

ORDINANCE NO. 670

AN ORDINANCE OF THE CITY OF BLANCHARD, OKLAHOMA, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF BLANCHARD, OKLAHOMA; BY AMENDING ARTICLES 1 THROUGH 4 AND ADDING NEW ARTICLES 5 THROUGH 9; ALL PERTAINING TO 'ANIMALS'; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Article 1, General Provisions, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby amended to read as follows:

§ 3-101 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. *Abandon* means leaving an animal without making reasonable arrangements for assumption of custody by another person.
2. *Animal* means all vertebrate and invertebrate animals, including but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish or birds that have been tamed, domesticated or wild.
3. *Animal Control Officer* means any individual employed, contracted with, or appointed by the city manager for the purpose of the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals.
4. *Animal Shelter or Facility* means any premises officially designated by the city for the purpose of impounding and caring for animals found in violation of this chapter.
5. *At Large* means any animal not under restraint.
6. *Bite or Scratch* means a bite or scratch that breaks the skin and is capable of transmitting rabies.
7. *Bodily Injury* means injury to a human or animal which produces pain, trauma, loss of blood or tissue, or other injury to the injured human or animal, and which further causes or reasonably should cause a human or injured animal to seek medical treatment, and shall include injury resulting from the victim, whether human or animal, attempting to escape or prevent contact with the injury animal(s).
8. *Cat* means and includes any cat, both male and female, and every other animal of feline species at the age of two (2) months or older which is situated within the city limits for a period of fifteen (15) consecutive days or more.

9. *Cattery* means any premise operated for profit where there is being maintained or harbored a total of two (2) or more cats, except veterinary hospitals.

10. *Commercially Reasonable Sale* means include, but not be limited to, any auction which members of the public may attend and bid.

11. *Confined on the Premises* means that condition in which an animal is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences.

12. *Control* means leashed, penned, housed, held, electronic restraints or sheltered in a closed structure.

13. *Contracted Veterinarian* means a licensed veterinarian who has entered into a contract with the city to provide services pertaining to animal control.

14. *Court* means the Municipal Court of the City of Blanchard, Oklahoma.

15. *Dangerous Animal* means any animal that when provoked:

- a. approaches a person in a menacing fashion or apparent attitude of attack on public or private property;
- b. has a known propensity, tendency or disposition to attack, cause injury, or otherwise to threaten the safety of humans or domestic animals;
- c. has been on three (3) or more occasions at large; or.
- d. Is un-licensed.

16. *Dangerous Dog* means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property;
- b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans; or
- c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the dog thereafter kills or severely injures a domestic animal.

17. *Dog* means any dog, both male and female, or other animal of the canine species at the age of two (2) months or more which is situated within the city limits for a period of fifteen (15) days or more.

18. *Exotic Livestock* means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

19. *Feral Animals* means animals that do not have an owner.

20. *Harboring* means any person who allows, keeps or care of any animal to habitually remain or lodge or to be fed with on his premises, home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as harboring such animal.

21. *High Risk Animal* means any animal that has a high probability of transmitting rabies including but not limited to foxes, bats, skunks, coyotes, and raccoons.

22. *Holding Period* means the length of time that disaster animals are cared for by an animal shelter and not disposed of at least a minimum of three (3) days or more.

23. *Impound* means to take into custody or to place in the Animal Shelter or Facility of the City or other authorized confinement area.

24. *Inhumane Treatment* is hereby defined to include, but is not limited to, the following:

- a. Any physical punishment inconsistent with the health of such animal.
- b. Lack of food or water for more than a twenty-four (24) hour period.
- c. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal.
- d. Improper use of any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or to cause choking to such animal.
- e. Depriving animal of adequate shelter.
- f. Inhumane killing or attempting to kill any animal.

25. *Kennel* means any premise operated for profit where there is being maintained or harbored a total of three (3) or more dogs, over three (3) months of age, except veterinary hospitals.

