

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE IV, OF THE CODE OF THE CITY OF STROUD, OKLAHOMA 2012  
RELATING TO ANIMAL CONTROL AND REGULATION

WHEREAS, the Governing Body of the City of Stroud, Oklahoma has determined that it is necessary  
to modify the current title in regard to Animal Control and Regulation

NOW THEREFORE, Be it ordained by the Governing Body of the City of Stroud, Oklahoma:

Section One: The current provisions of Title IV, of the Code of the City of Stroud, Oklahoma 2012  
are hereby deleted and repealed.

Section Two: The following pages are substituted and adopted as Title IV, of the Code of the City  
of Stroud Oklahoma 2012:

## TITLE IV. ANIMALS, CONTROL AND REGULATION

Article 1. Animals, Fowl, Generally

Article 2. Exotic and Farm Animals

Article 3. Dogs

Article 4. Commercial Dog Kennels

### Article 1. Animals, Fowl, Generally

**4-101. KEEPING ANIMALS IN CITY.** No person shall have, keep or maintain within the limits of the city any poultry, Swine, Hog, Pig, Shot Boar, Farm Animal or other animals, except dogs and cats, within the City limits of Stroud with exceptions as designated in this ordinance. No wild animal shall be kept within the city limits by cage or otherwise.

**4-102. KEEPING ANIMALS IN OFFENSIVE MANNER.** It shall be unlawful for any person to own, keep, use, or maintain any yard, pen, place, room, or building, where animals are kept, in an unsatisfactory condition or in such a manner as to become offensive or annoying to the public or to any person residing in the vicinity.

**4-103 REGULATING DISPOSAL OF ANIMAL CARCASS.** It shall be the duty of the owner or person having the custody of any dead animal that within 24 hours after the death of such animal, to remove the carcass of the animal by means of burying such animal or have the animal cremated at a veterinary clinic. In cases in where the exceptions of the zoning ordinance apply the carcasses of the animals must be removed from the city limits within 24 hours. Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the Animal Control Officer pursuant to this chapter, shall, upon conviction thereof, be fined as provided in section [1-108](#) of this code, including costs. (2000 Code § 4-150)

**4-104 REMOVAL OF ANIMAL FECES REQUIRED.** The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property and it shall be a violation of this section for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

**4-105 IMPOUNDING ANIMALS.** The Animal Control Officer or others as designated by the Chief of Police shall have the right and it shall be their duty to take up and impound any animal found running at large in violation of this article.

**4-106 PROHIBITED ACTS.** It shall be unlawful for the owner or any person having the care, custody, or control of any animal to permit the same to remain or run at large within the City limits of the City of Stroud.

**4-107 OBSTRUCTING IMPOUNDING OF ANIMAL.** Any person who shall willfully obstruct, hinder or prevent the lawful impounding of any animal or who shall break open, destroy or damage the pound, enclosure or place, or any part thereof, where any animal is impounded, or take or drive or attempt to take or drive any impounded animal from such pound, enclosure or place, without first paying the fees, costs, charges and expenses provided for in this article, or refuses or neglects to carry out any reasonable order made pursuant to this chapter, shall, upon conviction thereof, be fined as provided in section [1-108](#) of this code, including costs. (2000 Code § 4-150)

**4-108 ENTICING ANIMALS INTO CITY.** Any person who shall drive or entice any animal from beyond the City limits into the City limits or aid, abet, or assist in so doing, or let any animal out of any enclosure in which it may be confined or unfasten any animal, or aid, abet, or assist in so doing, in order that such animal may be taken up and impounded, or refuses or neglects to carry out any reasonable order made pursuant to this chapter, shall be, upon conviction thereof, be fined as provided in section [1-108](#) of this code, including costs. (2000 Code § 4-150)

**4-109 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS:**

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

B. Every such building, if located within two hundred feet (200') of 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, shall be provided with a watertight and fly tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle. (2000 Code § 4-107)

**4-110 – UNACCEPTABLE BEHAVIOR** It is unlawful for any person to permit animals to engage in sexual intercourse in any place except an enclosed place entirely out of public view. (2000 Code § 4-108)

