



ORDINANCE 756

AN ORDINANCE AMENDING AND RESTATING CHAPTER 5 OF THE VILLAGE CODE OF ORDINANCES IN ITS ENTIRETY, PERTAINING TO ANIMAL CONTROL AND WELFARE, PROVIDING FOR REPEALER, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

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

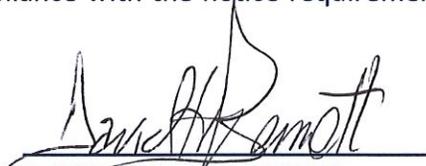
Section 1. That Chapter 5 of Code of Ordinances of the City of The Village be amended and restated in its entirety to read as provided for in Exhibit A to this Ordinance.

Section 2. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. 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 4. 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 from and after its adoption.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 21st day of September, 2020, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).



DAVID BENNETT, MAYOR

ATTEST:


Bruce K. Stone,
City Clerk

APPROVED AS TO FORM AND LEGALITY this 21st day of September, 2020.



Asst. City Attorney

EXHIBIT A
AMENDED AND RESTATED CHAPTER 5 OF THE VILLAGE CODE OF ORDINANCES

THE VILLAGE CITY CODE

CHAPTER 5

ANIMALS

Art. I. In General, 5-1—5-20

Art. II. Dogs and Cats, 5-21—5-27

Art. III. Dangerous and Potentially Dangerous Animals

Div. 1. Reserved, 5-50—5-74

Div. 2. Potentially Dangerous Animals, 5-75—5-99

Div. 3. Dangerous Animals, Attacks, 5-100—5-103

ARTICLE I. IN GENERAL

Sec. 5-1. Animal Welfare Supervisor; Impoundment.

- a) The city manager shall appoint an Animal Welfare Supervisor.
- b) The Animal Welfare Supervisor along with the Chief of Police and all police officers shall impound all animals found within the city in violation of this chapter and shall be authorized to use and discharge firearms and tranquilizer guns within the corporate limits of the city, or on property owned by the city outside the corporate limits, for the purpose of enforcing the provisions of this chapter and in accordance with applicable state law.
- c) Any city officer or employee impounding an animal shall immediately report the same to the owner of such animals, if known.
- d) If an animal is vicious or dangerous as defined at Section 5-50 of this Code whether it pertains to dogs or other animals, or wild, that it cannot be safely taken up or impounded, it may be killed by the officer or Animal Welfare Supervisor seeking to apprehend it.
- e) Any impounded animal shall be held for a minimum of seventy-two (72) hours. If, within that period, no owner appears to claim the animal, the animal may be either held out for adoption or otherwise humanely euthanized. Unless the impounded animal is being held for rabies observation, or being held for a judicial determination pursuant to the filing of a vicious animal complaint, the owner of an impounded animal may reclaim the animal by:
 1. Providing proof of ownership of the animal;
 2. Providing proof of current rabies vaccination or having rabies vaccination administered;

3. Paying all impoundment fees and daily kennel fees established by resolution.
 4. Paying any penalties provided by this chapter.
- f) The Animal Welfare Supervisor, or his or her designees, shall be authorized to place traps on private property in order to enforce the provisions of this chapter. Placement of said traps shall be only at the request of the property owner. Non-domesticated animals that are trapped by the Animal Welfare Supervisor or his or her designees, including but not limited to, squirrels, opossums, skunks, or other wild animals, shall be relocated or otherwise disposed of in accordance with applicable state law. Animal Welfare may collect feral cats trapped by residents using private traps, but Animal Welfare will not be responsible for collecting any other wildlife trapped by residents using private traps. Residents are responsible for contact Wildcare or arranging for the release of such wildlife humanely and in accordance with state law.

(Ord. No. 591 §1, 02-03-2004; 2012 Code)

Cross references-- 12-77; 13-4; 15-25 (b) (7), (8), (10). State law reference--Authority to regulate animals, 11 O.S. 22-115

Sec. 5-2. Animals prohibited.

