

ORDINANCE # 944(20)

AN ORDINANCE AMENDING PART 4, ANIMALS; CHAPTER 1, GENERAL PROVISIONS, BY REWRITING ARTICLE A, ANIMAL REGULATIONS; REWRITING ARTICLE B, REGISTRATION AND VACCINATION OF ANIMALS; REWRITING ARTICLE C, IMPOUNDMENT REGULATIONS; REWRITING ARTICLE D, CRUELTY TO ANIMALS; REMOVING ARTICLE E, ZONING REGULATIONS; REWRITING ARTICLE F, RABIES AND ANIMAL BITES; AND REWRITING ARTICLE G, VICIOUS ANIMALS OF THE MOORE MUNICIPAL CODE, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of Moore, Oklahoma:

CHAPTER 1. GENERAL PROVISIONS

ARTICLE A. ANIMAL REGULATIONS

Sec. 4-101. - Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal including wholesome food, clean water, shelter and healthcare as necessary to maintain good health in a specific species of animal.

Adequate food means provisions at suitable intervals at no more than twelve hours unless dietary requirements of the species require a longer interval, of a quality, wholesome food suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, served in a safe receptacle, dish or container.

Adequate water means the continual access to or access at suitable intervals not less than once each eight hours for at least one hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition and age of the animal and in sufficient amounts to maintain good health in the animal. Such water shall be provided in a secure manner so the container cannot be overturned.

Adequate shelter means structurally sound, properly ventilated, sanitary, dry and weather proof shelter suitable for the species, age and condition of the animal which is free of litter or hazardous substances and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from inclement weather conditions. Shelter shall be fully enclosed on three sides, roofed and 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 around comfortably. Unacceptable shelter includes but is not limited to barrels, pipes, crates, cardboard boxes, pet carriers or tarpaulins.

Animal means livestock, creatures, fowl, dogs, cats, or ferrets except fowl shall not apply to the term "animal" when dealing with rabies issues.

Animal Control Authority means the animal control section of the city or its representative directed by the City Manager for the welfare of the City.

Animal control officer means the persons employed by the Animal Control Authority or appointed by the City Manager to enforce this chapter.

Animal shelter means any premises designated by action of the council for the purposes of impounding and caring for animals.

At large or running at large means any animal (except cats) not under the control of a competent person. As applied to animals, the term "at large" or "running at large" means:

(1) Off-premises. Any animal (except cats) which is not restrained by means of a leash or chain of sufficient strength and not more than six feet in length to control the actions of such animal while off the owner's property; and

(2) On-premises. Any animal (except cats) not confined within the owner's property by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from the owner's property and so arranged so that the animal will remain upon the property when the leash is stretched to full length. A dog intruding upon the property of another person other than the owner shall be termed running at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed running at large.

Body harness means a set of straps that extend around the chest and mid-section of the animal's body, so as to not tighten around the animal's neck when the animal pulls at the end of the tether.

Cat means any member of the feline family.

Collar means a band of leather or soft material fastened around the neck of an animal as to attach a license, tag or tether.

Compendium means the most recent version of compendium of animal rabies control established by the National Association of State Public Health Veterinarians Inc., adopted by the Animal Control Authority.

Creature means a domesticated animal used as a household pet such as a hamster, gerbil or similar animal.

Dangerous animal. See Vicious canine.

Dog means any member of the canine family.

Domesticated means trained or adapted for use in a human environment.

Domesticated birds means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

Enclosure means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry and designed to prevent the animal from escaping.

Euthanized means to put to death in a humane manner.

Exposed to rabies means any animal (except fowl) that has been bitten by or exposed to any other animal known to have been infected with rabies.

Fowl means domesticated chickens, guineas, geese, ducks and pigeons, peacocks and turkeys.

Harbor means to feed or shelter an animal at the same location for five or more consecutive days.

Impound means to apprehend, catch, trap, net or if necessary, kill any animal by the animal control authority or its agent.

Impounding facilities means any premises designed by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Keeper means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.