**4-111: LOCATION OF KENNELS:**

No dog kennel or other establishment wherein animals are kept shall be maintained closer than forty feet (40') 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 the animals are kept. (2000 Code § 4-109)

#### **4-112: STRUCTURES TO BE KEPT CLEAN:**

Every structure, pen, lot or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors. (2000 Code § 4-110)

#### **4-113: CODE ENFORCEMENT OFFICER TO INSPECT:**

The Code Enforcement Officer, Animal Control Officer or designee, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint. (2000 Code § 4-112)

#### **4-114: DEFINITIONS:**

Farm Animal – Animals listed here are listed as what may be considered as normally seen on a farm. **This list is not conclusive** and other animals may be considered. All residents that fit this criteria but the animal is not listed shall be required to check through City Hall to insure the animal will be an approved animal. Farm animals are considered; Goats, Chickens, Ginny's, Cows, or any animal of the Bovine species, Horses, Gelding's, Sheep, Miniature Horses, Donkeys, Miniature Donkeys, Turkeys, Emu's, All other types of Fowl, all pens/corrals shall be kept in such order that that it will not be offensive or dangerous to the public

## **Article 2**

### **4-201 PROHIBITED POSSESSION, CONTROL, KEEPPING OR HARBORING OF CERTAIN ANIMALS**

A) *Enumeration.* It shall be unlawful to keep, harbor, own or to in any way possess or control within the corporate limits of the City any of the following animals:

- 1) All poisonous animals, which include all poisonous amphibians and reptiles;
- 2) Apes including, but not limited to, chimpanzees, gibbons, gorillas, orangutans, and siamans;
- 3) Baboons;
- 4) Badgers;
- 5) Bears;
- 6) Bison;
- 7) Bobcats;
- 8) Cheetahs;
- 9) Alligators or crocodiles;
- 10) Constrictor snakes, six feet in length or more;

- 11) Coyotes;
- 12) Deer including, but not limited to, the following members of the deer family; white-tailed deer, elk, antelope and moose;
- 13) Elephants;
- 14) Game cocks and other fighting birds;
- 15) Hippopotami;
- 16) Hyenas;
- 17) Jaguars;
- 18) Leopards;
- 19) Lions;
- 20) Lynxes;
- 21) Monkeys;
- 22) Pumas, also known as cougars, mountain lions and panthers;
- 23) Raccoons;
- 24) Rhinoceroses;
- 25) Skunks;
- 26) Tigers;
- 27) Wolves;
- 28) Opossums;
- 29) Monitor lizards;
- 30) Pronghorns;
- 31) Goats, including mountain goats
- 32) Civets and ringtails;
- 33) Kangaroos;
- 34) Dingos;
- 35) Zebras;
- 36) Tasmanian devils;
- 37) Llamas;
- 38) Camels;
- 39) Giraffes;
- 40) Ocelots;
- 41) Wolverines;
- 42) Armadillos;
- 43) Gila monsters;
- 44) All other animals that may be considered Exotic
- 45) Vultures and other birds of prey;
- 46) Animals which are hybrids or crossbreeds of any of the animals listed in this Section
- 47) Horses or Geldings
- 48) Any animal that shall be considered a "Farm Animal"
- 49) No Rooster(s) shall be allowed to be kept within the City Limits

*Exemptions.*

- a. The prohibitions of this Section shall not apply to bona fide circuses, zoos, petting zoos, and carnivals, holders of a special events with a written permit issued by the City expressly permitting keeping, harboring, possessing or controlling certain of the above animals within the corporate city limits, or educational institutions and medical institutions accredited by the state.

