





**Animals**

**PART 4**

**ANIMALS**

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**ANIMAL REGULATIONS**

**SECTION 4-101      DEFINITIONS.**

- A. As used in this chapter:
1. "Animal shelter" means the person or person employed by the City as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.
  2. "At large" or "running at large" means any animal when it is off the property of its owner and not under the control of a competent person. As applied to dogs, "at large" or "running at large" means:
    - (a) Off-premises: any dog which is not restrained by means of a leash or chain of sufficient strength and not more than six (6) feet in length to control the actions of such animal while off the owner's property; and,
    - (b) On-premises: any dog not confined within the owner's property by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from the owner's property and so arranged so that the animal will remain upon the property when the leash is stretched to full length. A dog intruding upon the property of another person other than the owner shall be termed running at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed running at large.
  4. "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 premises upon which the confined animal is located;
  5. "Dangerous animal" means an animal that, without provocation, has chased or approached in either a menacing fashion or in an apparent attitude of attack, or has attempted to bite or otherwise endanger any person or other animal while the animal alleged to be dangerous is off the premises of the

owner or while the animal is not physically retained or confined on the premises. 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;

6. "Diseased animal" means an animal believed to be infected with a dangerous or communicable disease;
7. "Domestic birds" means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise, or other birds tamed to the household or pertaining thereto;
8. "Enclosure" means while on the property of the owner secure confinement indoors, or in a securely enclosed and locked pen or structure, suitable to prevent entry and designed to prevent the animal from escaping.
9. "Exposed to rabies" means any animal that has been bitten by or expose to any other animal known to have been infected with rabies;
10. "Fowl" means chickens, guineas, geese, ducks, and pigeons;
11. "Impoundment" means placing an animal in the animal control vehicle or unit, or holding an animal in custody at the animal control shelter;
12. "Keeper" means any person, family, firm, or corporation owning or actually keeping, having, using, or maintaining any of the animals herein referred to;
13. "Kennel" means any place where three (3) or more dogs more than six (6) months of age are kept, sheltered, or fed and watered for sale, exchange, breeding, or training purposes. Kennel includes any place where more than one litter of puppies born to different female dogs are kept on any lot or premises or kept in any structure.

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14. "Large animal" means horse, mule, donkey, cattle, goat, sheep or any other animal of similar size or stature;

15. "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;

16. "Muzzle" means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person, animal or livestock;

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

18. "Nuisance" means the conduct or behavior of any small or large animal, cat or dog which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter;

19. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds;

20. "Permit" means the permit issued by the city clerk;

21. "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;

22. "Ratproof" means that state of being constructed so as to effectively prevent entry of rats;

23. "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;

24. "Sanitary" means any condition of good odor and cleanliness which precludes the probability of disease transmission and insect breeding and which preserves the health of the city;

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

26. "Small animal" means rabbit, hare, guinea pig, chinchilla, turkey, fowl, hamster, pigeon (except homing pigeons) or any other animal of similar size or stature;

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

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

29. "Vicious animal" means an animal that, without provocation, has killed or caused physical injury to any person or has killed or caused physical injury to another animal. Vicious animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their official duties and where any injury inflicted by the police dog was reasonably related to the duties being performed;

30. "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. (Prior Code, Secs. 3-1, 3-11, in part; Ord. No. 278, 6/26/89, in part)

State Law Reference: City powers to regulate animals, II O.S. Sec. 22-115.

### SECTION 4-102      RUNNING AT LARGE, OWNERS CITED, ENCLOSURES.

A. Any animal, including fowl, but except a cat, running at large in the city shall be taken up by the animal control officer and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

B. Every person who owns or has charge of a large animal within the city shall be required to keep the domestic animal within a suitable enclosure and to restrain the animal from running at large. (Prior Code, Sec. 3-2, in part)

### SECTION 4-103      CONTROL OF ANIMALS REQUIRED, AT LARGE.

It is unlawful for any owner or person to:

1. Fail to prevent any animal from running at large within the city;
2. Perform, do or carry out any inhumane treatment against any animal;
3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the health officer or animal control officer; or
4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter.  
(Prior Code, Sec. 3-3 in part)

### SECTION 4-104      BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION.

A. Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

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B. No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.

C. Every building where any livestock is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulation 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.

