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CHAPTER 4: ANIMALS

ARTICLE 1

DIVISION 1

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS.

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

1. "Animal" means any and all vertebrate and invertebrate animals, whether domesticated or wild, including but not limited to bees, birds and fowl, cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.

2. "At large" means off the premises of the owner or keeper and neither enclosed within a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence or other enclosure, nor securely restrained and controlled by a person by a leash or harness with handhold;

3. "Confined on the premises" means that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the animal from leaving the premises and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises upon which the confined animal is located;

4. "Dangerous animal" means any animal that:

a. has inflicted severe injury on a human being without provocation on public or private property,

b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the animal thereafter aggressively bites, attacks, or endangers the safety of humans, or

c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the animal thereafter kills or severely injures a domestic animal.

Animals shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime. Dangerous animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty;

5. "Enclosure" means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, with at least 150 square feet of space for each animal kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping;

6. "Health officer" means the director of the county health department or his authorized agent and shall also include the city animal control officer;

7. "Keeper" means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to;

8. "Kennel" means any structure or place where four (4) or more animals, over six (6) months of age are kept, bred or trained, at any single time, or any facility designed to accommodate the temporary boarding of more than four (4) animals over six (6) months of age.

9. "Menacing fashion" means that an animal would cause any person observing the animal to reasonably believe that the animal will cause physical injury to persons or other animals;

10. "Neuter" means to render a male dog or cat unable to reproduce;

11. "Nuisance" means the conduct or behavior of any small or large animal, cat or dog which molests persons passing by or

passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous or menacing fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a dangerous animal not confined as required by this chapter;

12. "Owner" or "keeper" means any person, firm or corporation owning, controlling, harboring 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;

13. "Permit" includes but is not limited to the failure to take adequate precautions to prevent an animal from being at large; and

14. "Potentially dangerous animal" means any animal that:

a. inflicts a bite on a human either on public or private property, or

b. kills or severely injures a domestic animal either on public or private property;

c. chases or approaches a person upon any public or private property (not under the ownership or control of the owner or keeper of the potentially dangerous animal) in a menacing fashion or apparent attitude of attack, or any animal with a know propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

15. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person;

16. "Restraint" means that an animal is controlled by leash or tether, either of which shall not exceed six (6) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper;

17. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;

18. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;

19. "Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian;

20. "Without provocation" means that an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

State Law Reference: Regulation of animals, town powers, 11 O.S. § 22-115.

SECTION 4-102 ANIMALS RUNNING AT LARGE PROHIBITED.

The owner or keeper of any fowl or any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large.

SECTION 4-102A NUMBER OF DOGS AND CATS PERMITTED

A. Prohibition. No person shall harbor or keep more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months in any household. The owner, occupant or person in lawful possession or control of the premises shall be responsible for any violation of this section by any of the members of the household.

B. Exception. Businesses located in properly zoned commercial districts may operate kennels wherein more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months may be kept.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large.

SECTION 4-104 KEEPING ANIMALS.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the Town except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

2. If no specific provision is listed in this code for the keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the Town of Ringwood.

3. Every structure wherein any authorized animal is kept within the corporate limits of the Town shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, 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 watertight and fly-tight receptacle for manure of such size as to hold all accumulations of manure.

4. With respect to horses, sheep and cattle, each such animal shall have at least one (1) acre on which to graze and live or such animal shall not be permitted in the town limits. No free range chickens shall be permitted; but a resident may keep not to exceed four (4) chickens per household provided such chickens are housed in a chicken coop and not permitted to outside such enclosure; keeping additional chickens shall require the affirmative approval of a majority of the members of the Town Board. No goats shall be permitted in the corporate limits. Any violation of this section shall subject the owner or person in lawful possession and control of such property to a fine in the amount of the general penalty. no such animal m be permitted to be Keeping more than six (6) horses. The premises where the animals are kept shall comply with the requirements and sub-section three of this section and the Department of Health requirements and standards. Approval of the town board to keep more animals than permitted by this section shall require the written consent of property owners and occupants of all property around the perimeter of the location where the animals are to be kept, to include property that may be across a town street or alley, and the affirmative approval of a majority of the members of the Town

Board. The written consents shall be attached to an application for an exception to the limits of the ordinance.