- b. Up to four (4) chickens may be kept per household. Housing units for chickens shall be secure so no chicken can run freely, all chicken housing shall be kept clean on a daily basis and no foul odors allowed to emanate from within.
  - c. Owners of tracts of land of five (5) contiguous acres or more shall be allowed to keep farm animals. For Large Animals they shall keep them at a ratio of one (1) per (1) one acre and for smaller animals the ratio shall be (5) five per (1/2) half acre.
  - d. Horses or Geldings shall be allowed as long as the owner locates such animals on an equal amount of (1/2) acre per horse or gelding.
- B) *Seizure and impoundment.* If a law enforcement officer or the animal control officer has probable cause to believe that an animal listed in this Section is being kept, harbored or possessed in violation of this Section and is dangerous to people or other animals, such officer may seize and impound such animal pending trial.
- C) *Removal by owner.* Any person who keeps, harbors, owns or possesses or has control of one or more of the animals listed in this Section on property annexed into the City shall remove such animal from the City within 60 days of the effective date of the ordinance annexing the property into the City.
- D) *Penalties.* Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the Animal Control Officer pursuant to this chapter, shall, upon conviction thereof, be fined as provided in section [1-108](#) of this code, including costs. (2000 Code § 4-150)
- E) If the court shall order the animal removed from the City and should the defendant refuse to remove the animal from the City, the municipal court judge shall find the defendant in contempt and order the immediate confiscation, impoundment, and disposition of the animal. In addition to such penalties, any person who violates this Section shall pay all expenses, including sums for shelter, food, handling, veterinary care, and expert testimony, which are necessitated by the person's failure to abide by the provisions of this Section.

#### **4-202 DANGEROUS ANIMALS AND REPTILES.**

- a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Confined* means (occurs) when the dangerous animal or reptile is kept securely confined indoors or in a pen, kennel or structure that has secure sides, a secure top attached to the sides or the sides must be embedded in the ground no less than two feet, with the entrance or gate securely locked or, latched. All such structures must comply with all zoning and building ordinances and regulations of the City and shall be adequately lighted, ventilated, and kept in a clean and sanitary condition.

*Dangerous animal or reptile* means any animal or reptile with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of

human beings or domestic animals; provided, however, that no animal shall be deemed dangerous solely because it bites, attacks or menaces a trespasser on the property of the person who owns, keeps, harbors or possesses the animal.

*Unconfined* means (occurs) when the dangerous animal or reptile is not kept securely confined indoors and is thereby allowed to exit the building on its own volition or not kept outdoors and confined within a securely enclosed and locked pen, kennel or structure; provided, however, that a domestic animal may be exercised or walked if it is muzzled and restrained by a leash no longer than four feet in length which is in the physical control of a person of suitable age and discretion and may be transported if it is securely confined within a motor vehicle.

- b) *Possession prohibited.* It shall be unlawful for any owner, keeper, harborer or possessor of a dangerous animal or reptile to allow such animal or reptile to be either confined or unconfined within the City limits.
- c) *Impounding.* If a law enforcement officer or the animal control officer has probable cause to believe that a dangerous animal or reptile is being kept, harbored or cared for in violation of this Section, such officer may petition the municipal court to order the seizure and impoundment of such animal or reptile pending trial.

### **Article 3. Dogs**

**4-301. DEFINITIONS.** For the purposes herein, the following words and phrases shall have the meaning set opposite them:

- a) "Dog" shall mean all members of the *canis familiaris*, male or female, six (6) months of age or older.
- b) "Own" shall mean and include own, or keep, or harbor or shelter, or manage, or possess, or to have a part interest in any dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which minor owner is a member shall be deemed the owner of such dog for the purpose of this article and under this article shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household such minor owner shall himself be directly subject to the provisions of this article.
- c) "Owner" Any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal.
- d) "Household" shall mean those members of a family or non-family living in the same dwelling unit.