D. The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the city court against any person for violation of any provision of this chapter, or of any such reasonable order. (Prior Code, Secs. 3-6 through 3-10)

### SECTION 4-105      KENNELS.

A. It is unlawful for any person to have, run, maintain or operate any kennel or any place for the sale, exchange, breeding and training of pet animals within the city or for either of the purposes, without first obtaining an annual license from the city to operate such a kennel or place.

B. The requirements of this chapter on tags and registration of animals shall not apply to animals within a licensed kennel.

C. A kennel license shall not authorize any kennel pet animal to run at large, but all such pets shall be registered, vaccinated and tagged in the same manner as other pets when the same are permitted to run at large.

D. The license fee for an annual kennel license shall be as set by the council by motion or resolution.

E. Kennels maintained and operated within the city shall be maintained in a sanitary condition under standards set by the United States Department of Agriculture relating to kennels. The kennels shall be subject to an annual inspection by the United States Department of Agriculture and the city animal control officer.

### SECTION 4-106      NOISY ANIMALS; COMPLAINT PROCEDURE FOR ANIMALS WHICH DISTURB, ARE IN VIOLATION OF CODE.

A. No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.

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B. Any person with knowledge thereof may file a complaint in the Municipal Court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity, or which is in violation of this Chapter. If the Court finds that an animal is a nuisance or in violation of this Chapter, then the Court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, or other punishment as provided in Section 1-108 of this Code.

### SECTION 4-107 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

### SECTION 4-108 KEEPING CERTAIN ANIMALS - RESTRICTIONS

The raising or keeping of animals or poultry in a residential "R" district shall be in accordance with all ordinances of the City of Piedmont and the following:

A. There shall be provided a fenced area of not less than twenty thousand (20,000) square feet exclusive of the area covered by main buildings and required front and side yards, for each large animal, including horses, cattle, and sheep; and all structures and buildings for the care and protection of animals shall be located not closer than twenty (20) feet to a side or rear lot line, and no closer than sixty (60) feet to any residence (other than the residence of the owner of the tract of land where the large animals are kept).

B. Except as provided in subsection E, large animals shall not be kept on tracts smaller than one acre. On tracts of one acre up to two and one-half acres one large animal per acre may be kept, provided not more than two animals shall be kept on any tract of land less than two and one-half acres in size.

C. On a tract of land at least two and one-half acres in size three large animals may be kept. For lots or tracts greater than two and one-half acres but less than five acres, one large animal may be kept for each additional acre over two and one-half. On a tract of land greater than four and one-half acres but less than five acres a maximum of five large animals may be kept.

D. The keeping of pigs is prohibited,

E. The keeping of one horse on a tract of land at least three-fourths (3/4) acre in size may be permitted as a "use permitted on review", as provided in Section 7-4 of the Piedmont Zoning Ordinance under the following conditions:

(1) There shall be provided a fenced area of not less than twenty thousand (20,000) square feet exclusive of the area covered by main buildings and required front and side yards, for the horse; and all structures and buildings for the care and protection of the horse shall be located not closer than twenty (20)

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feet to a side or rear lot line, and no closer than sixty (60) feet to any residence (other than the residence of the owner of the tract of land where the horse is kept).

(2) The area designated herein for keeping of one horse shall be fenced with material adequate to keep the horse on the owner's property. In addition to the perimeter or property line fence the area where the horse is kept shall be restrain the horse away from fences, trees, shrubs, or other property of adjoining owners, and restraining the horse to a minimum distance of sixty (60) feet from any residence other than the residence of the owner of the land where the horse is kept.

(3) The premises where a horse is kept shall be maintained in a clean and sanitary manner.

(4) Upon a finding by the City Council that the keeping of the horse does not adversely affect the surrounding property owners.

(5) The City will conduct periodic inspections of the premises where the horse is located; and a violation of any of these conditions will constitute grounds for revocation of the Use Permitted on Review permit.

F. The area designated herein as appropriate for keeping of large animals shall be fenced with material adequate to keep the large animals on the owner's property. In addition to the perimeter or property line fence the area where the large animals are kept shall be equipped with a temporary restraint system such as an "electric fence" or "hot wire" placed so as to retrain the horse away from fences, trees, shrubs, or other property of adjoining owners, and restraining the horse to a minimum distance of sixty (60) feet from any residence other than the residence of the owner of the land where the large animals are kept.

G. The premises where large animals are kept shall be maintained in a clean and sanitary manner.

H. For purposes of this subsection large animals shall include horses, cattle, sheep, goats, and other similar animals. Foals, calves, lambs, etc. shall not be considered large animals until they become weaned.