26. *Livestock* means all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

27. *Low Risk Animal* means any animal that has a low probability of transmitting rabies including but not limited to animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha and Xenarthra.

28. *Neglect* means unreasonable deprivation of necessary food, care, or shelter.

29. *Neuter* means to render a male dog or cat unable to reproduce.

30. *Nuisance Dog* means any dog that:

- a. engages in any behavior that requires a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or

- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or
 - d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.
 - e. engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.
31. *Observation Period* means the ten (10) days following a bite or scratch of a human by a mammal, during which the mammal's health status must be monitored.
32. *Owner* means any person or groups of persons, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal or animals.
33. *Pet* means any animal kept for pleasure, rather than utility.
34. *Possession* means actual possession or constructive possession.
35. *Potentially Dangerous Dog* means any dog that:
- a. when unprovoked inflicts bites on a human either on public or private property, or
 - b. when unprovoked attacks a dog which results in the death of said dog either on public or private property.
36. *Premises* means a tract of land and the buildings thereon (if any).
37. *Primary Enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.
38. *Proper Enclosure of a Dangerous Dog* means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.
39. *Quarantine Period* means that portion of the observation period, as defined, during which a biting or scratching mammal is physically confined for observation.
40. *Reclaim* means the taking back of possession of disaster animals by the owner or an agent of the owner.
41. *Releasing Agency* means any pound (municipal or otherwise), shelter or humane society organization, whether public or private.

42. *Restraint* means an animal shall be deemed to be under "restraint" within the meaning of this chapter if controlled by a leash not more than eight (8) feet in length or at "heel" beside a competent person and obedient to that person's commands, or confined on the premises of his owner or keeper.

43. *Severe Injury* means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

44. *Spay* means to remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

45. *Sterilization* means to spay or neuter a dog or cat.

46. *Stray* means any animal which does not appear, upon reasonable inquiry, to have an owner.

47. *Tracking Information* means available information about the owner, physical description and health history of the animal, photographs of the animal, information about where the animal was found and transported to, recommended course of treatment and communications with an owner, including a holding period extension by contract.

48. *Unconfined Dangerous Animal* means a dangerous animal that is not:

- a. securely confined indoors on the premises of the owner;
- b. confined in a securely closed and locked pen or structure upon the premises of the owner;
- c. chained by a chain which will not allow it to come within six (6) feet of a fence which prevents the entry of young children on the premises of the owner; or
- d. on the owner's premises, unless such animal is securely chained or leashed and muzzled and under the owner's physical control.

49. *Unconfined Vicious Animal* means a vicious animal that is not:

- a. securely confined indoors while on the premises of the owner; or
- b. in a securely enclosed and locked pen or structure suitable to prevent entry or injury of young children and preventing the animal from escaping. Such pen or structure shall have secure sides and top and enclosed within a fence to prevent young children from approaching the pen or structure.

50. *Un-owned Animal* means any animal for which an owner has not been identified.

51. *Unreasonable Odor* means the emission of a smell that is foul or offensive to a person of normal sensibilities.

52. *Vaccination* means an injection of a vaccine for rabies and administered by a veterinarian licensed by the State of Oklahoma.

53. *Vicious Animal* means:

- a. any animal which has on two (2) or more occasions attacked, bitten or attempted to bite either a human or a domestic animal without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons or a domestic animal when not unduly provoked; or
- b. an animal that has been adjudicated to be vicious and is either un-licensed or unconfined.

54. *Vicious Dog* means any dog that when unprovoked has attacked or bitten either a human or a domestic animal on public or private property.

55. *Wild Animal* means any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition. (Ord. No. 2006-28, 9/12/06)

§ 3-102 **ANIMALS NOT TO BE AT LARGE.**

No owner shall permit any animal (including a dog, cat or fowl) owned, harbored, or kept by him to be at large within the city. It is unlawful for any animal to be at large at any time within the city.

§ 3-103 **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.