- e) "At Large" Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age, or an agent of the owner, by leash or otherwise, whether on the owner's premises or not .
- f) "VICIOUS DOG" A dog that, without provocation, has killed or caused physical injury to any person or has killed or caused physical injury to another animal. "Vicious animal" does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their official duties and where any injury inflicted by the police dog was reasonably related to the duties being performed.
- g) "Person" shall mean any individual, firm, association, partnership or corporation.
- h) "Animal Control Officer" shall include his deputy, delegate, alternate or appointee as appointed by the Chief of Police and approved by the City Manager.
- i) "Competent Person" shall mean any human being who is capable of controlling the dog in question and to whose command the dog is obedient.
- j) "Kennel" Keeping, owning or harboring (5) or more dogs and/or cats over the age of six (6) months of age.
- k) "Confined to the premises" That condition in which a dog(s) is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash, or other device of such strength and size as to physically prevent the animal from leaving the premises, and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises on which the confined animal is located.
- l) "Dangerous Dog" A Dog that, without provocation, has chased or approached in either a menacing fashion or in an apparent attitude of attack, or has attempted to bite or otherwise endanger any person or other animal while the animal alleged to be dangerous is off the premises of the owner or while the animal is not physically restrained or confined on the premises. "Dangerous animal" does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty.
- m) "Diseased Dog" An animal believed to be infected with a dangerous or communicable disease.
- n) "Menacing Fashion" An animal that would cause any person observing the animal to reasonably believe that the animal will cause physical injury to persons or other animals.
- o) "Without Provocation" An animal that was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime. (Ord. 187, 9-12-2002)



**4-302 KEEPING AND HARBORING.** Any person who shall allow any dog to habitually remain or to lodge or to be fed within their home, store, yard, enclosure or place shall be deemed and considered as keeping and harboring such dog within the meaning of this article.

**4-303 LICENSE; RABIES INOCULATION**

A) An annual license tax in such sum as set by the council by motion or resolution for every male or spayed female dog more than six (6) months of age is hereby levied upon the owner of any such dog kept or harbored within the city.

B) The license tax levied in this section shall not apply to a dog temporarily brought and kept within the city, nor to a dog brought within the city to participate in a dog show, nor to a "service" dog when such dog is actually being used by a person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

C) The owner shall pay the tax levied to the city clerk for every calendar year at the following times:

1. Before July 1 of each calendar year; or
2. If the dog is acquired or brought in the city after July 1, within thirty (30) days after acquiring or bringing the dog into the city.
3. Tags shall be prorated to the previous quarter in which it is purchased so that all tags will be due and payable on or before July 1 of the following year.
4. Intact dogs, male or female shall be charged \$10.00 above what the normal tag rate is, as set by City council from time to time

D) Before the city clerk accepts any money offered in payment of the tax for a dog, 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 showing that the dog has been immunized against rabies during the calendar year, that is, since the last December 31.

E) The owner of the dog, at the time of paying the tax, register the dog by giving the city clerk the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information as the city clerk may request.

F) The city clerk thereupon shall deliver an original receipt to the taxpayer and also an appropriate license tag to him for the dog. Such tag shall constitute a license for the dog. Each dog is required to wear the license tag.

G) All funds collected by the city clerk pursuant to this chapter shall be paid to the city treasurer. (2000 Code § 4-121)

**4-304: TAG TO BE PLACED ON COLLAR; LOST TAGS:**

A. The owner shall cause the tag received from the city clerk to be affixed to the collar of the dog 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 at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the city clerk, presenting to him the original receipt, and paying to him a fee of fifty cents (\$0.50). (2000 Code § 4-122)

**4-305: TAGS; COUNTERFEITING, PLACING ON OTHER DOGS: (SAME)**

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog as provided in this chapter, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued. (2000 Code § 4-123)

**4-306 EXCEPTIONS TO REGISTRATION; REQUIREMENTS FOR VISITING DOGS.**

The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than thirty (30) days. However, such dogs shall be kept under restraint by the owner thereof at all times.

**IMPOUNDMENT.**

**4-307: POUND ESTABLISHED:**

A city pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of the animal control officer or such other person as may be officially designated. The person in charge of the pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a pound maintained by the agency. (2000 Code § 4-130)

**4-308: DOGS TO BE IMPOUNDED; NOTICE:**

A) The pound officer, a police officer, or such other officer or employee of the city, as the city manager may authorize:

1. Shall take into custody and impound any dog, running at large in violation of any provision of the ordinances of the city;
2. May enter upon the premises of the owner or other private premises to take such dog, into custody; and
3. If with reasonable effort a dog, illegally at large cannot be caught, may be killed, whether on or off private premises.

B) Any other person may take such dog, into custody and present it to the authority in charge of the pound for impounding.

