

PART 4

ANIMAL REGULATIONS

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SECTION 4-101 DEFINITIONS.

For the purpose of this chapter, each word and phrase shall have the following meaning:

“Animal” shall mean any living creature, except human beings, and include (without limiting the generality) mammals, birds, reptiles, fish, amphibians and invertebrates, except in Section 4-104 of this chapter the word “animal” shall mean only mammals when referring specifically to the control of rabies and rabies-suspected animals.

“Large animal” shall mean and include horses, mules, ponies, cattle, sheep, ostriches, lamas, goats, and any other animal over 25 pounds except dogs and/or cats.

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“Animal wild by nature” shall mean and include any animal, except reptiles which, because of dangerous physical features, or great size, or vicious nature presents a clear and proven danger to human beings, and shall include:

- A. 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 Ratite (ostriches, rheas, sasswarles and emus) or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- B. The following members of the Class Mammalia Order Carnivora, Family Felidae (ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval), except commonly accepted domesticated cats; the Family Canidae (wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Ursidae (gears); Order Chiroptera (bats); Order Edentata (sloths, anteaters and armadillos); Order Marsupialia (kangaroos and common opossums); Order Proboscidea (elephants); Order Primate (monkeys, chimpanzees and gorillas); Order Rodentia (beaver, muskrat and porcupines); Order Artiodactyla (antelope, deer, bison and camels); and Order Perissodactyla (horse-like animals); and any hybrid or cross-breed of any of the above-listed animals.
- C. Any species of animal which is venomous to human beings, whether the venom is transmitted by bite, 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 northeastern Oklahoma shall not be permitted.
- D. Any species of animal when kept, maintained or harbored 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.
- E. Except as expressly provided in this title, the term “animal wild by nature” shall not include non-poisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this section, domestic rats, chinchillas, domestic honey bees, and ferrets.

“At heel” shall mean when a dog is obedient to and under the immediate control and supervision of its owner or its owner’s agent.

“At large” shall mean when:

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- A. An animal is not confined on the premises of its owner; or
- B. A dog is not under leash, at heel, or under the control of the person having possession of the dog; or
- C. A cat not in the physical control of its owner.

“Cat” shall mean and include any domestic cat.

“Chief of Police” shall mean the duly appointed, qualified or acting Chief of Police of Sapulpa or the Chief’s authorized representative.

“Commercial Animal Establishment (Type A)” shall mean any stable or boarding facility, grooming or bathing facility, veterinarian clinic or boarding facility, carriage horse or pony service, or sentry or guard dog service.

“Commercial Animal Establishment (Type B)” shall mean any business keeping animals in stock for retail or wholesale trade which shall include but not be limited to, wholesale distributors, pet store, stockyards, slaughter houses and hatcheries.

“Confined on the premises” shall mean that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls or fences, or by rope, chain, leash or other device of such strength and size as to prevent such animal from leaving the premise and not permit it to stray onto the property of one other than the owner.

“Dangerous dog” shall mean any dog which: (1) exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other domestic animals; (2) chases, confronts or approaches a person on a street, sidewalk, other public property or another person’s private property in a fashion such as would put an average person in fear of attack; (3) snaps, bites or manifests a disposition to snap or bite when not unduly provoked or otherwise acts in a manner that causes or should cause a reasonable person to know that it is potentially dangerous. A dog shall be deemed to exhibit a propensity, tendency or disposition to attack if it is restrained by a leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack or bite. [Ord. 2562]

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“Director” shall mean the superintendent of the Sapulpa Animal Control Department of the City or the superintendent’s authorized representative.

“Clerk” shall mean the duly appointed city clerk of the City of Sapulpa or the clerk’s authorized representative.

“Domestic animal” shall mean dogs and cats, as well as horses, donkeys, mules, burros, cattle, sheep, goats, rabbits and fowl.

“Fowl” shall mean any bird which has been domesticated and is commonly raised for food or egg production, including but not limited to chickens, ducks, geese, turkey, peafowl, pheasant, partridge, quail and grouse.

“He, Him, His, It, Its” shall mean and include the masculine, feminine and neuter gender.

“Hive” shall mean a manmade home for bees which includes one or more boxes containing removable frames for rearing young bees, a queen excluder, one or more boxes with removable frames for honey storage, an inner cover and a top cover, all of which are set on a hive stand.

“Hobbyist” shall mean any person so registered with the City Clerk as having met the requirements for the hobbyist exemption in Section 118 of this title

“Mammal” shall mean any animal which habitually commits any or a combination of the following acts:

- A. Scratches or digs into any flower bed, garden, tilled soil, vines, shrubbery or small plants and in so doing injures the same;
- B. Overturns any garbage can or other vessel for waste products or scatters the contents of the same;
- C. Chases any person or domestic animal, or kills any domestic animal;
- D. Barks, howls, brays or makes any other loud or offensive noise common to its species or peculiar to itself, so as to disturb the inhabitants of the community;
- E. Is at large.

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“Owner” shall mean any person, firm or corporation having the care or maintenance of, keeping or harboring, or in possession and control of or custody of any dog, cat, animal or domestic animal.

“Pigeon or dove” shall mean any bird in the family Columbidae, and shall include any exotic dove (ringneck, white, diamond, fruit, cape, laceneck, etc.) and any fancy pigeon, racing pigeon, or common pigeon.

“Poultry” shall mean any bird of the species Gallus gallus or Meleagris gallipavo (domestic turkey), generally, any type of chicken.

“Rabies-suspected animal” shall mean any animal which has bitten a human being or which has been bitten by any animal suspected of having rabies.

“Releasing agency” shall mean any municipal shelter, humane society organization, or any other agency or group that has an ongoing adoption program and/or rescues animals for placement, whether to the public or private.

“Rescuer” shall mean an individual or organization who regularly harbors dogs or cats which have no readily identifiable owner. An individual rescuer shall be named as such on a roster of recognized rescuers furnished by a local animal welfare organization to the Director of Finance.