§ 3-104 **DISTURBANCES BY ANIMALS; PUBLIC NUISANCE ABATEMENT.**

1. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery, and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases, attacks or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season at large is a nuisance.

2. Abatement of such public nuisances shall be handled in accordance with the provisions of the "nuisances" chapter in this code of ordinances.

3. It is unlawful to own or harbor an animal which is determined to be a nuisance.

§ 3-105 **CERTAIN ANIMALS NOT TO BE KEPT WITHIN CITY, EXCEPTIONS.**

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the city of Blanchard, 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 type shall not be kept at all within the corporate limits of the city of Blanchard, Oklahoma.

3. Except as provided in this subsection, no swine shall be kept within the corporate limits of the city of Blanchard, Oklahoma. Those exceptions to this provision are as follows:

- a. Swine may be kept within the city of Blanchard if the location is appropriately zoned for swine.
- b. Swine may be kept temporarily at a stock yard awaiting transportation, at a packing house awaiting processing, or at a fair or exhibition for purposes of exhibition;
- c. No more than two (2) Asian pot-bellied swine of more than (3) months of age and not exceeding seventy-five (75) pounds in weight or twenty (20) inches in height shall be permitted per residence regardless of zoning provided they be kept only for personal enjoyment and provided they be registered through a bona fide registry firm.

4. The keeping of bees within the corporate limits of the city of Blanchard, Oklahoma, shall be permitted only in those areas zoned for agricultural or large-lot (over two (2) acres) residential uses, and in accordance with zoning ordinance provisions. No license or permit shall be required to keep or raise bees.

5. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall be permitted throughout the city of Blanchard, Oklahoma, as long as the premises are maintained in accordance with the provisions of Section 3-106 and state and county health department requirements and standards. Additional restrictions on the raising and/or keeping of horses, sheep, cattle and chickens may be imposed by the zoning ordinance without conflicting with this Subsection.

6. The raising or keeping of dangerous birds shall be permitted, in accordance with the provisions of Section 3-106 and the license and permit regulations outlined in Article 2 of this chapter, as well as any applicable provisions of any adopted zoning ordinance.

7. The keeping or raising of any wild animals shall be prohibited within the city of Blanchard, Oklahoma, except for those wild animals which may be under the care of travelling shows or circuses, and for which the license requirements of article 2 of this chapter are met and a permit obtained.

8. 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.

9. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the city of Blanchard, Oklahoma, except under the conditions and provisions of any 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.

10. It shall be unlawful for any person to harbor, possess, or maintain, within the city limits, any dog or animal which is determined to be vicious as defined by this code. (Ord. No. 1994-03, 3/8/94; Ord. No. 2006-28, 9/12/06)

§ 3-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times and not be offensive or dangerous to the public health.

B. Every structure wherein any authorized animal is kept within the corporate limits of the city of Blanchard, 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 flytight receptacle for manure of such size as to hold all accumulations of manure. Such 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 such receptacle.

C. No building, structure, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement, business or residence other than that occupied by the owner or occupant of the premises upon which such animal(s) are kept. Such premises shall be maintained in clean and sanitary condition free from objectionable odors.

§ 3-107 **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 Blanchard, 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.)

§ 3-108 **VICIOUS, DANGEROUS ANIMALS UNLAWFUL; PERMIT AND INSURANCE FOR DANGEROUS OR VICIOUS ANIMALS; CONFINEMENT.**

- A. It is unlawful for the owner of a dangerous animal to permit the animal to be unconfined.
- B. It is unlawful for the owner of a vicious animal to permit the dog to be unconfined.
- C. No person shall transport a dangerous animal or a vicious animal in an open vehicle unless the animal is confined by leash or chain and muzzled or within a closed container.
- D. It is unlawful to harbor or own a vicious animal. Such an animal shall be destroyed upon orders of the animal control officer or confined in an appropriate manner.
- E. Owners of animals that have been adjudicated to be dangerous animals must purchase a permit, in such sum as set by motion or resolution by the city council, from the city clerk and provide proof

of liability insurance issued in the amount of at least Twenty Thousand (\$20,000.00) Dollars, insuring the owner for any personal injuries or property damage inflicted by the dangerous animal.

