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§ 4-101 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning prescribed in this section except in those cases where the context clearly indicates a different meaning:

- A. “Animal” means all “domestic” vertebrate and invertebrate animals such as, but not limited to, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish, exotic livestock or birds that have been tamed, domesticated, or captivated;
- B. “Animal control officer” means the person or persons designated by the city manager as an enforcement officer for this chapter;
- C. “Animal shelter” means any premises officially designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter;
- D. “At large” means any animal when it is not under restraint;
- E. “Cat” means and includes any cat and every other animal of feline species at the age of six (6) months or older which is situated within the city limits for a period of fifteen (15) consecutive days or more;
- F. “Cattery” means any premise where there is being maintained or harbored a total of four (4) or more cats, except veterinary hospitals;
- G. “Confined on the premises” means that condition in which an animal is securely and physically confined and retained on and within the premises of the owner or keeper by

means of walls or fences;

- H. “Enclosure” means an appropriate land area that is surrounded by a wall, fence, or barrier with the act of containing within.
- I. “Exotic livestock” means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;
- J. “Harboring” means any person who allows any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as harboring such animal;
- K. “Kennel” means any premise where there is being maintained or harbored a total of four (4) or more dogs, except veterinary hospitals;
- L. “Net Area” means the measurement of a surface or piece of land that is occupied not including Right(s) of way, private roads, access easements, public road easements or public or private drainage easement.
- M. “Owner” means any person or group of persons possessing, keeping or harboring an animal or animals responsible for the care or maintenance of such animals, except a kennel or cattery proprietor as herein defined or a veterinary establishment;
- N. “Restraint” means any animal is under restraint within the meaning of this chapter if it is controlled by a leash not more than eight (8) feet in length or at “heel” beside a competent person and obedient to that person's commands, or confined on the premises of its owner or keeper;
- O. “Stray” means any animal which does not appear, upon reasonable inquiry, to have an owner; and
- P. “Vicious animal” means one which has on two (2) or more occasions bitten or attacked a person or persons during a six (6) month period. Such animal shall be destroyed upon orders of the animal control officer or confined in an approved manner. An animal is also considered vicious when it has a disposition to attack persons or animal without provocation. (Ord. No. 107, 3/4/74; Ord. No. 465, 3/21/95; Ord. No. 732, 8/18/15)

State Law Reference: Regulation of animals, city powers, 11 O.S. § 22-115.

§ 4-102 ANIMALS NOT TO BE AT LARGE.

No owner shall permit any animal (including fowl) owned, harbored, or kept by him to be at large within the city. It is unlawful for any animal to be at large at any time within the city. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-103 TURNING ANIMALS AT LARGE UNLAWFUL.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large. (Ord No. 465, 3/21/95)

§ 4-104 PASTURING IN PUBLIC AREAS ILLEGAL.

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 on any property without the consent of the person owning or controlling such property. (Ord. No. 465, 3/21/95)

§ 4-105 SWINE NOT TO BE KEPT WITHIN CITY, EXCEPTIONS.

- A. It is unlawful for any person to keep swine within the city, except as outlined below or as may be permitted by zoning ordinance and not to exceed two (2) swine.
- B. Small breed pigs are permitted in non-commercial zones within the city subject to the following:
 - 1. Each pig shall be a pet that is to be kept for personal enjoyment and not kept or raised for human consumption.
 - 2. Each pig shall not exceed 80 pounds in weight and 20 inches in height.
 - 3. There shall not be more than two pigs more than three months of age per residence.
- C. The keeping or maintaining, or permitting to be kept or maintained, any swine within the city in violation of this section is hereby declared to be a public nuisance. (Ord. No. 465, 3/21/95; Ord. No. 726, 6/16/15)

§ 4-106 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS.

- A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every such building, if located within two hundred (200) feet of any apartment house, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to

accumulate on such premises except in the receptacle. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-107 BUILDINGS FOR ANIMALS; LOCATION.

No kennel or any other establishment wherein animals are kept shall be maintained closer than thirty (30) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which the animals are kept. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-108 TO BE KEPT CLEAN.

Every structure or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors. (Ord. No. 465, 3/21/95)

§ 4-109 DISPOSAL OF MANURE.

Manure shall be hauled outside the city in a manner which does not jeopardize the public health or shall be spread evenly upon the ground and turned under at once or as soon as the weather permits. (Ord. No. 465, 3/21/95)

§ 4-110 HEALTH OFFICER/ANIMAL CONTROL OFFICER TO INSPECT.

