

## CHAPTER 3

### ANIMALS

- Article 1. General Provisions
- Article 2. License and Permit Requirements
- Article 3. Municipal Pound
- Article 4. Penalty

#### **Article 1. General Provisions**

##### **Section 3-1. 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, or specifically provides for, a different meaning:

1. **Animal.** The word "animal" shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds, and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.
2. **Animal Control Officer.** The term "Animal Control Officer" shall mean the person(s) responsible for enforcement of the City of Elk City, Oklahoma's Ordinances and regulations pertaining to animal control in said community.
3. **Animal Shelter or Municipal Pound.** The terms "animal shelter" or "municipal pound" shall mean any premises formally designated by the City commission for the purpose of impounding and caring for animals held under the authority of this Chapter, regardless of whether said premises are within or without the municipality's corporate boundaries, and regardless of whether said premises are under actual municipal ownership or provided for under a contractual arrangement between the City of Elk City, Oklahoma, and private owner(s).
4. **At Large.** The term "at large" shall mean not securely confined by a fence or other means, on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or agent of the owner, by leash or otherwise whether on the owner's premises or not.
5. **Collar.** The term "collar" shall mean any collar constructed of nylon, leather, chain, rope or similar material specifically designed to be used for a dog.
6. **Dangerous Birds.** The term "dangerous bird" shall mean any warm-blood, feathered vertebrate which may constitute a physical threat to human beings.

7. Dangerous Snakes. The term "dangerous snakes" shall mean any snake which can cause injury or death to any person by means of constriction or poisonous bite.

8. Harboring. The word "harboring", when used in this Chapter, shall mean allowing any animal to habitually remain, or be fed, on premises under his control.

9. Intact. The word "intact" shall refer to any animal that has not been spayed or neutered. (amended 08/01/22)

10. Kennel. The word "kennel" shall mean any structure or place where four (4) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary boarding of more than four (4) dogs over six (6) months of age. (amended 08/01/22)

11. Livestock. The word "livestock" shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

12. Microchip. The word "microchip" shall mean a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for the purposes of identification and/or recovery of the animal.

13. Owner. The word "owner" shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal customarily return for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.

14. Pet. The word "pet" shall mean any animal kept for pleasure, rather than utility.

15. Restraint. The term "restraint" shall mean a chain, rope, tether, cable or other device that attaches a dog to a stationary object or trolley system.

16. Vicious Dog or Animal. The term "vicious dog or animal" shall refer to any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts if it intended to attack or bite, any person or persons when not unduly provoked.

17. Wild Animal. The term "wild animal" shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition.

### **Section 3-2. Animals Not to be At Large.**

1. It shall be unlawful and an offense for the owner of any animal, domestic or wild (including dogs), to permit the same to be, run at large or trespass upon the premises of another person, or to be unlawfully at large at any time within the corporate limits of the City of Elk City, Oklahoma.

2. It shall be unlawful and an offense for any person to:

- a. Keep, own, harbor or possess any dog within the corporate limits of the City of Elk City, Oklahoma, without providing a substantial and secure pen in which said dog shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved); or to
- b. Allow a dog to be placed on an adequately-sized leash so that it can reach or bite any person who may be using the public thoroughfares of the City, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said dog may be kept, harbored or possessed.

3. Any person who finds an animal which he does not own on property that he owns or exercises control over or on public property, may take control of said animal if it is running at large and may deliver the animal to an Animal Control Officer, the animal shelter or a veterinary hospital. If the animal is not delivered to an Animal Control Officer, the animal shelter or veterinary hospital, the person must report that he has taken control of the animal to an Animal Control Officer or to the animal shelter within 72 hours. If the animal is wearing a tag of any kind or has a tattoo brand, microchip or other identifying mark, that information shall be included in the report to the Animal Control Officer or to the animal shelter.

### **Section 3-3. Disturbances by Animals; Public Nuisance Abatement.**

1. It shall be a public nuisance for any person to keep a dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.

2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.