“Under leash” shall mean and include the condition of a dog being securely held, restrained and confined by its owner, member of family or agent by means of a strap, chain, rope, cord or other device not exceeding sixteen (16) feet in length, and in such manner as to prevent the dog from attacking any person.

“Vicious animal” shall mean any animal which, without provocation, has;

- A. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical facility, or rehabilitative treatment; or
- B. Bitten two (2) or more human beings during one or more encounters; or
- C. Bitten one (1) human being two (2) or more times during two (2) or more encounters; or
- D. Evidenced a propensity, tendency or disposition to:
 - 1. Attack without provocation; or

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2. Cause injury to, or otherwise endanger the safety of human beings or domestic animals.

“Vicious dog” shall mean any dog which: (1) attacks a human being engaged in lawful activity resulting in serious injury; (2) while off the property of the owner and without provocation, kills or seriously injures another domesticated animal; (3) on two (2) or more occasions within a twelve (12) month period, attacks or bites without provocation a person engaged in lawful activity; or (4) is trained for dog fighting or is owned or kept for the purpose of dog fighting. [Ord. 2562]

SECTION 4-102 OFFENSES.

It shall be an offense under the terms of this chapter for any owner within the corporate limits of the city to:

- A. Own, keep, possess, harbor or allow to remain on premises under his control any dog or cat over four (4) months old, unless such dog or cat has a current license and a current vaccination against rabies as required herein;
- B. Fail to prevent any dog or cat owned, possessed, kept or harbored by him from running or being at large as defined in this chapter, whether such dog or cat is licensed or unlicensed; provided, however that it shall be permissible for a dog to be led off the premises of its owner when under leash or obediently at heel; and provided further, that it shall be permissible for a police dog not to be under leash or obediently at heel while being utilized as a police dog in the performance of police duty and when accompanied by a police officer.
- C. Deposit any live dog, cat or other domestic animal along any private or public roadway or in any other private or public place with the intention of abandoning the domestic animal;
- D. Harbor, keep or have possession of any vicious animal;
- E. Harbor, keep or have possession of any animal which is a nuisance;
- F. Fail or refuse to deliver to the Chief of Police, Director or their designated agents upon demand any unlicensed dog or cat, vicious animal, animal which is a nuisance, rabies-suspected animal, dog or cat found at large, or any animal the keeping or harboring of which is declared to be an offense.

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- G. Remove or fail to affix or attach to collars or harnesses worn by dogs or cats a current license tag as provided in this chapter, unless the dog or cat is permanently and uniquely identified with a microchip implant or tattoo.
- H. Keep, possess, own, harbor or exhibit any animal wild by nature except as an exhibition complying with all aspects of federal laws and regulations and Oklahoma laws and regulations applicable to exhibition of animals wild by nature;
- I. Fail or refuse to keep every female dog or cat “in heat” confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that another dog or cat cannot come into contact with it except for controlled breeding purposes;
- J. Interfere or hinder the Chief of Police or animal control officer from performing his duties as set forth herein;
- K. Release, other than by owner, any animal from its confinement at any exhibition or sporting event; or release any animal from their home, housing or yard;
- L. Allow an animal to defecate (without the owner, keeper or harbor removing the excreta deposited) on public or private property other than that of the owner;
- M. Own or harbor any animal or fowl primarily or in part of the purpose of fighting, or any animal or fowl trained for such; or any person to place or attempt to place an animal or fowl in an enclosure or in any other place for the purpose of fighting or combat; or any person to promote, stage, hold, manage, conduct, be umpire, judge or spectator at any game, exhibition, contest or flight in which an animal or fowl is used for the purpose of fighting, injuring, killing, maiming or destroying any other animal or fowl;
- N. Harbor, keep or possess in any one household more than a combined total of five (5) dogs and cats over the age of four (4) months; provided that no more than three (3) of such animals shall be dogs over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this paragraph so long as:
 - 1. Immediately prior to June 30, 2000, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and

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2. Those dogs and/or cats were licensed according to the provisions of this chapter; and
 3. The dogs and/or cats kept or possessed are the same such animals that were kept or possessed pursuant to (1) and (2) of this paragraph; or the household or an individual in the household has secured a hobbyists exemption as provided in this chapter;
 4. Harbor, keep or possess domestic honeybees otherwise permitted by this chapter unless the bees are maintained as follows:
 - a. No more than four (4) hives shall be maintained for each one-quarter acre or less of lot size on any lot; and
 - b. No hive shall be maintained within twenty (20) feet of any lot line of the lot on which said hive is located; and
 - c. Between each hive and the neighboring lot in the direction of the hive entrance the hive owner shall maintain a hedge or a screening fence of at least six (6) feet in height, to be located within twenty (20) feet of such lot line, and to extend the entire length of such lot line; and
 - d. A supply of clean water must be furnished within twenty (20) feet of each hive at all times between March 1 and October 31 of each year; and
 - e. Hive owners shall inspect each hive not less than four (4) times between March 1 and October 31 of each year. A written record including the date of each such inspection shall be maintained by the owner and shall be made available to the Chief of Police upon request.
 - f. Any commercial use of the property on which bees are maintained shall be conducted in accordance with Title 42.
- O. Violate any of the provisions of Section 4-111 herein.
- P. Harbor, keep or possess a dog or cat over the age of six (6) months other than a dog owned and used by the Police Department of the City as a police dog, which has not been spayed or neutered, unless the owner has secured a hobbyist exemption permit as required in this chapter or unless the dog or cat was licensed as required by this chapter prior to June 30, 2000, and has

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continuously maintained such license. In the event an owner of a dog or cat over the age of six (6) months is unable to produce a current license or license tag for his dog or cat as required by this chapter, a rebuttable presumption is created that the dog or cat has not been spayed or neutered.