It shall be unlawful for any person:

- a) To keep, harbor, possess, or allow remaining on any premises under his control within the city any animal other than a cat or dog unless the animal is kept within the confines of the house, apartment, office, accessory building, accessory structure, clinic, kennel, or retail store and provided the animal is not specifically prohibited herein. For the purpose of this section any pen, cage or coop shall not be considered an accessory building or structure.
- b) To keep, harbor, possess or allow to remain on any premises under his or her control within the city any of the following animals:

Skunk;

Coyote, bear, fox, wolf, or similar carnivore;

Leopard, panther; tiger, lion, lynx, or other similar large cat;

Crocodile, alligator;

Any animal, bee, insect, or arachnid with a poisonous bite or sting;

Constricting snake capable of posing a threat to domestic animals or humans;

Any vicious animal as defined by this Chapter;

Rooster, Chickens and other poultry;

Domestic livestock, including but not limited to cattle, hogs, or goats;

Wildlife, including but not limited to squirrels, moles, and gophers.

- c) To keep or harbor more than four (4) domestic cats or dogs in total.
- d) Except for subsection (c) above, to keep or harbor one (1) litter of pups or kittens, or any portion thereof, on any residential premises for a period not to exceed eight (8) weeks from birth.
- e) The provisions of subsection (b) herein shall not apply to professionally operated animal exhibits. (Ord. No. 653, §1, 09-21-2010)

(Code 1976, 2-2-1;Ord. No. 423, 1, 6-6-89;Ord. No. 425, 1, 7-18-89;Ord. No. 498, 1, 3-1-94; Ord. No. 592, § 1, 04-06-2004; Ord. No. 607, §1, 08-02-2005)

Sec. 5-3. Failure to Provide Humane Care; Mistreatment.

- a) It shall be unlawful for any person owning an animal to fail to provide said animal with humane care and treatment, as described below:
 - 1) Food requirements. Food shall be free from contamination and of sufficient quantity and nutritive value to maintain an animal in good health. An animal shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. All food receptacles shall be kept clean and sanitary.
 - 2) Water requirements. Safe, clean 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. Animals shall be watered as required by applicable State and Federal laws. All water shall be provided in sturdy, stable receptacles of adequate size for the animal and shall be kept clean and sanitary.
 - 3) Space requirements. Enclosures or shelters for animals shall be constructed and maintained to provide sufficient space for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.
 - 4) Indoor shelter requirements. Facilities shall be sufficiently heated, cooled and ventilated as to protect the animal from extremes of temperature and to provide for its health and prevent injury or disease. Sufficient light shall be provided, but lighting of primary enclosures shall be designed to protect the animal from physical harm. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning.
 - 5) Outdoor shelter requirements. Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal shall be provided for all animals left outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water. Shelter for a dog or cat shall consist of a moisture proof and windproof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material, and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat.
 - 6) Veterinary and other care requirements. All animals shall have the veterinary and other care necessary to prevent suffering.

- b) It is unlawful for any person to kill, maim, wound, disfigure, poison or cruelly and unmercifully treat or beat any animal or overdrive, overload or in any other manner mistreat such animal or fail to provide same with proper feed, drink or shelter, or drive or work or otherwise use such animal when the same is maimed, bruised or otherwise unfit for work, or willfully abandon any such animal to die or leave the same tied up or confined without proper feeding and caring for same. This section in no way affects the authority granted the Animal Welfare Supervisor and the police officers of the city to humanely euthanize, nor for individuals to kill an animal in self-defense, when entitled to do so by law or ordinance.
- c) It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which an animal is used for the purpose of fighting, injuring, killing, maiming, or destroying any other animal; and It shall be unlawful for any person to possess or maintain any materials or equipment or paraphernalia used in animal fighting.
- d) It shall be unlawful for any veterinarian practicing within the City to fail to report any animal abuse to the Animal Welfare division when the veterinarian reasonably suspects and believes the animal has been abused. Such report shall be made within 24 hours of the knowledge of such suspected abuse. The report shall contain the breed and description of the animal together with the name and address of the owner.
- e) Whenever the Animal Welfare Supervisor or his/her designee finds any animal is without humane care or treatment, or that any animal has been subjected to abuse or mistreatment, he may, at the owner's expense, impound the animal for protective care. In the event of sickness or injury of the animal and upon the advice of a licensed veterinarian, the Supervisor may take appropriate action to relieve pain and suffering; this shall include the option of immediate humane euthanasia of the animal. The Animal Welfare Supervisor may issue a citation to the owner for a violation and/or may specify the terms and conditions under which the owner may regain or maintain custody of the animal, which terms and conditions statement shall be signed by the owner. Violation of the terms and conditions by the owner is an offense against the City and shall be cause for the issuance of a citation and may result in the impoundment of the animal.

