

ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ALTUS, OKLAHOMA, TO AMEND CHAPTER 5, ENTITLED “ANIMALS AND FOWL,” ARTICLES I THROUGH IV, TO AMEND AND ADD DEFINITIONS, CLARIFY VIOLATIONS THAT MUST BE CHARGED THROUGH THE DISTRICT COURT, CREATE A LICENSING PROGRAM, INCREASE FINES, CREATE CERTAIN NEW FEES, INCORPORATE LANGUAGE PREVIOUSLY APPROVED BUT NOT CODIFIED, AND ALLOW OWNERSHIP OF ADDITIONAL ANIMALS IF CERTAIN CONDITIONS ARE MET; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND PUBLICATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALTUS, OKLAHOMA:

Section I. That Article I, entitled “In General,” Section 5-1, entitled “Definitions,” is hereby amended to read as follows:

Sec. 5.1 – Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

- A. Altered – any animal that has been spayed or neutered and cannot reproduce.
- B. Animal - any living creature, wild or domestic, except human beings.
- C. Animal control authority - an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city and the shelter and welfare of animals.
- D. Animal control officer - any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding the enforcement of this chapter relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
- E. Animal wild by nature - any animal which is not generally considered to be domesticated and which can normally be found in the wild state, or which is not generally considered to be a pet, or which usually is considered by ordinary persons to be dangerous, or an animal which does not live ordinarily with human beings, or which has not been deemed by the Oklahoma State Department of Health to have an established rabies quarantine period, including, but not limited to, lions, tigers,

leopards, panthers, wolves, foxes, lynxes, or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, prairie dogs, bats, and like animals.

F. At large - a phrase indicating that an animal is:

1. Off the premises of its owner and not securely and physically restrained by means of chain, leash, or other device no longer than eight (8) feet in length which is of sufficient strength to restrain such animal, except that a cat shall not be required to wear a leash, and except that during the school year only, while school is in session, 7:30 a.m. to 4:00 p.m. or while any school-sponsored activities are being held, that no person shall walk a dog off the premises of its owner and within the curb-to-curb area adjacent to a public school or in a public park adjacent to school property, excepting that a person shall be allowed to walk a dog on its own property and premises;
2. On the premises of the owner and not securely confined on those premises.

G. Confined on the premises - a phrase indicating that an animal is:

1. Securely and physically restrained on and within the premises of the owner by means of a substantial fence or similar enclosure of sufficient strength and height to prevent escape, or by keeping the animal inside a house or other building.
2. Securely confined indoors or in a securely enclosed and locked pen or kennel as may be required by the municipal court or the provisions of [section 5-25](#).

H. Cruelty to animals - a phrase indicating that a person willfully or maliciously:

- (1) Tortures, cruelly beats, injures, maims, disfigures, wounds, maltreats or unjustly destroys or kills any animal belonging to himself or another. A violation of this subsection is a felony under State law and any charges for the same shall be sent to the Jackson County District Attorney for prosecution;
- (2) Deprives any animal of food, drink, or shelter by unnecessarily confining or depriving any animal of proper food and drink for more than six (6) hours or unjustly leaving an animal confined anywhere, outside or inside, day or night, for more than two (2) hours at a time exposed to inclement or extreme high- or low-temperature weather or without proper feeding, watering, shade from the sun, and caring for the same. A violation of this subsection is a felony under State law and any charges for the same shall be sent to the Jackson County District Attorney for prosecution;

1. Cruelly overdrives, overrides or overloads when the animal is in good health or works the animal when such animal is so wounded as to be unfit for labor, or cruelly carries, hauls or forces along in an inhumane manner;
 2. Abandons an animal to die;
 3. Unjustly administers any poison or noxious drug or substance to any animal;
 4. Causes any other person to do any of the above items.
- I. Domestic house pets - any cat, dog, pot-bellied pig, or other animal commonly kept as a household pet.
- J. Fowl - chickens, geese, ducks, doves, guineas, turkeys or other such domestic fowl.
- K. Grooming shop - a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- L. Harboring or keeping an animal - a phrase indicating that an animal is allowed to remain or to customarily return for a period of ten (10) days or more on the premises of the owner.
- M. Intact – any animal that has not been spayed or neutered; the animal can reproduce.
- N. Keeper - any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- O. Kennel - any premises, other than a veterinary hospital, wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats and requires that five (5) or more dogs, and/or five (5) or more cats beyond the age of four (4) months kept, harbored, boarded, sheltered or bred on the premises.
- P. Livestock - a term that includes horses, donkeys, mules, cattle, sheep, goats or other such animals commonly known as livestock.
- Q. Nuisance - an animal that:
1. Congregates in a group of three (3) or more on private property without the consent of the owner and in so doing annoys the owner;
 2. Habitually prowls around, on or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises;
 3. Scratches or digs into, or tramps on or over any flower bed, garden, tilled soil, vines, shrubbery or small plants and in so doing injures them;
 4. Chases or kills any domesticated animals, fish in outside yard ponds, domesticated birds, or fowl;

5. Trespasses onto property not belonging to its owner, and defecates thereon, whether in or outside the presence of its owner, to the annoyance of the owner or occupant of those premises;
 6. Habitually chases motor vehicles or self-propelled vehicles, bicycles or pedestrians;
 7. Annoys or disturbs any person by loud and frequent barking, howling, yelping or other noise;
 8. Has been found by the municipal court to be "at large" two (2) or more times provided, that for the purposes of this subsection and [section 5-25](#), it is not required that the same animal has been found to be "at large" but that the same owner or member of the same family has been found to have an animal "at large".
- R. Owner - any person possessing legal title to any animal or possessing no legal title who keeps or harbors the animal. An "owner" also means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- S. Pack - a group of three (3) or more dogs, wild or domesticated, that travel together.
- T. Pet placement partner – a municipal animal shelter, animal welfare organization or breed rescue group approved by the animal control supervisor or other facility which receives animals from animal welfare divisions across the country for the purpose of rehoming.
- U. Pet shop - a phrase which means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal.
- V. Service animal -an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.
- W. Shelter - the animal control shelter where impounded animals are kept before disposal of the same, and includes the actual premises where such animals are regularly kept.
- X. Suitable – right or appropriate for a particular animal, purpose or situation.
- Y. Vaccination- any injection of United States Department of Agriculture-approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.
- Z. Vicious animal - an animal that shows menacing behavior: -
1. While not under physical restraint of a responsible person at least eighteen (18) years of age, causes a reasonable person to believe that an unprovoked attack on a person or on a domestic animal is imminent.