Kennel means any place where four or more dogs or four or more cats, more than six months of age, are kept, sheltered or fed and watered.

License means annual pet registration required by the city for animals vaccinated against rabies, issued by the Animal Control Authority.

Livestock means domestic animals such as swine, horses, mules, asses, sheep, goats or cattle. When these terms are used herein, it shall include any related member of the species.

Muzzle means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person, animal or livestock.

Neuter means to render a male animal unable to reproduce.

Non choke type collars means a collar that when worn by an animal does not constrict or choke the animal when the animal pulls or extends the attached tether.

Nuisance animal means the conduct or behavior of any animal which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter.

Owner or keeper means any person, group of persons or corporation owning, keeping or harboring animals, 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.

Rabies policy and procedure means the "compendium" unless otherwise stated.

Ratproof means that state of being constructed so as to effectively prevent entry of rats.

Registration and vaccination for rabies means the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate issued by a licensed veterinarian.

Restraint means that an animal is controlled by leash or tether, either of which shall not exceed six feet in length, by a competent person, or is within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or is confined within the property limits of its owner or keeper.

Sanitary means any condition of good odor and cleanliness which precludes the probability of disease transmission and insect breeding and which preserves the health of the city.

Severe injury means any physical injury that results in bruising, lacerations, or causing blood to be drawn.

Spay means to render a female animal incapable to reproduce.

Tag means any object that bears a registration number and the words "registered and vaccinated for rabies" in the shape and color recognized by the National Association of State Public Health Veterinarians which has been issued by a veterinarian.

Tether means a rope, chain, or cable that is attached to an animal's collar or harness for the purpose of restraining the animal.

Vaccination means a treatment with a vaccine to produce an immunity against disease.

Veterinarian means a person holding a current state license qualified to treat diseased or injured animals.

Vicious canine means:

(a) (1) Any canine which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property where such a person is conducting himself peaceably and lawfully;

(2) Any canine which, according to the records of the appropriate authority, requires a defensive action by any person to prevent bodily injury or property damage without provocation on public or private property where such a person is conducting himself peaceably and lawfully;

(3) Any canine which, according to the records of the appropriate authority, has killed a domestic animal or livestock without provocation while off the owner's property or has caused economic loss to the owner of livestock as a result of the canine's attacking or harassing the livestock;

(4) Any canine owned or harbored primarily or in part for the purpose of canine fighting or any canine trained for canine fighting; or

(b) All other words, terms or phrases used herein shall be defined and interpreted according to their common usage.

Sec. 4-102. - Running at large, owners cited; enclosures.

(a) Any animal (excluding cats), running at large in the city may be taken up by the animal control officer and impounded at the animal shelter. Employees of the City Animal Control Authority shall have the authority to enter upon the owners property in pursuing a dog which is running at large and they shall have authority to open gates, cross fences and take whatever steps that are necessary to impound the dog running at large, except nothing in this section shall be construed to authorize the city employee to enter into a dwelling of a person. The animal control officer may, at their discretion, cite the owner of such animal to appear in municipal court to answer charges of each violation of this chapter.

(b) Every person who owns or has charge of any animal within the city shall be required to keep the domestic animal within a suitable enclosure and to restrain the animal from running at large.

Sec. 4-103. - Control of animals required, at large and sanitation.

(a) It is unlawful for any owner or person to:

(1) Fail to prevent any animal (except cats) from running at large within the city; or

(2) Perform, do or carry out any inhumane treatment against any animal; or

(3) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor or sanitary conditions becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes 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.

(5) Harbor, keep or have possession of a nuisance animal as defined in this chapter.

(b) (1) No owner, keeper, or person having control of any animal shall 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, or from private property before the owner leaves the immediate area where the solid waste was deposited.

(2) No owner, keeper, or person having control of any animal shall fail to have in his possession the equipment necessary to remove his animal's solid waste when accompanied by said animal on public property.

(3) No owner, keeper or person having control of any animal shall permit such animal to destroy or damage property of any kind or to deposit solid waste or to commit a similar nuisance on the private property of a person or the property of the city, including its parks and playgrounds, or any property other than that of the owner of the animal.

Sec. 4-104. - Keeping and raising of fowl.

Keeping of fowl is prohibited in the city limits except on property zoned A1 or A2.

Sec. 4-105. - Keeping of swine.

(a) It is unlawful for any person to raise or keep any swine within the city except as may be otherwise provided in this section or other parts of this Code. This section shall not apply to the keeping

within the city of no more than two Asian pot-bellied swine or similar small swine, subject to the following:

(1) Each pot-bellied swine shall be a pet that is to be kept for personal enjoyment and not kept or raised for human consumption;

(2) Each pot-bellied swine shall be registered through a bona fide registry firm;

(3) Each pot-bellied swine shall not exceed 75 pounds in weight and 20 inches in height; and

(4) There shall not be more than two pot-bellied swine of more than three months of age per residence.

(b) 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, any 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. 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.

Sec. 4-106. - Buildings, structures for animals; location.

(a) Every building or place where any animal 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 maintained closer than 25 feet to the premises of an apartment, hotel, restaurant, boardinghouse, 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 livestock is kept, if located within 200 feet of any apartment, hotel, restaurant, boardinghouse, 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 flytight 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 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 make a complaint before the city court against any person for violation of any provision of this chapter, or of any such reasonable order.

(e) The placement of any structure must comply with all of the regulations set out within Part 12, "Planning, Zoning, and Development" and the adopted Land Development Code.

(f) The construction, materials, and building use must comply with all of the adopted regulations set out in Part 5, "Building Regulations and Codes" of the Code of Ordinances.

Sec. 4-107. - Number of animals restricted, kennels.

(a) No more than four animals, more than six months of age, may be kept on any lot, premises or in any structure, except in a kennel. Not more than one litter of puppies born to one female dog or one litter of kittens born to one female cat may be kept on any lot or premises or kept in any structure except in a kennel.

(b) It is unlawful for any person to have, run, maintain or operate any kennel or any place for the sale, exchange, breeding or training of pet animals within the city except in accordance with the zoning ordinance.

Sec. 4-108. - Noisy animals; complaint procedure for animals which disturb, are in violation of Code.

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

(b) Any person with knowledge thereof may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any reasonable person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, or order punishment as provided in section 1-108.

Sec. 4-109. - Keeping of wild or exotic animals.

(a) For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes, including those considered dangerous, such as boas and pythons, lynxes, raccoons, skunks, monkeys and like animals.

(b) It is unlawful to keep or harbor any wild or exotic animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section.

(c) This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, educational or medical institutions in accordance with any applicable regulations of the council.

Sec. 4-110. - 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.

Sec. 4-111. - Riding on streets; racing animals.

(a) No person shall ride or lead any horse or other animal or drive any wagon, carriage or other vehicle on the streets in the business district or intensive residential district without a permit as may be issued by the city manager.

(b) It is unlawful for any person to race any animal or recklessly ride an animal on or over any street or on any public grounds in the city.

Sec. 4-112. Keeping of bees.

No person shall keep or permit the keeping of bees or for any person to own, harbor or possess a beehive unless zoned A1 or A2.

Sec. 4-113 Use of Metal Traps

(a) The use of metal traps is hereby prohibited inside the city, unless such traps are used in accordance with the provisions of this section.

(b) For purposes of this section, the term "metal trap" is defined as a metal clamping device which is made of metal generally used for the purpose of trapping animals, which device has metal jaws which close upon the animal so as to trap the animal between the jaws of the trap.

(c) Metal traps as defined in this section may be used only by individuals currently in possession of a nuisance wildlife control operator permit through ODWC.

Sec. 4-114 – Refusal to deliver animal to animal control officer.

No person shall refuse to deliver up to the animal control officer an animal when requested to do so under the provisions of this chapter.

ARTICLE B. - REGISTRATION AND VACCINATION OF ANIMALS

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

(a) No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat four months of age or older is vaccinated for rabies.

(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 12 months, the owner shall be guilty of an offense.

(c) Inoculation must be by or under the supervision of a person licensed to practice veterinary medicine in the state or other states.

(d) Inoculation must be with a vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the city for a one year immunization period. New vaccines which may be approved by the United States Department of Agriculture will be recognized as complying with this chapter.

(e) Ten days shall be permitted for an owner to secure revaccination of his dog or cat after the previous time has lapsed.

(f) Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner, who, upon request, shall show the certificate to the city. Such certification shall include the following information:

- (1) Owner's full name, address, zip code and telephone number;
- (2) Breed, date of birth, sex and color or marking of the dog or cat;
- (3) Type of vaccine and duration of immunity;
- (4) Signature of the veterinarian or other authorized person administering the vaccination;

and

- (5) Name of the animal, if applicable.

(g) 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 certificate evidencing such vaccination and the year of vaccination.

(h) It shall be the duty of the owner of the dog or cat to attach the tag or certificate issued to him pursuant to subsection (g) of this section to the dog or cat and it shall be unlawful for any person to remove such tag or certificate without the owner's consent.

(i) No person shall provide a facsimile or deface or change the tag or vaccination certificate issued in any way which shall make or cause the tag to appear valid for a longer period of time than originally intended.

(j) A tag or rabies vaccination certificate shall not be transferred from the dog or cat for which it was issued to any other dog or cat.

State Reference 11 OS 22-115.

Sec. 4-122. - Registration of animal pets.

Every person owning or harboring within the city any dog, cat, or ferret over the age of four months shall pay an annual tax in such sums as set by the council by motion or resolution for each male or spayed female, and for each unspayed female, owned or harbored. The license shall become due and payable annually with documentation of current rabies vaccination. The animal control shelter or his designee shall issue his receipt to the payee, which shall show the date and the amount of the payment, the age as stated by the owner, and the kind, size, color and breed of the dog or cat. The pet tax receipt as herein provided shall operate as a license to own, keep or harbor the dog or cat. No such license shall be issued until the provisions of this chapter relating to vaccination shall have been complied with and certified to the clerk. This section shall not apply to animals kept by licensed veterinarians or in veterinary clinics in the city.

Sec. 4-123. - Register.

It is the duty of the animal control officer of the city to keep a register of all pet animal licenses in the city pursuant to the provisions of this article. Such register shall show the date of the issuance of the license, its date of expiration, the name of the owner or the person in whose name the license is issued and shall designate the sex of the pet animal and as nearly as possible the kind, age, size, color and

breed of the animal pet. The register shall also show the date of the vaccination and by whom vaccinated.

Sec. 4-124. - Tag placed on collar; lost tags; counterfeit tags.

(a) The owner of a dog shall cause the tag received from the city 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. The owner of a cat shall not be required to place the tag on a cat.

(b) If the tag is lost before the end of the year for which it was issued, the owner may secure another for the animal by applying to the animal shelter, presenting to him the original receipt and paying a fee as set by the council.

(c) No person shall counterfeit or attempt to counterfeit any tag issued for a dog or cat as provided herein, 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.

ARTICLE C. - IMPOUNDMENT REGULATIONS

Sec. 4-131. - Impoundment record, disposition of animals.

(a) The city may contract with an outside agency to serve as the city's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.

(b) Any animal kept as a house pet found running at large shall be picked up and immediately impounded in the animal shelter and there confined in a humane manner.

(c) The city animal control officer, upon receiving an animal for impoundment which has been registered in accordance with this chapter, shall record or cause to be recorded the description, breed, color and sex of the animal and the name and address of the owner as may be shown on applicable city animal control records. If the owner is known, the officer shall:

(1) Notify the owner at the address shown on city records; or

(2) Leave a notice with a member of the owner's family, or other person residing at the owner's home, as shown in the city's records, over the age of 15 years, to notify the owner that unless reclaimed within five days after impoundment, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of.

Sec. 4-132. - Breaking open shelter; 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 city shelter or contract shelter, or hinders, delays or obstructs any person duly authorized in taking up or taking to the city shelter any animal liable to be impounded, he shall be guilty of an offense.

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

Sec. 4-133. - Animal shelter fees.

- (a) Fees for impounding and keeping an animal, to be paid upon redemption, are as set by the city council by motion or resolution. In computing a fee, a fraction of a day during which an animal or fowl has been fed shall be deemed a full day.
- (b) Any person redeeming an impounded animal or fowl shall pay the fees to the person in charge of the animal shelter before the latter releases the animal or fowl.
- (c) Any person redeeming a dog or any other animal or fowl not licensed as required by this Code shall pay the required license tax to the animal shelter and secure a tag or other evidence of such payment and present the tag or receipt therefor to the person in charge of the animal shelter before the latter releases the animal or fowl. If the animal or fowl has been licensed but is not wearing the tag, the person in charge of the animal shelter shall require adequate evidence of the proper licensing of the animal or fowl before releasing it.
- (d) Any dog not vaccinated against rabies being held or impounded by the city shall not be released to the owner or any other person without proof of current vaccination against rabies or without paying a deposit in such sum as is set by the city, which deposit shall be refunded to the person putting up the same upon proof of current vaccination being shown to the animal control officer within 72 hours of the release of the animal. If such proof is not presented, then the animal control officer may retake the animal into custody and deposit the deposit with the city treasurer to be retained as expenses of taking the animal into custody.
- (e) In addition to the above fees, any person leaving an animal with the shelter shall pay a fee as set by the council.

Sec. 4-134. - Redemption 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 days after the impoundment of the animal, excluding Sundays and holidays, the animal may be otherwise disposed of as provided for herein.

Sec. 4-135. - Disposition of impounded animals.

- (a) Dogs and cats may be released from the animal shelter for adoption if the owner of the animal has not claimed the animal within the time specified in this chapter and paid all fees required to secure its release. If the animal has not been surgically spayed or neutered, the adopting person shall pay a fee, as established by the fee schedule, for the spaying or neutering of the animal prior to adoption. The city may enter into agreements with private releasing agencies for the purpose of arranging animal adoptions. If the animal to be released is placed with a private releasing agency prior to final adoption, and the releasing agency requires sterilization prior to final adoption, the private releasing agency shall not be required to make a sterilization deposit.
- (b) Any animal for which the owner is known and notice has been provided in this chapter, or for which the owner is unknown or cannot be ascertained by the animal control officer, shall be destroyed after the lapse of five days if not adopted as provided in this section.

(c) The proceeds of any animal adopted shall be deposited with the city treasurer. The individual adopting an animal through the procedure provided for in this section shall acquire absolute title to the animal adopted.

ARTICLE D. - CRUELTY TO ANIMALS

Sec. 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 will inflict 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.

STATE REFERENCE 21 OS 1685

Sec. 4-142. - Poisoning animals.

No person shall feed or place so as to constitute a direct or obvious hazard to man or animal or shall offer or tempt any dog or pet animal with any liquid, meat or food product which shall:

- A. Cause prostration, convulsion, pain or suffering as a prelude to death;
- B. Cause death;
- C. Be proven to be toxic or lethal in the amount present to any man or domestic animal by competent medical or veterinary authority.

STATE REFERENCE 21 OS 1681

Sec. 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, nondomesticated animal, or to keep a house, pit or other place used for fights between animals.

STATE REFERENCE 21 OS 1696

Sec. 4-144. - Keeping of animals; mistreatment, abandonment.

(a) All dogs, cats and other animals kept as house pets within the city limits shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

(b) No person shall willfully or maliciously:

- (1) Torture, cruelly beat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to himself or to another;
- (2) Deprive any animal of food, drink or shelter or leave it confined without adequate shelter for more than 15 minutes at a time exposed to inclement weather. Inclement weather shall be defined as less than 32 degrees Fahrenheit or greater than 90 degrees Fahrenheit;
- (3) Unjustly administer any poison or noxious drug or substance to any animal;

(4) Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal is the property of that owner or another person;

(5) Cause any other person to do any of the above acts; or

(6) Abandon an animal on any private or public property in the city, including at the animal control shelter when no employees are present to receive the animal.

(c) If an animal is found by the animal control officer to be in one of the above-described conditions, the officer may issue a citation to the offender and shall issue a notice to the offender warning him that if the animal's condition is not improved, another citation may be issued.

(d) If within three days the condition of the animal is not improved to the satisfaction of the animal control officer, a citation shall be issued.

(e) No dogs, cats or other animals shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperatures, or lack of food or water.

(f) Owners and keepers of dogs, cats and other animals shall provide food, shelter and medical attention to such animals, including, but not limited to, the following:

(1) Sufficient wholesome food that is nutritious for the species;

(2) Fresh, potable drinking water;

(3) Medical attention to relieve such animals from suffering;

(4) Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on 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 enclosure shall be structurally sound and in good repair. Bedding shall be provided; and

(5) Any animal kept on a chain or rope shall be placed so that it cannot become entangled with the restraints of other animals or with any other objects. The chain or rope shall be of sufficient length to allow the animal complete access to shelter at all times. The chain shall be attached in a manner so as not to cause injury or discomfort to the animal. In the case of dogs, the chain or rope shall be at least three times the length of the dog as measured from the tip of the nose to the base of the tail.

ARTICLE E. RABIES AND ANIMAL BITES

Sec. 4-161. - Animal bites; rabies examination; quarantine.

(a) Every animal that bites or scratches a person shall be reported within immediately to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten 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. 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 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) In addition to powers granted by this section and section 4-165, the animal control officer may impound in the animal shelter or a veterinary hospital at the owner's expense any animal, whether on public or private property, which has bitten or scratched pursuant to this chapter.

Sec. 4-162. - Rabies diagnoses; quarantine of city; 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 a report shows a positive diagnosis of rabies, the City Manager or the City Manager's Designee, under advisement from the State Health Department and Animal Control Authority of the city, may recommend a citywide quarantine for a period of six 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 City Manager or the City Manager's Designee.

(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, and be held under six 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 months.

(e) The regulations of the state department of health, and all amendments thereto, relating to quarantine and rabies are adopted herein by reference.

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Sec. 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 to remove the animal from the city limits without written permission from the health officer of the city, 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.

Sec. 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.

Sec. 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 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.

Sec. 4-166. - Records.

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.

ARTICLE F. - VICIOUS ANIMALS

Sec. 4-171. - Court proceedings against vicious animals.

The owner or keeper of any animal alleged to be vicious or in violation of this chapter may be charged in Municipal Court after a complaint has been duly filed therein by any person having knowledge thereof. If the court finds that the animal is a vicious animal as defined this article, the court shall order that the animal be confiscated and destroyed or confiscated until the owner or keeper complies with the provisions of this article within thirty (30) working days of the judgement. The judge may additionally order that the owner or keeper comply with other preventive measures. A preventive measure shall not include the animal being removed from the city limits. The animal will be held at the animal shelter until such time as the owner or keeper reaches compliance. Should the owner or keeper fail to comply by the designated date, the owner or keeper, after paying a fee as established in the fee schedule, shall relinquish ownership or custody of the animal to the animal shelter and said animal will be destroyed.

Sec. 4-172. - Duty to Register Incoming Vicious Canines

If any canine that has previously been deemed vicious from another jurisdiction enters the City of Moore, the owner of such canine shall abide by the same criteria and responsibilities as if the canine was deemed vicious by the City of Moore and shall within 10 days of entering the City, notify Animal Control of the canines presence.

Sec. 4-173. - Owner's responsibility.

While on the owner's property, the canine must be securely confined indoors or, while outside, in a securely enclosed and locked pen or structure suitable to prevent entry and designed to prevent the animal from escaping. Such an enclosure must have minimum dimensions of five (5) feet by ten (10) feet and must be at least six (6) feet high. Such enclosure must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the canine. Structures are subject to annual inspection.

The canine shall not 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, the canine shall not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

The canine may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person.

The owner of the canine shall within 30 days of determination; display in a prominent place on his premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the pen or structure of the canine.