(Ord. No. 705 §1, 04-21-2015); (Code 1976, 2-2-4)

State law reference--Cruelty to animals, 21 O.S. 1682 et seq.

Sec. 5-4. Animals suspected of rabies, etc.

- a) Any dog or cat which is suspected of having rabies, or has been bitten by a rabid animal, or by an animal suspected of rabies, or any dog or cat which has bitten a person and has thereby caused an abrasion of the skin of such person, shall be impounded or placed in a veterinary hospital, for a period of ten (10) days; provided that where such animal has been properly vaccinated it may be confined by its owner, away from the public, for a like term, and no such animal shall be removed from the city limits until released from such confinement by authority of the Animal Welfare Supervisor. The owners of such animals shall bear all expenses involved with any such impoundment, placement, or confinement.
- b) If the act of impounding a dog or cat suspected of rabies constitutes danger to the officers charged with impounding such animal, such officers are authorized to humanely euthanize such animal.

(Code 1976, 2-1-7; Ord. No. 227, 10, 1-18-77)

Sec. 5-5. Euthanization of animals having contagious diseases.

- a) It shall be the duty of the Animal Welfare Supervisor or other authorized official to seize and humanely euthanize all animals diseased with contagious or communicable diseases in all cases where the owner or person in charge of said animal shall fail or refuse to immediately place and keep said animal in secure confinement, separate and apart from all other animals. In all cases where there are good reasons to believe that any animal has contracted or may contract any contagious or communicable disease, it shall be the duty of the Animal Welfare Supervisor or other authorized official, upon refusal or failure of the owner to have the animal placed and kept in secure confinement separate and apart from all other animals, at the expense of the owner to arrange for the confinement of said animal until the animal is thoroughly cured or declared incurable or to humanely euthanize said animal.
- b) For the purpose of determining whether an animal is diseased with a contagious or communicable disease, it shall be the duty of the Animal Welfare Supervisor or other authorized official to employ a competent veterinarian to examine the animal at the expense of the owner.

(Code 1976, 2-2-5; Ord. No. 592, § 1, 04-06-2004)

Sec. 5-6. Animals in Motor Vehicles.

- a) Any animal being transported or kept in the open bed of a vehicle shall be restrained by one or more tethers fixed to the vehicle and attached to a collar or harness being worn by the animal in a manner that will prevent the animal from falling, being thrown, and/or jumping from the vehicle. The animal may also be safely enclosed within the cab of the vehicle or within a container or cage secured in the bed of the vehicle.
- b) It shall be unlawful for any vehicle owner or operator to transport, place, or confine an animal or allow it to be placed or confined in the enclosed trunk of a vehicle.
- c) It shall be unlawful for a vehicle owner or operator to place or confine an animal, or allow it to be placed or confined, or to remain in a vehicle without sufficient ventilation or under conditions that may reasonably be expected to endanger the health or well-being of such animal due to temperature, lack of water, or other circumstances that may reasonably be expected to cause suffering, disability, or death of the animal.
- d) Officers finding an animal under the conditions referenced above may rescue such animal from the vehicle following the policy established by Animal Services.

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).

Sec. 5-8. Keeping of bees.

