

**ORDINANCE NO. 330**

**AN ORDINANCE RELATING TO VICIOUS DOGS; AND DECLARING AN EMERGENCY.**

WHEREAS, attacks by vicious dogs, and pit bull terriers in particular, upon human beings and animals have been on the increase; and

WHEREAS, it is the opinion of this Council that it is necessary for the protection of the public health, safety, and welfare to regulate vicious dogs and, in particular, pit bull terriers;

**NOW, THEREFORE,  
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL,  
OKLAHOMA:**

**SECTION 1. VICIOUS DOGS.**

**A. Definitions:**

1. A "vicious" dog, as the term is used in this Section means:
  - a. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals, or
  - b. Any dog which attacks a human being or a domestic animal on two or more occasions without provocation; or
  - c. Is either a pit bull or a rottweiler or a breed that has the public reputation of becoming vicious.
  - d. Has been on three or more occasions at large; or
  - e. Approaches a person in a menacing fashion or apparent attitude of attack on public property.
  - f. Is unlicensed.
2. A vicious dog is "unconfined" or at large, as the term is used in this Section, if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in Subsection (B) hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two (2) feet.

- B. No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.
- C. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person, unless such dog is securely leashed and muzzled when shown, either in a sanctioned American Kennel Club show or upon prior approval of the City Mayor.

636

SECTION 2. VIOLATIONS AND PENALTIES.

Whoever violates the provisions of Subsection A or B shall be fined not more than \$75.00, including costs, or imprisoned not more than ten (10) days, or both. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when, in the Court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating Subsection A or B shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any dog.

SECTION 3. That existing ordinances in conflict herewith be and the same are hereby repealed.


SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including the Open Meeting Act of Oklahoma.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare, and safety of the inhabitants of this City, and for the further reason that it is necessary to control immediately attacks on human beings and domestic animals by vicious dogs; WHEREFORE, this Ordinance shall take effect and be in force from immediately upon its passage.

PASSED and APPROVED this 7<sup>th</sup> day of March, 2005.

  
Reggy E. Cox  
Mayor

(Seal)

  
ATTEST: Kenneth Davidson  
City Clerk

(Published in the Stilwell Democrat-Journal, March 23, 2005.)

(This ordinance amends ordinance number 193. Amended on March 7, 2005.)

637