I. These regulations do not apply to tracts of land five (5) acres in size or larger.

## ARTICLE B

### REGISTRATION AND VACCINATION OF ANIMALS

#### SECTION 4-121     RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS.

A. No person shall own, keep, or harbor any dog or cat within the City limits unless such dog or cat four (4) months of age or older is vaccinated for rabies annually and in any event before the cat or dog becomes six (6) months of age.

B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.

C. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner; and upon request, shall show such certificate to the City. Such certification shall include the following information:

1. Owner's full name, address, zip code, and telephone number.
2. Breed, date of birth, sex, and color or marking of the dog or cat.
3. Type of vaccine and duration of immunity.
4. Signature of the veterinarian or other authorized person administering the vaccination.
5. Name of the animal, if applicable.

D. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.

E. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection D to the dog or cat, and it shall be unlawful for any person to remove such tag or check without the owner's consent. (Prior Code, Sec. 3-12, 3-13, in part).

State Law Reference: City's power to regulate dogs, 11 O.S. Sec. 22-115.

ARTICLE C

IMPOUNDMENT REGULATIONS

SECTION 4-131      IMPOUNDMENT RECORD, DISPOSITION OF ANIMALS.

A. The city may contract with an outside agency to serve as the city's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter. In addition, the city may contract with an outside agency for the disposition of certain animals.

B. Any dog or cat or other animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in a humane manner.

C. The city animal control officer, upon receiving an animal for impoundment shall record or cause to be recorded the description, breed, color and sex of the animal and the name and address of the owner as may be shown on applicable city animal control records. If the owner is known, the officer shall:

1. Notify the owner at an address or telephone number available to the city; or

2. Leave a notice with a member of the owner's family, or other person residing at the owner's home, as shown in the city's records, over the age of fifteen (15) years,

to notify the owner that unless reclaimed within forty-eight (48) hours after impoundment, Saturdays, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of.

(Prior Code, Secs. 3-16; Ord. No. 259, 11/23/87)

SECTION 4-132      BREAKING POUND OR INTERFERING WITH OFFICERS.

A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any city pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the city pound any animal liable to be impounded, he shall be guilty of an offense.

B. No person shall interfere with, or hinder, or molest any agent of the city in the performance of any duty of such agent, or seek to release any animal in the custody of the city or its agents, except as provided by law.

SECTION 4-133      ANIMAL SHELTER FEES.

A. Fees for impounding and keeping an animal, to be paid upon redemption, are as set by the city council by motion or resolution. In computing a fee, a fraction of a day during which an animal or fowl has been fed shall be deemed a full day.

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B. Any person redeeming an impounded animal or fowl shall pay the fees to the city clerk and present the receipt therefor to the person in charge of the animal shelter before the latter releases the animal or fowl.

C. Any dog or cat not vaccinated against rabies being held or impounded by the city shall not be released to the owner or any other person without proof of current vaccination against rabies or without paying a deposit in such sum as is set by the city, which deposit shall be refunded to the person putting up the same upon proof of current vaccination being shown to the animal control officer within seventy-two (72) hours of the release of the animal. If such proof is not presented, then the animal control officer may retake the animal into custody and deposit the deposit with the city treasurer to be retained as expenses of taking the animal into custody.

D. In addition to the above fees, any person requesting impoundment or disposal of an animal by the shelter shall pay a fee for such service as set by the council by motion or resolution.

E. No dog or cat suffering from rabies or other infectious or dangerous disease may be released from the animal control shelter. (Prior Code, Sec. 3-16, in part; Ord. No. 259, 11/23/87)

### SECTION 4-134 REDEMPTION, ADOPTION, OF ANIMAL.

A. 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. If the owner or his agent has not redeemed the animal within the time prescribed in this chapter after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.