- a) It shall be unlawful to keep, maintain, or harbor any hive, stand, or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the city closer than fifteen (15) feet to the side or rear property line of any residential lot.
- b) Any beehive, stand, or box kept or maintained is hereby declared a public nuisance and it shall be unlawful to keep or maintain such beehive, stand or box after one year from the date of passage of this section (April 1, 1986).
- c) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a stand or box located within a school building for the purpose of study or observation.

(Ord. No. 363, 1, 4-1-86)

Sec. 5-9. Penalty.

Any person in violation of any provision of this Article shall be guilty of a Class A offense punishable by a fine not to exceed Seven Hundred and Fifty (\$750.00) Dollars.

(Ord. No. 499, 2, 3-15-94)

Sec. 5-10. Authority and Duties of Animal Welfare Supervisor.

- a) The Animal Welfare Supervisor shall be responsible for the administration and operation of Animal Welfare and the City Animal Shelter.
- b) The Supervisor shall be responsible for the enforcement of ordinances pertaining to animals within the City and shall work to promote responsible animal ownership and to protect the health, safety and welfare of the citizens and of all animals within the City.
- c) The Supervisor or designee shall have authority and control over the Animal Shelter and the care and disposition of the animals held therein and shall have the authority to waive or modify fees in whole or in part for hardship or special cases involving pet-owner death, or when the owner is incarcerated or in the hospital; to rectify adoption disputes; and for situations in which the best interests of all parties are served by such modification or waiver.

- d) The Supervisor shall provide care and sustenance for all impounded animals, including veterinary care to relieve or prevent suffering.
- e) The Supervisor or designee shall have the authority to humanely euthanize any impounded animal, included those being held because the owner is charged with a violation of this Code, or held in protective custody, or held during the course of an appeal from a decision of the Municipal Court, if a veterinarian recommends such action for humane purposes.
- f) The Supervisor or designee may establish requirements for animal owners to facilitate the provision of humane care and treatment of an animal.

Sec. 5-11. Animal Welfare Officers' Right of Entry for Inspection.

For the purpose of investigating complaints, impounding animals and carrying out other actions necessary to enforcing the provisions of this Code, the Animal Welfare Supervisor and his or her designees shall have authority to:

- a) enter public or unfenced private property within the City; provided, however, neither the Animal Welfare supervisor or any designee shall enter or remain on unfenced private property if the owner, tenant, or any person apparently in charge of said property denies access to it.
- b) enter fenced private property, exclusive of buildings, without a warrant when:
 - 1) entry is by permission of the occupant of the property or of the person in apparent charge; or
 - 2) for purposes of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this Code, provided such entry is at reasonable times; or
 - 3) there is imminent danger to public health, welfare or safety; or
 - 4) there is imminent danger to an animal's health, welfare or safety; or
 - 5) the animal being sought was at large immediately prior to the Animal Welfare division receiving a complaint that the animal was at large and was chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, and the animal has the capability to leave the fenced property by climbing or jumping over, or crawling under, the fence, or the gate or other entrance is not secure, allowing the animal to come and go, and provided the location of the owner or occupant is not known to the Animal Welfare Supervisor.
- c) If entry is refused or delayed by the occupant or person in apparent charge of the property, or if the conditions for warrantless entry do not exist, the Animal Welfare Supervisor or his/her designee may apply to a Judge of the Municipal Court for a warrant to enter the property and remove and impound an animal.

Sec. 5-12. Interfering with the Animal Welfare Supervisor or His/Her Designees.

It shall be unlawful for any person to:

- a) refuse to surrender an animal upon lawful demand by the Supervisor or his/her designee, or by any Police Officer in the official performance of his/her duties.
- b) interfere with the Animal Welfare Supervisor or any designee who is lawfully performing his/her duties.
- c) hold, hide, or conceal any animal that the Supervisor or his/her designee has deemed to be in violation of this Chapter.
- d) take or attempt to take any animal from the Supervisor or his/her designee or from any vehicle used by the Animal Welfare division to transport animals in the legal performance of the division's duties.
- e) take or attempt to take any animal from the City Animal Shelter, a humane live trap, or an animal carrier without proper authority.
- f) break or attempt to break into the City Animal Shelter.