- Q. Harbor, keep, or possess any animal which, while not confined on the premises of its owner, does bite, chase, or attack any person or animal without provocation. Provided, this section shall not apply to any police dog while being utilized in the performance of police duties and accompanied by a police officer.
- R. It further shall be an offense under the terms of this chapter for a releasing agency within the corporate limits of the City to release for adoption an animal that has not been surgically spayed or neutered, unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered.
- S. Harbor, keep or possess any large animal except under the following conditions:
1. Such large animals are confined on the premises of the owner in an enclosure of not less than one acre in area for each animal kept therein;
 2. The enclosure of large animals is not less than one hundred fifty (150) feet from any living quarters or residence used for human occupancy;
 3. The barn or shelter in which such animals are kept is not less than two hundred (200) feet from any living quarters or residence used for human occupation; and
 4. The enclosure and/or barn or shelter is at all time kept clean and in a sanitary condition.
- T. Harbor, keep or possess any fowl except under the following conditions:
1. Fowl, not to exceed six adults and fourteen young under the age of eight weeks, may be confined on the premises of an owner in nonagricultural zoned areas in a separate building located no closer than 100 feet to any adjoining residence, provided that the floors of such building are maintained in a sanitary condition by routine cleaning and proper disposal of droppings and the outside openings of such building are screened to prevent flies and other vermin;

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2. Fowl may be confined on the premises of an owner of agricultural zoned property in separate buildings or pens located no closer than 100 feet to any adjoining residence or property line provided that the floors of such building are maintained in a sanitary condition by routine cleaning and proper disposal of drippings and the outside openings of such buildings or pens are screened to prevent flies and other vermin.
- U. Harbor, keep or possess any swine.
- V. It shall be unlawful for any person to willfully or maliciously overdrive, overload, torture, torment, destroy or kill or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or cause, procure or permit any such animal to be so overdriven, overloaded, tortured, tormented, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. [Ord 2521]
- W. It shall be unlawful for any person to unjustifiably administer any poison or noxious drug or substance to any animal, or unjustifiably expose any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another. [Ord. 2521]
- X. Harbor, keep or possess any dangerous dog except in compliance with the provisions of Section 4-119 of this Code. [Ord. 2562]
- Y. Harbor, keep or possess any vicious dog. [Ord. 2562]

SECTION 4-103 REGISTRATION AND RABIES INOCULATION.

- A. It shall be the duty of every resident owning or having in his charge or possession within the corporate limits of the City any dog or cat four (4) months or more of age to cause such dog or cat to be registered with the city clerk and pay the license fees herein required; provided, however, that the requirements for a license fee for registration shall not apply to any dog or cat which may follow or be led by any nonresident or traveler through the City while the dog or cat is with its owner or keeper.

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- B. It shall be the further duty of every person owning or having in his charge or possession within the corporate limits of the City any dog or cat four (4) months or more of age to cause such dog or cat, within thirty (30) days after the dog or cat reaches the age of four (4) months to be inoculated as set forth below:
1. Inoculation must be by a person licensed to practice veterinary medicine in the state of Oklahoma or other states:
 2. Inoculation must be with a prophylactic 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 as follows:
 - a. Three year immunity. Modified live virus Flurry strain rabies vaccine or killed strain vaccine, as licensed by the United States Department of Agriculture (USDA), will be recognized for three (3) years in dogs, provided that the dog is at least one (1) year of age at the time of the vaccination; if dogs under (1) year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one (1) year.
 - b. One year immunity. All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for a one (1) year period.
 3. Cats must be inoculated with vaccines specifically for cats. Ferrets must be inoculated with vaccines specifically for ferrets. The vaccines must be recognized by the United States Department of Agriculture.
 4. Thirty (30) days shall be permitted for an owner to secure re-vaccination of his dog, cat or ferret after the duration of immunity has lapsed.
 5. Every veterinarian, after vaccinating a dog or cat for rabies, shall complete in triplicate a computer-generated certificate or a legible certificate. Two (2) copies shall be retained by the veterinarian, one (1) as a permanent record and (1) as an expiration notice, and the third copy shall be retained by the animal owner to be shown to the Chief of Police or Director, upon request, and to be used to secure the license tag. Such certificate shall include the following information:
 - a. Owner's full name, address, zip code, home telephone number, daytime and/or emergency contact telephone number;

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- b. Breed, date of birth, sex and color or marking of the dog or cat;
- c. Type of vaccine and duration of immunity;
- d. Signature of the veterinarian administering the vaccine;
- e. Name of the animal, if applicable; and
- f. Permanent ID information, if any; and
- g. Whether the animal is spayed, neutered or unaltered.

SECTION 4-104 VETERINARIAN RECORDS & REPORTS; REPORTING ANIMAL BITES; ANIMAL UNDER QUARANTINE: RABIES SUSPECTED.

- A. It shall be the duty of every veterinarian practicing in the city to keep a record of every dog or cat vaccinated, which record shall be made available to the Chief of Police, city clerk, or their designated agents at any reasonable time and upon proper demand.
- B. It shall be the duty of every physician or other medical practitioner to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such information as is pertinent to rabies control. It shall be the duty of any person having the knowledge of an animal bite to notify the Chief of Police of the incident and to provide such information upon request of the city clerk as is pertinent to rabies control.
- C. It shall be the duty of every veterinarian having an animal quarantined for a biting incident to 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 shall report to the Chief of Police on the tenth day of observation as to the condition of any animal quarantined for biting incident.
- D. It shall be the duty of every veterinarian to report immediately to the Chief of Police his diagnosis of any animal observed by him as a rabies suspect.
- E. The Chief of Police shall notify the Director of all animal bites.

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SECTION 4-105 LICENSE FEES.

The annual license fees for each dog or cat shall be as provided in the Master Fee Schedule. No fee will be required for the registration of a dog that is used as a guide for the blind, used as a guide for the auditory impaired, used as a support service dog for persons with disabilities, or actively involved in law enforcement activities.