F. Owners of dogs that have been adjudicated to be vicious animals must purchase a permit from the city clerk and provide proof of liability insurance issued in the amount of at least Fifty Thousand (\$50,000.00) Dollars, insuring the owner for any personal injuries or property damage inflicted by the vicious animal.

§ 3-109 **PASTURING IN PUBLIC AREAS UNLAWFUL.**

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

§ 3-110 **CONFINING FEMALE DOGS AND CATS.**

It is unlawful for any owner to fail to keep any female dog or cat which is in season under restraint.

§ 3-111 **KENNELS PERMITS.**

A. It is unlawful for any person to keep more than three (3) dogs over three (3) months of age within the limits of the city, unless the area on which the dogs are kept is being used as a kennel and the area is properly zoned for a kennel.

B. Any person who is not in compliance with Subsection A set forth herein shall be permitted a reasonable amount of time needed to procure a zoning permit for kennels and thereafter shall be subject to the provisions of Subsection A as set forth herein.

C. Any person who violates Subsection A set forth herein shall upon conviction thereof, be punished as provided in Section 8-301 of this code. Every day's violation of any provision of this chapter constitutes a separate offense.

D. For purpose of this section, a person is defined as any natural person or sum total of individuals who occupy in common a dwelling located at one residential address.

§ 3-112 **CERTAIN DOGS RUNNING LOOSE TO BE KILLED.**

The animal control officer, his designated representatives or any law enforcement officer of the city of Blanchard, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the city of Blanchard, 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.

§ 3-113 **INSPECTIONS TO ENFORCE CHAPTER.**

1. The local or county health official, the animal control officer, the city manager or any member of the city council, 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 official or the animal control 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 official or the animal control 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 right of others to make such complaints.

SECTION 2. That Article 2, License and Permit Requirements, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby amended to read as follows:

§ 3-201 **DOGS AND CATS STERILIZATION.**

1. No dog or cat may be released for adoption from a releasing agency unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be set by motion or resolution by the city council.

Ed. Note: Previous Deposit set at ten dollars (\$10.00).

2. The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals, or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

3. Releasing agencies may adopt any additional rules to implement the state Dog and Cat Sterilization Act, provided that, said rules do not conflict with the provisions or purpose of the state Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.

4. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

5. If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

6. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account whenever feasible and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

7. Subject to the provisions and purposes of the state Dog and Cat Sterilization Act and other laws of the state of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, that, in the case of public facilities, said standards must be reasonably related to the prevention

of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

8. The provisions of the state Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of §§391-402 of Title 4 of the Oklahoma Statutes. Further, the state Dog and Cat Sterilization Act shall not be construed to interfere with municipal ordinances that meet or exceed the dog and cat sterilization requirements set forth in the state Dog and Cat Sterilization Act.

§ 3-202 **REGISTRATION AND TAGS FOR DOGS OR CATS.**

1. A fee as set by motion or resolution by the city council per year for every male or female dog or cat more than three (3) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

2. The tax levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city for a period of less than fifteen (15) days, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a “seeing eye” dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

3. The owner shall pay the tax levied to the city clerk or contracted veterinarian for every calendar year at the following times:

- a. Before the first day of January of each calendar year; or
- b. If the dog or cat is acquired or brought in the city after the first day of January, or becomes six (6) months of age after the first day of January, within fifteen (15) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age. The fee for part of the year may be prorated based on the number of days left in the year, but in no instance shall the fee be less than one-half of the annual rate.

4. Before the city or contracted veterinarian accepts any money offered in payment of the tax for a dog or cat or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the thirty-first day of the preceding December.