C) Upon the impounding of any dog, found running at large, diligent effort shall be made by the pound officer or appropriate agents of the city to ascertain the owner of the animal. If the owner can be ascertained, notice of the impounding of the animal shall be given either by mail or by telephone to the owner's usual place of residence. The owner may redeem the animal at the pound officer's place of confinement as provided in this chapter.

D) No dog taken into custody as provided in this section shall be destroyed or permanently disposed of prior to the expiration of three (3) days from the date of taking the animal into custody. The City will make every effort to adopt or find a shelter for all impounded dogs over the three day limit.

#### **4-309: BREAKING POUND:**

No unauthorized person shall:

- A) Break or attempt to break open the pound, 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; or
- 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. (2000 Code § 4-132)

#### **4-310: FEES FOR IMPOUNDING; DISPOSAL:**

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

B) Any person redeeming an impounded animal shall pay the above fees to the city clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

C) Any person redeeming a dog not licensed as required by ordinance shall pay the required license tax to the city clerk and secure a tag and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it.

D) Any person bringing an dog to the city pound for the purpose of disposing of the dog shall be subject to the following:

1. The owner of the dog brought to the pound for disposition must sign a waiver that releases ownership of the dog as well as allows for disposition of the dog by the city in a manner chosen by the city; (2000 Code § 4-133)

2. Upon acceptance of a dog released by the owner for disposition, a fee as set by the City Council from time to time shall be paid.

3. It is unlawful and in violation of the city code for any person to drop off a dog at the city pound and not in compliance with the above procedures and fees. (2000 Code § 4-133)

#### **4-311: OWNER MAY REDEEM:**

An owner of an impounded dog or his agent may redeem the dog, prior to its sale or destruction as provided for herein, by paying the required fees against the dog and meeting any other requirements which may be prescribed in this chapter. (2000 Code § 4-134)

#### **4-312: SALE OF IMPOUNDED DOGS:**

A) Any dog delivered to a third person will require such third party to:

- 1) Properly vaccinate within three (3) days after delivery of possession and present to the pound office within three (3) days proof of such vaccination.

- 2) Purchase animal tags from the city.

- 3) Accept the animal in its condition at time of delivery and hold the city harmless for any illness or behavior problems that the animal may have or develop.

- 4) Pay a fee of fifteen dollars (\$15.00) to the city. (Ord. 204, 12-8-2005)

C) The purchaser of an animal as provided herein shall acquire absolute title to the animal purchased.

D) The pound officer shall pay to the city clerk 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 the city clerk is open for business. (2000 Code § 4-135)

**4-313 BARKING DOGS.** No person shall own, keep or harbor any dog which by loud frequent and habitual barking, howling or yelping shall annoy or disturb any neighborhood or person in the City.

**4-314 DOG FIGHTING.** It shall be unlawful for any person by design or otherwise, to set any dog to fight, or cause any dog to attack any other dog or animal, or aid or abet or encourage any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, knowingly to permit such dog to fight without endeavoring to prevent the same.

**4-315 KEEPING VICIOUS DOGS PROHIBITED.** It shall be unlawful for any person to keep any vicious dog within the corporate limits of the city.

**4-316 PERMITTING DAMAGE TO PERSONS OR PROPERTY BY AN ANIMAL.** It shall be unlawful for any person having the custody of any animal to permit such animal to injure or damage, while in such custody, the person or property of another.

**4-317 TETHERING OF DOGS.**

- 1) No dog owner shall permit more than one dog to be tethered in their yard at any given time.
- 2) No dog shall be tethered in a yard on a (24) twenty-four hour per day basis.
- 3) Tethers shall be no shorter than ten feet (10') in length.
- 4) All tethers shall be so installed so that the dog shall have the freedom to walk around without the chance of getting tangled up or choking itself.
- 5) All dogs tethered outside shall have plenty of water and shade available.
- 6) All dogs tethered outside shall have plenty of water and shelter during cold weather.

**4-318 CONFINEMENT DURING HEAT.** An un-spayed female dog shall be kept securely confined in an enclosed place while in heat.

**4-319 CRUELTY TO DOGS UNLAWFUL.** It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill a dog or cause or procure the same within the corporate limits of the city.

**4-320 CONFINEMENT OF RABIES SUSPECTS.**

Any dog, which is suspected of having rabies, or any dog, which has bitten a person and caused an abrasion of the skin of the person, shall be confined by the owner as follows:

A. If the dog, has been properly vaccinated and licensed, the owner may confine the dog, isolated from the public, for a period of ten (10) days, or for any term designated by the state department of health;

B. If the dog, is not licensed or vaccinated, or if the owner does not have adequate facilities to properly confine the animal, the animal shall be seized and confined in some veterinary hospital, and such confinement shall be for a period of ten (10) days or for any term designated by the state department of health. The fee for the confinement shall be paid in advance by the owner of the dog; and

C. If the owner of the dog, refuses to confine the animal under the applicable subsections of this section, the dog, shall be ordered confined or destroyed by the appropriate officer of the city. Any animal ordered destroyed shall be killed by a competent person. The animal's head shall be furnished to the state department of health for rabies observation. (2000 Code § 4-126)

**4-321: RABIES PROCEDURES:**

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the city and the veterinarian in charge of the quarantined animal. Failure of the owner or keeper to quarantine his animal within the four (4) hour period herein will make him guilty of an offense per the guidelines set in this chapter.

B. The owner, upon demand by any city officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

D. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the city may recommend a citywide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the city without written permission of the animal control officer of the city.

E. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

F. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

G. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the city limits without written permission from the health officer of the city, or the animal control officer.

H. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the animal control officer.

I. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense per the guidelines of this chapter.

K. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

L. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

M. The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and

2. An accurate and detailed record of all bite cases reported to the city, with a complete report of the investigation of each case. (2000 Code § 4-127)

**4-322 KILLING AUTHORIZED.** The enforcing officer shall be authorized to kill any dog which is impractical or impossible to catch or capture or which is endangering any person or persons or property.

**4-323: VICIOUS, DANGEROUS AND DISEASED ANIMALS PROHIBITED:**

The keeping of vicious, dangerous or diseased animals within the city limits shall not be allowed.

**4-324: VICIOUS ANIMAL MAY BE KILLED:**

A person may kill a vicious or dangerous animal in self-defense or in defense of another when the animal, without due provocation, bites him or the other, or attacks or attempts to bite or attack him or the other person in such a manner than an ordinary prudent person would be led to believe that the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed. The animal must be at large. (Ord. 240, 5-14-2009)

**4-325: SUMMONS AND COMPLAINT:**

A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this article have been committed may sign a complaint against the alleged violator.

B. Any police officer, animal control officer or code enforcement officer who is employed by the city is authorized to issue a complaint when said officer personally observes a violation of this article.

C. The complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:

1. Name, address and telephone number of the complainant and other witnesses to the incident.
2. Date, time and location of the incident.
3. Description of the animal.
4. Name, address and telephone number (if known) of the animal owner.
5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant, or such facts as warrant a finding that the animal is vicious, dangerous or diseased.
6. Other facts and circumstances of the incident. (Ord. 187, 9-12-2002)



#### **4-326: IMPOUNDMENT:**

It shall be the duty of the animal control officer, upon receipt of a verified complaint as outlined in this article, to cause the animal involved to be impounded pending a determination as required by this article. Any and all expenses associated with the impounding including shelter, food, handling and veterinary care shall be borne by the owner of such animal during the period of impoundment. (Ord. 187, 9-12-2002)

#### **4-327: HEARING:**

The municipal judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within ten (10) days of the date of impoundment to determine if the animal is "vicious", "dangerous" or "diseased", as defined by section 4-301 of this chapter. Said hearing may be held in conjunction with any criminal proceedings is so ordered by the judge, but in no event shall this delay the hearing on determination of viciousness. (Ord. 187, 9-12-2002)

#### **4-328 DETERMINATION:**

The municipal judge shall be empowered to make one of the following determinations as a result of said hearing:

A. That the animal is in fact not vicious, dangerous or diseased, in which event the animal control officer shall cause it to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in section [4-326](#) of this chapter, and upon compliance with sections [4-101](#) through [4-113](#) of this chapter and/or any other section of this chapter.

B. That the animal is in fact vicious, dangerous or diseased, and should be destroyed.

C. That the animal is vicious, dangerous or diseased, but that for good cause shown the animal should not be destroyed, in which event the judge shall order one the following:

1. That the animal be immediately removed from the corporate limits of the city and not to ever be again allowed within the corporate limits of the city, and that the owner pay all fees required by section [4-326](#) of this chapter.

#### **4-329: VIOLATION AND PENALTIES:**

Any person violating or permitting the violation of any provision of this article shall, upon conviction, be fined as provided in section [1-108](#) of this code. Each day that a violation of this article continued shall be a separate offense. (Ord. 187, 9-12-2002)

### **PENALTIES**

**4-330: PENALTY:**

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the animal control officer pursuant to this chapter, shall, upon conviction thereof, be fined as provided in section [1-108](#) of this code, including costs. (2000 Code § 4-150)

## Article 4. Commercial Dog Kennels

**4-401:**

**Definitions:**

- A. Commercial Kennel: Any dog breeder or dealer located within the City Limits of Stroud who possesses six (6) or more intact male and/or female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration.
- B. Shelter/Foster Kennel: Any shelter for the sole purpose of saving dogs lives and adopting them out.

**4-402**

**Distance from:**

- A. No dog or rescue kennel or other like establishment wherein animals are kept shall be maintained closer than thirty feet (30') 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 the animals are kept.
- B. No Commercial Kennel establishment wherein animals are kept shall be maintained closer than two thousand feet (2000') to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence. All Commercial Kennel establishments shall have a minimum of ten (10) acres for such business to locate on.
- C. No Shelter/foster Kennel shall be located to where it disturbs any neighbors within the immediate vicinity.

**4-403**

## **COMMERCIAL KENNELS:**

1. All Commercial Kennels shall be licensed through the City of Stroud, City Clerk. Such license shall be issued with proof of a State of Oklahoma License, inspection of the Commercial Kennel facility by the City Manager or his/her designee.
2. A license fee of five hundred dollars (\$500.00) shall be paid at time of issuance of the license.
3. All Commercial Kennels shall be inspected by the Code Enforcement Officer or his/her designee on a quarterly basis for cleanliness, overcrowding of animals and overall general welfare of animals.
4. Notice Required: At such time that application for a Commercial Kennel is made, the applicant shall submit proof of publication from the Stroud American reflecting that he has published notice of his intention to apply for a Commercial Kennel License, such notice giving the date he intends to file the application, the location of the kennel, and the approximate date he intends to commence the owning, keeping or harboring of more dogs or other animals.

At such time that the application for a Commercial Kennel License is made, the applicant shall also submit receipt reflecting that he has, by certified mail, given notice to the abutting property owners for a distance of 1,000 feet on all sides of his premises, excluding streets alleys, that he intends to establish a Commercial Kennel and that he will on a certain date, make application to the City for a license to establish such kennel.

5. Public Hearing: Upon receipt of the application for a Commercial Kennel License, proof of publication and receipts of certified mailings, a hearing shall be placed on the agenda of the Stroud Planning Commission Board. The Planning Commission shall then approve or disapprove the application for the Kennel use.
6. All animals shall be kept in a pen at all times unless the animal is being cared for or out being exercised.
7. Once the original license is issued the Owner shall pay and annual renewable license fee of five hundred dollars (\$500.00) shall be paid through the City Clerk so long as all inspections are approved and/or violations cleared up from the previous year.
8. All current Commercial Kennel facilities shall be grandfathered in as far as location is concerned. They will be required to fill out the annual license application and be subject to Quarterly inspections.

## **Section 2. EMERGENCY**

WHEREAS, it being immediately necessary for the preservation of the peace, health, and safety and public good of the City of Stroud, Oklahoma and the inhabitants thereof that the provisions of the Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED THIS 11th Day of June, 2015

SEAL

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Debbie Garrett, Mayor

ATTEST:

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Gayle Thornton, City Clerk