Except in cases in which three-year immunization has been performed, licenses for one-year rabies vaccinations shall expire and must be renewed on the last day of the twelfth month from when the rabies vaccination was administered as specified in this chapter. In cases of a three-year immunity, the license shall expire and must be renewed on the last day of the thirty-sixth (36th) month as specified in this chapter. No dog or cat may be licensed without a current valid rabies immunization certificate and, unless the owner has secured a hobbyist exemption permit as required in this chapter, proof of sterilization.

Individuals may remit to the administering veterinarian licensing fees required by this title at the time the dog or cat is vaccinated for rabies; or individuals may obtain a license directly from and pay the required fee directly to the city clerk upon demonstration that the animal has been properly vaccinated against rabies and, unless the owner has secured a hobbyist exemption permit as required in this chapter, has been spayed or neutered. There shall be no prorating for partial years.

Veterinarians who voluntarily collect the licensing fee at the time of administering the rabies vaccine shall be required to remit to the city clerk on a monthly basis all fees collected, along with a copy of the registration certificate furnished by the city clerk for the animals licensed. Veterinarians shall be permitted to keep twenty-five (25%) of the licensing fees collected as a handling fee. No special reporting requirements of those clients choosing to license directly with the city clerk shall be placed upon the veterinarians.

Animals permanently identified by means of tattoo or microchip implant may be licensed for a three (3) year period in conjunction with a three (3) year vaccination for a price of one (1) annual fee, provided that the tattoo number or the microchip code is recorded on the rabies certificate completed by the veterinarian at the time of vaccination.

Upon registration, there shall be delivered to the owner metallic tags, stamped with the license number and the year in which issued. Such tags shall at all time be attached to the collar or harness worn by the dog or cat for which the certificate was issued. If such tag is lost or destroyed, the owner shall apply in writing or in person for a new tag by presentation of the applicable registration ticket, accompanied by a fee as provided by the Master Fee Schedule.

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SECTION 4-106 PROCLAMATION OF RABIES.

If at any time the Chief of Police or Director shall find that there is an epidemic of rabies among the dogs within the city, or any part thereof, then he shall certify that fact to the Mayor and specifically recommend a period, fixing the dates thereof, during which period all dogs in the City shall be confined on a premises of their owners or under leash as herein defined. Upon the receipt by the Mayor of written recommendation from the Director certifying the existence of any epidemic of rabies; the Mayor shall issue his proclamation, based upon recommendation of the Director, proclaiming the existence of an epidemic of rabies and fixing the dates and duration of the epidemic, which proclamation shall be published one (1) time in a newspaper of general circulation and printed and published in the City.

During the time of the epidemic, all dogs and cats within the City shall be confined on the premises of the owners or kept under leash as herein defined. The existence of an unusual number of rabid dogs and cats in the City shall be deemed an epidemic of rabies under this chapter, and the finding as to an epidemic of rabies by the Director shall be prima facie evidence of that fact.

SECTION 4-107 RABIES SUSPECT.

Any rabies-suspected animal shall be securely and separately confined for observation for a period of ten (10) days. The confinement and observation shall be at the Sapulpa Animal Shelter or, at the discretion of the owner, the animal may be confined in a veterinary hospital at the owner's expense. Boarding kennels shall not be considered proper confinement facilities. The owner must immediately surrender the rabies-suspect animal to the Chief of Police or his designee. In the event the owner wishes to have the animal held for observation at a veterinary hospital, the animal will be transported to the veterinary hospital of the owner's choice (provided the hospital is within the city limits of the City) by a representative of the city Animal Shelter. Any person failing to surrender a rabies-suspect animal, or any person removing the rabies-suspect animal from the city limits, is guilty of an offense. If, upon examination by a veterinarian, the animal has no signs of rabies at the end of the impoundment period, it may be released to the owner or, in case of a stray, it shall be disposed of in accordance with applicable law. In either event, the veterinarian shall make a written report of the disposition of the animal to the Chief of Police and the Director. At the end of the ten (10) day observation period, the Chief of Police shall notify any person bitten by a rabies-suspect animal whether such animal exhibited symptoms or indications of rabies; such notice shall be in the same manner as provided for service of notice under Section 4-109 of this chapter.

Dogs owned and used by the Police Department that bit a person during the course of duty, shall be under the supervision of a licensed veterinarian. The type and amount of supervision is left to the professional opinion of the supervising veterinarian who assumes responsibility for the biting animal.

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The veterinarian must regularly examine the biting animal and immediately report any changes in condition of the animal to the City-County Health Department.

The dog must be under the control of an authorized agent of the Police Department or the veterinarian at all times during the observation period.

The owner of any non-immunized domestic animal other than a dog or cat which has been exposed to a rabid animal shall immediately report with such domestic animal to the Director for instruction concerning the disposition of that animal.

Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and/or confined on the premises of its owner or in a veterinary hospital for a period of forty-five (45) days.

SECTION 4-108 VICIOUS ANIMAL.

It shall be the duty of the Chief of Police and/or Director to investigate any proper claim that an animal is vicious within the meaning of this chapter. Should the investigating official determine that a vicious animal poses an immediate threat to the public health or safety, he shall immediately seize and impound the animal, or otherwise seek an order from the court that the animal be impounded. The Chief of Police shall also refer the matter to the City Attorney for approval of a verified complaint requesting a finding by the court that the impounded animal is vicious and aid in the proceedings instituted in the Municipal Criminal Court against any person for harboring a vicious animal.

If the court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is a vicious animal, then the court shall order the Chief of Police to return the animal to its owner. If such animal is found by the court to be a vicious animal, the court shall order the Chief of Police to euthanize the animal.