3. Abatement of such public nuisances shall be handled in accordance with the provisions of the "Nuisances" Chapter in this Code of Ordinances.

### **Section 3-4. Keeping Animals.**

1. It shall be unlawful and an offense for any person to keep any animals within the

corporate limits of the City of Elk City, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

2. If no specific provisions are listed in this Code of Ordinances for keeping of a particular type of animal, said animal shall not be kept at all within the corporate limits of the City of Elk City, Oklahoma.

3. No swine shall be kept within the corporate limits of the City of Elk City, Oklahoma, with the exception of FFA and/or 4-H projects kept on public school property, in appropriately-zoned areas, or as provided for in Section 3-5 of this Code.

4. Every structure wherein any authorized animal is kept within the corporate limits of the City of Elk City, Oklahoma, 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. Such receptacle shall be emptied sufficiently often and in such a manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

5. The keeping or raising of bees within the corporate limits of the City of Elk City, Oklahoma, shall be permitted in compliance with the following regulations:

- a. Each beekeeper shall register his beekeeping operation with the Oklahoma State Board of Agriculture as required by state law;
- b. Each beekeeper will comply with the provisions of the Oklahoma Apiary Act and Rules:
- c. Each beekeeper shall locate all hives to ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact;
- d. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive.
- e. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated

animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyaway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyaway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of apiary;

- f. Each beekeeper shall enclose their property with a latching fence;
- g. Hives must be given enough space not to swarm;
- h. The density of colonies on any lot may not exceed two colonies of bees for each 10,000 square feet of lot area;
- i. Hives must be on the rear 1/3<sup>rd</sup> of a lot with a five (5) foot setback from side or rear lot lines.

6. The keeping or raising of horses, sheep, and cattle shall be permitted throughout the City of Elk City, Oklahoma, as long as the premises are in accordance with the provisions of Section 3-5 (below) and State and County Health Department requirements and standards. Addition restrictions on the raising and/or keeping of horses, sheep, and cattle may be imposed by the Zoning Ordinance without conflicting with this Subsection. (amended 08/01/22)

7. The raising or keeping of dangerous birds shall be permitted, in accordance with the provisions of Subsection 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter, as well as any applicable provisions of the adopted Zoning Ordinance.

8. The raising or keeping of rodents, for any purpose, shall be permitted, in accordance of Subsection 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter, as well as any applicable provisions of the adopted Zoning Ordinance.

9. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of Subsection 4 (above), as well as any applicable provisions of the adopted Zoning Ordinance.

10. The keeping or raising of any wild animals shall be prohibited within the City of Elk City, Oklahoma, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of Article 2 of this Chapter are met and a permit obtained.

11. 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.

12. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the City of Elk City, Oklahoma, except under the conditions and provisions of the license required for such snakes in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said City, without having met permit requirements and obtained a permit.

13. On parcels of less than one acre, keeping, feeding, and maintaining of up to a total of six (6) chickens (hens) or quail shall be permitted. No roosters shall be allowed. Chickens and quail shall be sheltered in a coop and shall not be allowed inside a dwelling. A coop shall provide at least 4 square feet of space per chicken or quail. Coops shall be located no closer than five (5) feet from any side property line and no closer than ten (10) feet from any rear property line. Coops shall be located at least 30 feet from any dwelling unit located on an adjacent lot. Chickens or quail shall be kept within a coop from dusk until dawn. During the other hours of the day, chickens or quail shall have access to an unpaved outdoor roaming area of at least 8 square feet per animal. Chickens or quail or their coops or enclosures shall not be allowed in front of the rear wall of the primary structure. Coops shall be kept clean so as to prevent pests, infestations and noxious odors. Coops shall be designed, built, and maintained to prevent access by predators. Water and food shall be provided onsite and accessible at all times. Any electrical or heat sources shall comply with the City Building Code. Outdoor slaughter or chickens or quail is prohibited. There are no permits or fees required to raise chickens or quail and enforcement will be on a complaint basis. (amended 08/01/22)

### **Section 3-5. Responsibilities of Owners.**

In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.