§ 3-203 **LICENSES APPLICATION FOR DOGS AND CATS.**

A. Written application for a dog or cat license and payment of the applicable annual license fee shall be made to the City Clerk. The application shall include:

1. The name, telephone number and address of the applicant.
2. A description of the animal, including name, breed, color, gender and age.
3. A currently valid rabies certificate issued by a licensed veterinarian showing that said dog or cat has been vaccinated within the preceding twelve (12) months or thirty-six (36) months (depending on type of vaccination).

- B. The annual license fee shall be at an amount set by motion or resolution of the City Council.
- C. Support dogs which are professionally and specifically trained to assist disabled owners shall be exempt from the license fee.
- D. If not revoked, such license will be effective for a period of one (1) year.
- E. Upon acceptance of the license application, the City Clerk shall issue the owner a metal license tag stamped with an identifying number for the dog or cat. The City Clerk shall also issue the owner a license certificate which identifies the animal by age, gender, breed, color, name and owner, and which states the dates of issuance and expiration of the license.

§ 3-204 TAG TO BE PLACED ON COLLAR; LOST TAGS.

- A. The owner shall cause the tag received from the city clerk or contracted veterinarian to be affixed to the collar of the dog or cat upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog or cat at all times.
- B. In the event a license tag or license certificate is lost before the end of the year for which it was issued, the owner may obtain a duplicate tag or certificate after paying the applicable fee as set by motion or resolution by the City Council.

§ 3-205 TAGS, COUNTERFEITING; PLACING ON OTHER DOGS OR CATS.

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this article, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued.

§ 3-206 LICENSES FOR POISONOUS SNAKES.

- 1. No person shall keep, buy, or otherwise acquire from another, any poisonous snake within the city of Blanchard, Oklahoma, without first having obtained from the city clerk a license to keep, purchase or otherwise acquire such poisonous snake.
- 2. Said license shall not be issued by the city clerk until the applicant therefor has made satisfactory showing to the city clerk that he has ample and sufficient equipment to safely keep and confine any poisonous snake to be kept or acquired by him in the city.
- 3. To cover the costs of issuing such license, the necessary investigations preliminary to issuing such license and a part of policing (by seeing that any poisonous snakes so acquired by the licensee are safely kept and confined), the applicant shall pay to the city clerk, upon issuance of such license, a license fee set by motion or resolution by the city council; the license, so issued, shall be valid for a term of one year. The annual renewal fee for said license, once issued, shall be set by motion or resolution by the city council.

Ed. Note: Previous license fee of one-hundred (\$100.00) dollars; annual renewal fee of ten (\$10.00) dollars.

§ 3-207

LICENSES FOR WILD CIRCUS ANIMALS.

1. All wild animals owned by a circus or travelling animal show shall not be permitted within the corporate limits of the city of Blanchard, Oklahoma, unless the owner or person in charge of said circus or 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. To cover issuance and enforcement costs, the applicant shall pay a fee set by motion or resolution by the city council to the city clerk, the written receipt may constitute the license.

4. Said license, so issued, shall be valid for a term of one month.

Ed. Note: Previous license fee of twenty (\$20.00) dollars.

§ 3-208

LICENSE REQUIREMENTS FOR KENNELS AND PET SHOPS.

1. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the city of Blanchard, Oklahoma, unless such kennel is licensed as hereinafter provided. (See the definition of "*kennel*" in §3-101, this code of ordinances.)

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 Blanchard, Oklahoma.

3. The annual kennel license fee set by motion or resolution by the city council and such license shall be exhibited in a conspicuous place on the premises; each animal kept in a kennel shall also be required to have all other appropriate licenses, tags, etc.

4. Licenses shall be issued for a period of one 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, or at such time as a new kennel seeks to become operational.

5. A kennel owner must show proof of rabies vaccination on all animals over six (6) 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. All pet shops, catteries and kennels 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 the 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, weather protection and clean and sanitary facilities; and
- c. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.

9. 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.

Ed. Note: Previous license fee of ten (\$10.00) dollars.