The owner of the canine determined to be a vicious canine shall within 30 days of determination register the canine with the animal control officer. Registration shall be updated annually. Registration must be accompanied by the following:

- A. Two (2) color photographs of the canine clearly showing the color and approximate size of the canine:

- B. The fees required for a dog license as set forth in this chapter, or evidence of the fees having been paid; and

- C. An additional fee as set by the council for each vicious canine.

The owner of any canine determined to be vicious shall notify the animal control officer immediately within twenty-four (24) hours if a dangerous animal or canine subject to registration as provided in this order is loose, unconfined, has attacked another animal or livestock or has attacked a human being, or has died.

Any canine declared vicious shall be spayed or neutered with thirty (30) days of such findings unless a duly licensed veterinarian provide documents to the Municipal Court or Animal Control that medical conditions of the dog contradict sterilization. Such sterilization shall require removal of the reproductive

organs. Verification that sterilization has taken place shall be presented to the Municipal Court or Animal Control by the licensed practicing veterinarian performing the procedure.

Any canine declared vicious shall receive an identification microchip implant within thirty (30) days of the determination. The microchip used must be implanted by licensed veterinarian. It shall be a violation of the code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The Animal Control must be notified immediately of said removal.

The owner of any canine determined to be vicious shall obtain 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 an amount not less than one hundred thousand dollars insuring the owner for any personal injuries inflicted by the vicious canine. The owner shall provide proof of liability insurance to the Animal Control Department of the City of Moore and shall provide updated coverage annually for as long as the canine is within the city limits. Failure to provide and maintain said insurance shall result in impoundment of the canine and possible euthanasia.

Sec. 4-174. - Actions on failure to comply.

Any owner of a canine that fails to comply with the responsibilities set forth in Sec. 4-173 above shall, upon conviction in court, be punished as provided in section 1-108. In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed ten days and canine may be impounded and destroyed.

Sec. 4-175. - Exemptions for canines that are provoked.

No canine may be declared vicious if the threat, injury or damage was initiated by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the canine, or was teasing, tormenting, abusing or assaulting the canine, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the canine or was committing or attempting to commit a crime.

Sec. 4-176. - Affidavit of complaint.

Upon receipt of an "Affidavit of Complaint" signed by one or more residents of the city made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the canine, the address of the owner and the description of the canine doing such act, the animal control officer shall investigate the complaint to determine if in fact the animal is vicious. If after investigation, the animal control officer determines the animal may be vicious, a citation shall be issued for a determination hearing and the animal control officer shall take possession of the alleged vicious animal for immediate impound. The owner or keeper of the alleged vicious animal may make arrangements to house the animal at a licensed veterinarian facility at the owner/keepers expense.

Sec. 4-177. - Determination hearing.

(a) A determination hearing shall be conducted by the municipal judge whenever there is cause to believe that a dog may be a vicious canine. The hearing shall be conducted within ten days of serving notice to the owner either by delivering a copy of the notice or summons personally to the owner of the canine or by leaving copies thereof at the owners dwelling house or usual place of abode with some

person then residing therein who is 15 years of age or older or by certified mail and may be held in conjunction with any criminal proceedings if so ordered by the municipal judge. In no event shall there be a delay of more than ten days in conducting the hearing on determination of viciousness.

(b) Pending the outcome of the hearing, the canine must be securely confined in a humane manner at the animal control shelter or with a licensed veterinarian.

(c) The municipal judge shall determine whether to declare the canine to be a vicious canine based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be considered germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination.

(d) The judge shall issue written findings within five days after the determination hearing. The owner has the right to appeal the decision to the district court.

ARTICLE G. - PENALTY

Sec. 4-181. - Penalty.

In addition to other remedies provided in this chapter, any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-108.

Severability. If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer. Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 15th DAY OF JUNE, 2020.



ATTEST

VANESSA KEMP, City Clerk

GLENN LEWIS, Mayor

APPROVED AS TO FORM AND LEGALITY:

RANDY C. BRINK, City Attorney