

ORDINANCE 406

AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING ANIMALS WITHIN THE CITY OF STILWELL

WHEREAS, Rules governing the having, controlling, licensing and maintaining of animals within the City of Stilwell are vital to the health and safety of the residence of the City of Stilwell

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the Stilwell Animal Control Department,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION 1. Definitions:

- A. "Domesticated animal" – animals, dogs, cats, horses, donkeys, mules, burrows, sheep, goats, rabbits and fowl or any other animal, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
- B. "Animal" – a living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli.
- C. "At large" – an animal is off premises of its owner while not securely or physically restrained by means of chain, harness, leash, rope, or other device required to restrain such animal. It can be on the owner's premises, but not confined or at heel, which means in the verbal control and attendance of the owner.
- D. "Vicious animal" – any animal that has a propensity, tendency, or disposition to attack, to cause injury, or to otherwise endanger the safety of human beings or domestic animals. Any animal which attacks a human or other domesticated animal on two or more occasions without provocation.
- E. "Kennel" – any structure of any type designed and kept for the housing of animals. Any structure that has more than a total of five domesticated animals is considered a kennel.

SECTION 2. Number of Animals Permitted and Licensing

- A. No person, firm, or corporation is allowed to have more than a total of five dogs and/or cats. No more than three of the five can be dogs. Four or more adult dogs, six months or older, is deemed to be a kennel, kenneling information is listed in section 10 of this ordinance.
- B. All dogs and cats kept within the City of Stilwell must be licensed. A license can be obtained through City Hall Monday through Friday 8:00 a.m. to 4:00 p.m., except holidays. The fee for such license will be established in the most current revision of Ordinance 385. To obtain a license a residence must:
 - a. Show a current copy of the vaccination records.
 - b. Present a valid identification card.
 - c. Provide a current valid phone number.
- C. Once a license is obtained a numbered metal tag will be issued. The issued tag must be kept on the animal's collar at all times. This is in case the animal is found at large so the animal can be returned to the owner. In the case of a lost tag one replacement tag can be issued at no cost to the owner. Second or subsequent replacement tags lost will require the payment of a new tag.

SECTION 3. Animals at large

- A. No domesticated animal is allowed to be at large within the City limits.
- B. Animals found at large will be picked up by Animal Control and placed in the City Animal Shelter.
- C. After 72 hours if the animal is unclaimed the animal may be turned over to an adoption center/shelter.
- D. The adoption center/shelter will dispose of the animal per their rules and regulations.
- E. Animals not accepted at the adoption center due to various reasons, (i.e. vicious, feral, poor health, etc.) will be euthanized and disposed of via incineration.

SECTION 4. Claiming of impounded animals

- A. When an animal is collected by the Animal Control Officer the animal will be brought to the City Animal Shelter and the following steps must be taken by the owner prior to the release of the animal.
- B. All fees associated with the capture and kenneling of the animal will be paid. The fees for this will be established in the most current version of Ordinance 385.
- C. Proof of ownership must be provided to Animal Control such as an animal license, animal medical records, etc.
- D. If required, a valid City animal license must accompany the animal prior to release.
- E. All owners must show proof of an up to date rabies vaccination. If the animal hasn't been vaccinated, then the owner will go to their veterinarian, pay for the vaccination, and Animal Control will drop off the animal at the veterinarian, provided the veterinarian is located within the City. The owner will then pick the animal up from the veterinarian after inoculation. Outside veterinarian or animal control business hours will require the owner to pay for the needed extra days of harboring the animal until the vaccination can be administered.
- F. In the event it will be an extended period of time, holidays, weekends or other city emergencies, before the animal can be properly vaccinated and licensed the animal may be released with a set time given for vaccination and licensing. Failure of the owner to comply with the time line given can result in enforcement action being taken.

SECTION 5. Unclaimed Animals

- A. Animals will be cared for at the City Animal Shelter for a period of not less than 72 hours.
- B. If an animal is unclaimed after the 72-hour period, the animal can be taken to the contracted animal adoption center. Once the animal is turned over to the adoption center the responsibility of the animal will be that of the adoption center.
- C. Animals not accepted at the adoption center due to various reasons, (i.e. vicious, feral, poor health, etc.) will be euthanized and disposed of via incineration.

SECTION 6. Seriously injured, or deceased animals

- A. Deceased animals found on the roadway or other property will be disposed of through incineration at the animal shelter.
- B. Seriously injured animals will be properly euthanized and disposed of by incineration.
- C. It will be the decision of the Animal Control Officer, through their training and experience, to determine if an animal found seriously injured is beyond saving.

SECTION 7. Vicious Animals

No person owning, harboring or having the care of a vicious animal shall permit such animal to go unconfined when on the person's property, or go untethered/leashed and muzzled when in public.