SECTION 3. That Article 3, Animal Shelter, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby amended to read as follows:

§ 3-301 **ANIMAL SHELTER AUTHORIZED; ESTABLISHED.**

1. The city council is hereby authorized to establish an animal shelter, under the jurisdiction of the animal control officer. He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

2. The animal shelter 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 Blanchard, Oklahoma.

§ 3-302 **IMPOUNDMENT OF ANIMALS.**

1. It shall be the duty of the animal control officer (or any other designated officer or employee of the city authorized by the city manager), shall take into custody and impound any animal running at large in violation of the provisions of this chapter and may enter upon the premises of the owner or other private premises to take such animal into custody.

2. The animal control officer shall also proceed to impound any dog or cat that is running at large within the corporate limits of the city of Blanchard, Oklahoma, or 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 or the dog bears a tag.

3. The animal control officer shall immediately pick up and impound any and all dogs or cats 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 animal shelter who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog or cat therein impounded, shall have such dog or cat returned to him, upon the payment of the charges due, as authorized by the provisions of this chapter.

5. Animals which are of no apparent value, 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 may 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 animal's detention.

6. Should any licensed institution request of the animal control officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least three (3) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

7. 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.

§ 3-303 **FEES FOR IMPOUNDING AND KEEPING.**

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by motion or resolution by the city council.

2. All fees shall be paid to the city clerk. Receipt for payment of fees on an impounded animal shall be presented to the animal control officer before the animal shall be released.

3. The animal control officer shall render monthly reports to the city manager, concerning animal shelter activities.

§ 3-304 **CLAIMING OF IMPOUNDED ANIMALS.**

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

2. Any person claiming an unlicensed dog shall pay the required license fee to the city clerk, secure a tag and present the receipt therefore and a tag to the animal control officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the animal control officer shall require adequate evidence of proper licensing before the animal's release.

§ 3-305 **SALE OF IMPOUNDED ANIMALS OF VALUE.**

1. As soon as practicable after any animal of apparent value has been impounded, the animal control officer shall thereupon post a conspicuously-visible notice thereof at the city hall or on the city's website or facebook. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that unless the animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

2. Sales provided herein shall be for cash to the highest bidder; the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a fee set by motion or resolution by the city council to reimburse the city of Blanchard, Oklahoma, for the sale expense, and shall be conducted

by, or under the direction of, the city manager. If there is no bid, the city manager shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the city hall, city's website or facebook, if he believes that a bid would be made at a later time; otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the animal control officer as provided in this chapter.

Ed. Note: Previous fee set at five dollar (\$5.00).

3. A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

4. The chief of police shall pay to the city clerk or finance director all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of said city clerk or finance director is open for business.

§ 3-306 **OWNER MAY CLAIM EXCESS MONEY.**

The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee set by motion or resolution of the city council to reimburse the city of Blanchard, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the city council, the city clerk-treasurer shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the city.

Ed. Note: Previous fee set at five dollar (\$5.00).

§ 3-307 **BREAKING SHELTER.**

No unauthorized person shall:

- A. Break or attempt to break open the shelter, or take or let out any animal therefrom.
- B. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter.
- C. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4. That Article 4, Cruelty to Animals, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby amended to read as follows:

§ 3-401 **CRUELTY TO ANIMALS.**

It shall be unlawful for any person knowingly, willfully or maliciously to:

- A. Deposit any animal with the intention of abandoning the same.
- B. Pour on or apply to an animal, any drug or other thing which inflicts pain.
- C. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal.

- D. Treat an animal in a cruel or inhumane manner.
- E. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner.
- F. Kill, or attempt to kill, any animal in an inhumane manner.

§ 3-402 **POISONING ANIMALS.**

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

§ 3-403 **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, non-domesticated animal; or to keep a house, pit or other place used for fights between animals.