2. Owners shall provide proper care and treatment of their animals.

3. Owners shall not abandon their animals.

4. It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the City of Elk City, Oklahoma, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this Code of Ordinances.)-(amended 08/01/22)

### **Section 3-6. Cruelty to Animals.**

1. It shall be unlawful for any person knowingly, willfully or maliciously to:
  - a. Pour on or apply to an animal, any drug or other thing which inflicts pain;
  - b. Treat an animal in a cruel or inhumane manner;
  - c. Neglect an animal belonging to him or his custody, in a cruel or inhumane manner; or
  - d. Poison, or expose to poison, any dog or other animal, except a noxious, non-domesticated animal.
2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.
3. It shall be unlawful for an owner to leave a dog outside and unattended using a restraint:
  - a. for extended, unreasonable periods of time;
  - b. within 500 feet of school premises;
  - c. in case of extreme weather conditions for extended periods of subfreezing temperatures or high heat conditions.
4. It shall be unlawful for an owner to leave a dog outside and unattended using a restraint that unreasonably limits movement of a dog if the restraint:
  - a. uses a collar that is pinch-type, prong-type or choke type or that does not properly fit the dog;
  - b. is shorter than 10 feet in length; or
  - c. weighs more than 1/8 of the weight of the dog
  - d. violates state or local law regarding animal conditions or welfare.
5. The restraint provisions this section shall not apply to:
  - a. a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley or trolley system by means of a pinch-type, prong-type, choke-type or improperly fitted collar;

- b. a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state or local authority or jurisdiction;
- c. a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state, if the activity for which the license is issued is associated with the use or presence of a dog;
- d. a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock;
- or
- e. a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

6. The fine imposed for an offense under this Section shall not be less than One Hundred Sixty Dollars (\$160.00) for the first offense, One Hundred Seventy Five Dollars (\$175.00) for the second offense and Two Hundred Fifty Dollars (\$250.00) for the third and any subsequent offenses. (amended 08/01/22)

**Section 3-7. Turning Confined Animals At Large Unlawful.**

It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by Ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large.

**Section 3-8. Pasturing in Public Areas Unlawful.**

It shall be unlawful for any person to stake, confine or pasture any animal on any public property (Federal, State, municipal or other), or on any railroad right-of-way, without the consent of the person owning or controlling such property.

**Section 3-9. Dogs/Cats/Ferrets/Etc; Rabies Vaccination, License, Fee.**

1. Any warm blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the City of Elk City, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed.) The failure to procure such certificate when so requested by the Animal Control Officer shall be prima facie evidence that such animal has not been so vaccinated.

2. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound or Animal Shelter. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound or Animal Shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.

3. The Owner of an animal having rabies or showing signs of rabies, an Animal bitten by a rabid animal or an animal that has been exposed to rabies shall immediately isolate the animal at a veterinary clinic where it cannot possibly come into contact with any other animal or humans other than the Owner and veterinary staff. Any Person who has knowledge of an animal infected by or exposed to rabies shall immediately notify the Animal Control Officer of the location of the affected animal. The animal may be held under home quarantine under the supervision of a licensed veterinarian, or upon demand, be surrendered to the Animal Control Officer and dealt with in accordance with local law.

4. 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 or other designated person, shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper health officer of any reports of human contact.

5. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the City Commission a city wide quarantine; upon invoking of quarantine by the City Commission, 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 such quarantine, no animal may be taken or removed from the City of Elk City, Oklahoma, without written permission of the Animal Control Officer.

6. During such periods of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be quarantined by a licensed veterinarian or evaluated by a licensed veterinarian and held under home quarantine as provided by local law.

7. No person shall remove from the City of Elk City, Oklahoma, 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; the Animal Control Officer shall direct disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

8. It shall be the duty of every person owning or harboring any dog/cat/ferret which is four (4) months old or older within the corporate limits of the City of Elk City, Oklahoma, to procure a rabies vaccination certificate from a licensed veterinarian showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire. Vaccination certificate shall be kept current.

9. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency.

10. The fine imposed for an offense under this Section shall not be less than One Hundred Dollars (\$100.00) for the first offense, One Hundred Fifty Dollars (\$150.00) for the second offense and Three Hundred Dollars (\$300.00) for the third and any subsequent offenses.

### **Section 3-10. Confining Female Dogs and Cats.**

Every female dog or cat in heat shall be confined, in a building or secure enclosure; in such manner that such animal cannot come into contact with another animal, except for planned breeding.

### **Section 3-11. Certain Dogs Running Loose to be Killed.**

The Animal Control Officer, his designated representative or any law enforcement officer of the City of Elk City, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the City of Elk City, Oklahoma, which is determined by the Animal Control Officer or law enforcement officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this Chapter), without keeping said dog in the Municipal Pound for any period of time.

### **Section 3-12. Pet Shops, Breeding Kennels and Breeding Catteries.**

1. It shall be unlawful for any person, persons or entity to maintain a pet shop, breeding kennel or breeding cattery, absent an application for a breeder's permit for each intact bitch or queen, filed with the City of Elk City and payment of a preliminary and thereafter an annual license fee of One Hundred dollars (\$100.00). The application shall include the signature of all property owners within six hundred (600) feet of the applicant's property lines.

2. The application shall include:
  - a. the name, mailing and residential address, email address and home and cell phone number of the applicant;
  - b. the name of the applicant;
  - c. the name of the pet shop, kennel or cattery, together with the mailing and residential address, email address and phone number of the location where the business or breeding will be conducted;
  - d. a description of the type and breed of any animal to be bred at the location;
  - e. the name of the primary veterinarian who will handle issues with the animal to be bred;
  - f. proof of current rabies vaccinations for all adult animals; and
  - g. all information must be kept current with the City of Elk City and the Elk City Animal Control Department.
3. If the application is satisfactory, a business and/or breeder's permit/license shall be issued upon payment of the requisite fee. The permit/license is non-transferable.
4. The permit or license may be revoked if the animals are improperly restrained or constrained or inadequately protected or cared for.
5. Each litter shall require a new breeder's permit/license, which shall expire when the resulting offspring are sixteen (16) weeks of age.
6. All pet shops, breeding kennels or breeding catteries must be maintained at all times in a clean and sanitary condition and shall be subject to inspection at any reasonable time.
7. All pet shops, breeding kennels and breeding catteries shall:
  - a. maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of new owner), and disease prevention and/or treatment and by whom;
  - b. provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water and weather protection; and

- c. provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary. (Amended 06/15/2022)

### **Section 3-13. Private Boarding Kennels.**

1. No person, firm or corporation shall own, maintain or operate a boarding kennel within the corporate limits of the City of Elk City, Oklahoma, unless such kennel is licensed as herein provided.

2. Application for such license shall be made to the City Clerk, and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located.

3. The kennel license annual fee shall be ten dollars (\$10.00) and such license shall be exhibited in a conspicuous place on the premises.

4. A kennel owner must show proof of rabies vaccination on all animals over four (4) months of age when applying for a license.

5. Licenses shall be issued for a period of one (1) year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) days before July 1, and for thirty (30) days thereafter.

6. Any person, firm or corporation operating a kennel, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any present or future Zoning Ordinance. Non-conforming kennels shall be deemed a public nuisance.

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

### **Section 3-14. Bird Sanctuary.**

1. The entire area embraced within the corporate limits of the City of Elk City, Oklahoma, is hereby designated as a bird sanctuary.

2. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob any bird nest or wild fowl nest; provided, however, if starlings or other similar birds are found to be congregating in such numbers that they constitute a nuisance or a menace to health or property in the opinion of the city health officer, then and in such event the City shall abate the nuisance or health hazard in such manner as is deemed advisable by the said health officer under the supervision of the City Manager.

