

ORDINANCE NO. 218

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS; FOR IMMUNIZATION OF DOGS AGAINST RABIES AND OTHER DISEASES; FOR THE CREATION OF CITY ANIMAL CONTROL OFFICER; PROVIDING FOR THE DISPOSITION OF STRAY DOGS AND DOGS NOT TAGGED OR IMMUNIZED; PROHIBITING THE KEEPING OF FOWL AND OTHER ANIMALS WITHIN THE LIMITS OF THE CITY OF STILWELL, OKLAHOMA, EXCEPT IN SPECIFIED CIRCUMSTANCES; AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the City Council of Stilwell, Oklahoma:

ARTICLE 1. ANIMAL CONTROL

SECTION 1. ANIMAL CONTROL OFFICER: OFFICE CREATED

The office of animal control officer is hereby created. He shall be appointed by the Mayor and his appointment shall be confirmed by the City Council of the City of Stilwell. He shall take the oath of office required of him by law and he will faithfully perform the duties of his office and account for all funds belonging to the City that may come into his hands by virtue of his office. The animal control officer shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

SECTION 2. ANIMAL CONTROL OFFICER: DUTY

The animal control officer is charged with the enforcement of all the provisions and the discharge of all the duties set forth in this chapter. He shall have the necessary police power to perform these duties.

SECTION 3. ANIMAL CONTROL OFFICER: SALARY

The salary of the animal control officer shall be prescribed by the City Council, and may be changed, modified, increased, or abolished at the discretion of the City Council by resolution or motion.

SECTION 4. ANIMAL CONTROL OFFICER: DUTY TO IMPOUND ANIMALS

It shall be the duty of the animal control officer to take into custody and impound all animals found running at large within the City in violation of the City Ordinances. However, the animal control officer shall not be required to take up and impound any animals for which the City does not have facilities for keeping such animals. He may enter upon the premises of the owner or other private premises to take such animal into custody.

SECTION 5. ANIMALS: COST OF FOOD

The cost of taking into custody, care, and feeding of dogs is covered by subsequent sections, but the cost of providing sustenance, together with all costs and charges growing out of the taking into custody, care, and keeping of all animals shall be paid to the City animal control officer before said animal shall be released by him.

**SECTION 6. OBSTRUCTING OFFICER**

If any person shall in any manner directly or indirectly aid or assist, or hinder, delay, or obstruct any person duly authorized in taking custody or taking to the pound any such animal, he shall be deemed guilty of an offense and upon conviction thereof, be punished accordingly.

**SECTION 7 FEES**

The fees for impounding and keeping an animal, to be paid upon redemption, shall be in the amount of ten dollars (\$10.00) for the initial impoundment plus an additional amount of five dollars (\$5.00) per day plus any additional charges that may be incurred during the boarding of the animal.

**SECTION 8. DEAD BODIES**

It shall be unlawful and an offense for any person, being the owner or occupant, to leave or permit to remain upon his premises, the dead body of any animal for a longer period of time than twenty-four (24) hours.

**SECTION 9. TURNING ANIMALS AT LARGE UNLAWFUL**

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large, any person caught turning an animal at large shall be deemed guilty of an offense and upon conviction thereof, shall be punished accordingly.

**SECTION 10. ANIMALS WHICH DISTURB PROHIBITED**

It is unlawful for any person to keep or harbor within the town any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person.

**SECTION 11. BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS**

A. Every building wherein any animal is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building, if located within two hundred (200) feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, gas station, convenient store, drive-in restaurant, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

**SECTION 12. INDECENT EXHIBITION OF ANIMALS**

It is unlawful for any person to permit animals to engage in sexual intercourse in any place except in enclosed places entirely out of public view.

**SECTION 13. LOCATION OF KENNELS**

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, gas station, convenient store, 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 the animals are kept. A kennel, for the purpose of this section, is defined as any structure housing four (4) or more dogs or cats which are older than six (6) month of age.

**SECTION 14. STRUCTURE TO BE KEPT CLEAN**

A. Every structure, pen, lot or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

B. Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

**SECTION 15. HEALTH OFFICER TO INSPECT**

The health officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

**ARTICLE 2 DOGS**

**SECTION 1. LICENSE**

There is hereby levied an annual license tax of \$3.00 for each male dog and each spayed female dog, and \$5.00 for each unspayed female dog, 6 months of age, or older, for each year or fraction thereof, said tax to be due and payable by the 1st of January of each year.