B. A person desiring to adopt an animal from impoundment shall pay an adoption fee, costs of any necessary vaccinations, and a deposit of Ten Dollars (\$ 10.00) to guarantee the neutering or spaying of the dog or cat, and shall sign an agreement with the city ensuring that the dog or cat will be spayed or neutered. (Ord. No. 259, 11/23/87)

## ARTICLE D

### CRUELTY TO ANIMALS

#### SECTION 4-141 CRUELTY TO ANIMALS.

It is unlawful for any person, wilfully and maliciously, to pour on, or apply to, any animal any drug or other thing which inflict pain on the animal; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner. (Prior Code, Sec. 3-19)

#### SECTION 4-142 POISONING ANIMALS.

It is unlawful for a person wilfully to poison any dog or other animal except a noxious, nondomesticated animal, or to knowingly expose poison so that the same may be taken by an animal. (Prior Code, Sec. 3-20)

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### **SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT.**

It is unlawful for any person to instigate or encourage a fight between animals or to encourage one animal to attack, pursue or annoy another animal except a noxious, nondomesticated animal, or to keep a house, pit or other place used for fights between animals. (Prior Code, Sec. 3-21)

## **ARTICLE E**

### **ZONING ORDINANCE**

#### **SECTION 4-151 ZONING ORDINANCE TO PREVAIL.**

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

Cross Reference: See Sections 12-201 et seq on the zoning ordinance.

## **ARTICLE F**

### **RABIES AND ANIMAL BITES**

#### **SECTION 4-161 ANIMAL BITES: RABIES EXAMINATION: QUARANTINE.**

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the city and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.

B. The owner, upon demand by any city officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies. (Prior Code, Sec. 3-15, in part)

#### **SECTION 4-162 RABIES DIAGNOSES: QUARANTINE OF CITY: TIME LIMIT.**

A. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the property public health officer of reports of human contacts and diagnosis made of the suspected animal.

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B. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the city may recommend a citywide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the city without written permission of the animal control officer of the city.

C. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

D. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

State Law Reference: State quarantine of animals, 63 O.S. Sec. 1-508.

### SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED.

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

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

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

D. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

### SECTION 4-164 REPORTS OF BITE CASES; REPORT BY VETERINARIAN.

A. 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.

B. 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 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER.

A. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.

B. The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to

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examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

### SECTION 4-166 RECORDS.

The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and
2. An accurate and detailed record of all bite cases reported to the city, with a complete report of the investigation of each case.

## ARTICLE G

### VICIOUS, DANGEROUS AND DISEASED ANIMALS

#### SECTION 4-171 KEEPING UNLAWFUL

The keeping of vicious, dangerous or diseased animals within the city is unlawful except as may be permitted in this article. (Ord. No. 278, 6/26/89)

#### SECTION 4-172 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 city 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 vicious, dangerous or diseased; and
6. Other facts and circumstances of the incident.

(Ord. No. 278, 6/26/89)

**SECTION 4-173      IMPOUNDMENT.**

It is the duty of the animal control officer upon receipt of a verified complaint as outlined in this article to cause the animal involved to be impounded pending a determination as required in this article. Any and all expenses associated with the impounding, including shelter, food, handling and veterinary care, shall be borne by the owner of the animal during the period of impoundment. (Ord. No. 278, 6/26/89)

**SECTION 4-174      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 vicious, dangerous or diseased 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 on determination of viciousness. (Ord. No. 278, 6/26/89)

**SECTION 4-175      DETERMINATION.**

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

1. That the animal is in fact not vicious, dangerous or diseased, in which event the animal control officer shall cause it 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 in fact vicious, dangerous or diseased, and should be destroyed;
3. That the animal is vicious, dangerous or diseased but that for good cause shown, the animal should not be destroyed, in which event the judge shall order one of the following:
  - a. That the animal be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city, and that the owner shall pay all fees required;
  - b. That the owner be allowed to maintain the vicious animal within the corporate limits of the city under the conditions specified in this paragraph:
    - i. Payment of all fees required in this article;
    - ii. That the animal be leashed and muzzled. No person covered by this requirement shall permit the animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit the animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animal may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals;

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- iii. That the animal be confined. All animals covered by this requirement shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine such animal must be locked with a key or combination lock when the animal is 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 the animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated, and kept in a clean and sanitary condition;
- iv. That the animal be confined indoors. No animal covered by this requirement may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the animal from exiting the structure;
- v. That a warning sign be displayed. All owners, keepers or harborer of animals covered by this requirement shall display in a prominent place on the premises where the animal is kept a sign easily readable by the public using the words "BEWARE OF VICIOUS ANIMAL". In addition, a similar sign is required to be posted on the kennel or pen of such animal;

4. An owner whose animal is adjudged to be vicious 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 district court of the county in the same manner as other appeals from actions of the municipal court. (Ord. No. 278, 6/26/89)

## **ARTICLE H**

### **PENALTY**

#### **SECTION 4-181      PENALTY.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 3-22)

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**CHAPTER 2**

**(RESERVED)**

## Animals