**Section 3-15. Inspections to Enforce Chapter.**

1. The local or County Health Officer, or Personnel of the City, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.
2. The local or County Health Officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.
3. The local or County Health Officer may make a complaint before the Municipal Judge against any person for violation of any provision of this chapter or for any such reasonable order, but this shall not abridge the rights of others to make such complaints.

**Section 3-16. 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.

**Section 3-17. Mandatory Spay / Neuter**

1. Any animal that is impounded two or more times over a three (3) year period shall be required to be spayed or neutered at the Owners expense before being reclaimed by the Owner. Alternatively, the Owner may pay the Mandatory Spay/Neuter Opt-Out Fee of \$15.00. If the owner elects to pay the Mandatory Spay/Neuter Opt-Out fee, the fee shall be charged per subsequent instance that the animal is impounded. An Owner that declines to have his/her animal spayed/neutered and declines to pay the Opt-Out Fee under this section shall immediately forfeit ownership rights of the animal.
2. It shall be presumed that a female dog or cat found at large is intact. This presumption may be rebutted by evidence that the animal has been spayed/neutered. (amended 08/01/22)

**Sections 3-18 through 3-25. (Reserved for future use.)**

**Section 3-26. Licenses for Wild Circus Animals.**

1. All wild animals owned by a circus or traveling animal show, shall not be permitted within the corporate limits of the City of Elk City, Oklahoma, unless the owner or person in charge of said circus show, or his designated representative, has first obtained a license for said animals from the City Clerk.

2. Said license shall be issued by the City Clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

3. Said license, so issued, shall be valid for a term of one (1) month. (amended 08/01/22)

### **Section 3-27. Licenses for Dangerous Birds.**

1. No person shall keep, raise or bring into the City of Elk City, Oklahoma, any bird which may be defined as a "dangerous bird," without first having obtained a license to handle said bird from the City Clerk.

2. Said license shall be issued by the City Clerk only after the applicant has provided a written, signed statement outlining the safeguards he has provided to protect the public health, safety and welfare.

3. The fee for said license shall be fifteen dollars (\$15.00).

4. Said license, so issued, shall be valid for a period of one (1) year.

### **Section 3-28. Permits for Rodents.**

1. No person shall keep, raise or bring into the City of Elk City, Oklahoma, any rodent(s), without first having a permit from the City Clerk.

2. In order to protect the public health, safety and welfare, no permits shall be issued for raising more than one (1) rodent on a single premise, unless the City Commission has first met with the applicant and assured themselves that no potential problems will be created. Permits will be issued by the City Clerk for individual rodents, kept and/or raised as pets, upon submission of a written, signed application.

3. The fee for a permit to keep one (1) rodent only shall be Three dollars (\$3.00); the fee for permits for keeping and/or raising more than one (1) rodent, shall be seventy five dollars (\$75.00).

4. In both cases (Subsection 3, above), permits shall be valid for a period of one (1) year.

### **Section 3-29. License Requirements for Kennels; Pet Shops.**

1. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the City of Elk City, Oklahoma, unless such kennel is licensed as hereinafter provided.

2. Application for such license shall be made to the City Clerk and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located; said kennel must be in compliance with any applicable portions of any present or future Zoning Ordinance adopted by the City of Elk City, Oklahoma.

3. The annual kennel license fee shall be thirty five dollars (\$35.00) and such license shall be exhibited in a conspicuous place on the premises.

4. Licenses shall be issued for a period of one (1) year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) days before July 1, and for thirty (30) days thereafter.

5. A kennel owner must show proof of rabies vaccination on all animals over four (4) months of age when applying for a license.

6. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any present or future Zoning Ordinance. Non-conforming kennels shall be deemed a public nuisance.

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

8. Pet shops shall be subject to the same requirements for licensing as kennels; in addition, any other requirements of this Code of Ordinances or of the adopted Zoning Ordinance which may involve specific animals sold in a pet shop, shall also be included in those regulations applicable to pet shops.