2. No animal shall be determined to be exhibiting menacing behavior toward a person who at the time such behavior was exhibited:
 - (a) was committing or attempting to commit a willful trespass or other tort upon property occupied by the person who owns, harbors, possesses or maintains the animal; or
 - (b) was not lawfully present upon the property occupied by the person who owns, harbors, possesses or maintains the animal; or
 - (c) was attempting to or was tormenting, abusing, or assaulting the dog; or
 - (d) was committing or attempting to commit a crime.
3. A K-9 dog which attacks a human upon command of the person in charge of the dog at the time of the incident shall not, by reason of such incident, be deemed to be exhibiting menacing behavior or considered a vicious animal

Section II. That Article I, entitled “In General,” Section 5-2, entitled “Penalty,” is hereby amended to read as follows:

Sec. 5-2. - Penalty.

- A. Except as may be provided otherwise in this chapter for increased fines for certain violations, persons convicted of violating the provisions of this chapter shall be punished by a fine of at least one hundred dollars (\$100.00), but not more than five hundred dollars (\$500.00) plus court costs, court fees and other applicable fees for each day upon which a violation continues. This amount is exclusive of any other charges that may be charged under [section 5-24](#) for animal impoundment at the city's animal shelter; and
- B. The penalty for encouraging, permitting, or allowing an animal owned or kept by a person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this city, or for interfering with a service animal in any place where the service animal resides or is performing, shall, upon conviction, be punished by a fine of at least two hundred dollars (\$200.00), but not more than seven hundred fifty dollars (\$750.00) plus court costs, court fees and other applicable fees. In addition to the penalty imposed, the court shall order the violator to make restitution to the owner of the service animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to the service animal, including, but not limited to, costs of replacing and training any new service animal when a service animal is killed, disabled or unable to perform due to injury. For the purposes of this subsection, when a person informs the owner of an animal that the animal is a threat and requests the owner to control or contain the animal, and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.

State Law reference— Service animal penalties, 21 O.S. § 649.3

Section III. That Article I, entitled “In General,” Section 5-3, entitled “Prohibited acts generally,” is hereby amended to read as follows:

Sec. 5-3. - Prohibited acts generally.

No person shall willfully or intentionally:

- A. Own a dog or cat that does not have a current city license/tag; or
- B. Own any dog, cat, or any other animal capable of transmitting rabies which is over six (6) months of age that does not have a current vaccination against rabies; or
- C. Fail to prevent any animal owned by him from running or being at large or turn any animal not owned by him at large; or
- D. Abandon or desert any domestic animal or otherwise permit such animal to become a stray; or
- E. Own a vicious animal; or
- F. Own any animal which is a nuisance; or
- G. Fail or refuse to deliver to the animal control supervisor, upon demand, any unlicensed, untagged, potentially dangerous dog, dangerous dog, or vicious animal, any animal which is alleged to be a nuisance, any animal suspected of having rabies, any animal found to be at large or any animal the owning of which is prohibited by this chapter; or
- H. Remove or fail to attach to the collar worn by a dog or cat a current city license tag, a current rabies vaccination tag or implanted microchip; or
- I. Own any animal or reptile wild by nature except when kept by a licensed circus or show or in a zoo; or
- J. Fail or refuse to keep every female animal "in heat" confined in such a manner that another animal cannot come into contact with it except for controlled breeding purposes; or
- K. Interfere with the city clerk-treasurer, animal control supervisor, animal control officers or city police officers performing their duties as provided in this chapter; or
- L. Demonstrate cruelty to animals; or
- M. Bring a dog, cat, or other animal to a public event, like a parade, city-wide event, indoor or outdoor concert, with the only exception being a service animal; or

- N. Walk a dog during the school year only, while school is in session, 7:30 a.m. to 4:00 p.m. or while any school-sponsored activities are being held, off the premises of the dog owner, within the curb-to-curb area adjacent to a public school or in a city park adjacent to school property; or
- O. Fail to allow an animal control officer to conduct a breeding inspection; or
- P. Adopt a dog from the animal shelter if the person adopting is under eighteen (18) years of age; or
- Q. Sell dogs on street corners or on commercial parking lots without having first obtained a vendor's permit from the city clerk-treasurer's office; or
- R. Encourage, permit or allow an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this city, or to interfere with a service animal in any place where the service animal resides or is performing; or
- S. Violate any of the other provisions of this chapter.

Section IV. That Article I, entitled "In General," Section 5-3.5, entitled "Defecating on sidewalks, public parks, alleys, other places open to the public or on private property prohibited; possession of waste removal equipment required; prohibition of similar acts; setting a penalty for violation," is hereby renumbered and amended to read as follows:

Sec. 5-4. - Defecating on sidewalks, public parks, alleys, other places open to the public or on private property prohibited; possession of waste removal equipment required; prohibition of similar acts; setting a penalty for violation.

- A. It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, the Altus City Reservoir, or from private property before the owner leaves the immediate area where the solid waste was deposited.
- B. It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's waste when accompanied by said animal on public property or public easement.
- C. It shall be unlawful for the owner, keeper or person having control of any animal to permit such animal to destroy or damage property of any kind or to deposit solid waste or to commit a similar prohibited act on the private property of a person or the property of the city, including its parks and playgrounds, Altus City Reservoir, or any property other than that of the owner of the animal.
- D. The penalty for violation of this section shall be six dollars (\$6.00), plus court costs.

Section V. That Article I, entitled “In General,” Section 5-4, entitled “Animals in reservoir,” is hereby renumbered and amended to read as follows:

Sec. 5-5. - Animals in reservoir.

No animals shall be watered, bathed, dipped, raced or otherwise placed or caused to be placed into the waters of the city reservoir except those animals that naturally reside at the reservoir. (Ord. No. 1056, Art. III, § 4, 8-21-79)

Cross reference— Water service, [§ 28-81](#) et seq.

Section VI. That Article I, entitled “In General,” Section 5-5, entitled “Livestock,” is hereby renumbered and amended to read as follows:

Sec. 5-6. - Livestock.

No livestock shall be kept within the city limits except:

- A. Temporarily in a stockyard awaiting transportation, at a slaughterhouse awaiting slaughter, for show purposes or for treatment under the care of a licensed veterinarian.
- B. Permanently in at least a one-acre tract in the agricultural district in compliance with the zoning requirements for such district, provided that the facilities for keeping the livestock shall conform to the general provisions for animal pens and enclosures as set forth in [section 5-9](#) hereof and shall conform to the specific provision that all pens and enclosures be maintained no closer than twenty-five (25) feet to a lot line upon which is situated an inhabited dwelling nor no closer than one hundred (100) feet to any dwelling or inhabited building other than the owner's.

Section VII. That Article I, entitled “In General,” Section 5-6, entitled “Rabbits,” is hereby renumbered and amended to read as follows:

Sec. 5-7. - Rabbits.

Rabbits may be kept within the city provided they are kept in a sufficient enclosure that is maintained in accordance with the provisions of [section 5-9](#) hereof and that is maintained no closer than ten (10) feet to a lot line upon which is situated an inhabited dwelling nor no closer than forty (40) feet to any dwelling or inhabited building other than the owner's.

