

Chapter 3 - ANIMALS

Footnotes:

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Editor's note— Ord. No. 1616, § 1, adopted June 6, 2023, amended Ch. 3 in its entirety to read as herein set out. Former Ch. 3, pertained to similar material, and derived from Code 1972; Ord. No. 534, adopted Nov. 21, 1983; Ord. No. 641, adopted May 4, 1987; Ord. No. 783, adopted July 20, 1992; Ord. No. 824, adopted Jan. 17, 1994; Ord. No. 939, Nov. 17, 1997; Ord. No. 1520, adopted June 2, 2020.

ARTICLE 1. - DEFINITIONS

Sec. 3-1-1. - Definitions.

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

Abandon means the voluntary relinquishment of an animal including, but not limited to, vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal. (21 O.S. § 1686)

Animal means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being. (21 O.S. § 1680.1)

Animal control officer means any individual employed, contracted with, or appointed by the City for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. An animal control officer will be considered a "law enforcement officer" under 11 O.S. § 27-115.1 and permitted to issue citations if and when permitted under state law and authorized by the City Manager.

At large means an animal is 1) off the premises of its owner while not securely and physically restrained by and under control of a leash or 2) on the premises of the owner, but not confined or at heel. At heel means within a radius of ten feet of the owner and obedient to the owner's commands or within the confines of an operational invisible fence.

Cockfight or cockfighting means a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight and includes any training fight in which birds are intended or encouraged to attack or fight with one another.

Community cat means any outdoor, unowned, free-roaming kitten or adult cat that could be friendly, feral, healthy, sick, sterilized or unsterilized.

Community cat caregiver means a person who provides food, shelter or medical care to a community cat while not being considered the owner, custodian, harbinger, controller or keeper of a community cat.

Ear-tipping means the removal of the quarter-inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated for rabies at least once at the time of sterilization.

Effective consent means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear, by a person the offender knows is not legally authorized to act for the owner or by a person who by reason of youth, mental disease or defect or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions. (21 O.S. § 1680.1)

Exotic animal means and includes any animal, except reptiles as defined below, which, because of its dangerous physical features, great size or vicious nature presents a clear and proven danger to human beings.

(A) Exotic animals include but are not limited to:

- (1) The following members of the Class Aves: Order Falconiformes (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and Order Ratites (ostriches, rheas, cassowaries and emus); or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- (2) The following members of the Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval), except commonly accepted domesticated cats; the Family Canidae (such as wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Mustelidae (such as weasels, martins, minks and badgers); Family Procyonidae (such as raccoons); Family Ursidae (such as bears); Order Chiroptera (such as bats); Magnorder Xenarthra (such as sloths, anteaters and armadillos); Order Marsupialia (such as kangaroos and common opossums); Order Proboscidea (such as elephants); Order Primate (such as monkeys, chimpanzees and gorillas); Order Rodentia (such as beavers, muskrats and porcupines); Order Artiodactyla (such as antelope, deer, bison and camels); and Order Perissodactyla (such as zebras and tapirs); and any hybrid or cross-breed of any of the above-listed animals.

(B) Except as expressly provided in this chapter, exotic animals do not include:

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Nonpoisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this definition, domestic rats, chinchillas, domestic honeybees, ferrets and those reptiles described in this definition as not prohibited.

- (2) The families of reptiles listed below, since these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with all state, federal and Convention of International Trade of Endangered Species (CITES) regulations that may apply:
- a. The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (such as geckos); Family Agamidae (such as agamas); Family Iguanidae (such as anoles, swifts and iguanas); Family Cordylidae (such as sungazers and girdled lizards); Family Anguillidae (such as alligator lizards, galliwasp and glass lizards); Family Varanidae (such as monitors); Family Lacertidae (such as wall lizards); Family Anniellidae (such as legless lizards); Family Teiidae (such as tegus and racerunners); Family Chamaeleonidae (such as chameleons); Family Scincidae (such as skinks); Family Xenosauridae (such as knob-scaled lizard); Family Shinisauridae (such as crocodile lizard).
 - b. The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (such as blind and worm snakes); Family Boidae (such as boas and pythons); Family Colubridae, sub family Colubrinae, (such as garter snakes, water snakes, gopher snakes, bull snakes, hognose snakes, ringneck green snakes, rat snakes, kingsnakes, corn snakes and racer snakes).
 - c. The following Families of the Order Testudines: Family Chelydridae (such as snapping turtles); Family Kinosternidae (such as musk turtles); Family Platysternidae (such as big-head turtles); Family Emydidae (such as painted turtles, slider turtles, box turtles and pond turtles.); Family Testudinidae (such as tortoises); Family Trionychidae (such as soft-shelled turtles); Family Pelomedusidae (such as flat-headed turtles); and Family Chelidae (such as side-necked turtles).

Exotic livestock means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group. (4 O.S. § 41 (I))

Hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Horse tripping means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification. (21 O.S. 1700(D))

Invisible fence means any containment system that includes a border created by a buried wire, a transmitter and a receiver collar that can produce audible signals and electric shocks.

Kennel means any lot or premises on which at least five dogs, cats or combination thereof more than six months of age are kept.

Livestock means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry. (4 O.S. 41(I))

Miniature pig means a pig which, at maturity, is less than 22 inches high at the shoulder, less than 32 inches long, weighing less than 125 pounds, and which is registered with the North American Pot-Bellied Pig Association.

Neglect means unreasonable deprivation of necessary food, care or shelter. (4 O.S. § 511)

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

Owner means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having control or custody of an animal. (4 O.S. §§ 41 (I) and 44(7)) Person means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest or other legal entity. (21 O.S. § 1680.1)

Possession means actual care, custody, control or management. (21 O.S. § 1680.1)

Poultry means domestic fowl, such as chickens, turkeys, ducks, and geese.

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

Sterilization means to spay or neuter a dog or cat.

Tether means to use a rope, strap, chain, or cord to tie a dog to a fixed object in order to keep the dog within a certain area for a continuous time period.

Trap-Neuter-Return (TNR) means the process of humanely trapping, sterilizing, vaccinating for rabies and ear-tipping community cats and returning them to their original location.

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 2. - GENERAL REGULATIONS

Sec. 3-2-1. - Service Animal Exemptions.

- (A) If any service animal as defined by the Americans with Disabilities Act (ADA) violates any section of the City Code, then the owner may apply for a service animal exemption from the Chief of Police or designee. The Chief of Police or designee will deny or allow exemptions based on the safety of the public and may impose requirements on the service animal owner to ensure the safety of the public. Any appeals regarding a denial of an exemption must be directed to the City

Manager, who has final authority regarding the exemption. The Chief of Police or City Manager may at any time revoke the exemption for cause. An exemption will not be granted for any requirement for vaccinations, licensing, registration or other public health requirement.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-2. - Prohibition of Delivery of Animals for Scientific Research.

(A) Pursuant to 4 O.S. § 394(A), the City prohibits the delivery of unclaimed animals being held in the animal shelter to an institution for scientific research and education.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-3. - Selling of Animals.

(A) It is unlawful for any person to sell, offer for sale, barter or give away any animal except on the owner or proprietor's property or a lawful commercial establishment designed for that purpose. Itinerant sale or giving away of animals or pets is expressly forbidden.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-4. - Commercial Sales Regulation.

(A) Lawful commercial establishments designed for selling animals may not sell dogs or cats except for those obtained from the City animal shelter or an animal rescue.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-5. - Disposal of Abandoned Animals.

(A) It is unlawful for any person owning or having charge or custody of a maimed, diseased, disabled or infirm animal to abandon the animal or allow the animal to lie in a public street, road or place one hour after the person receives notice by a duly constituted authority that the animal is disabled or dead. (21 O.S. 1686)

(B) Any person found guilty of violating this section will be punished by a fine in an amount not less than \$100.00 nor more than \$500.00, excluding costs, fees and assessments. (21 O.S. 1692)

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-6. - Animals Not to Be At Large.

(A) Unless stated otherwise, no owner may allow any animal to be at large except as provided herein.

(B) Dogs that have not been declared a nuisance or dangerous, as defined in the City Code, may be at large within non-platted agricultural zoned areas within the City.

- (C) Any person who turns any animal at large in violation of this Code will be deemed guilty of an offense and upon conviction will be punished by a fine not to exceed \$50.00 for each offense, excluding costs, fees and assessments.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-7. - Tethering.

- (A) It shall be unlawful for an owner or keeper of a dog to restrain the animal by means of a tether.
- (B) A violation of this section shall not occur when so long as the following conditions are met:
- (1) Each animal is separately tethered;
 - (2) No animal shall be tethered outdoors in excess of 15 minutes at any one time unless an owner, custodian or person responsible for the animal, 18 years of age or older, is present in the same yard in which the animal is tethered.
 - (3) The tether shall be at least five times the length of the animal's body as measured from the tip of the nose to the base of the tail, terminates at each end with a swivel, weighs no more than one-eighth of the animal's weight, is free of tangles, prevents strangulation or injury and prevents the animal from being within 15 feet from the edge of any public street or sidewalk. Provided, that if the tethering method is a trolley system, at least 15 feet in length and less than seven feet above ground, and meets the foregoing tether requirements, the animal may be tethered outdoors for up to one hour with an owner, custodian or person responsible for the animal, 18 years of age or older, in the same yard in which the animal is tethered.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-8. - Location, Safety and Sanitary Conditions of Enclosures.

- (A) Unless otherwise stated, all animal enclosures must be at least 40 feet from its nearest point to any adjoining residence or other building.
- (B) Rabbits and poultry enclosures in areas zoned for agriculture must be at least 100 feet from an adjoining property line.
- (C) Enclosures for all animals must protect them from predators and provide adequate sun, shade and protection from the elements.
- (D) Enclosures for all animals must be spacious, ventilated and maintained in a sanitary condition. Such enclosures must be maintained in a way that is not offensive or dangerous to the public.
- (E) Enclosures for all animals on residentially-zoned property must be kept in the rear yard.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-9. - Pasturing Public Areas, Etc., Illegal.

- (A) It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or other public property, federal, state, city, or other, on any railroad right-of-way, or any property without the effective consent of the person owning or controlling such property.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-2-10. - Animals Declared a Nuisance.

- (A) Animals are declared a nuisance under the circumstances set forth in chapter 13 of the city code "nuisances", section 13-1-26. Such a nuisance is violation subject to the penalty set forth in Chapter 13.

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 3. - DOGS AND CATS

Sec. 3-3-1. - Keeping Dogs and Cats Within City Limits.

- (A) It is unlawful for any person other than a properly licensed kennel proprietor, a hobbyist exemption permit holder or a rescue exemption permit holder to provide animal foster care or keep or maintain a total of more than four dogs and cats in a residential zone. This limitation will not be applicable to any litter of puppies or kittens for a period of 90 days from birth if such puppies or kittens are born unto any adult dog or cat permanently maintained at such premises.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-2. - Rabies Vaccinations and Reports.

- (A) The owner of a dog, cat or ferret has the duty to vaccinate the animal against rabies before the animal is six months old. Inoculation must be by a veterinarian yearly or every three years, as the vaccine warrants. The person vaccinating the dog or cat must furnish the owner a certificate of vaccination.
- (B) Every veterinarian practicing in the City must keep a record of every dog, cat and ferret vaccinated. This will be made available to the Chief of Police or designee at any reasonable time and upon proper demand.
- (C) Every physician or other medical practitioner in the City has a duty to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with any information pertinent to rabies control. Any person having the knowledge of an animal bite has a duty to notify the Chief of Police of the incident and to provide information pertinent to rabies control.

- (D) Every veterinarian having an animal quarantined for a biting incident must submit a written report to the Chief of Police in the event the animal shows positive signs of rabies, dies or is disposed of for any reason. The veterinarian must report to the Chief of Police on the tenth day of observation as to the condition of any rabies-suspected animal and when the veterinarian has released any animal quarantined for a biting incident.
- (E) Every veterinarian must immediately report to the Chief of Police the diagnosis of any animal being observed as a rabies suspect.
- (F) A violation of this section is a misdemeanor under this Chapter.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-3. - Dog Registration; Fee; Tag.

- (A) The owner of every dog more than six months of age is required to annually register and pay the registration fee for such dog kept or harbored within the City.
- (B) To register the dog, the owner will provide the City proof current rabies vaccination; the owner's name and address; the dog's name, breed, color and sex and any other reasonable information the City may request.
- (C) The owner will pay a yearly registration fee as set forth in the Master Fee Schedule.
- (D) No registration fee will be required for the registration of a dog that is temporarily brought and kept within the City, used as a service dog for persons with disabilities, or used in law enforcement activities.
- (E) Registration fees are waived during the month of January and within the first month of an owner moving into the City.
- (G) Upon registration and payment of the registration fee, the City will provide a receipt and a dog tag to the owner. Such tag constitutes a license for the dog.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-4. - Tags; Counterfeiting, Placing on Other Dogs.

- (A) No person may 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 on it, or place such tag upon a dog for which the tag was not specifically issued.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-5. - Community Cats; Community Cat Caregivers.

- (A) Community cats are exempted from stray, at large and other provisions of this chapter that apply to owned animals.

- (B) All community cats may be managed and maintained by a community cat caregiver. Any person may provide care for a community cat, including but not limited to the following:
- (1) Food maintained in a feeding container.
 - (2) Clean, potable water that is free from debris and algae.
 - (3) Unobtrusive and safe shelter that is the proper size for the cat(s).
 - (4) Trapping community cats (except by City Animal Control) is permitted only for the purpose of TNR unless a community cat is injured and veterinary care is required.
 - (5) A community cat received by the Jenks Animal Shelter or a local veterinarian may be returned to the location where the cat was trapped or found with no hold period unless veterinary care is required.
 - (6) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of the implementation of TNR and/or returning eartipped community cats to their original location.
 - (7) A community cat caregiver who returns a community cat to its original location when conducting TNR is not deemed to have abandoned the cat.
 - (8) TNR is permitted to be practiced by community cat caregivers and 501(c)(3) nonprofit corporations in good standing with a TNR program in compliance with applicable federal or state law. As part of TNR, spay or neuter and vaccination for rabies must take place under the supervision of a licensed veterinarian. Animal Control is authorized to direct impounded community cats to a TNR program.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-6. - Rescue Exemption and Foster Home Permit.

- (A) The City will maintain a register of qualified rescue exemption and foster home permit holders and qualified foster homes.
- (B) Permit holders will be allowed to:
- (1) Own and keep a maximum of four dogs and a maximum of six cats at a single-family dwelling. However, the permit holder may not allow more than the number of dogs and cats permitted in Section 3-3-1 outside the residence at any one time,
 - (2) Harbor rescued and fostered cats and dogs for less than 90 days each while attempting to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than 90 days due to its medical condition, the rescuer must notify the City Clerk or designee, who may approve or deny the extension.
- (C) Within 60 days of possession, permit holders must vaccinate and license any dogs and cats the permit holder owns, and any dogs and cats kept on a less than permanent basis.

- (D) Permits will be granted to any:
- (1) Organization that is defined as an animal rescue group and has obtained Internal Revenue Code Section 501(c)(3) status; or
 - (2) Individuals living in a single-family dwelling who have been approved by an animal rescue group with Internal Revenue Code Section 501(c)(3) status to foster animals pending adoption or termination of the animal.
- (E) Applications for a rescue exemption and foster home permit must be submitted in writing to the City Clerk or designee, who will notify the applicant of the acceptance or denial. Applications must specify which type of animal the applicant proposes to house. If the permit is denied, the applicant will be notified of the reason for the denial. Permits are valid for one year. A fee as set forth in the Fee Schedule must be submitted with initial and renewal applications. Additionally, animal rescue group applicants must submit:
- (1) A copy of the paperwork approving their Internal Revenue Code Section 501(c)(3) status,
 - (2) Proof that the organization is a nonprofit animal welfare organization incorporated in Oklahoma, and
 - (3) A list of individual households authorized to serve as rescuers under the organization's permit.
- (F) A permit holder must reapply for the hobbyist exemption permit every year by submitting a renewal application fee as set forth in the Fee Schedule and following the process in subsection (E).
- (G) Any individuals or organizations who plead guilty or are found guilty of a violation of this section will be prohibited from applying for a hobbyist permit for a period of five years.
- (H) All rescue exemption and foster home permit holders will be subject to random inspections by the Chief of Police or designee at any time. Refusal to submit to random inspection will result in revocation of the holders rescue exemption or foster home permit. Animal Control acting under the authority of the Chief of Police is authorized at any time to revoke the rescue exemption or foster home permit to ensure proper care for the animals housed therein.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-7. - Right to Kill a Dog.

- (A) Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites or attacks or attempts to bite or attack the person in such manner that an ordinarily prudent person would be led to believe that the person is imminently about to be bitten or otherwise physically harmed in a manner sufficient to cause serious bodily harm or death.
- (B)

It is lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of the animal if the person is the owner or occupant of the property or is authorized to kill such an animal by the owner or occupant of such property. (4 O.S. 41(A))

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-3-8. - Dangerous Dogs and Potentially Dangerous Dogs.

- (A) Upon probable cause, an animal control officer may find and declare a dog potentially dangerous or dangerous. The finding must be based upon:
- (1) The written complaint of a person who is willing to testify that the dog has acted in a manner that causes it to fall within the definition of a "potentially dangerous dog" or "dangerous dog";
 - (2) Dog bite reports filed with an animal control officer; or
 - (3) Actions of the dog witnessed by any animal control officer.
- (B) The declaration must contain the following information:
- (1) Name and address of the owner of the dog if known and if not known that fact;
 - (2) A description of the dog;
 - (3) Whereabouts of the dog;
 - (4) Facts upon which the declaration is based;
 - (5) Restrictions placed upon the dog and when the owner is not known the intended disposition of the dog;
 - (6) Penalties for violation of the restrictions, including possibility of destruction of the animal and fine and imprisonment of owner; and
 - (7) Availability of a hearing to contest the declaration by submitting a written request to the Chief of Police within 15 days of receipt of the declaration or if notice is given by publication or posting within ten days of the earlier of the date the notice first appears in the newspaper or the property is posted. The hearing will be held before the City's Administrative Hearing Body as defined in chapter 13, section 13-1-38 of this code.
- (C) The animal control officer will serve the written declaration:
- (1) On the owner, if known, using one of the following methods:
 - a. Regular or certified mail to the owner's last known;
 - b. Personally; or
 - c. If the owner cannot be located by one of the first two methods, by publication in a newspaper or a general circulation and posting a notice on the property of the owner.
 - (2) Where the owner is not known, by publication in a newspaper of general circulation.
- (D)

The owner shall have ten days from delivery of the notice that a dog is declared dangerous to comply with the provisions of this Article by removing the dog from the city limits, taking the prescribed measures to obtain a permit for the dog to remain in the City, or to dispute the finding by filing a written appeal with the office of the municipal court clerk within ten days of the declaration notice, which action shall be heard on the Court's next available docket.

- (E) Any animal control or police officer may seize a potentially dangerous dog without a warrant:
 - (1) If the dog is continuing to run at large at the time of the seizure; or
 - (2) If the officer has probable cause to believe the dog is a dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances. (4 O.S. 41(C))
- (F) It is unlawful for an owner to have a dangerous dog without a certificate of registration issued under this section. This section does not apply to dogs used by law enforcement officials for police work. (4 O.S. 45(A))
- (G) An animal control officer will issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control officer sufficient evidence of:
 - (1) A proper enclosure to confine a dangerous dog;
 - (2) The posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property;
 - (3) A conspicuously displayed sign with a warning symbol that informs children of the presence of a dangerous dog; and
 - (4) A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than \$50,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog. (4 O.S. 45(B))
- (H) Within ten days of determination, all dangerous dog owners must provide to the Chief of Police:
 - (1) Two color photographs of the dog clearly showing the color and approximate size of the dog;
 - (2) Proof the dangerous dog has been microchipped, and
 - (3) Proof the dangerous dog has been spayed or neutered.
- (I) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure of a dangerous dog unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over 16 years of age. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration and will prevent it from biting any person or animal. (4 O.S. § 46(A))
- (J)

The owner or keeper of a dangerous dog must notify the Chief of Police immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification is also required if the dog bites or attacks a person or animal.

- (K) Dogs will not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time:
 - (1) Was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or
 - (3) Was committing or attempting to commit a crime. (4 O.S. 46(C))
- (L) Any dangerous dog will be immediately confiscated by an animal control officer if:
 - (1) The dog is not validly registered under this section;
 - (2) The owner does not secure the liability insurance coverage or surety bond required under this section;
 - (3) The dog is not maintained in a proper enclosure of a dangerous dog, as defined in this section; and
 - (4) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person as required by this section. (4 O.S. 47(A))
- (M) Any dog that has been declared potentially dangerous, dangerous or similar by any agency or department of another municipality, county or state will be subject to the provisions of this Code. The person owning or having custody of any such dog must notify the Chief of Police of the dog's address and conditions of maintenance within ten days of moving the animal into the City of Jenks. The restrictions and conditions of maintenance of any such will remain in force while the dog remains in the City. No dog declared a potentially dangerous, dangerous or similar by any other municipality, county or state based solely on size, breed, mix of breeds or appearance will be subject to provisions in this subsection.
- (N) It is unlawful to sell, barter or in any other way dispose of a dangerous dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog, provided that the owner of a dangerous dog may sell or otherwise dispose of a registered dog to persons who do not reside within the City. Owner must disclose dog's status as a dangerous dog to anyone to whom the owner transfers custody or care of the dog.
- (O) It is a separate offense to fail to comply with the restrictions in this section. Any dog found to be in violation of this section will be subject to immediate seizure and impoundment pursuant to section 3-4-3. In addition, failure to comply with the requirements and conditions set forth in this

code will result in the revocation of the dog's license and the permit providing for the keeping of such dog. A dog declared dangerous under this section may be euthanized upon violation of this section.

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 4. - CITY ANIMAL SHELTER; IMPOUNDING

Sec. 3-4-1. - Animal Shelter Established.

- (A) A city animal shelter is established under the jurisdiction of the police department and under the immediate control of an animal control officer. The person in charge of the animal shelter will provide proper sustenance for all animals impounded and shall treat them in a humane manner.
- (B) When any person who is arrested is, at the time of the arrest, in charge of any animal or any vehicle drawn by or containing any animal, any police or animal control officer may take custody of the animal or of the vehicle and its contents. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents will be a lien on such property. (21 O.S. 1686)

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-4-2. - Disposition of Unclaimed Animals.

- (A) The animal shelter will strive to place every treatable animal into a suitable home or rescue organization. Impounded animals unclaimed after 72 hours may be offered for adoption, transferred to an animal rescue or humanely euthanized.
- (B) Any animal found abandoned or surrendered and for which no proper care or if the animal is so sick or injured that its cure is considered by the Animal Control Officer to be impracticable or if death is imminent has been given may be euthanized without a waiting period. Any police or animal control officer may humanely transport such animal to the nearest municipality with proper facilities and trained personnel or contract for euthanasia by a licensed veterinarian. (21 O.S. 1686 and 4 O.S. 506)
- (C) Any animal that is impounded by the City pursuant to the provisions of this chapter will not be disposed of through adoption if such animal is vicious, fierce or dangerous. Such animals are to be destroyed after three days from the time of its impoundment at the shelter, or five days from the time of proof of the receipt of certified written notice to the owner of the license (if known), whichever is later.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-4-3. - Animals to Be Impounded.

- (A) An animal control officer will take into custody and impound any animal running at large in violation of any provision of this chapter and may enter upon the premises of the owner or other private premises to take such animal into custody.
- (B) Any other person may take such animal, as long as it is at large and not believed to be on the property of its owner, into custody and present it to the authority in charge of the shelter for impounding.
- (C) Any dangerous or potentially dangerous dog, as defined in the appropriate subsections above, seized pursuant to those subsections will be held by the animal control officer until the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons are established by the animal control officer or municipal court and agreed to by the owner. The owner is responsible for the cost of the seizure and confinement of the dog. (4 O.S. 41(C) and (E))

Sec. 3-4-4. - Breaking Pound, Etc.

- (A) It is an offense for any unauthorized person to break open or attempt to break, open the animal shelter, take or let out any animal from the animal shelter, take or attempt to take any animal in custody or in any manner interfere with any officer or City employee in the discharge of their duties relating to the taking into custody and impounding animals.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-4-5. - Fees for Impounding, Etc.

- (A) To redeem an impounded animal, the owner must pay impoundment fees as established in the master fee schedule as well as the actual costs of any medical expenses.
- (B) In computing the fee, a fraction of the day during which an animal has been fed will be deemed a full day.
- (C) Any owner or authorized agent redeeming an impounded animal must pay the above fees to the city and present the receipt to the animal control officer before the animal is released.
- (D) Any person redeeming a dog not licensed as required by ordinance must provide the City evidence of the dog's current rabies shot and pay the required license fee to the City. Upon receiving evidence the animal has been licensed, the animal control officer will release the dog.
- (E) The owner of any at large animal that has been impounded or subject thereto will be guilty of an offense and fined court costs, fees (including impoundment fees) and assessments in addition to:
 - (1) For the first offense, a fine of \$10.00.
 - (2) For the second offense and each offense thereafter, a fine of \$35.00.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-4-6. - Dog and Cat Sterilization.

- (A) No dog or cat may be released for adoption from the City animal shelter unless said animal has been sterilized or the adopting party signs an agreement (See 4 O.S. 499.4 for a sample agreement) to have the animal sterilized and deposits funds with the City to ensure that the adopted animal will be spayed or neutered. The amount of deposit for a cat is \$50.00 and a dog is \$75.00.
- (B) The deposited funds will be refunded to the adopting party upon a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered within the following timeframes:
 - (1) Adult animals: 60 days of adoption,
 - (2) Infant female animals: 30 days of attaining the age of six months, or
 - (3) Infant male animals: 30 days of attaining the age of eight months.
- (C) The city will grant a 30-day extension of sterilization upon a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery. Further extensions may be granted upon additional veterinary reports stating their necessity.
- (D) Upon request, the city will refund deposited funds upon reasonable proof that the adopted animal died during the period when the spaying or neutering was required to be completed.
- (E) Funds which have been forfeited by adopting parties will be placed in a separate account, which will be an interest-bearing account whenever feasible, and the city will allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the city animal shelter. The city will maintain accurate records of accounts which fund sterilization programs.
- (F) This section may not be construed to require the sterilization of dogs and cats that might be claimed by their rightful owners.
- (G) Failure to comply with the provisions of this section will constitute a public nuisance.

State Law reference— (From 4 O.S. 499.1—499.10.)

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 5. - LIVESTOCK; POULTRY; DOVES; PIGEONS; BEES

Sec. 3-5-1. - Cows, goats, sheep, horses, llamas, alpacas, mules and donkeys.

- (A) Any cow, goat, sheep, llama, alpaca, horse, mule or donkey, including miniature or dwarf varieties, are only allowed upon land that is:
 - (1) Zoned agricultural; or
 - (2) Zoned residential with a minimum of one acre of grazing land per animal maintained.
- (B) The minimum space required for cows, goats, sheep, and horses on land zoned agricultural are as follows:
 - (1) No more than one animal on less than one acre of land.
 - (2) No more than two animals per acre on parcels of land larger than one acre.
- (C) The enclosure where any horse is kept must not be, at its nearest point, closer than 50 feet to any building used or occupied for human habitation, and the barn must not be closer than 75 feet, at its nearest point, to any building used or occupied for human habitation.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-5-2. - Swine Prohibited; Miniature Pigs as Pets.

- (A) Swine other than miniature pigs kept as pets may be kept within the City under the following conditions:
 - (1) Temporarily in a stockyard awaiting transportation; or
 - (2) Upon a tract not within a subdivision and not less than seven acres in size.
- (B) A miniature pig may be kept as normal merchandise in commercially zoned property or may be kept as a household pet in single-family residential or duplex property under the following conditions:
 - (1) Each such miniature pig is a pet that is kept for personal enjoyment and not raised for human consumption.
 - (2) There may not be more than two miniature pigs in excess of six months of age at each residence.
 - (3) The miniature pigs must be kept by their owners in a manner that does not violate other ordinances of the City nor create a nuisance to the neighborhood.
 - (4) Miniature pigs must be kept confined within the building in which they are housed or within any associated fenced yards, or held by a harness and leash under the control of the owner or the owner's representative.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-5-3. - Poultry.

- (A) Poultry kept in areas zoned for agriculture must be in pens.

- (B) Poultry kept in areas not zoned for agriculture may not exceed four adults and 14 chicks under the age of eight weeks and must be kept under the following conditions:
- (1) The owner or occupant of the land upon which such chickens or laying hens are kept and maintained is responsible to erect and maintain a suitable barrier sufficient to ensure compliance with the land use distance requirements set out in this section. Appropriate screening of the coop and run from adjacent neighbors shall be provided by the owner or occupant of the single-family residential lot housing chickens or laying hens.
 - (2) Such chickens or laying hens shall be kept within a designated coop and run, and no coop or run shall be located in the side or front yard.
 - (3) The coop and run shall be attached and shall be located no closer than five feet from any side or rear property line and no closer than 40 feet from any dwelling unit other than the owner/occupants. Movable chicken enclosures are permitted as long as they meet the specifications indicated in this section.
 - (4) Coop and run requirements:
 - a. A coop is a permanent structure that in addition to protecting human health and safety, provides the chickens or laying hens with protection from the elements and predators, and must include suitable clean ventilated air, bedding, nest boxes and roost space. Roosts should provide 18 inches of surface area, and have rounded corners and be free of splinters. One nest box per every four chickens or laying hens.
 - b. Coops shall be predator resistant and any open wall or windows shall be designed and screened to prevent access by predators.
 - c. Minimum size for a coop shall be four square feet per chicken or laying hen.
 - d. A run is an attached enclosed area where the chickens or laying hens are safe from predators, but free to be outside the coop, but also protects human health and safety.
 - e. Minimum size for a run shall be eight square feet per chicken or laying hen.
 - f. Water and food shall be provided onsite and accessible at all times.
 - g. Coop shall have a suitable run attached and all areas of the coop should be easily accessible for proper cleaning and to prevent odor and build-up of food or bedding. Coops shall be located in areas that are not susceptible to stormwater run-off onto neighboring properties.
 - h. All areas where chickens or laying hens are present shall be cleaned daily to prevent an accumulation of food, fecal matter, bedding or nesting material so as to prevent a nuisance or unsanitary condition due to odor, vermin, debris or decay. All waste not composted shall be properly bagged and placed in garbage containers.
 - i. Any electrical or heat sources shall comply with the City Building Code.

- (C) It is unlawful to maintain roosters in areas not zoned for agriculture or within 150 feet of any dwelling unit in areas zoned for agriculture.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-5-4. - Pigeons and Doves.

- (A) Housing for pigeons and doves must be sized to allow one square foot of floor space and a minimum of one cubic foot of volume per animal housed with a maximum of 25 birds allowed.
- (B) Pigeons must be confined to the loft except for limited periods for exercise. At no time may pigeons be allowed to perch on property other than that on which they are maintained pursuant to this chapter.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-5-5. - Rabbits.

- (A) Rabbits kept in areas zoned for agriculture must be kept in pens or buildings.
- (B) Rabbits kept in areas not zoned for agriculture will not exceed six adults and 14 young under the age of eight weeks. They must be kept under the following conditions:
- (1) The rabbits must be kept in a building. The floors of such building must be of easily-cleanable construction and must be maintained in a sanitary condition not offensive or dangerous to the public health by routinely cleaning and properly disposing of the droppings;
 - (2) The outside openings of the building must be screened to prevent the spread of disease by flies and vermin; and
 - (3) Such building shall be no closer than ten feet to a lot line upon which is situated an inhabited dwelling nor no closer than 40 feet to any dwelling or inhabited building other than the owners.

(Ord. No. 1616, § 1, 6-6-2023)

Sec. 3-5-6. - Domestic Honeybees.

- (A) It is unlawful for any person to harbor, keep or possess domestic honeybees unless the bees are maintained and located as follows:
- (1) No more than two hives may be maintained for each four acres or less of lot size on any lot with the exception in this subsection.
 - a. Regardless of tract size, where property is zoned agricultural and all hives are situated at least 200 feet in any direction from all property lines of the tract on which the hive is situated, there is no limit to the number of hives.
 - (2)

No hives may be maintained within 20 feet of any lot line of the lot on which the hive is located.

- (3) Between each hive and the neighboring lot in the direction of the hive entrance, the hive owner must establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends the entire length of the lot line.
- (4) A supply of clean water must be available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
- (5) The hive owner must inspect each hive not less than four times between March 1 and October 31 of each year. A written record including the date of each such inspection must be maintained by the owner and made available to the Chief of Police or designee upon request.
- (6) The hive owner must provide written notification to the City Clerk and Chief of Police as to the existence of the hive as well as certify that adjoining property owners have been notified of the existence of the hive(s). The hive owner must place written notification on the property in a conspicuous place so as to inform the public of the existence of the beehive(s).

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 6. - EXOTIC ANIMALS

Sec. 3-6-1. - Exotic Animals Prohibited; Exclusions.

- (A) It is unlawful for any person to keep, maintain or harbor:
 - (1) Any exotic animal or species defined in this chapter or prohibited by Oklahoma or federal law.
 - (2) Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, except for venomous aquarium specimens. Venomous aquarium specimens which cannot survive outside the confines of an aquarium and which cannot survive in the lakes, ponds, rivers or streams of northeast Oklahoma are not prohibited.
 - (3) Any species of animal in such numbers or in such manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.
- (B) Lawfully operated and located zoological parks including public aquariums, veterinary hospitals, humane societies, shelters, public laboratories, circuses, educational facilities or scientific facilities with protective devices adequate to prevent animals from escaping or injuring the public may keep exotic animals.
- (C)

The owner of any animal authorized under a valid exotic animal permit from the City of Jenks at the time this ordinance is adopted may continue to seek to renew such permit for the life of the animal pursuant to the terms of the previous version of this chapter provided that ownership of the animal does not change.

(Ord. No. 1616, § 1, 6-6-2023)

ARTICLE 7. - PENALTY

Sec. 3-7-1. - Penalty.

- (A) Unless otherwise provided for in this chapter, any person who violates or fails to comply with any provision of this chapter will be guilty of an offense and upon conviction punished by a fine not more than \$100.00 excluding costs, fees and assessments. Each day upon which a violation continues will be deemed a separate offense.

(Ord. No. 1616, § 1, 6-6-2023)