Sec. 5-13. Declared Emergencies or Disasters.

During times of declared emergencies or disasters within the City, the Animal Welfare division shall be the lead agency for domestic animal-related response, rescue, and recovery efforts and shall work cooperatively with local, State and Federal governmental agencies, and private animal rescue groups to respond to the emergency or disaster. To provide pet owners with protection and assistance during times of declared emergencies or disasters, the division may:

- a) require that no affected animals be removed from the City, other than by their owners, for a period of up to 30 days after an emergency or declared disaster, without the prior written permission of the division, so that owners have a reasonable opportunity to be reunited with lost pets.
- b) establish a date after which affected animals can be removed from the City.
- c) waive some or all of the fees associated with reclaiming lost pets.
- d) distribute donated and purchased pet-related items, including dog houses, collars, leashes, pet food, pet care supplies, carriers, crates and similar items to the owners or keepers of pets affected by the emergency or disaster.
- e) suspend normal operations to focus on the emergency or disaster, including transferring animals no longer being held for stray holding periods to other agencies, shelters, individuals or rescue groups as needed or take such other actions as may be required to address the demands of the emergency or disaster.

Secs. 5-14--5-20. Reserved.

ARTICLE II. DOGS AND CATS

Sec. 5-21. Vaccination against rabies.

All dogs and cats four months of age and older that are owned, kept, possessed, or harbored within The Village shall be vaccinated against rabies by or under the direct supervision of a licensed veterinarian. Rabies vaccine shall be recognized for the duration of the vaccine used, i.e., vaccines with a labeled duration of one year, two years, or three years, will be recognized for one year, two years or three years respectively. A rabies vaccination need not be obtained for a nonresident dog or cat which is currently vaccinated for rabies by a licensed veterinarian or which is visiting in this City and is in the custody of its owner for a period of thirty (30) days or less, or when a veterinarian licensed in the State of Oklahoma certifies in writing that it would be detrimental to the animal's health to be vaccinated and places the animal on a health hold. If a veterinarian releases the animal from the health hold, the animal shall be vaccinated within ten (10) days of release. On demand of the Animal Welfare Supervisor or other authorized official, the owner or keeper of any dog or cat must present a completed and signed vaccination certificate for the animal that includes the type and duration of the vaccine administered.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-22. Type of vaccine required.

Except as otherwise provided by this chapter, all dogs and cats shall be vaccinated against rabies with one of the rabies vaccines listed in the most recent "Compendium of Animal Rabies Control" as published by the Centers for Disease Control.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-23. Vaccine to be administered by a veterinarian; certificates.

The vaccination required by this division shall be administered by or under the direct supervision of a veterinarian duly licensed to practice in the State of Oklahoma. The rabies certificate required by this chapter must be signed by the veterinarian who either administers the vaccine or directly supervises its administration by another.

(Ord. No. 592, § 1, 04-06-2004)

Sec. 5-24. Running at large.

- a) 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 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, provided that a person is outdoors with the dog at all such times, by a tether of at least ten (10) feet consisting of material of sufficient strength to prevent the dog from escaping; however, nothing shall prohibit an unattended dog from being tethered in an enclosed area or in a fenced yard as provided herein.
- b) The owner of a dog maintained on a tether of any type shall properly fit the dog with a harness or buckle-type collar to which the tether shall be attached. The tether shall be of adequate length to allow reasonable exercise and access to water and shelter at all times, and shall not be subject to entanglement with other objects in any manner to cause the dog any injury or discomfort or be of a weight disproportionate to the size of the animal so tethered as to unduly burden the animal. Tethering dogs to choke-chains or prong collars is prohibited.