The health officer or animal control officer upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on the officer's own initiative. The officer may issue any such reasonable order as he or she may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-111 ANIMAL A NUISANCE.

- A. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season at large is a nuisance.

- B. It is unlawful to own or harbor an animal which is determined to be a nuisance. (Ord.

§ 4-112 PROHIBITING ABANDONMENT OR DUMPING OF DOGS, CATS OR OTHER ANIMALS.

- A. It is unlawful for any person owning, possessing, harboring or having care, custody or control over any dog, cat or other animal to abandon or dump a dog, cat, or other animal within the city limits of the city.
- B. The abandonment or dumping of a dog, cat or other animal within the city limits shall constitute a public offense, with punishment as provided by § 1-108 of this code.
- C. All animals which have been abandoned or dumped shall be turned over to the city animal shelter established as per §§ 4-130 et seq. of this code. (Ord. No. 381, 4/4/89; Ord. No. 465, 3/21/95)

§ 4-113 AREA, ENCLOSURE, LOCATION FOR LARGE ANIMALS, EXCEPT SWINE.

- A. Horses, mules, donkeys, goats, sheep, cattle and other similar size large animals, except swine (see Section 4-105), may not be kept on any parcel of land containing a net area of less than one (1) acre in size. For those parcels with a net area of one (1) or more net acres, a maximum of two large animals more than 12 months of age per whole net acre may be kept. The area of enclosure within the requisite three (3) net acreage owned shall be a minimum of five thousand (5,000) square feet per large animal. An additional two thousand (2,000) square feet is required for each additional large animal above three (3) acres.
- B. Enclosure area cannot encroach the front building line, must be setback ten feet (10') from side and back property line unless agreement is recorded. The enclosure is prohibited to use hazardous materials, with a max height of eight feet (8'). Any proposal above eight feet (8') must obtain a permit from the Board of Adjustments. See Part 12, Chapter 1, Article B for procedure. The boundaries of the area of enclosure shall be a minimum of seventy-five (75) feet from the exterior of a church, business, school, or residence other than that of the owner.
- C. If the enclosure is on top of a property line, the fence belongs to both property owners. Both parties must make a written agreement regarding their joint ownership and maintenance. The agreement must be recorded with the City of Choctaw.
- D. The owner or occupant of a land on which the enclosure is erected must maintain the enclosure in good condition to prevent the enclosure from becoming dangerous, dilapidated, or unsightly, including having a secure gate and keeping grass and weeds under fence.
- E. Any existing animals in excess of the limits outlined in Section A and present prior to

the effective date of this Ordinance shall be deemed a non-conforming animal. Such animal deemed non-conforming shall be permitted to continue for ninety days (90) after the adoption of this Ordinance. If the animal expires or is removed from the property for any reason whatsoever such non-conforming animal exemption shall be terminated and the animal and enclosures must come compliant with the terms of this section.

- F. Any existing enclosures not meeting the requirements outlined in Section B and present prior to the effective date of this Ordinance shall be deemed a non-conforming use. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. No such non-conforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- G. Any violation of this section shall be declared a nuisance and can be penalized as described in Section 4-180. (Ord. No. 732, 8/18/15)

CHAPTER 2

DOG AND CAT VACCINATION, TAGS AND TAX

- § 4-201 Dogs and cats to be vaccinated.
- § 4-202 Dog and cat license; registration; tag.
- § 4-203 Tag to be placed on collar; lost tags.
- § 4-204 Tags; counterfeiting; placing on other dogs or cats.
- § 4-205 Vicious animal unlawful.
- § 4-206 Dogs and cats confined; when.

§ 4-201 DOGS AND CATS TO BE VACCINATED.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before, the thirty-first day of December thereof, or, in the case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-202 DOG AND CAT LICENSE; REGISTRATION; TAG.

- A. An annual fee as set by the council for every male or female dog or cat more than six (6) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.
- B. The tax levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city for a period less than fifteen (15) days, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a “seeing eye” dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.
- C. The owner shall pay the tax levied to the animal control officer for every calendar year at the following times:
 - 1. Before the first day of April of each calendar year; or
 - 2. If the dog or cat is acquired or brought in the city after the first day of April, within fifteen (15) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age.
- D. Before the animal control officer accepts any money offered in payment of the tax for a dog or cat or issues a license for it, the person offering the tax shall present to the animal control officer the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the thirty-first of the preceding December.

- E. The owner of the dog or cat shall, at the time of paying the tax, register the dog or cat by giving the animal control officer the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the animal control officer may request.
- F. The animal control officer thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat. (Ord. No. 465, 3/21/95)

§ 4-203 TAG TO BE PLACED ON COLLAR; LOST TAGS.

- A. The owner shall cause the tag received from the animal control officer to be affixed to the collar of the dog or cat 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 or cat at all times.
- B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another by applying to the animal control officer presenting him the original receipt, and paying to him a fee as set by the council. (Ord. No. 465, 3/21/95)

§ 4-204 TAGS; COUNTERFEITING; PLACING ON OTHER DOGS/CATS.

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this article, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued. (Ord. No. 465, 3/21/95)

§ 4-205 VICIOUS ANIMAL UNLAWFUL.

It is unlawful to harbor or own a vicious animal. (Ord. No. 107, 3/4/74; Ord. No. 465, 3/21/95)

§ 4-206 DOGS AND CATS CONFINED; WHEN.

- A. When the health officer, animal control officer, or chief of police determines and certifies that a dog, cat or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the resolution prescribes a later time.
- B. While such resolution is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation thereof. (Ord. No. 465, 3/21/95)

CHAPTER 3

ANIMAL SHELTER

- § 4-301 Animal shelter established.
- § 4-302 Animals to be impounded.
- § 4-303 Breaking pound.
- § 4-304 Fees for impounding.
- § 4-305 Owner may redeem.
- § 4-306 Disposal of impounded animals.
- § 4-307 Owner may claim excess money.
- § 4-308 Stock pound operator to impound animals; dogs/cats excepted.

§ 4-301 ANIMAL SHELTER ESTABLISHED.

A city animal shelter is hereby established under the jurisdiction of the police department. It shall be under the immediate control of an animal control officer or of such other person as may be officially designated. The person in charge of the shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a shelter maintained by the agency. (Ord. No. 465, 3/21/95)

§ 4-302 ANIMALS TO BE IMPOUNDED.

- A. The animal control officer, a police officer, or such other officer or employee of the city may be authorized by the city manager, may take into custody and impound any animal running at large or in violation of any provision of the ordinances of the city and may enter upon the premises of the owner or other private premises to take such animal into custody.
- B. Animals taken into custody as provided in this chapter, shall be destroyed in an humane manner by the officer or employee of the city in charge of such animal, or by the animal control officer, after seventy-two (72) hours have elapsed after taking the animal into custody, provided the animal is not redeemed or claimed as provided in this chapter. A description of the animal, the date impounded and the place of impoundment shall be kept by the pound officer or other officer in charge. If the owner can be identified by tag or otherwise, the animal control officer shall notify the owner orally or in writing at the address or telephone number on the city's registration records. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-303 BREAKING POUND.

No unauthorized person shall:

- A. Break or attempt to break open the shelter, or take or let out any animal there from;

- B. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or
- C. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter. (Ord. No. 465, 3/21/95)

§ 4-304 FEES FOR IMPOUNDING.

- A. The city council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.
- B. Any person redeeming an impounded animal shall pay the required fees to the city clerk and present his receipt therefore to the person in charge of the pound before the latter releases the animal.
- C. Any person redeeming a dog or cat not licensed as required by § 4-201 through 4-206 of this code shall pay the required license tax to the city clerk and secure a tag and present the receipt therefore and the tag to the person in charge of the pound before the latter releases the dog. If a dog or cat has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog or cat before releasing it.
- D. A vaccination deposit as set by the council shall be made per each animal not shown to have received at the time of its release a required rabies vaccination from a veterinarian or other authorized person within the prior twelve (12) months immediately preceding its impoundment. This deposit shall be reimbursed only if, within five (5) working days from the date of each deposit, the city clerk is presented a receipt from a veterinarian or other authorized person, indicating that the animal had received a rabies vaccination from that person within either the prior twelve (12) months immediately preceding the animal's impoundment or the period within five (5) working days from the date of the deposit. (Ord. No. 465, 3/21/95)

§ 4-305 OWNER MAY REDEEM.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the animal control officer an animal should be destroyed for humane reasons, such animal may not be redeemed. (Ord. No. 465, 3/21/95)

§ 4-306 DISPOSAL OF IMPOUNDED ANIMALS.

- A. As soon as practicable after any animal of apparent value has been impounded, the animal control officer or other employee or officer impounding the animal, shall inform

the chief of police; and the chief of police shall thereupon post a notice thereof at the police office of the city. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state, unless the animal is redeemed, the animal will be sold or destroyed or otherwise disposed of in a legal manner.

- B. Sales herein provided for shall be for cash and shall be conducted by or under the direction of the chief of police. If an impounded animal cannot be sold, he shall destroy the animal or have it destroyed in a humane manner, or otherwise dispose of it in a legal manner.
- C. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.
- D. The police department shall pay to the city clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city clerk is open for business. (Ord. No. 465, 3/21/95)

§ 4-307 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee as set by the council to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the council, the city clerk shall pay him such excess. If a claim is not made, the excess shall belong to the city. (Ord. No. 465, 3/21/95)

§ 4-308 STOCK POUND OPERATOR TO IMPOUND ANIMALS; DOGS AND CATS EXCEPTED.

- A. The stock pound operator, appointed by the city manager or by contract approved by council and under the administrative control of the city or his designee, shall be and is hereby authorized as the keeper of the pound, pen, building, enclosure or other place used and occupied for the impounding of animals other than dogs and cats.
- B. The stock pound operator shall take into his or her custody, at request of the city, all animals, other than dogs and cats, found running at large within the city, and confine them in the place designated by the city manager. A description of the animal, date of impoundment, place of impoundment, period for which the animal is maintained and date and disposition of animal shall be kept by the stock pound operator.
- C. The stock pound operator shall provide, at his/her cost, suitable and necessary sustenance for the animals confined; the cost of providing sustenance shall be paid to the stock pound operator before any animal is released by him.
- D. Bovine, cattle, horses and other equines shall be retained by the stock pound operator

for a minimum of twenty (20) days and all other animals shall be retained by the stock pound operator for a minimum of five (5) days, provided the animal is not redeemed or claimed as provided for in this chapter.

- E. If the owner of any animal applies to and pays the stock pound operator his or her fees and charges at any time before the sale of his or her animal, the stock pound operator shall release the animal.
- F. If the owner of any animal applies to the stock pound operator after the animal has been sold and proves his or her ownership thereof to the satisfaction of the stock pound operator, the stock pound operator shall pay the balance due from the sale of the animal to the applicant, taking his receipt therefore.
- G. If the owner fails to appear within ninety (90) days from the date of sale and apply for the balance due from the sale of the animal, it shall be forfeited to the stock pound operator.
- H. The fees charged by the stock pound operator for the impoundment, care and upkeep of impounded animals shall be reasonable and proper and be approved by the city council. (Ord. No. 465, 3/21/95)

CHAPTER 4

CRUELTY TO ANIMALS

- § 4-401 Cruelty to animals.
- § 4-402 Poisoning animals.
- § 4-403 Encouraging animals to fight.

§ 4-401 CRUELTY TO ANIMALS.

It is unlawful for any person willfully and maliciously to torture, cruelly beat, injure, maim, mutilate, unjustly destroy or kill, to pour on, or apply to, an animal any drug or any other thing which inflicts pain on the animal or knowingly to treat in a cruel or inhumane manner an animal belonging to himself or to another. It is unlawful for any person to deprive any animal belonging to him or in his custody, in subjugation or captivity, of food generally accepted as being nutritious, potable drinking water, adequate shelter, or necessary medical attention. (Ord. No. 465, 3/21/95)

§ 4-402 POISONING ANIMALS.

It is unlawful for any person willfully to poison any dog or other animal except a noxious, non-domesticated animal or knowingly to expose poison so that the same may be taken by such an animal. (Ord. No. 465, 3/21/95)

§ 4-403 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal; or to keep a house, pit or other place used for fights between animals. (Ord. No. 465, 3/21/95)

CHAPTER 5

EXOTIC ANIMALS

§ 4-501 Keeping of wild, exotic or dangerous animals, application.

§ 4-501 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS, APPLICATION.

- A. For the purpose of this section, a wild, exotic or dangerous animal means an animal of the larger variety 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 dangerous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.
- B. It is unlawful to keep or harbor any wild, exotic or dangerous 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 such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions or “exotic livestock”. The term “temporary periods of time” as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant.
- D. Applicants for a permit or license hereunder shall file, with the city clerk in duplicate, a sworn application in writing, on a form to be furnished by the clerk, which shall give the following information:
 - 1. Full name, description, birth date and social security number of each applicant;
 - 2. Address, both local and elsewhere;
 - 3. Nature of business or operation;
 - 4. Length of time for which the right to do business or operate is desired; and
 - 5. If applicant is a corporation, partnership, limited partnership, or other business entity other than a sole proprietor, doing business without a fictitious name, applicant shall, in addition to the other information required hereby, provide the names of all shareholders, officers, and directors, if a corporation, or the names of all partners or other individuals or entities in partnership or association, if a business entity, other than a corporation.
- E. A permit or license fee as set by the council shall be required to be paid as of the time

the application is submitted for the permit or license. (Ord. Nos. 165, 2/80 and 465, 3/21/95)

CHAPTER 6

ZONING ORDINANCE TO PREVAIL

§ 4-601 Zoning ordinance to prevail.

§ 4-601 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provision of the zoning ordinance shall prevail and supersede the provision of this chapter. (Ord. No. 465, 3/21/95)

CHAPTER 7

CATTERY AND KENNEL RULES

- § 4-701 License fee for catteries, kennels.
§ 4-702 Pet shop, kennel and cattery regulations.

§ 4-701 LICENSE FEE FOR CATTERIES, KENNELS.

- A. License fee for catteries, kennels to maintain a cattery or kennel as herein defined shall not be issued unless such owner shall first pay to the city an annual license fee as set by the council. Upon a signed petition of all property owners within six hundred (600) feet of property line and approval of a special use permit and payment to the city clerk, a license will be furnished which must be posted at all times. This license shall be in lieu of all other registration fees prescribed, provided that all dogs or cats in such kennel shall at all times be confined on the premises. Should such dog or cat belonging to such owner be allowed off the premises, the owner or keeper shall pay the same tax and registration fee as required for all dogs not kept by such a provision.
- B. Any kennel or cattery shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the animal control officer at any reasonable time. (Ord. No. 107, 3/4/74; Ord. No. 465, 3/21/95)

§ 4-702 PET SHOP, KENNEL AND CATTERY REGULATIONS.

All pet shops, catteries and kennels shall:

- A. Maintain records and retain such records for a two-year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex and age; date and source of animal; period for which animal is maintained; date and disposition of animal, including name and address of new owner; disease prevention or treatment and by whom;
- B. Provide general environmental conditions to assure adequate physical space for each animal, to control parasites, clean food and water, weather protection and clean and sanitary facilities; and
- C. Provide cages and pens of easily cleanable materials if used for confinement and shall keep such cages and pens clean and sanitary at all times. (Ord. No. 107, 3/4/74; Ord. No. 465, 3/21/95)

CHAPTER 8

PROCLAMATION OF RABIES

- § 4-801 Quarantine of animals for observation.
- § 4-802 Securing support information of diagnosed animals.
- § 4-803 Rabies crisis declaration.
- § 4-804 Destruction or impoundment of animals suspected rabid.
- § 4-805 Surrender of animals under suspect.

§ 4-801 QUARANTINE OF ANIMALS FOR OBSERVATION.

- A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer, city health officer, and the county health department. The animal control officer shall securely quarantine such animal for a period of ten (10) days and shall not release such quarantined animal until reasonable determination has been made that animal is not infected with rabies. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the city animal shelter at the owner's expense. The animal may be reclaimed by the owner if adjudged free of rabies and such owner shall then pay any related charges for confinement.
- B. In case of animals whose ownership is unknown, the animal control officer may, at his or her discretion, quarantine the animal at the city animal shelter, or destroy the animal for the purpose of following the procedure outlined in § 4-802 of this code. In the event such animal is impossible to capture, it shall be destroyed and the animal control officer shall follow that procedure outlined in § 4-802 of this code. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-802 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, city health officer, or other designated emissary shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper public health officer of any reports of human contact. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-803 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the city manager city-wide quarantine, and upon the invoking of such quarantine by the city council by resolution, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine, no animal may be taken or removed from the city without written

permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-804 DESTRUCTION OR IMPOUNDMENT OF ANIMALS SUSPECTED RABID.

- A. Any unvaccinated animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be held under six (6) month quarantine by a licensed veterinarian's hospital for the purposes of observation and such animal shall be vaccinated at least three (3) days prior to release.

- B. Any effectively vaccinated animal which is bitten by an animal adjudged to be rabid shall be immediately re-vaccinated and restrained by leashing and confinement, for a period of at least ninety (90) days, by the owner. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

§ 4-805 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer. (Ord. No. 107, 3/4/74, in part; Ord. No. 465, 3/21/95)

CHAPTER 9

PENALTIES

§ 4-901 Penalty.

§ 4-901 PENALTY.

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be fined or imprisoned as provided in § 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive. (Ord. No. 465, 3/21/95)