Section VIII: That Article I, entitled “In General,” Section 5-7, entitled “Swine prohibited; exceptions,” is hereby renumbered and amended to read as follows:

Sec. 5-8. - Swine prohibited; exceptions.

- A. *Swine prohibited.* No person shall own, keep or maintain swine within the city limits except temporarily at a slaughterhouse awaiting slaughter, for show purposes or for treatment under the care of a licensed veterinarian or except permanently under the same conditions set forth in [section 5-6\(B\)](#) of this article. For the purposes of this subsection, the word "temporarily" shall mean no longer than seventy-two (72) hours.
- B. *Exception for transporting swine and FFA barn.* The provisions of subsection (a) of this section shall not apply to persons who transport swine into the city for treatment under a licensed veterinarian or to swine kept at the county fairgrounds FFA barn.
- C. *Exception for pot-bellied pigs.* The keeping of pot-bellied pigs within the city limits is specifically prohibited, except as follows:
1. Only those pot-bellied pigs which are located within the city on the effective date of this section may continue to be located in the city under the following conditions for their lifetime. To qualify to be kept under this exception the pot-bellied pig must have been located in the city on the effective date of this section, and must be licensed within the city no later than thirty (30) days from the effective date of this section.
 2. There shall not be more than one (1) pot-bellied pig per lot or residence under this exception. Each pig shall be kept subject to the conditions listed in subsections (3) through (12) of this subsection.
 3. For purposes of this section "pot-bellied pig" shall mean: Asian potbellied pigs, Shar-pei pigs, Vietnamese, Chinese or Asian pigs, or other similar swine meeting the provisions of this section.
 4. A pot-bellied pig kept in a residential zone under this exception shall be a domestic house pet that is to be kept for personal enjoyment and not kept or raised for commercial purposes or for human consumption.
 5. Each pot-bellied pig shall not have the same requirements to be kept as a regular pig, namely a sty and wallowing in mud, but must be kept under conditions similar to that of a dog, or other domestic house pet.
 6. Each pot-bellied pig shall be licensed with the city, on an annual fifty dollar (\$50.00) license basis, under such conditions as the animal control division deems appropriate, including but not limited to a health certificate from a licensed veterinarian that lists weight and rabies vaccination, if available, and vaccinations applicable to pet pigs. An application for a pot-bellied pig license shall furnish a petition of consent signed by one hundred (100) percent of all owners of property immediately abutting the applicant's property and by fifty (50) percent of all owners of property located within a three-hundred-foot radius of the exterior boundary of the applicant's property. A city license for a pot-bellied pig is only valid for the residence for which applied and is not

transferrable from one (1) residence to another. In the event the applicant moves to another residence, the entire process will need to be repeated.

7. A pot-bellied pig shall not exceed one hundred twenty-five (125) pounds in weight.
 8. Each male pot-bellied pig shall be castrated.
 9. The keeping of a pot-bellied pig for commercial breeding purposes is prohibited in the city.
 10. The premises where a pot-bellied pig is kept shall be cleaned regularly, shall be maintained so that noxious odors are controlled, and shall be inspected on an unannounced and quarterly basis by the animal control division or health officer.
 11. Any person who keeps, maintains, or harbors a pot-bellied pig shall keep it confined on the premises. The confinement shall be accomplished by a fence or similar enclosure to prevent escape, keeping inside a house or other building, or keeping on a leash to prevent escape.
 12. The total number of animals to be kept at a residence, including dogs, cats and one (1) pot-bellied pig, shall not exceed a total of four (4) animals.
- D. Nothing in this section shall be deemed to limit or hinder city or state health enforcement personnel from restricting or removing, or requiring the removal of such swine from the city if such an action is deemed necessary to promote or protect the health and safety of the inhabitants of the City of Altus. Furthermore, any regulation promulgated by the state department of health or statute adopted by the legislature relating to pot-bellied pigs or other small swine shall be deemed applicable to any such swine or pot-bellied pigs authorized by this section.

Section IX. That Article I, entitled “In General,” Section 5-8, entitled “Clean enclosures and pens,” is hereby renumbered and amended to read as follows:

Sec. 5-9. - Clean enclosures and pens.

- A. All pens or enclosures for animals shall be maintained in a clean condition and be free of filth at all times. All manure shall be cleaned from the pens, placed in a vinyl, leak-proof bag, tied securely, and placed in a city trash container in the alley.
- B. Each pen and enclosure shall be sprayed with a suitable residual spray as often as is necessary to control flies, insects and noxious odors.
- C. The animal control supervisor, upon being notified properly that a verified complaint has been filed by any person alleging that certain outside pens or enclosures for animals are not being kept in the manner prescribed by this section, shall inspect the pens or

enclosures where the animal or animals are kept. The health officer may issue such reasonable order as he may deem necessary to the owner, or the municipal judge, upon such citizen complaint and inspection by the animal control supervisor, may issue such reasonable order as he may deem necessary to the owner, to cause the pens or enclosures to be kept as provided in this section.

Section X. That Article I, entitled “In General,” Section 5-9, entitled “Animals at large generally,” is hereby renumbered and amended to read as follows:

Sec. 5-10. - Animals at large generally.

No person shall allow any livestock, fowl, swine or rabbits to run or fly at large or in so doing to trespass upon the premises of another or upon the streets and alleys of the city.

State Law reference— Animals at large, 11 O.S. 1981, § 22-115.

Section XI. That Article I, entitled “In General,” Section 5-10, entitled “Tethering of Animals,” is hereby created to read as follows:

Sec. 5-11. – Tethering of Animals

- A. No person shall, at any time, fasten, chain, or tie any animal or cause such animal to be fastened, chained or tied while such animal is on the animal owner’s or keeper’s property or on the property of the animal owner’s or keeper’s landlord, except as authorized by the animal control supervisor on a temporary basis for warranted exceptional circumstances.
- B. Any person in violation of this Section shall pay a fine of at least one hundred fifty dollars (\$150.00), but not more than five hundred dollars (\$500.00) for the first occurrence, plus court costs and any applicable fees. Any second or subsequent violation of this Section shall carry a penalty of at least two hundred fifty dollars (\$250.00), but not more than seven hundred fifty dollars (\$750.00) plus court costs and any applicable fees.

Section XI. That Article II, entitled “Enforcement,” Section 5-21, entitled “Authority of animal control supervisor and officers,” is hereby amended to read as follows:

Sec. 5-21. - Authority of animal control supervisor and officers.

- A. The animal control supervisor and animal control officers are responsible for enforcing the provisions of this chapter.
- B. The animal control supervisor and animal control officers are specifically authorized to use whatever means necessary to impound animals in violation of the provisions of this chapter, including, but not limited to, the use of deadly force.

- C. The use of deadly force by officers to impound or destroy animals, except skunks which are in violation of the provisions of this chapter, is expressly prohibited, except under circumstances where the animal represents a clear and present danger to human safety. In any event, the use of deadly force by officers should be considered a last resort and employed with utmost caution. The use of deadly force, to include any discharge of a firearm, by an animal control officer must be reported and investigated to the satisfaction of the chief of police and City Manager or designee.