In those cases where the permitted animals give birth to young, the number limit may be exceeded for a period of 30 days by the number of the living offspring.

6. No exotic animals, (either mammals or reptiles), or any snakes shall be permitted within the corporate limits of the Town of Ringwood, Oklahoma.

7. Native mammals, which are wild in their natural habitat, shall not be permitted within the corporate limits of the Town of Ringwood, Oklahoma.

8. The keeping of other animals not specifically mentioned or regulated within this Chapter as pets, shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.

9. No swine may be permitted nor kept in the town's corporate limits, except those that may be permitted at the public school's agricultural farm for FFA/4-H Projects.

10. No roosters may be permitted nor kept in the town's corporate limits.

SECTION 4-105 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE.

A. The following conditions are hereby declared to be a nuisance:

1. Any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;

2. Any dog or other animal, which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidate joggers, pedestrians or children.



B. Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the town, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

Cross Reference: Nuisances generally, Sections 8-301 et seq.

SECTION 4-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

A. Every building or structure 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 such building housing any livestock or fur-bearing animals, including but not limited to any horse, mule, donkey, cow, goat or sheep, if located within two hundred (200) feet of any 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, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and 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 the receptacle.

SECTION 4-107 INSPECTIONS.

The animal control officer, the health officer or any police 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 the animal to cause the animal to be kept as provided in this chapter 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 chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

DIVISION 2

DOG AND CAT VACCINATION, TAGS AND TAX

SECTION 4-120 DOGS AND CATS TO BE VACCINATED.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian at least once every twelve (12) months, expiring on the first day of May thereof, or, in case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish a certificate or statement of vaccination.

SECTION 4-121 DOG AND CAT REGISTRATION, TAG.

A. An annual fee in such sum as set by the board of trustees by motion or resolution for every dog or cat more than six (6) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the town.

B. The regulatory fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the town, nor to a dog or cat brought within the town to participate in a dog or cat 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 or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the fee levied to the town for every calendar year within thirty (30) days after acquiring or bringing the dog or cat into the town. The license fee is due and payable on the first day of July of each year and shall expire on the following June 30.

D. The person offering the fee shall present to the town the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the preceding six (6) months prior to issuance of the license.

E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the town may request.

F. The town thereupon shall deliver an original receipt to the owner and also an appropriate tag to him for the dog or cat. The tag shall constitute a license for the dog or cat.

SECTION 4-122 TAG TO BE PLACED ON COLLAR; LOST TAGS.

A. The owner shall cause the tag received from the town to be affixed to the collar of the dog or cat so that the tag can easily be seen by officers of the town. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the Town Clerk-Treasurer, presenting to him the original receipt, and paying to him a fee as set by the town board of trustees.

SECTION 4-123 SUMMONS AND COMPLAINT.

A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this article has been committed may sign a complaint against the alleged violator.

B. Any police officer, animal control officer, or code enforcement officer who is employed by the Town is authorized to issue a summons and complaint when the officer personally observes a violation of this article.

C. 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;
3. Description of the animal;
4. Name, address and telephone number (if known) of the animal owner;

5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant, or such facts as warrant a finding that the animal is dangerous or potentially dangerous; and

6. other facts and circumstances of the incident.

SECTION 4-124 HEARING.

The municipal judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within ten (10) days of the date of impoundment to determine if the animal is dangerous as defined by this code. The 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 or determination of dangerousness.

SECTION 4-125 DETERMINATION.

A. The municipal judge shall be empowered to make one of the following determinations as a result of the hearing.

1. That the animal is not dangerous, in which event the animal control officer shall cause the animal to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in this article;

2. That the animal is dangerous and should be destroyed.

3. That the animal is dangerous or potentially dangerous but that for good cause shown, the animal should not be destroyed, in which event the judge shall order all of the following:

a. A proper enclosure to confine the animal and the posting of the premises with a clearly visible warning sign that there is a dangerous or potentially dangerous animal on the property. In addition, the owner shall conspicuously display a sign with a warning symbol on the premises and on the enclosure that informs children of the presence of a dangerous animal and at a minimum states in capital bold lettering "BEWARE OF DANGEROUS ANIMAL".

b. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Two Hundred and Fifty Thousand Dollars

(\$250,000.00) insuring the owner for any personal injuries inflicted by the dangerous or potentially dangerous animal. A copy of the binder showing such insurance coverage is in full force and effect shall be filed with the Town Clerk-Treasurer and no change, amendment or cancellation shall occur to such policy without the Town receiving at least ten (10) days prior written notice.

- c. Payment of a Ten Dollar (\$10.00) per year registration fee to the Town.

B. It is unlawful for an owner of a dangerous or potentially dangerous animal to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

C. It is unlawful for an owner to have a dangerous or potentially dangerous animal in the Town without complying with the following court ordered requirements:

- 1. The owner does not secure the required liability insurance coverage;

- 2. The animal is not maintained in the proper enclosure; or

- 3. The animal is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person. Any such fine, at the discretion of the court, may be offset by payments made by the owner to any victim of an attack by the animal. However, insurance payments may not be considered as an offset.

- 4. The animal is not registered or the annual fee has not been paid to the Town.

- 5. An owner whose animal is adjudged to be a dangerous or potentially dangerous at the hearing and sentence is imposed by the judge pursuant to this section, upon written demand, may appeal the judge's decision within ten(10) days to the Major District Court in the same manner as other appeals from actions of the municipal court.

Any dangerous or potentially dangerous animal not in compliance with any court ordered requirement shall be immediately confiscated by the animal control officer.

6. Any owner or keeper of a dangerous or potentially dangerous animal who allows an animal to be in violation of Section 4-102 of this code (Animal Running at Large Prohibited) shall be guilty of an offense, and upon conviction, shall be fined as provided in this section.

7. Any owner or keeper of a dangerous or potentially dangerous animal who violates Section 4-120 of the code (Dogs and Cats to be Vaccinated) shall be guilty of an offense, and upon conviction, shall be fined as provided in this ordinance.

8. The Municipal Judge shall make determinations regarding whether an animals is deemed dangerous or potentially dangerous and all other related orders to protect the health, safety and welfare of the public.

Cross Reference: Municipal court, Section 6-101 of this code.

### DIVISION 3

#### ANIMAL CONTROL SHELTER

##### SECTION 4-130 SHELTER ESTABLISHED; FEEDING ANIMALS.

The Board of Trustees may appoint an Animal Control Officer. A town animal control shelter is hereby established under the jurisdiction of the animal control officer or of such other person as may be officially designated, or as provided by contract with a third party provider. The person in charge of the animal control shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

##### SECTION 4-131 IMPOUNDING ANIMALS.

A. The animal control officer, or any other town officer or employee shall catch, or take up, and impound in the town animal control shelter any animal which is at large within the town or in violation of this code. When an animal is so impounded, it may be redeemed or disposed of, as other impounded animals are kept, treated, and redeemed or disposed of. A description of the animal shall be kept and if the owner is known, the town shall attempt to notify the owner of the impoundment orally or in writing.

B. In any prosecution charging a violation of Section 4-102, proof that the animal described in the complaint was at large as defined herein and that the defendant named in the complaint was the owner of the animal shall constitute in evidence a prima facie presumption that the owner permitted his animal to be at large in violation of this chapter.

State Law Reference: State law on disposal of animals, applicable to cities over 10,000, 4 O.S. § 501 - 508.

SECTION 4-132 ANIMALS TO BE IMPOUNDED.

A. The animal control officer, a police officer, or such other officer or employee of the town as may be authorized:

1. Shall take into custody and impound any animal running at large in violation of any provision of this chapter; and

2. May enter upon the premises of the owner or other private premises to take such animal into custody, subject to lawful authority.

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.

SECTION 4-133 BREAKING ANIMAL CONTROL SHELTER.

No unauthorized person shall:

1. Break or attempt to break open the animal control shelter, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-134 FEES FOR IMPOUNDING.

A. The board of trustees shall determine the fees to be charged for impounding and keeping animals. In computing the fee,

a fraction of a day during which an animal has been fed shall be deemed a full day.

B. Any person redeeming an impounded animal shall pay the required fees to the town and present his receipt therefor to the person in charge of the control shelter before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-122 of this code shall pay the required license tax to the town and secure a tag and present the receipt therefor and the tag to the person in charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog before releasing it.

