

## **ORDINANCE 407**

### **AN ORDINANCE CREATING THE DEPARTMENT OF ANIMAL CONTROL AND ESTABLISHING GUIDELINES FOR SUCH FOR THE CITY OF STILWELL**

**WHEREAS**, Rules governing the duties, authority and responsibilities of Animal Control Officers are vital to the proper execution of animal control in the City of Stilwell

**WHEREAS**, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the Stilwell Animal Control Department,

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

#### **SECTION 1. Animal Control**

- A. The Department of Animal Control is hereby created.
- B. The Department of Animal Control Officer (hereafter referred to as ‘Animal Control Officer’) is charged with the enforcement of all provisions of the ordinances regarding animals within the City limits of Stilwell.
- C. The Animal Control Officer will have the authority to enforce all ordinances within the scope of the Animal Control position.
- D. Hours of operation will be established through the Code Enforcement Department with the approval of the Mayor.
- E. Animal Control will fall under the authority of the Code Enforcement Department. The Salary of Animal Control Officers will be established through the Code Enforcement budget.
- F. The Code Enforcement Officer or their designee will appoint the Animal Control Officer with approval of the Mayor and confirmation by the City Council.

#### **SECTION 2. Duties of the Animal Control officer**

The Animal Control Officer is responsible for;

- A. The collection of domesticated animals found at large within the City of Stilwell.
- B. The collection and proper disposal of all animals found deceased within the city limits on roadways and other public right-of-ways or as needed for any other emergency situation.
- C. The proper collection and disposal of non-domesticated animals.
- D. The cleaning of the Animal Control Shelter, which will be cleaned and disinfected daily.
- E. The caring for impounded animals, which includes feeding watering and exercising.
- F. Releasing of impounded animals to the rightful owner.
- G. Collection of fees, when applicable, for the capture and harboring of the animals.
- H. Operation of the incinerator as needed for the proper disposal of animals.
- I. Proper care and scheduling of maintenance for the Animal Control vehicle.
- J. Insuring animals within the City are properly licensed in accordance with City Ordinance(s).
- K. Insuring animals are properly cared for by their owner, to include food, water, shelter and exercise.
- L. Maintaining a daily log of animal care, collection and release or disposal.
- M. Must attend and pass the Animal Control Officer Certification course within 12 months of hire

### **SECTION 3. Impounding Animals**

The cost of harboring an animal that has been impounded together with the administrative costs of capturing the animal can become expensive. Due to these costs, the following rules apply:

- A. When an animal is collected by the Animal Control Officer the animal will be brought to the City Animal Shelter.
- B. Once the animal is properly secured, the Animal Control Officer will make every effort to locate the owner of the animal so the owner can retrieve the animal.
- C. No animal will be released until:
  - a. All fees associated with the capture and kenneling of the animal are paid. The fees for this will be established in the most current version of Ordinance 385.
  - b. Proof of ownership is needed, animal license, animal medical records, etc. are sufficient proof of ownership.
  - c. All owners must have valid animal license, if required, issued by the City at a cost to be determined through the most current version of Ordinance 385
  - d. All owners must show proof of a current proof of rabies vaccination. If the animal hasn't been vaccinated, then the owner will go to their veterinarian, pay for the vaccination, and Animal Control will drop off the animal at the veterinarian, provided the veterinarian is located within the City. The owner will then pick the animal up from the veterinarian after inoculation. Outside veterinarian or animal control business hours will require the owner to pay for the needed extra days of harboring the animal until the vaccination can be administered. \
  - e. In the event it will be an extended period of time, holidays, weekends or other city emergencies, before the animal can be properly vaccinated and licensed the animal may be released with a set time given for vaccination and licensing. Failure of the owner to comply with the time line given can result in enforcement action being taken.
- D. Any animal that is taken into custody a minimum of four (4) times in a 12-month period shall be turned over to the local adoption center for possible adoption, if possible, without the necessity of any notice being given to the owner or waiting the 72 hour holding period. Under no conditions will the animal be returned to the registered owner. If adoption center is not available, then the animal shall be euthanized according to policy.

### **SECTION 4. Care of the animal will be as follows:**

- A. Any animal that appears to be injured or maimed in anyway will be seen by a veterinarian.
- B. All animals will receive clean water and food
- C. All animals will be placed in a secured sheltered area.
- D. Animals will be separated where necessary to avoid fighting.
- E. In the event animals are in need of care outside the normal business hours of animal control an added fee will be applied for the pickup of the animal by the owner.

### **SECTION 5. Unclaimed Animals**

- A. Animals will be cared for at the Animal Shelter for a period of not less than 72 hours.
- B. If an animal is unclaimed after the 72-hour period, the animal may be taken to the local adoption center for possible adoption.
- C. If not adopted, the adoption center will dispose of the animal per their policy.
- D. All animals must be adopted through the adoption center to ensure they have been properly vaccinated and spay or neutered prior to adoption.
- E. Animals not accepted at the adoption center due to various reasons, (i.e. vicious, feral, poor health, etc.) will be euthanized and disposed of via incineration.

## **SECTION 6. Seriously injured, or deceased animals**

- A. Deceased animals found on the roadway or other property will be disposed of through incineration at the animal shelter.
- B. Seriously injured animals will be properly euthanized and disposed of by incineration.
- C. It will be the decision of the Animal Control Officer, through their training and experience, or a licensed veterinarian to determine if an animal found seriously injured is beyond saving.

## **SECTION 7. Definitions**

- A. “Domesticated animal” – animals, dogs, cats, horses, donkeys, mules, burrows, sheep, goats, rabbits and fowl or any other animal, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
- B. “Animal” – a living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli.
- C. “At large” – an animal is off premises of its owner while not securely or physically restrained by means of chain, harness, leash, rope, or other device required to restrain such animal. It can be on the owner’s premises, but not confined or at heel, which means in the verbal control and attendance of the owner.

## **SECTION 8: Trapping of Animals**

- A. Any resident of the City of Stilwell requesting a trap be placed on their property for capturing a nuisance animal will have to sign the “Animal Trap Placement Agreement”.
- B. Traps will be set for a period of up to one week or until the animal is caught.
- C. Traps will be checked twice daily for the capture of the nuisance animal or any other animal.
- D. Animals captured in the trap will be handled in accordance with the ordinances set forth.

## **SECTION 9: Releasing of Non-Domesticated Animals**

- A. Any non-domesticated animal captured by Animal Control will be released in the most humanely manner possible, i.e. releasing the animal into a wildlife refuge.
- B. If the animal is sick or injured the animal will be euthanized and incinerated. The survivability of the animal will be determined by the Animal Control Officer, based on their training and experience, or a licensed veterinarian.

## **SECTION 10: Enforcement**

- A. Violations of this ordinance can be handled through the City Police Department and/or Code Enforcement office.
- B. Persons, firms or corporations in violation of this ordinance can be fined and/or subject to abatement in accordance with §11-22-111.

## **SECTION 11: Repeal and Severability**

- A. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
- B. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- C. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 16<sup>th</sup> Day of July, 2020.

APPROVED by the Mayor this 16<sup>th</sup> Day of July, 2020.

ATTEST:

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Jean Ann Wright, Mayor

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Larry A, Nettles, City Clerk-Treasurer