**Sections 3-30 through 3-39. (Reserved for future use.)**

**Article 3. Municipal Pound**

**Section 3-40. Municipal Pound Authorized.**

1. The City Commission is hereby authorized to establish a Municipal Pound, under the jurisdiction of the Chief of Police or the Animal Control Officer. He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

2. The Municipal Pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the City of Elk City, Oklahoma.

**Section 3-41. Impoundment of Animals.**

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the City), to take into custody and impound any animal running at large in violation of the provisions of this Chapter.

2. The Animal Control Officer shall also proceed to impound any dog that is running at large within the corporate limits of the City of Elk City, Oklahoma, that is not confined with a secure and suitable-sized leash (as provided in this Chapter), regardless of whether or not the owner may have a permit, the dog has been vaccinated and the dog bears a tag.

3. The Animal Control Officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this Code of Ordinances.

4. Any person appearing at the Municipal Pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned to him, upon the payment of the charges due, as authorized by the provisions of this Chapter.

5. Animals which are taken into custody as provided in this Chapter, shall be destroyed in a humane manner by the Animal Control Officer, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded at least three (3) days. During such time, the owner may reclaim the animal or a proper home be established for such animal by any person desiring the animal as a pet and willing to pay applicable license fees and expenses incurred in the dog's detention.

6. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the municipal official or employee responsible for impounding animals.

**Section 3-42. Fees for Impounding and Keeping.**

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be determined by the City Manager.

2. All fees shall be paid at the Animal Shelter or Police Department. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer before the animal shall be released.

**Section 3-43. Claiming of Impounded Animals.**

1. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale or destruction, by paying the required fees against the animal and meeting any requirements prescribed by this Chapter.

2. Any person claiming an unlicensed dog/cat shall pay the required license fee to the Municipal Court Clerk and present the receipt to the Animal Control Officer before the latter releases the animal

**Section 3-44. Adoption of Impounded Animals.**

1. After three (3) days any impounded animal that has not been claimed by the owner, may be adopted by anyone wanting to adopt an animal. The Animal Control Officer or his agent will determine the suitability of animals to be put up for adoption and will also determine the suitability of the new owner to humanely care for the animal.

2. Any impounded animal that is licensed at the time of impoundment may be adopted only after seven (7) days by anyone wanting to adopt an animal. The Animal Control Officer or his agent will determine the suitability of animals to be put up for adoption and will also determine the suitability of the new owner to humanely care for the animal.

3.. Any person adopting an impounded dog/cat shall pay the required license fee to the Municipal Court Clerk and present the receipt to the Animal Control Officer before the latter releases the animal.

4. Charges for an adoption and related fees will be determined by the City Manager.

**Section 3-45. Vicious Dogs and Animals.**

1. It shall be unlawful and an offense for any owner as herein defined, within the corporate limits of the City of Elk City, to harbor, keep or have possession of any vicious dog or animal as herein defined.

2. It shall be the duty of the Animal Control Officer, Chief of Police or person authorized by them, to seize and impound any dog or animal by him found to be vicious, and in such an event to cause proceeding to be instituted in the Municipal Court against the owner of said dog or animal for violation of this Section. If such seized and impounded dog or animal shall have bitten a human being one or more times before such seizure or impounding, then and in that event, the procedure set out in Section 3.9 herein shall apply, provided that said procedures shall be subject to the ultimate decision of the Municipal Court. In any event, if the Court shall find that the dog or animal so seized and impounded is not a vicious dog or animal, then the Court shall order, and it shall be the duty of the Chief of Police to cause the surrender and return of said dog or animal

to the owner thereof, but in the event that such dog or animal is found by the Court to be a vicious dog or animal, the Court shall order the Chief of Police or person designated by him to destroy said vicious dog immediately.

**Section 3-46 through 3-54. (Reserved for future use.)**

**Article 4. Penalty**

**Section 3-55. Penalty.**

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-40 of this Code, unless a separate and distinct penalty is otherwise specifically set forth in this Chapter. Each day's continuation of any such violation shall constitute a separate offense.