SECTION 8. Certain Animals Prohibited

It shall be unlawful for any person to keep, maintain, sell or have in their possession or control within the City of Stilwell any dangerous animal, reptile or carnivorous wild animal. The exception being a person or company capturing such animal and immediately removing the animal from the City. Examples of these animals include but are not limited to:

- A. Poisonous animals
- B. Apes, Gorillas, monkeys, etc.
- C. Baboons
- D. Bears
- E. Large cats, jaguars, cheetahs, leopards, mountain lions, lions, pumas, panthers, tigers, etc.
- F. Alligators
- G. Coyotes
- H. Elephants
- I. Hippopotami
- J. Rhinoceros
- K. Wild dogs such as, Wolves, Hyenas, Coyotes, Fox, etc.
- L. Skunks
- M. Raccoons
- N. Snakes
- O. Swine

This ordinance does not apply to entertainment events approved by the City council for a specific location, date and time.

SECTION 9. Obstruction of Duty

Any person interfering, hindering delaying, or otherwise obstructing the Animal Control Officer in the performance of their duties either directly or indirectly shall be deemed guilty of an offense and held accountable as listed in the penalty section of this ordinance.

SECTION 10. Kennels

Kennels are allowed to operate within the City of Stilwell under the following criteria.

- A. Kennels are not allowed within 40 feet of any tenement. This includes, but is not limited to, apartments, houses, hotels, motels, restaurants, gas stations, convenient stores, retail establishments, places of worship, etc.
- B. Every building used for kenneling shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times.
- C. Any kennel within 200 feet of any tenement shall provide a water-tight and fly-tight container to hold the animal refuse and waste.
- D. No refuse or waste is allowed to accumulate to such a degree to cause a foul odor to emanate from the business.
- E. Kennels shall be constructed and positioned in such a manner as to limit the amount of noise emanating from the facility to enter the neighboring community.
- F. All kennels must be permitted through the Code Enforcement Department.

SECTION 11. Animals Disturbing the Peace

It is unlawful for any person firm or corporation to allow any domesticated animal to make or create any noise that disturbs the peace and quiet of any person regardless of time of day.

SECTION 12. Vaccination

All domesticated animals kept within the City of Stilwell must be properly vaccinated. The current annual record for vaccination must be kept by the owner or be able to be obtained by the owner for proof of vaccination when requested by Animal Control, Police Department personnel or Code Enforcement.

SECTION 13. Dog Bites

If an animal bites a person, the animal will be quarantined for a period of 10 days in the City Animal Shelter. This is done to ensure the animal is not rabid. If no signs of the animal being rabid, it can be returned to the owner, after fees have been paid and registration and proper vaccination(s) verified, or released to the appropriate animal adoption center.

SECTION 14. Killing of Animals

Any person may kill any animal in self-defense or in the defense of another provided the animal was not provoked and the animal bites or attacks the person or attempts to bite or attack the person in such a manner that an ordinary prudent person would believe the bite or attack is about happen. A person would have to show that serious harm, such as broken limbs or severe lacerations, would be eminent if the animal is not killed or the animal appeared to be rabid.

SECTION 15. Cruelty to Animals

- A. It is unlawful for any person who willfully and maliciously causes to or does pour on or apply to any animal any drug, chemical, liquid, powder or other thing which inflicts pain on the animal or knowingly treats an animal in a cruel or inhumane manner or neglects an animal in their care.
- B. It is unlawful for any person to poison any animal or expose any animal to poison so that the animal may ingest, inject, apply or otherwise come in contact with the poison. This does not apply to any noxious rodent, vermin or other non-domesticated animals, such as mice, rats, etc. for which an infestation or health concern may rise.
- C. It is unlawful for a person to instigate or encourage a fight, attack, pursuit, or otherwise annoy another animal. Further it is unlawful to keep a house, pit, barn, arena or other location for the purpose of animal fighting.

SECTION 16. Indecent Exhibition of Animals

It is unlawful for a person to encourage, promote or allow animals to participate or engage in sexual intercourse in public or private view for the purpose of self-gratification or exhibition for others. For breeding purposes, the act of sexual intercourse between the animals should be done in an enclosed place out of public view.

SECTION 17. Fowl

- A. It is unlawful for any person to allow any chicken, turkey, duck, goose, guinea or other fowl to run at large in the City of Stilwell.
- B. All fowl shall be kept in an enclosure and not be allowed to trespass on the property of another person, firm, or corporation.
- C. Any violation of the section may be reason for abatement of the nuisance after giving three (3) days' notice to the owner.
- D. Abatement would consist of removing the fowl from the area and turning them over to an approved animal shelter for proper disposition.
- E. No person is allowed to keep sell, or possess a rooster in the city limits of the City of Stilwell.

SECTION 18. Complaints

All complaints of any section of this ordinance will be directed to the Animal Control or Code Enforcement Department.

SECTION 19: Enforcement

- A. Violations of this ordinance can be handled through the City Police Department, Animal Control and/or Code Enforcement office.
- B. Persons, firms or corporations in violation of this ordinance can be fined and/or subject to abatement.
- C. Violations of State Statute will be handled through the Police Department for prosecution through District Court

SECTION 20 Repeal and Severability

- A. Existing Ordinances 11, 14, 192, 193, 218, 266, 312, 330, 331, and 393 are hereby repealed.
- B. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
- C. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- D. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 16th day of July, 2020.

APPROVED by the Mayor this 16th day of July, 2020.

ATTEST:

Jean Ann Wright, Mayor

Larry A, Nettles, City Clerk-Treasurer