

# PART 4 – ANIMALS

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## CHAPTER 1

### ARTICLE A - ANIMAL REGULATIONS

#### SECTION – DESCRIPTION

- 4-101 Definitions
  - 4-102 Running at large, owners cited, enclosures
  - 4-103 Control of animals required, regulations
  - 4-104 Buildings, structures for animals, location
  - 4-105 Noisy animals, nuisance, vicious animals
  - 4-106 Pasturing in public areas illegal
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#### SECTION 4-101 DEFINITIONS

A As used in this chapter:

- **“Animal”** means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, turkey or any other animal or fowl;
- **“At large”** means:
  1. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, or
  2. 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 not more than six (6) feet in length if off the premises of the owner;
- **“Fowl”** means chickens, guineas, geese, ducks and pigeons;
- **“Owner” or “keeper”** means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds;
- **“Provoke” or “provocation”** means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person’s body, or that any part of the animal’s body is pulled, pinched or squeezed by a person;
- **“Vicious animal”** means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons when not unduly provoked;
- **“Without provocation”** means that an animal was not teased, tormented or abused; and also means where the animal is not protecting its owner or owner’s property from criminal activity by a perpetrator of a crime.

B All other words or phrases used herein shall be defined and interpreted according to their common usage.

**SECTION 4-102 RUNNING AT LARGE, OWNERS CITED, ENCLOSURES**

A No owner shall permit any animal, including fowl, owned, harbored or kept by him, to be at large within the town. It is unlawful for any animal to be at large within the town.

B Any animal running at large in the town may be taken up and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

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**SECTION 4-103 CONTROL OF ANIMALS REQUIRED, REGULATIONS**

A It is unlawful for any owner or person to:

1. Fail to prevent any animal from running at large within the town.
  2. Perform, do or carry out any inhumane treatment against any animal.
  3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the health officer or animal control officer;  
or
  4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter.
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**SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATIONS**

A Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.

C Every building where any animal is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulation 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.

D The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may temporarily make a complaint before the town court against any person for violation of any provision of this chapter or of any such reasonable order.

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#### **SECTION 4-105 NOISY ANIMALS, NUISANCE, VICIOUS ANIMALS**

A No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.

B No person shall keep any animal which is a nuisance or is vicious as defined in this code.

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#### **SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL**

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

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## **ARTICLE B - LICENSING AND VACCINATION**

### **SECTION – DESCRIPTION**

4-121 Rabies vaccination required; certificate of vaccination; tags

4-122 Licenses required

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#### **SECTION 4-121 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS**

A No person shall own, keep or harbor any dog or cat within the town limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually.

B Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.

C When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.

D It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat, and it shall be unlawful for any person to remove such tag or check without the owner's consent.

*State Law Reference: Town's power to regulate dogs, 11 O.S. §22-115.*

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#### **SECTION 4-122 LICENSES REQUIRED**

A No person shall own, keep, harbor or have custody of any animal over three (3) months of age without first obtaining a license from the town clerk and paying the required fee.

B The annual license fee for animals shall be set by the town board by motion or resolution.

C This section shall not apply to the keeping of small caged birds or to aquatic and amphibian animals kept solely as pets. This section shall not apply to the keeping of animals brought or kept within the town, nor to "seeing eye" dogs when such dog is actually used to aid a blind person.

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## **ARTICLE C - IMPOUNDMENT REGULATIONS**

### **SECTION – DESCRIPTION**

4-131 Impoundment, disposition of animals

4-132 Breaking pound or interfering with impounding officers

4-133 Redemption, adoption, of animal

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### **SECTION 4-131 IMPOUNDMENT, DISPOSITION OF ANIMALS**

A The town may operate on its own or contract with an outside agency to serve as the town's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.

B Any animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in a humane manner. Fees for impoundment shall be as provided by the shelter or the town board. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

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### **SECTION 4-132 BREAKING POUND OR INTERFERING WITH OFFICERS**

A If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any town pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the town pound any animal liable to be impounded, he shall be guilty of an offense.

B No person shall interfere with, hinder, or molest any agent of the town in the performance of any duty of such agent, or seek to release any animal in the custody of the town or its agents, except as provided by law.

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**SECTION 4-133 REDEMPTION, ADOPTION OF ANIMAL**

An owner of an impounded animal or his agent may redeem the animal prior to its sale or destruction as provided for herein by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first five (5) days after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.

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**ARTICLE D - CRUELTY TO ANIMALS**

**SECTION – DESCRIPTION**

- 4-141 Cruelty to animals
  - 4-142 Poisoning animals
  - 4-143 Encouraging animals to fight
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**SECTION 4-141 CRUELTY TO ANIMALS**

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

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**SECTION 4-142 POISONING ANIMALS**

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

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**SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT**

It is unlawful for any person to instigate or encourage a fight between animals, or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal, or to keep a house, pit or other place used for fights between animals.

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# ARTICLE F - RABIES AND ANIMAL BITES

## SECTION – DESCRIPTION

- 4-161 Animal bites, rabies examination; quarantine
  - 4-162 Rabies diagnosis, quarantine of town; time limit
  - 4-163 Killing or removing rabid animal prohibited
  - 4-164 Reports of bite cases; report by veterinarian
  - 4-165 Investigations for violation of chapter
  - 4-166 Records
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### SECTION 4-161 ANIMAL BITES, RABIES EXAMINATION; QUARANTINE

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 town and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.

B The owner, upon demand by any town 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.

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### SECTION 4-162 RABIES DIAGNOSIS, QUARANTINE OF TOWN; TIME LIMIT

A 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.

B When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the town may recommend a town-wide 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 town without written permission of the animal control officer of the town.

C 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.

D 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.

*State Law Reference: State quarantine of animals, 63 O.S. §1-508.*

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#### **SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED**

A 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 remove the animal from the town limits without written permission from the health officer of the town or the animal control officer.

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

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

D 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.

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#### **SECTION 4-164 REPORTS OF BITE CASES; REPORT BY VETERINARIAN**

A 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.

B 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.

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#### **SECTION 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER**

A For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.

B The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

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## **SECTION 4-166 RECORDS**

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

- A An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody;
  - B An accurate and detailed record of all bite cases reported to the town, with a complete report of the investigation of each case.
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## **ARTICLE G - PENALTY**

### **SECTION – DESCRIPTION**

4-171 Penalty

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### **SECTION 4-171 PENALTY**

A Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code unless specified.

B Any owner who violates any provisions of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by a health officer or a peace officer pursuant to this chapter, shall upon conviction be guilty of a misdemeanor.

- **First offense** — Impound dog and written warning.
- **Second offense** — Impound dog and written citation, fine not to exceed one hundred dollars (\$100.00).
- **Third offense** — Impound dog and written citation, fine not to exceed five hundred dollars (\$500.00).

A twenty-five dollar (\$25.00) impound fee and a ten dollar (\$10.00) per day charge will be charged to the owner. The owner will be responsible for the required fee when the dog is euthanized.

Every day's violation of any provision of this chapter or of such order of the health officer or peace officer shall constitute a separate offense.

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## **CHAPTER 2 – (RESERVED)**