Section XII. That Article II, entitled “Enforcement,” Section 5-22, entitled “Duties of animal control supervisor and officers,” is hereby amended to read as follows:

Sec. 5-22. - Duties of animal control supervisor and officers.

- A. The animal control supervisor shall supervise all animal control officers and maintain the shelter in a safe and clean manner. The animal control supervisor shall maintain an office at the shelter for the use of animal control officers.
- B. The animal control supervisor, animal control officers and other persons so designated shall pick up all animals in violation of the provisions of this chapter, and/or cite the owners.
- C. The animal control officer will ensure all animals lawfully brought to the shelter are impounded and monitor the feed and care of those animals.
- D. The animal control officer shall not authorize the release of any animal from the shelter until such time as all impoundment fees, room and board charges and any other fees required are paid in full.

Section XIII. That Article II, entitled “Enforcement,” Section 5-22.5, entitled “Inspection authorized,” is hereby renumbered and amended to read as follows:

Sec. 5-23. - Inspection authorized.

- A. Subject to constitutional limitations, the animal control officer, county health officer, city administrator or his authorized representative may inspect any property, pet store, keeper, kennel, boarding place, grooming shop, pen or enclosure covered by this chapter at any reasonable hour during the day; and
- B. The animal control officer or his authorized representative may conduct a breeding inspection to determine if there is a violation of [section 5-46](#); and
- C. Obstructing the inspection covered by this section shall be a violation.

Section XIV. That Article II, entitled “Enforcement,” Section 5-23, entitled “Fees and charges,” is hereby renumbered and amended to read as follows:

Sec. 5-24. - Fees and charges.

- A. An impoundment service fee of twenty dollars (\$20.00) shall be charged for each animal lawfully impounded by animal control officers. An impoundment service fee of forty dollars (\$40.00) shall be charged for each intact animal lawfully impounded by animal control officers that have been picked up for the second or subsequent time.
- B. A special handling fee equal to incurred expenses shall also be charged per each animal for which the animal control supervisor secured special equipment or services.
- C. A room and board charge shall also be made at the rate of ten dollars (\$10.00) per day per each impounded animal. In computing the amount of room and board charge due, the day impounded shall be counted as one (1) day and the day redeemed shall also be counted as one (1) day.
- D. An adoption fee shall also be charged in the amount of fifty dollars (\$50.00) for each animal adopted by a new owner under the provisions of [section 5-30](#) of this article. Animal control officers shall make the determination as to which animals may be offered for adoption as provided in [section 5-30\(c\)](#) of this article.
- E. In addition to the adoption fee, a sterilization fee in the amount of forty dollars (\$40.00) shall also be charged prior to the release of the animal to the new owner. The purpose of this additional fee is to provide for the spaying or neutering of the adopted animal. The new owner shall sign a sterilization agreement in compliance with section 5-28 of this article and state law, 4 O.S.A. § 499.9.
- F. A surrender fee shall be charged in the amount of twenty dollars (\$20.00) for the surrender of an altered dog or cat. A surrender fee of forty dollars (\$40.00) shall be charged for the surrender of an intact dog or cat.
- G. There shall be no charge for an “A” license.
- H. A fee of fifty dollars (\$50.00) shall be charged for a “B” license. This license must be renewed annually.
- I. There shall be no charge for a Pet Placement Partner license upon showing proof of 501(c)(3) status.
- J. A fee of seventeen dollars (\$17.00) shall be charged per kennel space for a Kennel license. This license must be renewed annually.
- K. The fees and charges imposed by this section shall not apply to a qualified rescue organization that has submitted satisfactory proof of its status as a 501(c)(3) organization. However, the rescue organization shall sign a sterilization agreement as required by state law and [section 5-30](#) of this article.

Section XV. That Article II, entitled “Enforcement,” Section 5-24, entitled “Procedure if animal is a nuisance,” is hereby renumbered and amended to read as follows:

Sec. 5-25. - Procedure if animal is a nuisance.

- A. The animal control supervisor may, upon being notified properly that a verified complaint has been filed by any person alleging that an animal is a nuisance and upon investigation of such complaint, seize and impound the animal described in the complaint; and
- B. If the animal is alleged to have been "at large" for the second or subsequent time, then the animal control supervisor, animal control officer, as may be assisted by a city police officer, shall impound the animal for the neighborhood's protection. Owners who have previously been found guilty by the municipal court of having a nuisance animal or having an animal at large shall be punished upon conviction or upon a plea of no contest or a plea of guilty, by an increased fine of up to seven hundred fifty dollars (\$750.00), plus court costs, court fees, impoundment fees and other applicable fees; and
- C. If the municipal court shall find that no nuisance exists, the court shall order said animal to be surrendered to its owner, and the city animal shelter shall waive the imposition of any impoundment fees; and
- D. If the municipal court shall find that said nuisance exists, the court may, in its discretion, order said animal to be removed from the city limits, destroyed, or otherwise order the nuisance to be abated; and
- E. The court may require that more-substantial fencing is erected before the animal can be released to its owners. The court may also require that animals that receive a second or more "at large" ticket and are found guilty by the court of the second ticket, can no longer be permitted to be kept on a chain or other type of leash outside its covered enclosure unless a person is in physical control of the leash. Such animals, especially dogs, may not be leashed to inanimate objects such as trees, posts, building, etc., nor may they be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structures.

Cross reference— Nuisances, [Ch. 19](#).

State Law reference— Nuisances, 50 O.S. 1981.

Section XVI. That Article II, entitled “Enforcement,” Section 5-25, entitled “Procedure if animal is vicious,” is hereby renumbered and amended to read as follows:

Sec. 5-26. - Procedure if animal is vicious.

- A. The animal control supervisor and animal control officers shall seize and impound any animal found by them to be vicious and in such event shall aid in the proceedings instituted in the municipal court against the owner of such animal.
- B. The animal control supervisor shall, upon being notified properly that charges of harboring a vicious animal are pending against any person in the municipal court, seize and impound the animal described in such proceedings.
- C. If such seized and impounded animal shall have bitten a human being two (2) or more times prior to being seized and impounded, then and in that event, it shall be destroyed.
- D. If the municipal court shall fail to find that the animal so seized and impounded is a vicious animal, then the court shall order said animal to be surrendered to its owner and the City animal shelter shall waive the imposition of any impoundment fees.
- E. If the municipal court shall find that the animal so seized and impounded is a vicious animal, then the court shall order the animal to be destroyed.
- F. If the municipal court shall find that the animal so seized and impounded is a vicious animal and the facts of the offense so warrant, the court shall be authorized to impose an increased fine of up to seven hundred fifty dollars (\$750.00), plus court costs, court fees and other applicable fees. In addition to ordering the animal destroyed and imposing an increased fine, the court may order the reimbursement to the victim of all expenses, including any veterinary care for an injured domestic animal.