Cross Reference: See town's fee schedule.

SECTION 4-135 OWNER MAY REDEEM.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

SECTION 4-136 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS.

A. As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal, shall post a notice thereof at the police office or animal control shelter of the town. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed as provided in this chapter.

B. Except as otherwise provided in this chapter, an impounded animal shall be held for seventy-two (72) hours during which time it may be redeemed pursuant to this chapter. No animal may be destroyed or sold until after this period.



C. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the chief of police. In no case shall the price of an animal be less than the fees, set out in this chapter, which have accrued against the animal. If an impounded animal cannot be sold, the animal shall be destroyed, in a humane manner, or otherwise disposed of in a legal manner.

D. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchases.

E. The animal control officer shall pay to the town any money received from the sale of impounded animals.

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. § 501 to 508.

SECTION 4-137 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars (\$5.00) to reimburse the town for any expense it has had in making the sale, at any time within thirty (30) days after the sale. If a claim is so made and approved by the board of trustees, the town treasurer shall pay him such excess. If a claim is not made, the excess shall belong to the town.

SECTION 4-138 ADOPTION FROM SHELTER, DEPOSIT, STERILIZATION REQUIREMENTS.

A. For the purpose of this section, the following terms shall have the meanings ascribed to them:

1. "Keep or harbor" means to maintain, possess, control and use;

2. "Neuter" means to render a male dog or cat unable to reproduce;

3. "New owner or owner" means a person legally competent to enter into a contract acquiring a dog or cat from the town's animal shelter;

4. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce; and

5. "Sterilization" means to spay or neuter a dog or cat.

B. No dog or cat may be released for adoption by the animal control shelter unless the animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the town to ensure that the adopted animal will be spayed or neutered. A deposit shall be required as set by the board of trustees by motion or resolution.

C. The funds deposited with the town shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless the animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

D. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the supervisor of the animal shelter shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

E. If requested to do so, the town shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal control shelter by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was to be completed.

F. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account, whenever feasible, and the town shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals released by the animal shelter. The town shall maintain accurate records of accounts which fund spay/neuter programs.

G. This section shall not be construed to require sterilization of dogs and cats which are being held by the animal control shelter which might be claimed by the rightful owner.

DIVISION 4

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS.

A. 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.

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

C. Any police officer or animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in his opinion, it requires humane treatment.

State Law Reference: Cruelty to animals, 21 O.S. § 168.

SECTION 4-141 POISONING ANIMALS.

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

SECTION 4-142 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, non-domesticated animal or to keep a house, pit or other place used for fights between animals.

DIVISION 5

RESERVED

DIVISION 6

ZONING ORDINANCE TO PREVAIL

SECTION 4-160 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.

Cross Reference: Zoning ordinance, Section 12-201 et seq. of this code.

DIVISION 7

PROCLAMATION OF RABIES

SECTION 4-170 DOGS AND CATS CONFINED; WHEN.

A. When the health officer or chief of police determines and certifies that a dog, a cat, or other animal 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 confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the 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 day 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 a dog or cat to be at large in violation of such resolution, or for any dog or cat to be at large in violation thereof.

SECTION 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION.

A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and the county health department. The animal, regardless of its immunization status, shall be securely quarantined at a

veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a licensed veterinarian for a period of ten (10) days, and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head should be shipped, under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physicians concerning the need for immediate initiation for rabies prophylaxis. In case of animals whose ownership is unknown, such quarantine shall be at the town animal shelter. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

B. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

C. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

#### SECTION 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, the town health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact.

SECTION 4-173 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the town, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the mayor town-wide quarantine, and upon the invoking of such quarantine by the mayor, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animals may be taken or removed from the town without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

SECTION 4-174 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

A. During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

B. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.

C. No person shall kill or cause to be killed any rabid animals, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove same from the town limits without written permission from the health officer of the town or the animal control officer.

D. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

E. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

SECTION 4-175 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the town any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal

exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

DIVISION 8

PENALTY

SECTION 4-180 PENALTY.

Any person, firm or corporation who shall fail to do anything required by this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and is punishable as such.

SECTION 4-181 RELIEF IN COURTS.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the town to apply to the proper appropriate action against such person, firm or corporation that violates any provision of this charter.

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