a six-foot high sight proof fence. Said fence shall be maintained in a strong and sturdy condition at all times so that said potentially dangerous animal cannot escape from the property. Said fence shall be maintained free of holes and shall not contain any gap between the fence and the ground large enough for a human limb or other animal to go through. Said fence shall also be maintained to prevent another animal from entering the property where the potentially dangerous animal is kept. Electric fences, if installed, shall be installed in accordance with applicable building and safety codes. Electric fences shall not be installed on the top of the fence or be installed in such a way as to be likely to shock humans on the opposite side of the fence.



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- c. **Compliance.** A landowner or property owner that leases, rents, or otherwise allows an owner of a potentially dangerous animal to keep or harbor said animal on the landowner's or property owner's premises shall be responsible for ensuring that the lessee, renter, or occupier of said property complies with the provisions of this article.

(Ord. No. 607, §4, 08-02-2005)

Section 5. That the title of Chapter 5, Article II, Division 3 is hereby amended to read as follows:

Division 3. Dangerous Animals, Attacks.

Section 6. That Chapter 5, Article II, Section 5-102 through 5-102 are hereby amended to read as follows:

Sec. 5-102. Definition of dangerous animal; harboring unlawful: Impoundment.

- a) **Dangerous Animal Defined.** Dangerous animal is defined as an animal, which, without provocation, attacks and makes physical contact with a person, dog, or cat with the intent to cause harm or the infliction of serious injury.
- b) **Unlawful to Harbor Dangerous Animal.** It shall be unlawful for any person to harbor, keep, possess, or allow remaining on any premises under his control within the city any dangerous animal as defined herein.
- c) **Impoundment.** It shall be the duty of the Pound Master or Police Officer, upon receipt of a verified complaint or allegation of an attack as outlined in Section 5-100 and Section 5-101, to declare the animal dangerous and, whereupon, the Pound Master or Police Officer shall cause the animal involved to be impounded and destroyed after five (5) days. If deemed necessary for rabies observation, the destruction of the animal may be delayed until the required observation period is complete. All expenses associated with the impoundment including shelter, food, handling, and veterinary care shall be borne by the owner of the animal. It shall be unlawful for any person in possession, custody, or control of a dangerous animal to refuse to relinquish said animal to the custody of the Pound Master or Police Officer as required herein.
- d) **Appeal.** Within five (5) days of impoundment, the owner of the animal may request a hearing before the Municipal Judge appealing the impoundment and determination that the animal is dangerous.
- e) **Hearing.** If a hearing is requested as provided herein, the Municipal Judge, in addition to any hearings, which may be required on criminal charges, shall hold a hearing within thirty (30) days of the date of appeal to determine if the animal is dangerous as defined by this article. Said hearing may be held in conjunction with



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any criminal proceedings, if so, ordered by the judge, but in no event shall this delay the hearing on determination of dangerousness.

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

1. That the animal is in fact not dangerous in which event the Pound Master shall cause the animal to be released to the owner of the animal, upon payment by the owner of the expenses outlined in Section 5-102.
2. That the animal is or remains potentially dangerous, in which event the judge shall order the animal to be regulated in accordance the requirements listed in Section 5-77.
3. That the animal is in fact dangerous and ordering it destroyed.
4. That the animal is dangerous but should not be destroyed, in which event the judge shall order:
 - a. That the owner pay all fees required by Section 5-102, and
 - b. That the animal to be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city.

g) **Appeal to District Court.** Owners whose animal is adjudged to be dangerous at the hearing, and sentence imposed by the Municipal Judge pursuant to this section, upon written demand, may appeal the judge's decision within ten (10) days to the district court of the county where a trial in the district court shall be accorded them de novo.

(Ord. No. 607, §4, 08-02-2005; Ord. No. 613, §4, 02-21-2006)

Sec. 5-103. Penalty and remedies.

- a) Any person violating or permitting the violation of any provision of this Chapter shall, upon conviction in municipal court, be fined a sum of not more than Seven Hundred and Fifty Dollars (\$750.00) plus court costs. In addition to the fine and costs imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed sixty (60) days.
- b) In the event the violation involves a potentially dangerous animal, the court shall order the registration of the subject potentially dangerous animal revoked and the animal removed from the city. Should the defendant owners refuse to remove the animal from the city; the Municipal Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of



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the animal. If the owner shall continue to refuse to remove the animal from the city, the Municipal Judge shall issue any other orders necessary to carry out the intent of this article. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this chapter.

(Ord. No. 607, §4, 08-02-2005)

Section 7. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 8. Severability Clause. If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 9. Emergency Clause. WHEREAS, it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force and effect from and after its adoption.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 3rd day of June 2019, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).


CATHY CUMMINGS, MAYOR

ATTEST:



Bruce K. Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY this 3rd day of June, 2019.

City Attorney