Cross reference— Municipal court, [Ch. 18](#).

Section XVII. That Article II, entitled “Enforcement,” Section 5-25.5, entitled “Disposal of dead animals; method and notification,” is hereby renumbered and amended to read as follows:

Sec. 5-27. - Disposal of dead animals; method and notification.

Any person or owner who finds a dead animal on his or her property shall immediately place the dead animal in a leak-proof bag. The approved method of disposal shall be to notify the animal control officer and place the bag adjacent to the property line next to the outside backyard gate. An animal control officer shall pick up the bag and either place it in the animal shelter freezer or take it to the Altus Municipal Landfill for disposal. In no event, shall a person or owner place the dead animal, whether enclosed in a leak-proof bag or not, inside a trash container or in a bag adjacent to the container. Any person or owner who violates this section shall be subject to a fine for violation.

Section XIII. That Article II, entitled “Enforcement,” Section 5-26, entitled “Impoundment of animal which injures humans,” is hereby renumbered and amended to read as follows:

Sec. 5-28. - Impoundment of animal which injures humans.

- A. When any animal capable of carrying or transmitting rabies or other disease bites or otherwise injures a person, or is suspected of having rabies, such animal shall be impounded for a period of ten (10) days at either a licensed veterinarian's hospital or the animal owner's home for "home quarantine" if it is considered a third-party bite and the animal owner has proof of current rabies vaccination, for purposes of observation. The circumstances under which a "home quarantine" is possible will be governed by the Oklahoma State Department of Health Zoonotic Disease Control Rules, OAC title 310, chapter 599, section 310:599-1-2. "Home quarantine" will not be possible if the animal is cited for being a "vicious animal" under the provisions of this chapter. The owner of such animal shall pay the impoundment charges due for impoundment at the licensed veterinarian's hospital if such hospital is used for the place of impoundment.
- B. In the event such animal is impossible to capture, it shall be destroyed and the animal control supervisor shall have it examined by medical authority to determine whether it has rabies.
- C. Should any person refuse to deliver custody of such animal to an animal control officer or police officer, said officers may secure an order of the municipal court, to be served upon such owner, commanding such owner to deliver custody of such animal to said officer. The order shall constitute authority to enter any premises for the purpose of enforcing this section.

Section XIX. That Article II, entitled "Enforcement," Section 5-27, entitled "Obtaining release of impounded animals," is hereby renumbered and amended to read as follows:

Sec. 5-29. - Obtaining release of impounded animals.

Owners of impounded animals may retrieve or otherwise obtain the release of their animals from the shelter only after the applicable cash payment of those fees and charges as set forth in [section 5-24](#) of this article, the presentment of proof of a current city license as required by [section 5-49](#), and the presentment of proof of a rabies vaccination from a licensed veterinarian within the prior twelve (12) months immediately preceding its impoundment. In the event the animal has not been vaccinated but all applicable fees and charges have been paid, and proof of a current city license has been provided, the animal control officer shall transport the animal, free of charge, to the veterinarian of the owner's choice within the city limits for rabies vaccination. Vaccination fees will be paid by the owner.

Section XX. That Article II, entitled "Enforcement," Section 5-28, entitled "Disposal of animals not retrieved by owners; adoption or rescue of animals (dogs, cats); sterilization of adopted dogs, cats," is hereby renumbered and amended to read as follows:

Sec. 5-30. - Disposal of animals not retrieved by owners; adoption or rescue of animals (dogs, cats); sterilization of adopted dogs, cats.

- A. Any animal which is impounded by the city pursuant to the provisions of this article shall either be retrieved by its owner, adopted or rescued by new owners, or destroyed

in a humane manner. In the event an animal is taken into custody by the animal control officer, and the animal has been injured or otherwise disabled which ordinarily would require the animal's destruction or treatment by a veterinarian, the animal control supervisor may either order its destruction or its treatment if the ownership of such animal cannot be determined within a reasonable period of time. Should such ownership be determined, the injured/disabled or treated animal shall be promptly delivered over to such owners provided all the other provisions of this chapter, any reimbursement for treatment by a veterinarian, or any agreements for shelter operations have been met.

- B. Any dog or cat impounded under the provisions of this chapter shall be held and cared for at the animal shelter for a period of not less than five (5) full days after acquiring the animal, not including the date of acquisition and excluding time in transit. This holding period shall include at least one (1) Saturday. Any other animal impounded under the provisions of this chapter shall be held and cared for at the animal shelter for a period of not less than three (3) days. Any dog, cat, or other animal which is not reclaimed by its owner after the proper holding period may be adopted, rescued or destroyed in compliance with state law. New owners will be required to sign an adoption or rescue agreement and pay an adoption fee for each animal adopted and to comply with the Dog and Cat Sterilization Act codified in the Oklahoma Statutes as 4 O.S. § 499 et seq.
- C. The animal control supervisor or his designee shall make the determination of which animals are adoptable. Any dog that has either been surrendered by its owner upon a complaint of "vicious animal" or which has been determined by the municipal court to be "vicious," "potentially dangerous" or "dangerous," shall not be available for adoption or rescue.
- D. Prior to adoption or rescue, a person who wants to adopt or rescue any dog, cat or other animal impounded under the provision of this chapter shall provide a photo identification to verify proper age of eighteen (18) years of age or older, and a rescue organization shall provide proof that it is qualified as a 501c(3) organization. These requirements are considered adoption standards of the city as a releasing agency as allowed by 4 O.S. § 499.8.
- E. In addition to the adoption fee, prior to adoption or rescue, the adopting party shall pay a sterilization fee and sign a sterilization agreement. The funds deposited with the animal shelter 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 the 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 attained the age of eight (8) months. If the adopting party is a qualified 501c(3) rescue organization, the party is not required to pay the sterilization fee but must sign prior to release a sterilization agreement in substantially the form set forth in 4 O.S. § 499.4. In the event an animal

control officer is provided with proof that his rescue organization failed to have the animal spayed or neutered as promised, the animal control officer is authorized to refuse future rescue of any animals by this specific rescue organization.

- F. The sterilization agreement to be used by the animal shelter shall be in substantially the form set forth in the Dog and Cat Sterilization Act codified in 4 O.S. §499.
- G. 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 animal shelter shall grant a thirty-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.
- H. If requested to do so, the animal shelter shall grant a thirty-day extension to 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.
- I. 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 the animal shelter shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The animal shelter shall maintain accurate records of accounts which fund spay/neuter programs.
- J. The provisions of the 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 may 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 4 O.S. §§ 391-412.
- K. Failure to comply with the provisions of the Dog and Cat Sterilization Act shall constitute either a public or private nuisance. Any person may maintain a civil action to enjoin the continuance of the private nuisance. The public nuisance may also be abated by any public body or officer authorized by law to do so.

Section XXI. That Article II, entitled “Enforcement,” Section 5-29, entitled “Breaking into shelter,” is hereby renumbered and amended to read as follows:

Sec. 5-31. - Breaking into shelter.