At the option of the owner, but subject to the approval of the Chief of Police, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the vicious animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the Chief of Police or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City be liable for costs or fees charged by the private facility. Further, the city may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

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SECTION 4-109 ANIMAL A NUISANCE.

It shall be the duty of the Chief of Police and/or Director to investigate any proper claim that an animal is a nuisance within the meaning of this chapter. Should the investigating official determine that a nuisance exists and it is necessary to abate the nuisance or should the official have reason to believe a threat to public health or safety exists, he shall refer the matter to the City Attorney for approval of a verified complaint and an order from the court that the animal be impounded. Following the filing of such verified complaint and an evidentiary hearing, if the court finds upon a preponderance of the evidence that a nuisance existed, the court may order the animal euthanized as in the case of a vicious animal. In lieu of order to have the animal euthanized, the court shall, at the request of the owner, require that the owner abate and prevent such nuisance and give a good and sufficient bond within three (3) days, in an amount not greater than the sum of Five Hundred Dollars (\$500.00), satisfactory for a period not exceeding one (1) year. In this event, the court may order the return of such animal to the owner. However, during the pendency of such bond, upon a finding of the court that the nuisance has recurred, the court shall order the animal be impounded, euthanized and the owner's bond forfeited. If the court shall find that no nuisance existed, the court shall order the animal be surrendered to the owner.

At the option of the owner, but subject to the approval of the Chief of Police, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the nuisance action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by the Chief of Police or the court. All fees for such impoundment will be the responsibility of the owner. In no event will the City be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately operated impoundment facility.

Nothing in this section shall be construed to permit the release from impoundment of any animal not properly licensed and vaccinated, or a threat to public health or safety.

SECTION 4-110 NOTICE OF IMPOUNDMENT: RECLAIMING: DISPOSAL OF ANIMALS: AND FEES.

- A. When the owner of the animal is known, they shall be notified of the impoundment. Notice shall be attempted by telephone within a forty-eight (48) hour period from the initiation of the impoundment. Without regard to the success in giving notice by telephone, a certified letter is to be mailed to the owner's or keeper's address within the same forty-eight (48) hour period. Licensing records, including the owner's name, address, telephone number and daytime telephone number or an emergency telephone number shall be readily accessible to the official responsible for such notifications.

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- B. An animal may be reclaimed within the following times: Within five (5) days from the initial impoundment, if the animal is licensed and the owner is readily identifiable or three (3) days from notice of impoundment, whichever is longer. If the owner is not known, the animal shall be held for three (3) days before it becomes the property of the City and is disposed of as provided herein.
- C. Requirements for Reclaiming Animals. An animal may be reclaimed by meeting the following requirements:
1. If an animal is not licensed and this chapter requires licensing, after the payment of the licensing fees and penalties as set forth herein and satisfying all other requirements of this section.
 2. If the animal is licensed, or if a license is not required by this chapter, by paying the impoundment fees and satisfying all other requirements as set forth herein; and
 3. If the animal is not spayed or neutered and this chapter requires spaying or neutering, after signing an agreement to spay or neuter the animal within sixty (60) days or forfeit a Fifty Dollar (\$50.00) deposit, payable at the time of reclaiming; and
 4. If the animal must be vaccinated for rabies before release, the person reclaiming the animal shall pay all fees for the vaccination.
- D. Fees.

No animal shall be released without the payment of the fees and charges provided by the Master Fee Schedule and without satisfactory proof of ownership. The payment of these fees and charges shall not constitute a defense to any prosecution that may be instituted for the violations of the terms of this title.

Provided, however, no fees shall be charged for any licensed animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a vicious animal.

Provided, further, no person shall be entitled to reclaim any animal found to be a nuisance, rabid, rabies-suspected, or vicious, except as provided herein.

E. Animals Not Reclaimed Within Time Limits. Animals not reclaimed within the time limits set forth in this section shall, at the option of the Chief of Police, be euthanized or disposed of in one of the following manners.

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1. Animals Reclaimed by Owners. Animals may be reclaimed by the owner upon payment of all fees and charges established by this section.
2. Adoption of Dogs and Cats. Dogs and cats may be released for adoption, provided that the adopting party pays required fees and charges as set forth by the Master Fee Schedule, and further provided that;
 - a. There shall be established at the City Animal Shelter an on-site facility for the purpose of spaying and neutering all animals adopted through the Shelter which have not previously been surgically spayed or neutered; this facility will be staffed by a licensed veterinarian and be under the Chief of Police; if the City of Sapulpa staff does not include a licensed veterinarian and if the Chief of Police determines it is not reasonable to staff the facility through donate service, a bid process shall be used to select veterinary professionals to perform the on-site sterilizations of the adopted animals;
 - b. If the licensed veterinarian described in subparagraph 109.E.2.a or, in the absence of such veterinarian, Chief of Police determines that the animal cannot be sterilized at the time of adoption, the adopting party shall sign an agreement to have the animal sterilized pursuant to the Dog and Cat Sterilization Act, Okla. Stat. tit. 4 § 499, et seq., or as the same may be amended, and shall deposit with the Chief of Police, Fifty Dollars (\$50.00) to ensure that the animal will be sterilized.
3. Fees and Charges. Before an animal may be adopted, fees and charges as required by the Master Fee Schedule must be paid.

The Chief of Police, subject to City Council approval, shall establish policies and implement administration procedures for either the refund of adoption fees or an exchange for adopted animals which are returned.

F. Animals Wild by Nature. All animals wild by nature and not authorized by Subsection 101 herein shall be euthanized or donated to a zoo or a museum, except that, at the discretion of the Chief of Police, certain animals wild by nature which are native to Oklahoma and which in their natural habits do not present a danger to human beings or to property may be released to their natural habitats.

G. Public Sale. At the option of the Chief of Police, animals, other than dogs, cats, puppies, kittens and animals wild by nature, may be sold at a public sale pursuant to procedures set forth in this section, or donated to a zoo or museum.

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H. Release to Veterinarian. The Chief of Police may, at his discretion, release animals to a licensed veterinarian if the animal is in need of veterinary care. The veterinarian must agree in writing to accept responsibility for the animal and give the animal proper veterinary care in lieu of paying fees to receive the animal. If the animal is a dog or cat, the veterinarian must sterilize the animal before releasing the animal to any subsequent owner.

I. Release to Animal Welfare Organizations. The Chief of Police may, at his discretion, release animals to a nonprofit animal welfare organization incorporated as such in the State of Oklahoma. If an animal so released is a dog or cat, an authorized representative of the organization must agree in writing to have the animal sterilized before releasing it to a subsequent owner.

J. Release for Experiments or Research. No animal shall be released for experimental or research purposes.

K. Procedures for Public Sale of Animals. If an animal is to be sold at public sale, the Chief of Police shall give ten (10) days notice of the time and place of such sale by causing notices to be posted in at least three (3) public places in the City; by publishing in a copy of such notice upon the owner, if known; and by providing such other notice as the Manager may direct. The notices shall be substantially in the following form:

The following animals (describing them), having been taken up and impounded in the Animal Shelter of the City of Sapulpa for violations of the provisions of the ordinances of the City of Sapulpa, will unless reclaimed within ten (10) days from this date, be sold for cash to the highest bidder at public auction at the Animal Shelter at o'clock, .m. on the day of , A.D. (giving hour and date of sale). Dated this day of , A.D..

Chief of Police
City of Sapulpa, Oklahoma

The owner may reclaim any animal prior to the sale by payment of all fees and charges set forth in Master Fee Schedule.

L. Fees for Treatment of Sick Animals. In addition to all other fees, the owner of a sick or injured animal impounded by the Chief of Police shall reimburse the City of Sapulpa or a veterinarian for any fees incurred in treating the animal.

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M. Destruction of Animals. The Chief of Police may euthanize any animal if it has been surrendered to the Shelter or if the animal is so sick or injured that its cure is considered by the Chief of Police to be impracticable or if death is imminent, and in either of such event, such destruction may be done immediately without notice or any waiting period. Anyone surrendering an animal shall provide proof of his or her identity before the animal will be accepted.

SECTION 4-111 COMMERCIAL ANIMAL ESTABLISHMENTS.

A. Each commercial animal establishment, of any type, shall keep and maintain its animals and all pens, cages, tanks or other holding facilities in which animals are kept, in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and minimize illness to such animals. All holding areas shall be disinfected periodically to reduce disease pathogens.

B. All animals housed in any commercial animal establishment shall have a wholesome, adequate diet and portable water consistent with the requirements and habits of the animal's species, type, size, age and condition and available shelter with adequate ventilation and protection from the elements. Such animal showing evidence of disease or injury shall be immediately isolated and shall receive treatment by a licensed veterinarian or euthanized by same. Euthanasia of any domestic animal shall be performed by a licensed veterinarian. The reason and the procedure used for such euthanasia shall be documented. Upon receipt of a signed report or complaint alleging animal abuse or other conditions not in compliance with this section at any commercial animal establishment, an investigation shall be made by Animal Control. Its findings shall be documented and appropriate action taken.

C. Commercial Animal Establishments (Type B). No registration papers for animals no on the premises may be kept on the premises, except those when attached to a contract of sale. Vaccination and other medical care of such animals shall be current and the purchaser shall receive complete health records. The establishment shall provide written documentation of each animal's origin, including the breeder's name and the state where the animal was born, to the purchaser at the time of sale. All operators of a Type B commercial animal establishment shall apply to the city clerk for a permit to operate such establishment in the City. No Type B commercial animal establishment shall sell animals in the City without the permit. The clerk shall perform a background check encompassing the past ten (10) years, to ascertain if the applicant has been convicted of animal abuse or cruelty charges in that time. Conviction of animal abuse or cruelty shall be grounds for denial or revocation of a commercial animal establishment permit. The application processing fee and annual permit fee shall be as provided by the Master Fee Schedule.

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SECTION 4-112 ISSUANCE OF CITATIONS; COLLECTION OF FINES.

A. Municipal Court Clerk to Assist. The Municipal Court Clerk of the City is hereby authorized to work in conjunction with the Chief of Police and to assist the Municipal Criminal Court in the clerical work involved in the expedient disposition of violations.

B. Penalties Established by Judge. The judge of the Municipal Court shall designate the penalties to be paid for the violations of this chapter which may be satisfied by payment at the Office of the Municipal Clerk, provided that penalties are within the limits herein established for such violations.

C. Citations. There shall be authorized by the Municipal Judge and provided by the Municipal Court Clerk suitable serially numbered forms for the notification of violators to appear and answer charges for violating this title, which forms shall be issued and receipted by the Clerk of the Municipal Court or by duly authorized persons acting for him.

Upon the commission of any violation of this title, the Chief of Police or his designee shall take the violator's name, address, and place of employment and issue to the violator in writing a notice on the form authorized by the Municipal Judge and provided by the Clerk of Municipal Criminal Court, commanding the violator to answer the charge against him within ten (10) days at the place specified in the notice. The notice shall contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the Judge of the Municipal Criminal Court. The issuance of the citation may be in addition to or in lieu of impoundment of the offending animal.

D. Failure to Answer. Failure to give the required information or answer the notice provided for in this section shall authorize the Chief of Police to immediately place the violator under arrest and in custody. Whenever the Chief of Police deems it necessary, he may follow the procedure set out herein.

SECTION 4-113 POLICE DOGS AND DOGS TRAINED TO GUIDE THE BLIND AND HEARING IMPAIRED AND SUPPORT SERVICE DOGS FOR PEOPLE WITH DISABILITIES.

If the dog is vaccinated as herein provided, it shall be lawful for any dog trained to guide any blind or hearing impaired person, or for any support service dog for people with disabilities, or for any police dog owned and used by the Police Department of the City as a police dog to be admitted to any public place or vehicle when actually accompanying a blind or hearing impaired person or person with a disability, or when utilized as a police dog, when the blind, hearing impaired or disabled person, or the officer accompanying the dog, might have the lawful right to entry.

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SECTION 4-114 OUTSIDE AGENCIES.

- A. The Chief of Police is authorized to impound and dispose of any animal when requested to do so by another law enforcement agency.
- B. The fees to be paid by the outside agency for this service are set forth in the Master Fee Schedule.

SECTION 4-115 RECORDS; FUNDS.

It shall be the duty of the Chief of Police to maintain records at the Animal Shelter containing the description and date of the seizure of all animals taken under the provisions of this title, the place where impounded, the name of the owner if known, and if unknown, the date of the notice given, and all subsequent proceedings relating to the sale of the animal and the amount realized. All fees collected by the Chief of Police and the proceeds of all sales shall be paid to the City Clerk. Any amount in excess of the fees due shall be held subject to the claim of the person entitled to them who may apply in writing to the City Clerk within six (6) months. If such excess is unclaimed after six (6) months, it shall be paid into the General Fund.

SECTION 4-116 UNLAWFUL REMOVAL.

Every person who shall take out or attempt to take out of the Animal Shelter or any Animal Shelter property, any animals located therein without paying the fees prescribed by this chapter shall be deemed guilty of an offense.

SECTION 4-117 ENTERING PROPERTY.

The Chief of Police may impound animals which are deemed to be at large within the meaning of this chapter and which are found off the immediate premises of their owners. In multi family residential complexes, if the property manager or agent grants access, large animals may be removed from common areas generally made accessible to occupants and their guests. This includes but is not limited to playgrounds, parking lots and walkways.

SECTION 4-118 HOBBYIST EXEMPTION PERMIT.

A. Hobby Exemption Permit. The City Clerk shall maintain a register of qualified hobbyist exemption permit holders. Application shall be submitted in writing to the City Clerk, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. An initial permit fee and renewal fee shall be charged as specified by the Master Fee Schedule.

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A holder of a hobbyist exemption permit will be permitted to own and keep, at a single family dwelling, a number of dogs and cats that would otherwise constitute an offense under paragraph 4-102 of this chapter; provided, however, that a permit holder other than an owner of hunting dogs shall allow outside the residence at any one time no more than the number of cats and dogs permitted by paragraph 4-102. A holder of a hobbyist exemption permit shall not be required to comply with paragraph 4-102 of this chapter; provided, however, that an individual rescuer must comply with paragraph 4-102 as to those dogs and cats owned by the rescuer on a permanent basis.

B Permit Qualifications. Any individual or organization, not a commercial breeder, that

1. Is actively involved in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a hobbyist exemption; or
2. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, and has held and continues to hold a current, valid State of Oklahoma hunting license for a period of at least one (1) year prior to making application for a hobbyist exemption; or
3. Qualifies as a rescuer according to the provisions of this chapter; and
4. Has not been convicted in the past ten (10) years of any offense related to: illegal commercial breeding, brokering, dog fighting, a nuisance offense under this chapter, a cruelty offense under this chapter, a neglect offense under this chapter, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of this chapter prohibiting at large dogs and cats shall qualify for a hobbyist exemption permit.

C. Application Documents. An applicant for a hobbyist exemption permit shall submit to the City Clerk one of the following:

1. Certificates of completion of a least two training classes, dated within the twelve (12) months immediately preceding the date of application; or
2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or
3. A certificate of title(s) from a national registry for a dog or cat owned by the

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applicant; or

4. For a rescuer organization, proof that the organization is approved by the Chief of Police pursuant to the requirements of this chapter. The organization shall submit a list of individual households that are authorized to serve as rescuers under the organization's permit; or
5. For an owner of hunting dogs, proof that the owner hold or is exempt from holding a current and valid State of Oklahoma hunting license.

Any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals shall not be considered an organized sport or hobby for purposes of this section.

D. Renewal. A permit holder must reapply for the exemption permit every year. To make application, the permit holder must furnish to the City Clerk one or more of the items listed above; provided, however, that such cats and dogs are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If the rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall so notify the City Clerk.

E. Records. If applicable, the permit holder shall keep accurate records in accordance with the requirements of his associated national registry on each dog or cat owned, and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated.

F. Requirements of a Rescuer. A rescuer may harbor dogs and cats in accordance with this chapter; provided, however, that such cats and dogs are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall so notify the City Clerk.

G. Revocation. A permit holder shall have his hobbyist exemption permit or the right to serve as a rescuer under an organization's permit revoked if he has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance under this chapter; cruelty under this chapter; neglect under this chapter; violation of the Oklahoma Wildlife Conservation code or regulation; or two (2) or more violations of this chapter prohibiting at large dogs and cats.

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SECTION 4-119

DANGEROUS DOGS.

A. Permit and Certificate of Registration Required.

1. It is unlawful for a person to own, harbor or possess a dangerous dog without a permit and certificate of registration being issued to the owner of the dog by the City Clerk according to this chapter. This permit and certification requirement shall not apply to dogs used by law enforcement officials for police work.

2. The owner of a dangerous dog for which a permit and certificate of registration is required shall, prior to bringing or allowing the dog to be within City limits, apply to the City Clerk, or his or her designee, for a permit and registration certificate for each dangerous dog owned by him or her. The Clerk or designated representative shall issue a permit and certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with Section 4-119 to the Chief of Police, or his designee.

3. All unregistered dangerous dogs within the City are deemed illegal animals. The person harboring or keeping an unregistered dangerous dog shall either register the dog with the City Clerk or have the animal removed from the city; and if any unregistered dangerous dog is found again unregistered in the city, the dog shall be destroyed. This section shall not apply to a dog which, upon initial notice, the owner agrees to properly register and confine the dog, or to a dog for which a hearing has been requested under this chapter to determine if it is a dangerous dog under the Code.

4. In addition to all other fees authorized to be assessed, the animal control department may assess, and the owner or custodian of the dog must pay, the sum of twenty-five dollars (\$25.00) for issuance of the permit allowing possession of a dangerous dog in the city. The permit shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the twenty-five dollar (\$25.00) fee and compliance with other requirements of this section.

B. Confinement of Dangerous Dogs.

1. All dangerous dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such structure of its own volition.

2. All pens, kennels, or other structures designed or used to confine dangerous dogs must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six (6) feet in height and at least six (6) feet taller than any internal structure within the enclosed structure. If the pen or structure has no bottom secured to the sides,

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the ground beneath the gate shall be secured by imbedded posts and the sides must be embedded into the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog, unless such pen has a concrete bottom, in which case the sides need only be embedded two (2) inches deep into the concrete.

3. All such pens or structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. Any stationary pen or enclosure shall be required to be of a size at least two (2) square feet per pound of the dog so confined. Square feet per pound should be judged by the type of dog at average full grown weight.

4. No person shall permit or allow a dangerous dog to go unconfined (outside its house, pen, kennel or structure) unless such dog is securely muzzled and restrained by a chain or leash no longer than six (6) feet in length. The muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall be made in a manner sufficient to prevent the dog from biting any human or other animal. No person shall permit or allow a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel, pen or other structure unless both the dog and leash are under the actual physical control of a person eighteen (18) years of age or older. Dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

5. The owner or person in control of a dangerous dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the dog.

C. Confiscation of Dangerous Dogs. Any dangerous dog shall be immediately confiscated by the animal control department if the dog is not validly registered as required by Section 4-119, or the dog is not confined or maintained in a proper enclosure required by Section 4-119, or the dog is outside of the dwelling of the owner or outside the proper enclosure and not muzzled and under physical restraint of a responsible person as required by Section 4-119. Any dangerous dog confiscated pursuant to this section and not reclaimed by its owner within 5 days from the date of confiscation shall be deemed abandoned and, at the discretion of the Chief of Police, or his designee, humanely destroyed. Any dangerous dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be, at the discretion of the Chief of Police, or his designee, permanently removed from the city or humanely destroyed.

D. Animal Control Declaration of Dangerous Dog. If the department of animal control has cause to believe a dog is dangerous, the department may find and declare such a dog to be a dangerous dog and the animal shall be immediately released and surrendered by the owner or custodian thereof to the animal control department until a permit for the animal is obtained or an appeal filed by the owner as provided for herein. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a

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person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or 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 was committing or attempting to commit a crime. The owner shall have five (5) days from delivery of the notice that a dog is deemed dangerous to comply with the provisions of this chapter 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 5 days of the declaration notice, which action shall be heard on the Court's next available docket. Upon conclusion of a hearing, the Judge is authorized to enter a finding on the matter and if finding that the dog is a dangerous dog, may order: (i) the payment of court costs and fines in the maximum amount allowed by law; (ii) the installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented; (iii) the owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog; (iv) the removal of the dog from the city limits; or (v) the confiscation and/or destruction of the dog. Should the owner of the dog fail within the five (5) day period to file an appeal and/or not contact the animal control department to obtain the required permit or permanently remove the animal from the City, then the dog shall be deemed abandoned and may be humanely destroyed by the animal control department. No permit shall be issued for a dangerous dog until all requirements of Section 4-119 shall have been met.

E. Judicial Declaration of Dangerous Dog. An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "dangerous" dog by filing a complaint with municipal court clerk. Upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a dangerous dog, may order: (i) the payment of court costs and fines in the maximum amount allowed by law; (ii) the installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented; (iii) the owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dangerous dog; (iv) the removal of the dog from the city limits; or (v) the confiscation and/or destruction of the dog.

SECTION 4-120

VICIOUS DOGS.

A. Prohibited. All vicious dogs within the City are deemed illegal animals. No person shall keep any vicious dog anywhere in the city. No landlord or landlord's agent shall knowingly permit any tenant to move in a vicious dog into any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any person to keep any vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious dog in any building or premises owned or controlled by such landlord or agent shall notify the

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person having such dog to remove the dog from the city immediately. The provisions of this Section shall not apply to dogs used by law enforcement officials for police work.

B. Confiscation. Any vicious dog found in the city shall be immediately confiscated and humanely destroyed as provided herein.

C. Animal Control Declaration of Vicious Dog . If the department of animal control has cause to believe a dog is vicious, the department may find and declare such a dog to be a vicious dog and the animal shall be immediately released and surrendered by the owner or custodian thereof to the animal control department until an appeal is filed by the owner as provided for herein. Dogs shall not be declared vicious if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or 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 was committing or attempting to commit a crime. The owner shall have five (5) days from delivery of the notice that a dog is deemed vicious to comply with the provisions of this chapter by removing the dog from the city limits, or taking the prescribed measures to appeal the determination that the dog is vicious. Should the owner of the dog not contact the animal control department within the five (5) day period and permanently remove the animal from the City, then the dog shall be humanely destroyed by the animal control department. To dispute the declaration that a dog is vicious, an owner shall file a written appeal with the office of the municipal court clerk within 5 days of the notice, which action shall be heard on the Court's next available docket. Upon conclusion of a hearing, the Judge is authorized to enter a finding on the appeal and if finding that the dog is a vicious dog, may order: (i) the removal of the dog from the city limits; and/or (ii) the confiscation and/or destruction of the dog.

D. Judicial Declaration of Vicious Dog. An officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "vicious" dog by filing a complaint with municipal court clerk. Upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a vicious dog, may order: (i) the removal of the dog from the city limits; and/or (ii) the confiscation and/or destruction of the dog. [Ord 2562]