**SECTION 2. DOG TAX: LICENSE TAG**

A. It is hereby made the duty of the City Clerk to receive said tax and to issue receipt therefor, and also to issue a metal tag, which tag shall be placed and kept on such animal by the owner, no tag shall be used on any animal other than

the one for which it was issued and for the time so issued.

B. Such tag shall constitute a license for the dog and the tag shall be displayed on or around the neck of the dog, by being attached to a collar or some other suitable means so as to be available for inspection and visible by appropriate authorities.

**SECTION 3. VACCINATION**

Owners of all dogs within the City of Stilwell shall, during the month of January of each year, furnish to the City Clerk a certificate from a duly licensed veterinarian or other authorized person that the dog has been immunized for rabies for the current calendar year. Only then shall the City Clerk issue a license receipt and metal tag for such animal, for the current calendar year.

**SECTION 4. DOG WITHOUT TAG**

Any dog found within the City of Stilwell without a metal tag upon it as required by the Ordinances of this City, shall be impounded by the City animal control officer, to be disposed of as hereinafter provided.

**SECTION 5. UNLAWFUL TO KEEP DOG WITHOUT PAYING TAX**

It shall be unlawful and an offense for any person to keep or harbor any dog, whether running at large or confined, or on leash, in the City of Stilwell, on which the license tax has not been paid.

**SECTION 6. REMOVING TAG**

It shall be an offense to remove the City license tag from any dog belonging to another or to cut and remove the collar to which the same is attached.

**SECTION 7. LOSS OF TAG**

In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City Clerk, presenting the original receipt, and paying a fee of \$2.00.

**SECTION 8. REDEMPTION OF DOGS**

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 requirement which may be prescribed in this chapter.

B. No animal taken into custody shall be destroyed or permanently disposed of prior to the expiration of a minimum of 3 working days from the date of taking the animal into custody.

**SECTION 9. IMPOUNDMENT**

A. Dogs impounded and not redeemed, reclaimed, or sold after the period of time for redemption has expired, shall forthwith be destroyed by the pound officer.

B. Any animal that is taken into custody and it is determined that this animal has been taken into custody a minimum of four (4) times in the preceding 12 months, then this animal shall be destroyed or permanently disposed of prior to the expiration of 3 days from the date of taking the animal into custody, without the necessity of any notice being given to the owner as heretofore provided for, or within, the discretion of the pound officer, shall be sold as may be hereinafter set out. Under no conditions will the animal be returned to the registered owner.

#### **SECTION 10.**

If a dog bites a person, the animal control officer shall have the right to impound the dog for a period of 10 days in order to determine whether or not the dog has rabies. This is true whether the dog is licensed or not. If the dog does not have rabies, it shall be released at the end of the 10 day period to the owner upon payment of the impoundment fees.

#### **SECTION 11.**

Any person may kill a dog in self-defense or in a defense of another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such a manner that an ordinarily prudent person would be led to believe that the person toward who the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

#### **SECTION 12.**

Any person may kill dog if the appearance or conduct of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies.

### **ARTICLE 3. CRUELTY TO ANIMALS**

#### **SECTION 1. CRUELTY TO ANIMALS**

A. It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

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

C. 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.

#### ARTICLE 4

##### SECTION 1. FOWL AT LARGE

It is hereby declared to be an offense for any person to permit any chicken, duck, goose, turkey, guinea, or other fowl to run at large within the corporate limits of the City. All such fowl shall be kept in a sufficient enclosure and shall not be permitted to trespass upon the premises of others or on the streets, alleys or other City property. In addition to being an offense, such acts or omissions as are prohibited in this section shall be a nuisance and may be abated accordingly by killing such fowl after giving three days notice.

#### ARTICLE 5 COMPLAINTS

- A. All complaints shall be directed to the City Police Department.
- B. It shall be the duty of the animal control officer to check daily with the City Police dispatcher, and upon complaint of any person, shall enforce any violations being a provision of this chapter.

#### ARTICLE 6

In case of conflict between this chapter and the present or any future zoning ordinance that may be enacted by the City, the provisions of the zoning ordinance shall prevail and supercede the provisions of this chapter relating to animals.

#### ARTICLE 7 PENALTY

Any person who violates any provision of this article is guilty of a misdemeanor, and upon conviction thereof, shall be fined any amount not more than \$75.00 dollars. Each day upon which a violation continues shall be deemed a separate offense.

This ordinance shall be in full force and effect from and after date of its passing and publication as required by law.

#### ARTICLE E EMERGENCY CLAUSE

For the immediate preservation of the public peace, health and safety an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in force from and after its passage and approval.