No person shall break into the shelter or in any manner directly or indirectly aid, assist or advise breaking into the shelter so as to hinder the impoundment of any animal.

Section XXII. That Article II, entitled “Enforcement,” Section 5-32, entitled “Surrender of dog or cat,” is hereby created to read as follows:

Sec. 5-32. – Surrender of dog or cat.

Owners may drop off an animal at the Animal Control Department, provided an impoundment card is signed releasing custody of the animal to the City and upon payment of a surrender fee as provided in Section 5-24. Once the animal is released to the City, the animal becomes the property of the City and may be disposed of as provided in this Chapter.

Section XXIII. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-46, entitled “Number of dogs,” is hereby amended to read as follows:

Sec. 5-46. - Number of dogs and cats:

- A. It shall be unlawful for any person, household or address to own, possess, keep or have under his control more than a total of four (4) dogs and/or cats, including any combination thereof, over six (6) months of age.
- B. An animal control officer shall be authorized to conduct a breeding inspection to determine if the provisions of this section are being violated.
- C. Exception. By authority/discretion of the Animal Control Department, a written waiver may be granted to an owner having up to a total of eight (8) dogs and/or cats, including any combination thereof, over six (6) months of age if all are altered and receiving suitable care.
- D. Any person, household, or address found guilty of a second or subsequent violation of this section shall pay an increased fine of up to seven hundred fifty dollars (\$750.00), plus court costs, court fees and other applicable fees. The animal control officer shall be authorized to impound, on a or subsequent violation, dogs in violation of this section.
- E. No person, household, or address shall have repeated, multiple violations of this section. If more than two (2) violations of this section occur within a calendar year, then in that event the municipal court may conduct a hearing, giving proper notice to the defendant, and order as part of the judgment and sentence that some of the dogs to be forfeited to correct the violation. Each day that a violation of this section continues shall be deemed a separate offense.
- F. Violations of this section shall be processed by the animal control supervisor upon his being notified that a verified complaint has been signed by a person alleging that this section is presently being violated. Violations shall also be processed by the animal control supervisor upon the observations of any animal control officers or police officers.

Section XXIV. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-47, entitled “Dogs and cats in certain areas; service animals,” is hereby amended to read as follows:

Sec. 5-47. - Dogs and cats in certain areas; service animals.

Except trained service animals under control of their owners by harness, leash, or similar device that have been vaccinated for rabies currently and police dogs under control of a police officer by chain, harness, leash, or similar device that have been vaccinated currently, no owner shall take his dog or cat into any public place or building where food or drink is sold, served, or dispensed commercially.

Section XXV. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-48, entitled “Dogs or cats at large; mandatory, free license,” is hereby amended to read as follows:

Sec. 5-48. - Dogs or cats at large.

The owner of a dog or cat shall not permit such dog or cat to be at large. If the owner permits a dog to be at large for a second time, or more, it shall be considered a nuisance and fall under the provision of [section 5-25](#) with an increased fine of up to seven hundred fifty dollars (\$750.00) plus court costs, court fees and other applicable fees.

Section XXVI. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-49, entitled “Same – Other license requirements,” is hereby amended to read as follows:

Sec. 5-49. - License for dogs and cats.

A, Personally owned dogs and cats. The owner of every dog and cat over six (6) months of age shall obtain a license for each such animal from the Animal Control Department.

1. “A” License:

- (a) An “A” license will be issued for each dog or cat that has been altered, provided the owner or keeper presents a current rabies vaccination certificate issued by a licensed veterinarian and documentation from a licensed veterinarian that the animal has been altered and makes payment of the required license fees as provided in the fee schedule and provides any additional information deemed necessary by the Animal Control Department at the time of registration.
- (b) The “A” license shall be valid for the entire lifetime of that animal. An “A” license does not need to be renewed.

2. “B” License:

- (a) A “B” license will be issued for each dog or cat that is intact, provided the owner or keeper presents a current rabies vaccination certificate issued by a licensed veterinarian, makes payment of the required license fees as provided in the fee schedule, and provides any additional information deemed necessary by the Animal Control Department at the time of registration.

- (b) The “B” license will remain valid for one (1) year from the anniversary date the license was issued, at which time the owner or keeper must renew the “B” license.
 - (c) A “B” license is not a license to breed or reproduce.
 - 3. Tags. Upon issuance of a license for a dog or cat, a tag shall be issued. The tag, of durable material, shall be designed to be easily fastened or riveted to the animal’s collar or harness. The tag shall bear a number and the letter “A” or “B,” corresponding to the type of license issued by the Animal Control Department.
 - (a) The owner shall cause the tag received from the city to be affixed to the collar or harness and the owner shall see that the tag is so worn at all times.
 - (b) Tags shall not be transferable, from one dog or cat to another.
 - (c) In the event of loss of the tag before the end of the year for which it was issued, the owner may secure another tag by presenting the original receipt.
 - (d) The Animal Control Department shall maintain records of all licensed dogs and cats and such records shall be open to public inspection.
 - (e) Those animals with current and valid registered microchip information with the Animal Control Department can be granted an exception for wearing a tag.
- B. Pet placement partner. Certain organizations operating in the City, along with their affiliated foster homes, are recognized by the City as being “pet placement partners” and will not be required to purchase licenses for dogs or cats held under their care. However, said partners must have licenses for their personal dogs and cats.
 - 1. The foster dogs and cats shall be altered and housed in a manner as not to create a nuisance. Should the animals become a nuisance, with abatement action and/or convictions/costs resulting from complaints being registered with the Animal Control Department and/or citations being issued for animal related violations at the rescue site, the exemption privilege will be revoked.
 - 2. Pet placement partners must provide the Animal Control Department with a copy of their 501(c)(3) certificate and a list of individuals who are authorized to sign for receipt of animals from the Animal Control Department as well as authorized to be a foster home.

- C. Kennel. It shall be unlawful for any person to own or keep nine (9) or more dogs or cats, or any combination thereof, over six (6) months of age, without obtaining an annual kennel license from the City and making payment of the required annual fee as provided in the fee schedule. The kennel license is in addition to the “A” or “B” license required under Paragraph A.
1. The dogs and cats will, at all times, be kept in accommodations that are deemed suitable by the Animal Control Department with respect to construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness and as to not cause a nuisance.
 2. The dogs and cats will be adequately supplied with suitable food, fresh water and bedding material and will be adequately exercised.
 3. A license may be refused or withheld on the grounds that such conditions are not suitable for the housing of dogs or cats.
- D. Licenses not transferable. No license issued under this Chapter shall be transferable.
1. In the event ownership of any licensed animal is transferred, the new owner of such animal shall, within thirty (30) days, obtain a new City license and pay the required fees as provided in the fee schedule.
 2. The transfer of a dangerous or potentially dangerous dog is prohibited unless authorized by the Judge of the Municipal Court.