§ 3-404 **ANIMAL PROTECTION OTHER ACTS PROHIBITED.**

A. It is unlawful for any person to deposit within the limits of this city any animal or animals with the intention of abandoning same.

B. It is unlawful to carry out inhumane treatment against any animal.

C. It is unlawful for any person to set out, dispose of, cause or permit any animal, to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property; when such substances poisonous or capable of causing the death or dangerous sickness of any domestic or household animal.

D. Upon conviction of a violation of this chapter for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an animal control officer for disposition in accord with the provisions of this chapter.

SECTION 5. That Article 5, Exotic Animals, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby added to read as follows:

§ 3-501 **EXOTIC ANIMALS.**

A. For the purpose of this article, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep or harbor any wild, exotic or dangerous animal in the city or for display or for exhibition purposes, whether gratuitously or for a fee, except Subsection C of this section.

C. This section shall not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant.

Cross Reference: See also Section 3-108 on dangerous and vicious animals.

SECTION 6. That Article 6, Zoning Ordinance to Prevail, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby added to read as follows:

§ 3-601 **ZONING ORDINANCE TO PREVAIL.**

1. 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.
2. No animal shall be kept in violation of the zoning ordinance.

SECTION 7. That Article 7, Zoning Ordinance to Prevail, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby added to read as follows:

§ 3-701 **RABIES CONTROL; VACCINATION REQUIREMENTS.**

1. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the city of Blanchard, 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. 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.
4. 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 council a community-wide quarantine; upon the invoking of such quarantine by the city council, 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 Blanchard, Oklahoma, without written permission of the animal control officer.
5. During such period 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 treated for a rabies

infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

6. No person shall remove from the city of Blanchard, 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.

7. It shall be the duty of every person within the corporate limits of the city of Blanchard, Oklahoma, owning or harboring any dog or cat which is six (6) months old or older, to procure a rabies vaccination certificate from a licensed veterinarian, or agent authorized by the city council, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

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

SECTION 8. That Article 8, Dangerous Dogs, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby added to read as follows:

§ 3-801 **NUISANCE, POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a “nuisance” or “potentially dangerous” or “dangerous” dog.

1. The animal control officer or a police officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a “nuisance,” “potentially dangerous” or a “dangerous” dog by filing a complaint with municipal court clerk. Upon the issuance of a summons and notice to the owner, and upon the conclusion of a hearing, the municipal judge of the municipal court is authorized to enter a finding on the complaint and, if finding that the dog is a “nuisance,” “dangerous” or “potentially dangerous,” may order:

- a. The payment of court costs and fines in the maximum amount allowed by law;
- b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
- c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;
- d. The removal of the dog from the city limits.

SECTION 9. That Article 9, Penalty, of Chapter 3 of The Code of Ordinances of the City of Blanchard is hereby added to read as follows:

§ 3-801

PENALTY.

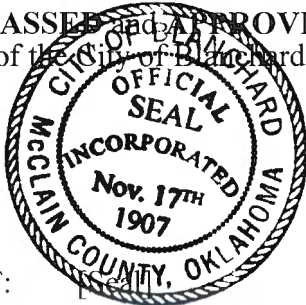
Any person, firm or corporation who violates any provision of this chapter, or who violates or neglects to carry out any reasonable order made by any health officer, the chief of police or the animal control officer, pursuant to this chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in §8-301 of this code of ordinances, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this chapter. Every day's violation of any provision of this chapter or of such order of the health officer, animal control officer or chief of police, shall constitute a separate offense.

SECTION 10. REPEALER. All former ordinances or parts of Ordinance conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 11. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12. EMERGENCY. It being immediately necessary for the preservation of the public health, peace and safety of the City of Blanchard and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the Emergency Clause voted upon separately by the City Council of the City of Blanchard, Oklahoma, this 27th day of March, 2018.



Eddie Odeh

Mayor

ATTEST:

Susie Maeder
City Clerk

APPROVED AS TO FORM on this 27th day of March, 2018.

Did R.

City Attorney