- c) If the City is called upon to capture a cat on private property, the owner of the cat or the person harboring said cat shall be responsible for paying impoundment, boarding and vaccination fees, as established by Resolution of the City Council, prior to the release of the cat by the Animal Welfare Supervisor. If no person claims ownership of the cat and/or fails to pay the required fees within seventy-two (72) hours, the cat shall be considered stray and handled in accordance with the policies adopted by the City Council.

(Code 1976, 2-1-5(a); Ord. No. 227, §6, 1-18-77, Ord. No. 752, §1, 07-06-2020)

Sec. 5-25. Muzzling.

If it shall appear to the best interest of the citizens of the city and necessary for their public health and safety, or when it is shown that a dog or cat suspected of rabies has been on the highways within the city, the Animal Welfare Supervisor or other authorized official, by proper proclamation, shall notify the public that all dogs or cats at large must be securely muzzled until such time as shall be thought safe and proper to dispense with the muzzle. After such proclamation, it shall be unlawful for any person to knowingly, willfully, or negligently allow or permit any dog or cat owned or kept by such person, to be in any public place or upon private premises not under the control of the owner of same unless such dog is attended by some competent person who has the dog or cat muzzled and on a leash.

(Code 1976, 2-1-7; Ord. No. 227, 10, 1-18-77)

Sec. 5-26. Noisy dogs.

- a) It shall be unlawful for any person to own, possess, keep or harbor any dog which barks, howls or yelps continuously to the great discomfort of the peace of any person of ordinary and reasonable sensibilities except when said dog is temporarily disturbed by the presence of public utility workers, routine area solid waste collection or similar such circumstances.

(Code 1976, 2-1-5(b) Ord. No. 614, §1, 02-21-2006)

Sec. 5-27. Dog defecation, urination.

- a) Removal of dog defecation. An owner or person having custody or control of any dog shall not permit such dog to defecate on any public street or grounds or any private property within the city other than the premises of the owner or person having custody or control of such dog, unless such defecation is removed immediately and disposed of in an appropriate facility.
- b) Prohibition of dog urination. An owner or person having custody or control of any dog shall not permit such dog to urinate on the private property, real or personal, of a person other than the owner or person having custody of such dog.

(Ord. No. 364, 1, 5-6-86)

Sec. 5-28. Penalty.

Any person in violation of any provision of this Article shall be guilty of a Class B offense punishable by a fine not to exceed two hundred (\$200.00) dollars.

(Ord. No. 499, 3, 3-15-94)

Cross reference--removal of feces, 5-7.

5-28--5-49. Reserved.

ARTICLE III. DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

Division 1. Reserved

Sec. 5-50—Sec. 5-74 Reserved.

Division 2. Potentially Dangerous Animals.

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. Animal Welfare Supervisor - Judge to make determination; notification.

- a) **Determination by Animal Welfare Supervisor/Police Officer.** The Animal Welfare Supervisor or investigating Police Officer shall investigate complaints of potentially dangerous animals and make a determination of the facts. If the Animal Welfare Supervisor 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 Animal Welfare Supervisor 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 Animal Welfare Supervisor and to comply with all the provisions of this article within thirty (30) days. The Animal Welfare Supervisor shall also provide a copy of the written notice to the owner of the property, if other than the owner of the animal.
1. **Appeal.** Any person whose animal is determined to be potentially dangerous by the Animal Welfare Supervisor 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 Animal Welfare Supervisor 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 Animal Welfare Supervisor 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:

a) That the animal is in fact not potentially dangerous in which event the Animal Welfare Supervisor 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.

a) **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.

- b) **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.
- c) **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 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.
- d) **Signs.** Owners, keepers, or holders 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.
- e) **Insurance.** Owners, keepers, or holders of potentially dangerous animals must, within thirty (30) days of notification, provide proof to the Animal Welfare Supervisor 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.
- f) **Identification photographs.** Owners, keepers, or holders of potentially dangerous animals must, within thirty (30) days of notification, provide to the Animal Welfare Supervisor 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.
- g) **Electronic Identification Tag.** Owners, keepers, or holders 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.
- h) **Reporting requirements.** Owners, keepers or holders of potentially dangerous animals must within thirty (30) days of the incident, report the following information in writing to the Animal Welfare Supervisor as required hereinafter:

1. The removal from the city or death of a potentially dangerous animal;
 2. The birth of offspring of a potentially dangerous animal;
 3. The new address of a potentially dangerous animal owner should the owner move within the corporate city limits.
- i) **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. If a registered owner of a potentially dangerous animal sells or otherwise disposes of a potentially dangerous animal or the offspring of such an animal to persons who do not reside with the City, the owner must inform the Animal Welfare Supervisor within ten (10) days following the sale or disposition of said animal and the city, town, county, and state in which the animal will be located following the sale or disposition.
- j) **Breeding of potentially dangerous animals:** It shall be unlawful to breed any potentially dangerous animal within the city.
- k) **Animals born of registered dogs.** Offspring born of potentially dangerous animals registered with the city must be removed from the city within eight (8) weeks of the birth of such animal.
- l) **Neutering.** Owners, keepers, or holders 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.
- m) **Annual Registration.** Potentially dangerous animals shall be registered by the owner with the Animal Welfare Supervisor of the City within thirty (30) days of notification by the Animal Welfare Supervisor that the animal has been declared potentially dangerous. A potentially dangerous animal shall not be registered by the Animal Welfare Supervisor 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.
- n) **Obedience/behavioral training.** By judicial order, owners, keepers, and holders 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.
- o) **Other.** By judicial order, owners, keepers, and holders of potentially dangerous animals may have imposed on them other remedies or relief as determined by the Judge to be reasonable and appropriate, based on the facts and circumstances.
- p) **Failure to comply.** It shall be unlawful for the owner, keeper, or holder 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 Animal Welfare Supervisor 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.
- 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)

Secs. 5-79—5-99 Reserved.

Division 3. Dangerous Animals, Attacks.

Sec. 5-100. Attacks prohibited.

- a) **On Premises.** It shall be unlawful for any person, owner, or possessor of an animal to permit said animal to attack any person, dog, or cat upon the premises of the person, owner, or possessor. It shall be an affirmative defense to this subsection when the premises where an attack occurs are previously posted at each entrance to the same with prominent and conspicuous signs warning all persons in lettering not less than two (2) inches in height, of such animal. It is also an affirmative defense to this subsection that the use of such animal to attack any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, or theft upon said property.

- b) **Off Premises.** It shall be unlawful for any person, owner, or possessor of an animal to permit said animal to attack any person, dog, or cat not upon the premises of such person, owner, or possessor.
- c) **Attack Defined.** For the purposes of this section, the word attack shall mean violent or aggressive physical contact with a person, dog, or cat with the intent to cause harm or the infliction of serious injury.
- d) **Exclusions.** The provisions of this section shall not apply to any law enforcement officer who uses or employs an animal while engaged in law enforcement activities, nor to any owner, possessor or keeper whose animal attacks a person engaged in physically attacking or striking said owner, possessor or keeper.

Sec. 5-101. Summons and complaint.

- a) Any person who witnesses or has personal knowledge that an act or acts made unlawful by this article have been committed may sign a complaint against the alleged violator.
- b) The complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:
 1. Name, address, and telephone number of the complainant and other witnesses to the incident.
 2. Date, time, and location of the incident or incidents.
 3. Description of the animal.
 4. Name, address, and telephone number (if known) of the animal owner.
 5. If applicable, a statement that the animal attacked the complainant, or some other person or animal as witnessed by the complainant.
 6. Other facts and circumstances of the incident.
- c) Any police officer, animal welfare officer, or code enforcement officer who is employed by the City is authorized to issue a summons and complaint when said officer personally observes a violation of this chapter.

(Ord. No. 607, §4, 08-02-2005)

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 Animal Welfare Supervisor 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 Animal Welfare Supervisor or Police Officer shall cause the animal involved to be impounded and humanely euthanized 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 Animal Welfare Supervisor 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 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 Animal Welfare Supervisor 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 humanely euthanized.
 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 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)