Section XXVII. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-50, entitled “Female dogs in heat,” is hereby amended to read as follows:

Sec. 5-50. - Female dogs in heat.

No owner of any female dog shall permit such female dog to be at large during any period of heat. Such dog, if found at large, shall immediately be impounded at the shelter by the animal control officers.

Section XXIII. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-51, entitled “Vaccination for rabies,” is hereby amended to read as follows:

Sec. 5-51. - Vaccination for rabies.

The owner of a dog or cat shall have such animal vaccinated against rabies by a licensed veterinarian before the animal is six (6) months old and thereafter yearly. The licensed veterinarian vaccinating the dog or cat shall furnish the owner with a certificate of vaccination and a tag to be worn by such animal indicating proof of current vaccination against rabies.

State Law reference— Prevention and control of rabies, 63 O.S. 1971, § 1-508.

Section XXIX. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-51.5, entitled “Keeper, pet shop, and kennel operators required to vaccinate dogs or cats,” is hereby renumbered and amended to read as follows:

Sec. 5-52. - Keeper, pet shop, and kennel operators required to vaccinate dogs or cats.

Dogs and cats kept in keepers, pet shops, kennels or otherwise boarded shall be vaccinated annually. A written record shall be kept by the kennel operator, pet shop operator, keeper operator, or boarder operator, which shall include the following information:

- A. A description of the dog or cat;
- B. Whether the dog or cat is boarded or owned by the operator;
- C. The type of vaccine administered to the dog or cat;
- D. The date each dog or cat was vaccinated; and
- E. The name of the veterinarian administering the vaccine.

This record shall be available for inspection by any animal control officer.

Section XXX. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-52, entitled “Tag worn by dog or cat, lost tag,” is hereby renumbered and amended to read as follows:

Sec. 5-53. - Tag worn by dog or cat, lost tag.

The owner of a dog or cat shall cause the tag received from the veterinarian to be affixed to the collar or harness of the dog or cat so that the tag can easily be seen by animal control officers; and the owner shall see that the tag is worn by the dog or cat at all times. In lieu of the tag, the veterinarian may implant a microchip on the dog or cat. In case the tag is lost before the end of the year for which it was issued, the owner shall secure another tag from the veterinarian.

Section XXXI. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-53, entitled “Counterfeiting, removing, etc., tag,” is hereby renumbered and amended to read as follows:

Sec. 5-54. - Counterfeiting, removing, etc., tag.

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.

Section XXXII. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-54, entitled “Rabies outbreak,” is hereby renumbered and amended to read as follows:

Sec. 5-55. - Rabies outbreak.

- A. When the health officer determines and certifies that a dog or cat or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs and cats to be confined to the owner's premises during a period of time to be determined by the council. Such resolution shall be published at least once in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the resolution prescribes a later time.
- B. While such resolution is in effect, dogs and cats found at large and not confined, in violation of such resolution, shall be impounded at the shelter and the owners may be cited for violation of this section.

Cross reference— Health department, [§ 2-136](#) et seq.

Section XXXIII. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-55, entitled “Abandonment,” is hereby renumbered and amended to read as follows:

Sec. 5-56. - Abandonment.

- A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons such animal or who allows such animal to lie in a public street, road, or public place one hour after such person received notice by a duly constituted authority that the animal is disabled or dead; or any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal, upon conviction, shall be guilty of a misdemeanor.
- B. Any dog or cat found at large not wearing any tag or microchip indicating proof of current vaccination against rabies shall be presumed abandoned and will be impounded by the city.
- C. Any cat which is presumed to be abandoned or a stray may be impounded upon the filing of a complaint by any citizen having knowledge thereof. In the event such cat cannot be captured so as to be impounded, it shall be immediately destroyed by the animal control supervisor or animal control officers.

State Law reference— Cruelty to animals, 21, O.S. 1971, § 1685; abandoned animals, 21, O.S. 1971, § 1686; administration of poisonous drugs, 21 O.S. 1971, § 1689; abandoning domestic animals, 21 O.S. 1971, § 1691.

Section XXXIV. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-56, entitled “Killing of dogs in self-defense or defense of another,” is hereby renumbered and amended to read as follows:

Sec. 5-57. - Killing of dogs in self-defense or defense of another.

Any person may kill a dog in self-defense or in defense of another human or animals 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 whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

Section XXXV. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-57, entitled “Cruelty to animals; penalty,” is hereby renumbered and amended to read as follows:

Sec. 5-58. - Cruelty to animals; penalty.

- (a) Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals, with the exception of dogs, or instigates or encourages any animal, with the exception of dogs, to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor. A violation of this subsection is a felony under State law and any charges for the same shall be sent to the Jackson County District Attorney for prosecution.
- (b) Every person who keeps any house, pit or other place, to be used in permitting any fight between animals, with the exception of dogs, or in any other violation of subsection (a) above, upon conviction, is guilty of a misdemeanor. A violation of this subsection is a felony under State law and any charges for the same shall be sent to the Jackson County District Attorney for prosecution.
- A. Any person who carries or causes to be carried in or upon any vessel or vehicle, or otherwise, any animal in a cruel or inhumane manner, or so as to produce torture is guilty of a misdemeanor.
- B. Any person found guilty of violating any of the provisions of subsection [5-56\(a\)](#) or subsection [5-58\(a\)](#), (b) or (c) of the City Code shall be punished by fine in an amount of at least five hundred dollars (\$500.00), but not more than seven hundred fifty dollars (\$750.00) plus court costs, court fees and other applicable fees.

Section XXXVI. That Article III, entitled “Dogs and Cats,” Division 1, entitled “Generally,” Section 5-58, entitled “Animal and fowl; food, water and shelter requirements,” is hereby renumbered and amended to read as follows:

Sec. 5-59. - Animal and fowl; food, water and shelter requirements.

- A. *Cruelty to animals and fowl prohibited.* Proper care and treatment of animals and fowl is required. No person shall maltreat or improperly confine any animal or fowl. No person or persons shall induce unnecessary cruelty on any animal or fowl. Unnecessary cruelty will mean pain or suffering caused by act or omission in the absence of just cause or excuse. A person who has control or custody of an animal shall provide medical attention to an animal that he or she knows is suffering and the failure to do so shall constitute an offense. When any person through the agency of an animal will cause harm to another animal and that person has custody and control of an animal and instigates that animal to harm another animal, that person shall be guilty of an offense.
- B. *Animal and fowl food requirements.* Food shall be free from contamination and be of sufficient quantity and nutritive value to maintain animals or fowl in good health. Animals and fowl shall be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts or other professionally accepted practices. All food receptacles shall be kept clean and sanitary.
- C. *Potable water.* Potable water shall be provided as often as necessary for the health and comfort of each animal or fowl. Frequency of watering shall consider age, species, condition, size and type of animal or fowl. Animals and fowl shall be watered as required by applicable state and federal laws. All water receptacles shall be kept clean and sanitary.
- D. *Animal and fowl space requirements.* Enclosures for animals, and fowl shall be constructed and maintained to provide sufficient space for each animal or fowl to make normal postural and social adjustments and to provide each animal or fowl with adequate freedom of movement to maintain good physical condition.
- E. *Indoor shelter requirements.* Facilities shall be sufficiently heated, cooled and ventilated as to protect the animals and fowl from extremes of temperature and to provide for their health and to prevent their discomfort. Lighting of primary enclosures shall be designed to protect the animals or fowl from excessive illumination. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning.
- F. *Outdoor shelter requirements.* Owners and keepers of animals and fowl shall provide the following:
1. Provide shade from the sun;
 2. Provide a sturdy and sufficient shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on at least three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The structure shall be structurally sound and in good repair. The shelter provisions

will apply in situations where animals are left outdoors longer than two (2) hours per day.

- G. *Poisoning of animals or fowl.* It shall be unlawful for any person by any means to make accessible to any animal or fowl, with the intent to cause harm or death, any harmful or poisonous substances. It is not the intent of this section to prohibit the use of poisonous substances or the control of vermin under the direction of the city/county health department.
- H. *Uncared for animals and fowl.* Whenever the animal control officer finds that any animal or fowl is without proper care, he may impound the animal or fowl for protective care. In the event of sickness or injury of the animal or fowl and upon the advice of a licensed veterinarian, the officer may take appropriate action to prevent undue pain and suffering. This shall include the option of immediate humane destruction of the animal or fowl.
- I. *[Penalties.]* Any person found guilty of violating any of the provisions of subsection [5-56\(a\)](#) or subsections [5-59\(a\)](#), (b), (c), (d), (e), (f), (g), (h) of the Altus City Code shall be punished by fine in an amount of at least three hundred dollars (\$300.00), but not more than five hundred dollars (\$500.00) plus court costs, court fees and other applicable fees.

Section XXXVII. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-60, entitled “Definitions,” is hereby amended to read as follows:

Sec. 5-60. - Definitions.

The following words and phrases when used in this Division shall, for the purposes of this Division, have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

- A. *Animal control authority* means an entity acting alone or in concert with the local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.
- B. *Animal control officer* means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding 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, and includes any city or state law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
- C. *Dangerous dog* means any dog that:
 - 1. Has inflicted severe injury on a human being without provocation on public or private property; or

2. Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing, and the dog thereafter aggressively bites, attacks, or endangers the safety of humans; or
 3. Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing, and the dog thereafter attacks a dog or other animal which results in the death of said dog or other animal either on public or private property.
- D. *Owner* means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

Potentially dangerous dog means any dog that:

1. When unprovoked, inflicts bites on a human either on public or private property; or
 2. When unprovoked, attacks a dog or other animal which results in the death of said dog or other animal either on public or private property.
- E. *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.
- F. *Severe injury* means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

Section XXXVIII. That Article III, entitled "Dogs and Cats," Division 2, entitled "Dangerous Dogs," Section 5-61, entitled "Certificate of registration for certain dogs required; exception; fee," is hereby amended to read as follows:

Sec. 5-61. - Certificate of registration for certain dogs required; exception; fee.

- A. it is unlawful for an owner to have a dangerous dog in the city limits without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.
- B. The animal control authority of the city in which an owner has a dangerous dog shall issue a certificate of registration and a mandatory dog tag to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
2. A policy of liability insurance such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than fifty thousand dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C An annual fee of ten dollars (\$10.00) shall be charged to register a dangerous dog. The owner of a dangerous dog shall pay this annual fee on or about July 1 of each year.

Section XXXIX. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-62, entitled “Muzzle and restraint of certain dogs required,” is hereby amended to read as follows:

Sec. 5-62. - Muzzle and restraint of certain dogs required.

It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

Section XL. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-63, entitled “Dogs not to be declared dangerous,” is hereby amended to read as follows:

Sec. 5-63. - Dogs not to be declared dangerous.

Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Section XLI. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-64, entitled “Confiscation of dangerous dog – Penalty,” is hereby amended to read as follows:

Sec. 5-64. - Confiscation of dangerous dog—Penalty.

- A. Any dangerous dog shall be immediately confiscated by an animal control authority, using necessary force, if:

1. The dog is not validly registered and tagged under [section 5-61](#) of this division; or
 2. The owner does not secure the liability insurance coverage or surety bond required under [section 5-61](#) of this division; or
 3. The dog is not maintained in the proper enclosure; and
 4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the physical restraint of the responsible person.
- B. In addition, the owner shall be guilty of a misdemeanor punishable by imprisonment in the city jail for not more than thirty (30) days or by the imposition of a fine not to exceed seven hundred fifty dollars (\$750.00), plus court costs, court fees and other applicable fees or by both such fine, along with costs and fees, and imprisonment. Any such fine, at the discretion of the court, may be offset by verified payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset.

Section XLII. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-65, entitled “Same – Procedure if dog impounded,” is hereby amended to read as follows:

Sec. 5-65. - Same—Procedure if dog impounded.

- A. The animal control authority shall seize and impound a dangerous dog, as provided in [section 5-64](#) of this division, in the animal control shelter as provided in [section 5-1](#) of this chapter.
- B. If such seized and impounded animal shall have bitten a human being one (1) time prior to being seized and impounded, or shall have inflicted severe injury on a human being without provocation on public or private property one (1) time prior to being seized and impounded, then, and in that event, it shall be destroyed by order of the municipal court.

Section XLIII. That Article III, entitled “Dogs and Cats,” Division 2, entitled “Dangerous Dogs,” Section 5-66, entitled “Other remedies,” is hereby amended to read as follows:

Sec. 5-66. - Other remedies.

Nothing in this division, including the penalty to be imposed under [section 5-64](#) of this division, shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

Section XLIV. That Article IV, entitled “Fowl,” Section 5-68, entitled “Keeping,” is hereby amended to read as follows:

Sec. 5-68. - Keeping.

Fowl may be kept within the city provided they are kept in a sufficient enclosure that is maintained in accordance with the provisions of [section 5-9](#) and that is maintained no closer than ten (10) feet to a lot line upon which is situated an inhabited dwelling nor no closer than forty (40) feet to any dwelling or inhabited building other than the owner's.

Section XLV: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section XLVI: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section XLVII: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section, shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared that this article of the Code of Ordinances, City of Altus, Oklahoma, would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section XLVIII: Codification. This ordinance shall be codified as Chapter 5, Sections 5-1 through 5-68, of the Code of Ordinances, City of Altus, Oklahoma.

Section XLIX: Publication. This ordinance shall be published in its entirety one time pursuant to and in accordance with 11 O.S.A. § 14-106.

PASSED AND APPROVED by the City Council of the City of Altus, Oklahoma, on this 2nd day of January, 2018.

Jack Smiley, Mayor

(SEAL)

ATTEST:

Debbie Davis, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney