

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

August 6, 2024

5:30 P.M.

**Council Chambers
113 North Elm St
Sallisaw, Oklahoma**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Consider approval of minutes of regular meeting of July 2, 2024.**
- 4. Discuss, consider and take possible action on Case No. PC 2024-007; rezoning request from Agricultural District (A-1) and Highway Commercial and Commercial Recreation District (C-4) to Highway Commercial and Commercial Recreation District (C-4) by CLN, LLC.**
- 5. Discuss, consider and take possible action on special permitting processes for allowing in-home businesses.**
- 6. Receive presentation from Mayor Ernie Martens concerning the Planning Commission reviewing and providing guidance to the Board of City Commissioners on the Animal Ordinance Revisions**
- 7. Adjourn**

Posted: AUGUST 1, 2024

Time: 2:15 P.M.

Lisa Gabbert

MINUTES

SALLISAW PLANNING COMMISSION

REGULAR MEETING

JULY 2, 2024

The Sallisaw Planning Commission met in a regular meeting on July 2, 2024, in the Council Chambers, 113 N. Elm Street, Sallisaw. Notice of the meeting was given by emailing to Sequoyah County Times; by posting at city hall on June 27, 2024 at 2:15 p.m.; by posting on the city's website; and, by giving notice to the City Clerk.

Members present:	Tim Brown, Scott Looper Crystal Sides Brady Bauer Reece Bush	Chairman Vice Chairman Secretary Member Member
Members absent:	Matt Duke	Member
Staff present:	Keith Miller, Chris Carter, Lisa Gabbert	Building Development Director Senior Code Inspector Recording Secretary
Others present:	Jeff Holmes-Mickle Griffin Derek Netz	

Meeting called to order

Meeting was called to order at 5:30 p.m.

Declaration of a quorum

A quorum was declared.

Discussion and possible action on minutes of the special meeting of May 20, 2024

Motion was made by Looper, seconded by Bush to accept the minutes of the special meeting of May 20, 2024, as presented.

Vote: Brown aye, Looper aye, Sides aye, Bauer aye, Bush aye. Motion carried 5-0.

Discuss, consider and take possible action on Case No. PC 2024-005; Wyman Dobbs & Michelle Dobbs rezoning request from Highway Commercial and Commercial Recreation District (C-4) to Office District (C-1).

Wyman Dobbs requested the property located at and to the West of 603 W. Cherokee, be rezoned from (C-4) Highway Commercial and Commercial Recreation District to (C-1) Office District. Carter told staff the setbacks would be within the requirements of the new zoning, and the new zoning would be what the use of the property currently is.

Motion was made by Looper, seconded by Bauer, for approval of rezoning from (C-4) Highway Commercial and Commercial Recreation District to (C-1) Office District.

Vote: Brown aye, Looper aye, Sides aye, Bauer aye, Bush aye. Motion carried 5-0.

Discuss, consider, and take possible action on Case No. PC 2024-006; Preliminary Plat presentation of Netz Family Properties Lots 1 thru 4, an addition to the City of Sallisaw by CLN, LLC.

Jeff Holmes with Mickle Griffin, LLC presented a preliminary plat of Netz Family Properties, Lots 1 thru 4 by CLN, LLC for consideration and approval. Building staff had the latest modified plat with changes, which added two electrical easements required for approval not included in the plat originally given for consideration.

Motion was made by Sides, seconded by Bush for approval of the latest modified plat of the Netz Family Properties, Lots 1 thru 4.

Vote: Brown aye, Looper aye, Sides aye, Bauer aye, Bush aye. Motion carried 5-0.

Adjourn

Motion was made by Sides, seconded by Bauer to adjourn the meeting.

Vote: Brown aye, Looper aye, Sides aye, Bauer aye, Bush aye. Motion carried 5-0.

Meeting adjourned at 5:35 p.m.

Approved this _____ day of _____, _____.

Tim Brown, Chairman

ATTEST:

Crystal Sides, Secretary

AGENDA ITEM COMMENTARY

Meeting Date: August 6, 2024
Board: Sallisaw Planning Commission
Subject: Rezone of Netz Family Properties, Lots 1 thru 4

ITEM TITLE: Discuss, consider and take possible action on Case No. PC 2024-007; rezoning request from Agricultural District (A-1) and Highway Commercial and Commercial Recreation District (C-4) to Highway Commercial and Commercial Recreation District (C-4) by CLN, LLC.

INITIATOR: Mickle Griffin, LLC

STAFF INFORMATION SOURCE: Building Development

BACKGROUND: Mickle Griffin, agent for CLN, LLC, has requested rezoning Lots 1-3 of Netz Family Properties Lots 1 thru 4, from Agricultural District (A-1) and Highway Commercial and Commercial Recreation District (C-4) to Highway Commercial and Commercial Recreation District (C-4). The property is located on the East side of Kerr Blvd between Tathum and 59th Terrace. The intent is to have potential commercial development lots for sale.

EXHIBITS:

1. PC2024-007 Notification of Meeting
2. PC2024-007 Notice of Hearing Template
3. PC2024-007 News paper

KEY ISSUES: None.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval

115 East Choctaw
PO Box 525
Sallisaw, OK 74955



Building Development
Phone: (918) 775-6241
Fax: (918) 775-9550
www.sallisawok.org

July 12, 2024

RE: Notice of Public Hearing – Rezoning Request

To Whom It May Concern:

In accordance with the City of Sallisaw Ordinance Sec. 102-105 and Oklahoma Municipal Code Sec. 43-106, this letter is to inform you that a rezoning request has been filed with the Sallisaw Planning Commission. A public hearing will be heard on said application as follows:

Date of Hearing: **Tuesday, August 6, 2024**

Time: **5:30 p.m.**

Place: **Council Chambers, 113 N. Elm; Sallisaw**

You are invited to attend the meeting, if you wish to do so. Additional information attached.

Respectfully,

Keith Miller, CFM, Director
Building Development

NOTICE OF PUBLIC HEARING **ON APPLICATION FOR REZONING**

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

A part of the NE/4 SW/4 and part of the NW/4 SE/4 in Section 6, Township 11 North, Range 24 East, Sequoyah County, Oklahoma, being more particularly described as follow:

Commencing at the NW corner of said NW/4 SE/4; thence along the North line thereof N88 13'33" E 30.00 feet to a point; thence S00 38' 55" E 227.54 feet to a point; thence S87 35'33" W 369.39 feet to a point on the east right of way line of U.S. Highway 59; Thence along said right of way line S11 56'32" E 300.47 feet to a found iron pin for the SW corner of the Owensby Investment property (as filed in Deed book 358 Page 146 of the county records) and the true point of beginning; thence along the boundaries of said property N88 05' 10" E 449.92 feet to a set iron pin, S01 54' 29" E 100.08 feet to a found iron pin N 88 05' 31" E 419.05 feet to a found iron pin; thence leaving the Owensby property, S01 39' 29" E 582.84 feet to a found iron pipe for the NE Corner of the Svendsen property (as filed in deed 558 Page 351 of the county records); thence along the North line thereof, S88 20' 21" W 727.00 feet to a set iron pin on said right of way line; thence N13 30' 01" W 693.88 feet to the point of beginning, containing 11.52 acres, more or less.

has filed with the Sallisaw Planning Commission a written application # **PC 2024-007** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **rezone from Agricultural District (A-1) and Highway Commercial and Commercial Recreation District (C-4) to Highway Commercial and Commercial Recreation District (C-4)**.

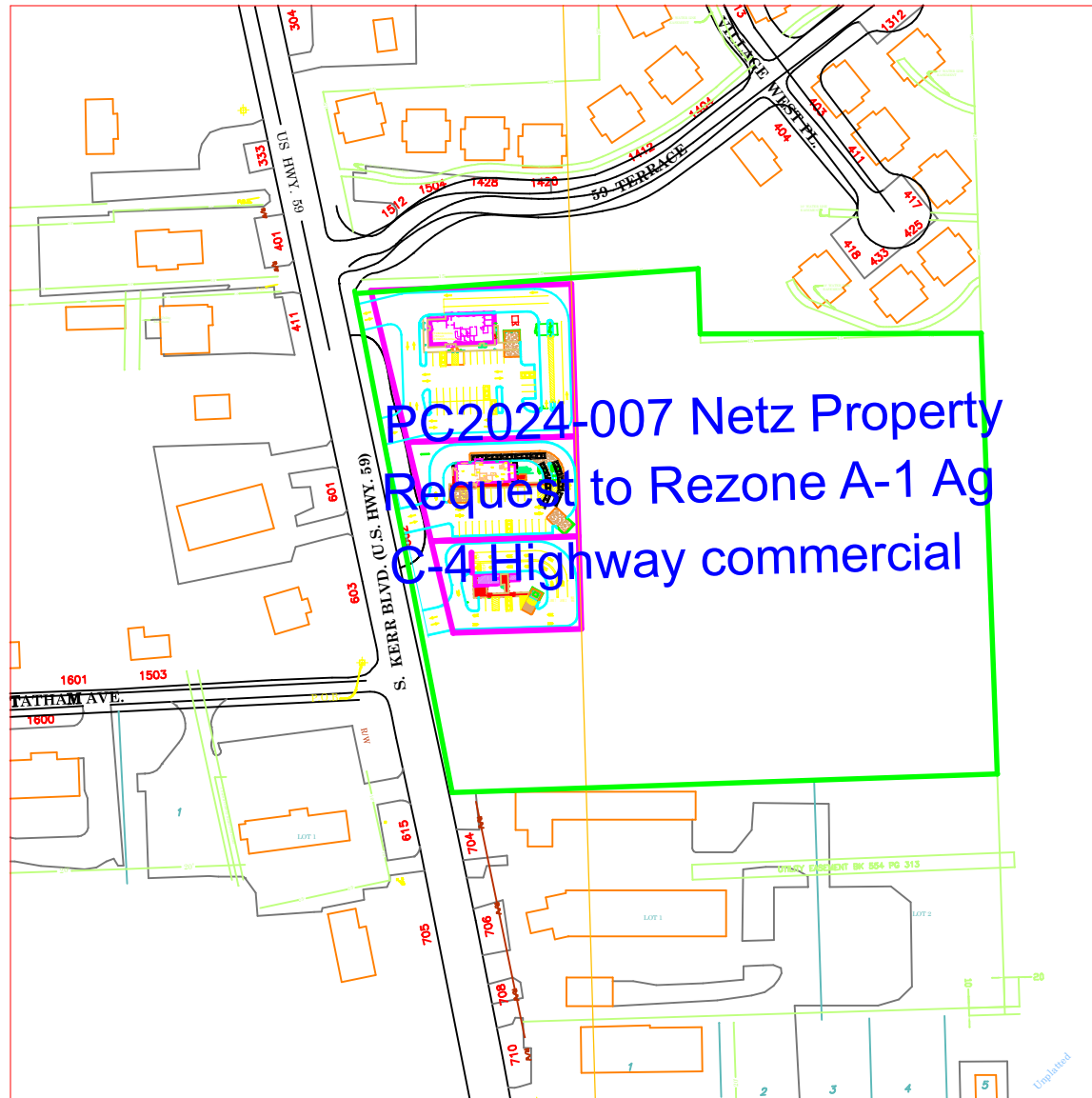
The undersigned will present said application to the Sallisaw Planning Commission on **August 6, 2024**, at **113 N. Elm, beginning at 5:30 pm**, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 12th day of July, 2024.

By: CLN, LLC
Owner(s)

Or By: Mickle Griffin, LLC
Agent

By: Crystal Sides
Secretary, Sallisaw Planning Commission

Bill To:
Mickle Griffin, LLC
3434 Country Club Ave.
Fort Smith, AR 72903
479-649-8484



AGENDA ITEM COMMENTARY

Meeting Date: August 6, 2024
Board: Sallisaw Planning Commission
Subject:

ITEM TITLE: Discuss, consider and take possible action on special permitting processes for allowing in-home businesses.

INITIATOR:

STAFF INFORMATION SOURCE:

BACKGROUND: The Board of City Commissioners were approached with the idea of in-home businesses. Council would like the planning commission to consider having a process and/or steps for possible permits for allowance of in-home businesses. Steps for permitting may include areas such as zoning, types of permits, and the application process.

EXHIBITS:

KEY ISSUES:

FUNDING SOURCE: None

RECOMMENDATION:

ORDINANCE **DRAFT FOR REVIEW _____**

**AN ORDINANCE REPEALING CHAPTER 10
OF THE SALLISAW CITY CODE
AND SUBSTITUTING A NEW CHAPTER 10, ANIMALS,
OF THE SALLISAW CITY CODE
AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW,
OKLAHOMA.**

SECTION 1. REPEAL

Chapter 10 of the Sallisaw City Code is hereby repealed in its entirety and a new Chapter 10, Animals, of the Sallisaw Code of Ordinances is hereby established by enacting the following articles and sections, to-wit:

Chapter 10 ANIMALS ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

- (a) As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

Abandon means to:

- (1) Cease providing for the daily care, welfare or maintenance of an animal without the transfer of ownership of such animal;
- (2) Fail to retrieve, claim, or relinquish ownership to the city, an animal impounded at the animal shelter for any violation of Sallisaw City Code after notice is given to the owner of such animal, if known; or
- (3) Allowing an animal to reside at a property or dwelling not used as a primary dwelling, or without water or electric service, or other utilities in service.

Altered means any cat or dog over the age of six months which has been neutered or spayed.

Animal means any warm-blooded animal (excluding fowl when regarding section 10-2 of this Code).

Animal shelter means the premises owned and operated by the city for the purposes of impounding, sheltering or caring for animals.

Animal welfare officer means the person or persons employed by the city as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

At large or running at large means any animal which is not confined on the property of its owner, the leased premises of the animal's owner or under the actual physical control of a competent person.

Cat means any *Felis catus*, excluding large cats (lions, tigers, etc.) and hybrids.

Commercial breeder means a person who breeds eight or more intact female dogs or cats for the purpose of dealing in direct or indirect sale or exchange in consideration.

Confinement means to secure an animal in a house or by a fence within the boundaries of the owner's, leaseholder's or keeper's property (i.e. house, fenced yard).

Cruelty means to endanger the life, health, or safety of an animal.

Currently vaccinated means properly immunized by or under the supervision of a licensed veterinarian with an antirabies vaccine licensed and approved by the United States Department of Agriculture for use in that animal species, or meeting conditions specified in Oklahoma State Department of Health Zoo Notice Disease Control Rules, OAC Title 310, Chapter 599, Section 310:599-3.9.1. Vaccine must have been given at appropriate time interval(s) for the age of the animal and type of vaccine administered.

Dog means any *Canis familiars*, excluding hybrids.

Domestic bird means canaries, parrots, or other small birds tamed to the household or pertaining thereto.

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

Feed or Feeding means the placing of animal food, or similar products or consumable materials attractive to dogs, cats, or other animals, which may result in dogs, cats, or other animals congregating in an area on a regular basis, placed on the ground, in an obviously intended feeder at a height accessible to the dogs, cats, or other animals.

First party ownership means a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling-sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same.

Fowl means chickens, guineas, geese, ducks and pigeons.

Health officer of the city shall mean such specifically designated person as provided by the Sallisaw City Code.

Hobby breeder means a person who breeds eight or less intact female dogs or cats for the purposes of show and the betterment of the breed.

Impoundment means placing an animal in the animal control vehicle or unit or holding an animal in custody at the animal shelter.

Keeper means any person, acting in the capacity of the owner, at the owners request, who is responsible for the care, welfare and maintenance of the animal.

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

Large animal means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature.

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

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

Owner means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal. The occupant of any premises on which a domesticated animal remains, or to which it customarily returns, for a period of ten days or more, shall be deemed to be harboring or keeping the animal.

Permit means the permit issued by the animal welfare division.

Provoke or provocation means, with respect to an attack by an animal, that the animal was hit, kicked, or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched, or squeezed by a person.

Rabies means an acute disease of humans and warm-blooded mammals caused by the rabies virus (genus *Lyssavirus*) that affects the central nervous system and is almost always fatal.

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

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

Run means an area used to confine an animal that is no less than 100 square feet and is at least five feet in width.

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

Severe injury means any physical injury that reasonably results in hospitalization or medical treatment.

Show kennel means a breeder of dogs or cats whose main purpose and goal is to raise purebred dogs or cats for the purpose of competition in approved nationally recognized show venues.

Small animal means dogs, cats, rabbits, hares, chinchillas, turkeys, fowl, pigeons, as further defined herein, or household pets, or any other animal of similar size or stature;

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

Stray means an unlicensed domestic or feral dog or cat running at large and unaccompanied or controlled by an owner.

Transfer means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

Unaltered means any cat or dog over the age of six months which has not been neutered or spayed.

Vaccination means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian every 12 calendar months if a one-year vaccine is used or every 36 calendar months if a three-year vaccine is used.

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

Sec. 10-2. Applicability of state laws to custody of animals.

No person owning or having in his custody any animal shall violate any laws, rules or regulations of the state applicable thereto. Where the provisions of the rules and regulations of the state are less restrictive than the provisions of this chapter, the latter shall govern.

Sec. 10-3. Injuring, poisoning or trapping animals prohibited.

- (a) A person who accidentally or otherwise strikes an animal with an automobile and injures it shall notify the animal welfare division.
- (b) No person shall expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.
- (c) No person shall set or expose an open jaw-type trap, leg hold trap, snare trap, or any type trap of which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals as provided in 29 O.S. § 4-119.

Sec. 10-4. Diseased animals—Injured or sick animals.

- (a) Every person owning or having any animal under his charge within the city which he knows or suspects to be sick or injured, shall isolate the animal from other animals and shall obtain treatment for such animal by a licensed veterinarian within 24 hours.
- (b) Any animal which comes into possession of the city at the animal shelter which is injured or sick shall be humanely euthanized by the animal shelter personnel without waiting for the expiration of the period in which such animal may be reclaimed by its owner, or before the end of the period in which the animal may be placed for adoption. Provided, however, that before such sick or injured animal is euthanized, the animal shelter personnel shall contact the owner, if known, of such animal to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within 24 hours of such notification, or if the owner of such animal is not known, the sick or injured animal shall be euthanized by the animal shelter personnel. The animal shelter supervisor shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the city, the type of injury or sickness of such animal, the date the animal was destroyed, and any other information relevant to the health, condition and description of such animal.

Sec. 10-5. Roadside selling of Animals.

1. No person shall sale or give away any animal from the public parking lots, private business parking lots and or the side of roads and right of ways within the City Limits of Sallisaw.
 - a. Exceptions:
 - i. Approved agencies doing so during special adoption or vaccination events.
 - ii. Animals must be spade, neutered and properly vaccinated. Documentation from a licensed veterinarian must be available for each animal.
 - iii. Animals staying within City Limits shall be registered.
2. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished as provided in Section 1-8 of this Code.

Sec. 10-6. Property owner may impound animal.

Any person who finds an animal on his property to his injury or annoyance may:

- (1) Remove such animal to an animal shelter, public or private, except that astray animals will be handled as provided by state law; or
- (2) Retain possession of such animal or fowl and, within 24 hours, notify the animal welfare division or other appropriate existing agency of this custody, giving a description of the animal and the owner's name, if known. Removal of the animal from property shall be done in such a manner so as not to cause injury to the animal.

Sec. 10-7. Noisy animals—Complaint procedure for animals which disturb are in violation of Code.

- (a) No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
- (b) Any person with knowledge thereof of such nuisance may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity, or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, or order punishment as provided in the Sallisaw City Code.

Sec. 10-8. Certain animals and animal fighting prohibited.

- (a) Staged animal fighting within the city limits is strictly prohibited.
- (b) Within the city limits, no person shall keep, nor shall any permit be issued for any gamecocks or fighting cocks.

- (c) Keeping of swine.
 - (1) Swine of any breed or type shall not be kept as pets within the city limits.
 - (2) Exception. Swine may be kept for exhibition purposes during a temporary duration at stock shows, fairs and circuses, not to exceed seven days in duration. Swine must be kept in properly constructed pens during the duration of the event.
 - (3) Exception. Swine may be kept for educational programs at Sallisaw High School where they are housed in properly constructed enclosed facilities upon school property of which a proper building permit has been obtained and facilities inspected.

Sec. 10-9. Certain livestock, horse not to be kept within city, exception; permits.

- (a) It is unlawful for anyone to keep cows, sheep, goats, cattle or other livestock of any kind, [in any zoning other than Agricultural A-1 and Agricultural A-2](#) within the limits of the city
- (b) An enclosure shall be provided and located so that no part shall be any closer than ~~100~~ **150** feet to the dwelling quarters of any person other than the owner or custodian of such animals.
- (c) It is unlawful for anyone to keep a horse within the limits of the city unless:
 - (1) The horse is kept within an enclosure or fence, and the enclosure has at least 1 acre for each horse kept in the enclosure; or
 - (2) Unless the keeping of such horse is connected with a veterinary business.
- (d) Any person keeping livestock within the city limits or any person keeping horses within the city limits in violation of this section, shall be first entitled to one three-day notice to remove the animal from the city limits. Any violation of this section thereafter shall be deemed an offense. Each and every violation or omission of required act and day of continued violation after one three-day notice shall be deemed a separate offense. A person is not entitled to any notice for additional offenses after the first notice shall have been given.

Sec. 10-10. Spay and Neuter

1. [All domesticated animals within the City limits shall be spayed and neutered to control feral animal populations.](#)

[Exception:](#)

- [\(a\) Those animals belonging to Hobby Breeders and Kennels registered with the Animal Control Officer.](#)
 - [\(b\) Animals under the care of a Veterinarian or Animal Hospital.](#)
2. [Any person violating any of the provisions of this section shall, upon conviction thereof, be punished as provided in section 1-8 of this Code.](#)

Sec. 10-11. Keeping wild or exotic animals.

- (a) For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, or which has not been deemed by the Oklahoma State Department of Health to have an established rabies quarantine period, including, but not limited to, lions, tigers, leopards, panthers, wolves, foxes, lynxes, or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, prairie dogs, bats, and like animals.
- (b) It is unlawful to keep or harbor any wild or exotic animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section, and as may be licensed by the state wildlife department pertaining to wildlife rehabilitators.
- (c) This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, educational or medical institutions.

Sec. 10-12. Vaccination required—Certificate of vaccination—Impound fee.

- (a) No person shall own, keep or harbor any ~~dog, cat or ferret~~ animal within the city limits unless such ~~dog, cat or ferret~~ animal is six months of age or older and is vaccinated for rabies, ~~or has the vaccinations as recommended~~ by a licensed veterinarian.
- (b) Any person who adopts ~~an animal~~ from the city's animal shelter shall have such animal vaccinated ~~by a licensed veterinarian within two weeks from~~ prior to the date of adoption ~~or within two weeks~~ after the animal reaches the age of six months.

Sec. 10-13. Tag and collar required; removal; nontransferable; inspection; offense.

- (a) The owners of ~~all dogs and cats~~ any animal is required to have the animals vaccinated against rabies ~~or vaccinations as recommended~~ by a licensed veterinarian. The veterinarian shall issue the owner of the animal a vaccination certificate, and such owner shall retain such certificate until the vaccination is renewed. At the time of the vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinarian, the tag number, and the year of issuance.
- (b) Every animal owner is required to affix the tag issued by a licensed veterinarian for vaccination to a collar to be worn by the animal at all times; except the owner of a show animal, whose coat maybe damaged by a collar, may substitute an implanted microchip in lieu of a collar, documentation to be available referencing said show animal to the proper license tag and ~~rabies~~ vaccination. It shall be unlawful for any person other than the owner or a licensed veterinarian to remove the collar or microchip from the animal.
- (c) No person shall use a rabies tag or veterinarian certificate or receipt for any animal other than for that animal to which the rabies tag, veterinarian certificate, or receipt was issued.
- (d) A city animal welfare officer or any police officer may at any reasonable time require an owner to provide proof of rabies vaccination, on any animals provided reasonable cause has been established that would require an animal welfare officer or police officer to make

contact with the owner, such as response to a complaint, suspected animal abuse, running at large, or bite incident. Any owner not possessing a current rabies tag, certificate or receipt for such animal over six months of age may be cited by the animal welfare officer or police officer.

Sec. 10-14. Control of animals required; at large; arrest; astray; confinement in season.

- (a) It is unlawful for any owner or keeper to:
 - (1) Fail to prevent any animal from running at large within the city;
 - (2) Perform, do or carry out any inhumane or cruel treatment against any animal;
 - (3) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the animal welfare division; or
 - (4) Permit any animal to run at large. Any animal found running at large within the city shall be either:
 - a. Impounded by the animal welfare officer, and such animals shall be kept at the animal shelter. Impounded animals may be reclaimed as provided in section 10-18 of this chapter; or
 - b. At the judgment of the animal welfare officer, an animal found at large which is licensed by the city, except a dangerous dog or a potentially dangerous dog, as those terms are defined in this chapter, may be released to the custody of the owner or keeper of the animal which has been impounded.
- (b) When a police officer effects an arrest of a person who is in possession of or caring for an animal and no responsible person of at least 18 years of age is present at the scene to take care of the animal, the animal will be impounded for the welfare of the animal. The animal will be impounded at the animal shelter until the proper disposition of the animal can be determined.
- (c) An animal welfare officer is authorized to trap or impound any animal observed to be in violation of any of the provisions of this section or for humane reasons pursuant to section 10-20 of this Code. An animal welfare officer may upon exigent and life-threatening emergency circumstances enter upon the premises of the owner or other private premises to take such animal into custody, once it has been established that the occupant is not home.
- (d) No impounded animal shall be returned to its owner or keeper until the animal impoundment and boarding fees are paid.
- (e) Stray animals shall be treated in the manner provided in Chapter 4 of Title 4 of the Oklahoma Statutes.
- (f) Every female animal in season (heat) shall be kept confined in such a manner that such female cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the animal welfare division which are in season (heat) shall always be kept separate from male animals.

Sec. 10-15. Animals running at large—Owners cited.

Any animal that is not confined as provided in subsection 10-1(a) of this Code, and not under the actual physical control of its owner or keeper, will be presumed to be running at large. In addition to impoundment, the animal welfare officer may, at their discretion, cite the owner of said animal to appear in municipal court to answer charges for violation of this chapter.

Section 10-16. Dogs in City Parks And On Park Trails

- 1) All dogs brought into/onto any city park, city walking trail, jogging trail, or any sidewalk area of any city park must be restrained on a leash at all times. All other animals are prohibited.
- 2) When unrestrained dogs are found on city park grounds, without an owner, the animal shall be removed by the animal welfare officer. If the owner is present, and the dog is unrestrained, the owner shall be requested to restrain the dog, or remove it from the park. Failure of owner to restrain their dogs may result in a citation issued to the owner.
- 3) From time to time, certain scheduled events at city park locations may post “No Animals Allowed” during the event. If this is posted, no dogs, or other animals, shall be allowed in the event area. This shall be noted in the Special Event Permit issued by the city.
- 4) During routine scheduled events at city park areas, such as youth sports at designated sports grounds, the group, or individual, scheduling the sports events, may post “No Animals Allowed” for the complex, or area in which the sporting events are taking place.
- 5) All pet owners must remove or cleanup all fecal waste deposited by their animals on public and private property.

Sec. 10-17. Impoundment; records; disposition of animals; adoption; licensing of dogs and cats.

- (a) Any dog or cat or other small animal found running at large and impounded in the animal shelter shall be there confined in a humane manner. Animals not claimed by their owner before the expiration of 72 hours, exclusive of Saturdays, Sundays and city holidays, shall become the property of the city and shall be disposed of at the discretion of the city.
- (b) The animal welfare officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color and sex of the animal and whether or not it is licensed, and the date and time of impoundment. If the animal is licensed or if the owner or keeper is known, the officer shall enter the name and address of the owner or keeper, or the city license or rabies tag number as may be shown on the impoundment records. If the owner or keeper is known or can be determined from city records or identification attached to the animal, the animal welfare division shall telephone the owner or keeper, or shall post written notice at the address shown on city records to be that of the owner or keeper, to notify the owner or keeper that unless reclaimed in accordance with this Code within 72 hours after impoundment, Saturdays, Sundays and city holidays excluded, the animal will be euthanized, adopted out, or otherwise disposed of by the city. Attempts to contact the owner or keeper will be recorded.

- (c) At the end of the period prescribed in this section, animals that have not been reclaimed by the owner or keeper thereof shall be euthanized, adopted or otherwise disposed of in a humane manner and as required by law. Any animal which is eligible for adoption may be adopted after the 72-hour period. Animals may be transferred to an animal adoption agency with no charge to the receiving party.
- (d) Before any **animal** is released for adoption from the city's animal shelter, such **animal** shall be issued a license, as provided for in this chapter, if such **animal** has not previously been licensed. The adoption fee and license fee will be as shown in the fee schedule.
- (e) No animal may be adopted from the animal shelter by any employee of the shelter for any reason, nor may any employee of the shelter adopt or sell any animal from the shelter except in accordance with the provisions of this chapter.
- (f) There is hereby established a grace period of seven days beginning on the day of adoption and ending at the close of business on the seventh day thereafter, during which period an animal adopted from the city's animal shelter may be returned to the animal shelter for a refund of the adoption fee, spay/neuter deposit, vaccination deposit and license fee or, at the option of the adopting party, a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.
- (g) The City Manager may designate certain days in which animals eligible for adoption may be adopted from the city's animal shelter without the payment of the adoption fee as required in the fee schedule. Provided, however, that the other provisions of this chapter shall apply to the animals adopted under this subsection.
- (h)

Sec. 10-18. Redemption of impounded animals—Licensing ~~of dogs and cats.~~

- (a) Except as hereinafter provided, licensed and vaccinated animals impounded under the provisions of this chapter may be reclaimed by the owner or keeper upon payment of the impoundment fee as provided in the fee schedule and the animal shelter boarding fee. The owner or keeper has 72 hours after impoundment, Saturdays, Sundays and city holidays excluded, to redeem the animal. If the owner or keeper has not made arrangements to redeem the animal within this period, the animal becomes the property of the city and may be disposed of as provided in this chapter.
- (b) No unlicensed **animal** may be released from impoundment to its owner or keeper until such **animal** is issued a license, as provided in this chapter, and after payment of the fee as provided in the fee schedule.
- (c) No unvaccinated animal may be released from impoundment. ~~unless the owner or keeper signs an agreement to have the animal vaccinated against rabies within two weeks of release, or from the time the animal reaches the age of six months, by a licensed veterinarian and returns documented proof of such to the animal welfare division on or before the contract compliance date. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of this chapter.~~ The owner or keeper shall also be required to reimburse for vaccination done by the City as part of the release of the animal. ~~. deposit funds with the animal shelter to ensure the animal is vaccinated. The amount of the deposit shall be set in the fee schedule, and will be~~

~~refunded to the owner upon presentation of the documented proof on or before the contract compliance date.~~

- (d) ~~The vaccination deposit required above will be retained by the city, and a refund of the deposits will be made upon presentation of a written statement signed by a licensed veterinarian that the animal has been vaccinated. If the animal has not been vaccinated within the time specified in the release agreement, the deposit will be forfeited to the city. If the owner does not pay the associated fees, it will be considered forfeiture of said animal.~~

Sec. 10-19. Spaying or neutering as condition for release of dogs and cats; extension of time; spaying or neutering required; sterilization agreement; deposits required; use of forfeited deposits; penalty.

- (a) No animal may be released for adoption from the animal shelter unless said animal has been surgically spayed or neutered. ~~;or unless the adopting party signs an agreement to have the animal altered, and deposits funds with the animal shelter to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be set in the fee schedule.~~
- (b) ~~Before any dog or cat is released for adoption from the animal shelter, the adopting party shall sign a sterilization agreement which will substantially conform with the agreement shown in 4 O.S. § 449.4. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of this chapter. The adopting party shall pay cost incurred by the City for spraying and neutering, unless otherwise exempted by ordinance or policy.~~
- (c) Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the animal welfare officer shall grant an exemption to the new owner ~~for spaying and neutering. a 30-day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating the necessity for such extensions.~~
- (d) Each person who adopts an unaltered animal 8 weeks of age or less from the animal shelter shall pay for the animal to be spayed or neutered by a licensed veterinarian prior to adoption of the animal.
- (e) No animal may be released for adoption from the animal shelter unless the animal has been vaccinated ~~against rabies within two weeks of adoption, or from the time the animal reaches the age of six months, by a licensed veterinarian. and return proof of same to the animal shelter. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of this chapter. The adopting party shall pay cost incurred by The City for spraying and neutering, unless otherwise exempted by the City Manager or City Council. The new owner shall also be required to deposit funds with the animal shelter to ensure the animal is vaccinated. The amount of the deposit shall be set in the fee schedule.~~
- (f) ~~The sterilization and vaccination deposits required above will be retained by the city, and a refund of the deposits will be made to the adopting party upon presentation of a written statement signed by a licensed veterinarian that the adopted animal has been neutered or~~

~~spayed and vaccinated. If the adopted dog or cat has not been sterilized and vaccinated within the time specified in the animal adoption agreement, the sterilization and vaccination deposits will be forfeited to the city.~~

Sec. 10-20. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of animals prohibited; exercise area for animals .

- (a) All animals kept as house pets within the city limits shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.
- (b) No person shall willfully or maliciously:
 - (1) Torture, cruelly beat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to himself or to another;
 - (2) Deprive any animal of food, drink or shelter;
 - (3) Unjustly administer any poison or noxious drug or substance to any animal;
 - (4) Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person; or
 - (5) Cause any other person to do any of the above acts.
- (c) If an animal is found by the animal welfare officer to be in one of the above-described conditions, the officer may issue a citation to the offender or shall issue a notice to the offender warning him that if the animal's condition is not improved, a citation will be issued. If the animal welfare officer determines that a confined animal's life is in immediate danger or has been abandoned, or a confined animal is dead, the animal welfare officer may upon exigent and life-threatening emergency circumstances enter upon the premises of the owner or other private premises to take such animal into custody, once it has been established that the occupant is not home. In all other than exigent and life-threatening emergency circumstances, the animal welfare officer shall obtain a municipal court order directing such animal to be seized before such animal is seized. The animal welfare officer will leave a notice for the owner advising why the animal was seized and where the animal was taken. Seizure of an animal will be accompanied by issuance of a citation(s) when there is probable cause to believe the seizure of the animal was necessary as a result of commission of an offense.
- (d) No animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature, lack of food or water.
- (e) No person shall abandon or cause to be abandoned any type of animal.
- (f) Owners and keepers of animals shall provide food, shelter, and medical attention to such animals, including, but not limited to, the following:
 - (1) Sufficient wholesome food that is nutritious for the species;
 - (2) Fresh, potable drinking water;
 - (3) Medical attention to relieve such animals from suffering;
 - (4) Provide shade from the sun; and

- (5) Shelter to allow the animal to remain dry and protected from the elements. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.
- (g) In addition to the foregoing provisions of this section, it shall be unlawful for any person to willfully or maliciously overdrive, overload, torture, 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 shall cause, procure or permit any such animal to be so over driven, overloaded, tortured, 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. Any peace officer or animal welfare officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.
- (h) No person shall, at any time, fasten, chain, or tie any animal on the owner's property or on the property of the owner's landlord, as the sole method of restraining the animal, unless authorized by an animal welfare officer or the animal welfare supervisor.
- (i) No person shall permit an animal owned by such person or under the custody of such person to be off that person's property or leased premises unless such ~~dog~~ animal is restrained by a leash. Such leash shall be used to control the ~~dog~~ animal or to prevent the ~~dog animal~~ from running at large.

Sec. 10-21. Dead animal pickup fees.

- (a) Dead animals may be picked up from residences by the animal welfare officer upon payment of a pickup fee as provided in the fee schedule.
- (b) Owners may drop off an animal at the animal welfare division provided an impoundment card is signed releasing custody of the animal to the city. Once the animal is released to the city, the animal becomes the property of the city and may be disposed of as provided in this chapter.
- (c) Sick, injured, aggressive, or animal that is not adoptable , will be euthanized, at an owner's request by the animal welfare division, provided the owner signs an impoundment card releasing custody of the animal to the city and upon payment of the fee as provided in the fee schedule and upon proof of veterinarian treatment and/or recommendation.

Sec. 10-22. Feeding of Stray Dogs, Cats , or Other Stray Animals

- (a) High populations of stray dogs, cats, or other animals pose a hazard to human health and safety, as such animals provide breeding ground for infections, disease, including but not limited to rabies and distemper, and may otherwise bite or attack humans and domestic animals. In addition, food provided for stray animals is often attractive to wild animals such as racoons and rodents and may create nuisance conditions such as rate harborage or other wild animal infestation.

- (b) No person shall feed or allow feeding of any stray dogs, cats, or other animals within the city limits, unless they are acting in their capacity of a veterinarian, or an employee of a humane society, and are authorized by permit to do so by the city.

Sec. 10-23. Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-8 of this Code.

Secs. 10-24—10-30. Reserved.

ARTICLE II. DANGEROUS ANIMALS**Sec. 10-31. Definitions.**

- (a) As used in this article, the following terms shall have the meanings respectively ascribed to them in this section:

Animal control authority means the city's animal welfare division acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city and state for the protection of the general public and the welfare of animals.

Dangerous animal means any animal that:

- (1) Has inflicted severe injury on a human being or another animal without provocation on public or private property; or
- (2) Endangers the safety of humans or other animals by aggressively attacking in an apparent attempt to inflict severe injury.

Owner means any person, firm, corporation, or organization, possessing, harboring, keeping, having an interest in, or having control or custody of an animal. The occupant of any premises on which a domesticated animal remains, or to which it customarily returns, for a period of ten days or more, shall be deemed to be harboring or keeping the animal.

Proper enclosure of a dangerous animal means, a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog or small animal and 500 square feet for all other animals kept therein which is over six months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the animal.

Provoke or provocation means, with respect to an attack by an animal, that the animal was hit, kicked, agitated by teasing or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched, or squeezed by a person.

Severe injury means any physical injury that reasonably results in hospitalization or medical treatment.

(Ord. No. 07-11 , § 2, 7-9-2007)

Sec. 10-32. Unlawful to own dangerous animal without certificate of registration.

- (a) It is unlawful for an owner to have a dangerous animal in the city without the certificate of registration issued as provided in this section. This section shall not apply to dogs used by law enforcement officials for police work.
- (b) The animal welfare division shall issue a certificate of registration to the owner of a dangerous animal if the owner presents to the animal welfare division sufficient evidence of:
 - (1) A properly locked enclosure to confine a dangerous animal and the posting of the premises with a clearly visible warning sign that there is a dangerous animal on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous animal ; and
 - (2) A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of no less than \$50,000.00 insuring the owner for any personal injuries inflicted by the dangerous animal.

Sec. 10-33. Unlawful for dangerous animal to be outside proper enclosure unless muzzled and restrained.

- (a) It is unlawful for an owner of a dangerous animal ~~to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person of at least 18 years of age.~~ The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- (b) Animals shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing an unlawful presence upon the premises occupied by the owner of the animal , or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime under any federal, state or local law. For the purpose of this article, a person is considered to be lawfully present upon the property of an animal owner when he is on such property in the performance of any duty imposed upon him by the laws of the state, or by the laws of the United States, or the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on the premises, or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, expressed or implied, of the owner or lessee of such property.
- (c) No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service animal that is used for the benefit of any handicapped person in the state.

- (d) No person shall willfully interfere with the lawful performance of any service animal used for the benefit of any handicapped person in the state.
- (e) Any person who encourages, permits or allows an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this state, or to interfere with a service animal in any place where the service animal resides or is performing, shall, upon conviction, be guilty of a misdemeanor. For purpose of this subsection, when a person informs the owner of an animal that the dog is a threat and requests the owner to control or contain the animal and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.

**Sec. 10-34. Confiscation of dangerous animals authorized under certain conditions—
Penalty.**

- (a) Any dangerous animals shall be immediately confiscated by an animal welfare officer if, following a hearing by the municipal judge, the judge determines that:
 - (1) The animal is not validly registered under section 10-32 of this Code; or
 - (2) The animal is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person.

Sec. 10-35. Purpose and construction of article ii.

It is the purpose of this article to provide additional and cumulative remedies to control dangerous and potentially dangerous animals in the city. Nothing in this article shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

Sec. 10-36. Court proceedings against vicious or dangerous animals.

The owner of any animal alleged to be dangerous may be charged in municipal court after a complaint has been duly filed therein by any person having knowledge thereof. If the court finds that the animal has attacked human beings or animals without provocation, then the court shall have the authority to order the animal kept muzzled, confined, destroyed, or delivered to the animal welfare division for further action, as provided in section 1-8 of this Code.

Secs. 10-37—10-50. Reserved.

ARTICLE III. RABIES AND ANIMAL BITES

Sec. 10-51. Animal bites; rabies examination; quarantine.

- (a) Every animal, regardless of immunization status, that has bitten a person shall be reported within four hours to the animal welfare division or an animal welfare officer and, except as otherwise provided herein, shall thereupon be securely quarantined at a veterinarian hospital, within 24 hours from the time of the bite incident, for a period of ten days from the date the person was bitten and shall not be released from such quarantine except by

permission of the health officer of the city and the veterinarian in charge of the quarantined animal. Such quarantine will be at any veterinarian hospital, within the city, chosen by the owner or in the owners home if:

- (1) Animal meets criteria of currently vaccinated against rabies and meets the definition of first party ownership as defined in section 10-1 of this Code; and
 - (2) Home quarantine site is approved by the health officer of the city. Animal welfare officers will complete a bite report and submit to the health officer of the city. If the bite was a severe injury the health officer of the city, shall make a determination of the disposition of the biting animal after consultation with the victims physician, and based upon the risk of rabies in the particular animal.
- (b) In the case of a stray animal, whose ownership is not known after diligent and reasonable efforts have been made by an animal welfare officer to determine ownership of such animal, such animal, will be impounded immediately. In the case of unclaimed **animals** that has bitten a person, such animals should be humanely euthanized and taken to a veterinarian for removal of the head for submittal to the state department of health for rabies examination. The final decision for animal destruction, quarantine, or other disposition of any animal other than a dog, cat or ferret that bites a person, or otherwise potentially exposes a person to rabies shall be determined by the health officer of the city as defined by section 10-2 of the Sallisaw City Code.
- (c) In the case of an animal that has bitten a person and the ownership of such animal is known to an animal welfare officer but the owner refuses to have the animal quarantined as required by subsection (a) of this section, the animal welfare officer will direct the owner of such animal to have the animal quarantined as provided in subsection (a) of this section. If the owner refuses or does not have the animal quarantined within 24 hours from the time of the bite incident, the animal welfare officer will issue a citation for failure to quarantine. Immediately thereafter, the animal welfare officer will file a petition in municipal court for a show cause order directing the owner of such animal to appear in municipal court and show why such animal should not be quarantined. The show cause hearing will be held within two city business days and the court will determine the disposition of such animal.

Sec. 10-52. Responsibility for costs incurred.

Payment of fees incurred for daily boarding, euthanasia, preparation and transport of specimens for laboratory testing, or any other costs incurred to comply with section 10-51 shall be the responsibility of the person or entity owning, keeping, or harboring the animal.

Sec. 10-53. Killing or removing rabid animal prohibited.

- (a) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as provided in this article, or remove the animal from the city limits without written permission from the health officer of the city.
- (b) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal welfare officer.

- (c) The health officer of the city shall direct the disposition of any animal found to be infected with rabies.
- (d) No person shall fail or refuse to surrender any animal for quarantine or destruction when demand is made by an animal welfare officer or police officer. Such refusal shall be deemed an offense.

(Ord. No. 07-11 , § 2, 7-9-2007)

Sec. 10-54. Reports of bite cases—Report by veterinarian.

- (a) It is the duty of every physician, veterinarian or other practitioner to report to the animal welfare division the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- (b) It is the duty of every licensed veterinarian to report to the animal welfare division his diagnosis of any animal observed by him to be a rabid suspect.

Sec. 10-55. Records.

The animal welfare supervisor shall keep or cause to be kept:

- (1) An accurate and detailed record of the licensing, impounding and disposition of all live animals, fowl and domestic birds coming into his custody and all dead dogs or cats picked up that possess rabies tags or city license; and
- (2) An accurate and detailed record of all bite cases reported to the city, with a complete report of the investigation of each case.

Sec. 10-56. Exemptions from article.

- (a) Hospitals, clinics, other premises operated by licensed veterinarians for the care and treatment of animals and animal shelters are exempt from the provisions of this article, except where duties are expressly stated.
- (b) The licensing requirements of this article shall not apply to any animal belonging to a nonresident of the city and kept within the city for no longer than 30 days; provided all such animal shall at all times, while in the city, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

Sec. 10-57. Interference.

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

Secs. 10-58—10-90. Reserved.

ARTICLE IV. LICENSES AND PERMITS FOR KENNELS, KEEPING SMALL ANIMALS

Sec. 10-91. License required; application; fee; rabies vaccination; term; sanitary conditions; exception.

- (a) No person shall own, maintain or operate a kennel within the city unless such kennel is licensed as herein provided. Application for such license shall be made to the city and shall state the name and address of the owner or operator of the kennel with the street address and legal description of the property upon which the kennel is located. Application for a renewal license must be received by the city at least 60 days prior to the expiration of the license.
- (b) A kennel license fee shall be as provided in the fee schedule, and such license shall be exhibited in a conspicuous place on the premises.
- (c) The owner or operator of a kennel must show proof of rabies vaccination on all animals over six months of age when applying for a license, as set forth in section 10-12 of this Code.
- (d) Licenses expire annually on July 31. There is no proration of license fees.
- (e) Any person maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this chapter. Nonconforming kennels shall be deemed a public nuisance.

(Ord. No. 07-11 , § 2, 7-9-2007)

Sec. 10-92. Facility standards; space requirements; exceptions.

- (a) All kennels within the city limits shall meet the following minimum standards:
 - (1) The kennel floor shall be made of concrete at least four inches thick, with a smooth surface which shall have one-quarter inch of slope per foot of fall for drainage. The drainage shall slope to a cleanout gutter, and all drains shall be connected to the sanitary sewage line;
 - (2) Each cage shall have sleeping quarters, a lounging area and access to an exercise area with a minimum of 150 square feet. Sleeping quarters for the animals shall be protected from the weather, and each lounging area shall be individually enclosed by chain link material of at least ten-14 gauge, and shall have the following minimum dimensions for the number of animals to be accommodated:

Width	Length	Height	Accommodation for
4 ft.	6 ft.	6 ft.	Lounging area for 1 large dog, or 2 medium dogs, or 3 small cats
4 ft.	6 ft.	6 ft.	Sleeping area for 1 large dog, or 2 medium dogs, or 3 small dogs or cats

However, the cages for cats shall be completely enclosed;

- (3) For the purpose of this section only, small-size dogs shall be defined as any dog weighing 25 pounds or less; medium-size dogs shall be defined as any dog weighing between 25 and 50 pounds; large-size dogs shall be defined as any dog weighing in excess of 50 pounds; and
- (4) There shall be at least one cage which must be completely enclosed to house female dogs in heat.
- (b) The provisions of this section shall not apply to kennels operated and maintained by licensed veterinarians, to commercial pet stores where all animals are kept within the establishment, to show kennels where the animal's housing is under the roof or physically attached to the owner's home, nor to animal shelters.

Sec. 10-93. Right of entry for inspection; revocation of license; subject to review by the city manager.

- (a) It is a condition to the issuance of a kennel license that an animal welfare officer shall be permitted to inspect, at all reasonable times, all animals and kennels, except as to a show kennel under the roof or physically attached to the owner's home.
- (b) Refusal by the owner or operator of the kennel to permit such inspection shall be a cause for the revocation of the kennel license. A second attempt will be made to inspect the animals and kennels within 48 hours, exclusive of holidays and weekends, from the time of the first refusal; and if the inspecting official is denied entry for the purpose of inspection, the animal welfare officer shall revoke the license. The decision of the animal welfare officer shall be subject to review by the city manager if the kennel owner or operator feels that the revocation of the kennel permit is unjustified. No refund of the license fee shall be made to the license holder.
- (c) If a city manager review is desired, the owner or operator of the kennel shall so inform the animal welfare officer, who, in turn, shall place the request before the city manager within 30 days from the date of revocation. The animal welfare officer shall notify the owner/operator of the date, time and place in which the city manager will consider the review.
- (d) During the pendency of the city manager review, no action shall be taken or initiated against the owner or operator of the kennel.
- (e) The decision of the city manager is final. If the license revocation is upheld by the city manager, no refund of the license fee shall be made to the license holder.

Sec. 10-94. Permit required for large, small animals—Restriction.

No person shall keep, own, maintain, use or have in his possession any small animals within the city except as provided in this chapter.

Sec. 10-95. Permit application; requirements; exceptions.

- (a) Permits for small animals may be obtained from the city after an application for the permit has been filed with and approved by the animal welfare officer. The animal welfare officer shall approve such application only after determining that the applicant for such permit complies with the requirements for the keeping of such animals as set forth in this chapter and zoning code. Once the premises have been inspected by an animal welfare officer the animal welfare division will coordinate with the city's zoning administrator for zoning approval.
- (b) The following are exempt from the animal permit requirements of sections 10-97 et seq. of this Code:
 - (1) Publicly owned institutions or public agencies, hospital, clinics, premises operated by licensed veterinarians for the care and treatment of animals, commercial pet stores and animal shelters;
 - (2) Public sale yards, slaughter pens and meat packing plants;
 - (3) Medical laboratories and educational institutions keeping such animals for medical research, veterinary hospitals, or pet shops keeping such animals for resale; and
 - (4) Owners or keepers of dogs or cats are exempt from the requirement to obtain an animal permit, but where four or more dogs or cats are kept, all other provisions of sections 10-91 through 10-104 on small animals shall be applicable. All exceptions provided herein must fully comply with all the sanitary provisions of section 10-100 of this Code.

Sec. 10-96. Compliance with article required; revocation of permit.

It is the duty of the holder of any permit to maintain and operate the housing and keeping of such animals in such a manner as not to create a nuisance(s) determined by an animal welfare officer. The presence at any time of more than the limit of any type of animal shall be cause of immediate revocation of permit or legal action.

Sec. 10-97. Permits; fees; expiration.

- (a) This article pertains to the permitting of small animals, other than dogs or cats.
- (b) The permit fees shall be as provided in the fee schedule.
- (c) All permits issued hereunder shall expire annually on December 31 of each year. There shall be no proration of the fee.

Sec. 10-98. Number of animals limited.

Except as provided in this chapter, no permit shall be issued for a kennel, or be valid if issued, for the permitting or keeping within the city a combined total of more than 12 small animals.

Sec. 10-99. Facilities for keeping animals.

Permits for the keeping of small animals shall be issued only to those applicants who provide facilities for the keeping of such small animals in quarters set out in this chapter, which

will confine the small animals within limits not closer than 25 feet to the exterior limits of any dwelling resided in by anyone other than the applicant.

Sec. 10-100. Practices to be observed in the keeping of animals.

- (a) Upon the obtaining of a permit from the city as provided in this chapter, every owner of animal or animals shall observe the following practices:
 - (1) Confine the same in an enclosure sufficient to prevent their running at large. Such enclosure shall be maintained in a clean and sanitary condition at all times, and an approved insecticide shall be used as often as deemed necessary by an animal welfare officer;
 - (2) Provide a shelter or area of a size sufficient to be conducive to good sanitation practices, and he shall provide adequate and sanitary drainage for the shelter or area;
 - (3) Cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type that, when closed, it is ratproof and airtight, and after each such collection shall cause such container or receptacle to be kept closed. At least twice each week, each such keeper shall cause all litter and droppings so collected to be disposed of in a way as not to permit the presence of fly larvae; and
 - (4) Cause all feed provided to be stored and kept in a ratproof, flytight building, box, container or receptacle.
- (b) The premises where animals are kept shall be subject to inspection by an animal welfare officer [at] any reasonable hour of the day.

Sec. 10-101. Keeping not to be a nuisance.

It is the duty of the holder of any permit provided for in this chapter to maintain and operate the housing and keeping of such animals in such a manner as not to create a nuisance.

Sec. 10-102. Refusal on revocation of permit; review by the city manager.

The failure of any owner or keeper of any such animals to comply with the provisions of or the sanitation standards and requirements established by the city in this article shall be cause for the animal welfare officer to refuse to grant a permit for the keeping of such animals, or, if the permit shall have been previously granted to such keeper, shall be cause for the revocation of the same. The decision of the animal welfare officer may be subject to review by the city manager if the applicant feels nongranteeing of permit or revocation of permit to be unjustified. The decision of the city manager shall be final and binding.

Sec. 10-103. Regulations applicable to institutions, hospitals, pet shops, and animal shelters.

Animals kept in medical laboratories or educational institutions for medical research, or in veterinary hospitals for treatment, or in pet shops for resale, or in animal shelters shall be kept under the same sanitary conditions prescribed by section 10-100 of this article.

Sec. 10-104. Cumulative effect of article.

This article shall be cumulative of all other sanitary ordinances or regulations of the city unless in conflict with the terms of such ordinances and regulations, in which case the terms of this article shall prevail.

Sec. 10-105. Domestic birds, fowl, birds of prey and bees; definitions.

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

Birds shall refer to all named, unnamed and referenced feathered vertebrates.

Birds of prey shall mean those feathered vertebrates that are known also as Raptors which primarily are carnivorous and feed wholly or chiefly on meat taken by hunting or on carrion. Examples are, but not limited to, the Hawk, Falcon, Owl or Vulture or varieties thereof.

Colony shall refer to the bees and the hive as a whole.

Domestic birds shall be those feathered vertebrates most commonly kept within the confines of the interior of the home or dwelling. Examples are, but not limited to, the Birds of Paradise, Pigeons, Parakeet, Parrot, Finch and the Cockatiel or varieties thereof.

Enclosure shall mean the same as cage, coop, pen, chicken house or mew.

Fowl shall mean those feathered vertebrates most commonly kept outside, as within a farm environment and which are usually raised for consumption and or egg production. Examples are, but not limited to, the chicken, guiney, duck, goose, turkey or varieties thereof.

Hive shall mean the enclosure of which bees are housed or occupy.

Keeper shall mean the caretaker, caregiver, owner or occupant in charge of all mentioned animals or insects in this section.

Sec. 10-106. Keeping of domestic birds, birds of prey and fowl.

- (a) The housing and keeping of domestic birds shall be in such a manner as not to create a nuisance. Domestic birds shall be restricted to no more than three so as not to create a noise nuisance. The keeping of domestic birds is permissible only in the ("R" zones) residentially zoned areas.
- (b) Every keeper of domestic birds shall confine the same in an enclosure sufficient to prevent their being at large and shall provide a shelter area of sufficient size to be conducive to good sanitation practices.
- (c) The housing and keeping of fowl and/or birds of prey shall be permitted only in the A-1 or A-2 agricultural zone and restricted in all "R" zones.
- (d) All fowl shall be kept in an enclosure designed as to prevent the animal from being at large. It shall house no more than one fowl per ten square feet of enclosure.
- (e) All birds of prey shall be kept in an enclosure designed to house no more than one bird of prey per 50 square feet.
- (f) All enclosures shall be restricted in size and location. The maximum allowable enclosure shall be equivalent to one square foot of enclosure to five square feet of rear yard. All

enclosures shall be a minimum of seven feet in height and closed at the top. Enclosures shall be in the rear yards only.

- (g) The enclosure shall be no closer than 50 feet from any part of any residential structure or adjacent residential structure and any type of food service.
- (h) The enclosure shall be constructed in a manner for ease of cleaning. Runoff from an enclosure shall not be directed to a stream, drainage ditch or water course of any type.

Sec. 10-107. Beekeeping.

Beekeeping shall be allowed in the A-1 or A-2 agricultural zone only:

- (1) No such beekeeping shall be allowed until the keeper of such bees has registered his beekeeping operation with the city and paid a fee specified in the fee schedule;
- (2) The density of colonies on any lot may not exceed one colony of bee for each 2,500 square feet of rear yard area;
- (3) Colonies shall not be located within 35 feet of any property line.
 - a. The beekeeper shall maintain fresh water sources on his lot for his bees during all the time bees fly from the hive;
 - b. All colonies shall be maintained in moveable frame hives, and mature colonies shall be housed in two full depth brood chambers; and
 - c. Each beekeeper shall register his beekeeping operation with the state board of agriculture as required by state law.

Secs. 10-108—10-120. Reserved.

ARTICLE V. LICENSING OF DOGS AND CATS

Sec. 10-121. License for dogs and cats.

- (a) It shall be unlawful for any person to own, possess or have under his control three or less dogs or cats, or any combination thereof, over six months of age, without obtaining a license for each such animal from the city. The license on each such animal will be valid as long as the owner has such animal and the license is validated every year upon proof of rabies vaccination. When ownership of such animal is transferred to another person, the new owner of such animal must obtain a new license from the city.
- (b)
- (c) It shall be unlawful for any person to own three (3) or more dogs or cats, or any combination thereof, over six months of age without obtaining an annual kennel license from the city and pay the annual fee as provided in the fee schedule. Kennel licenses issued for locations must meet proper zoning requirements.

Sec. 10-122. Terms of license—Exemption.

- (a) The license issued for three or less dogs or cats shall be validated every year, during the anniversary month that the license was issued, upon receipt of proof of rabies vaccination.
- (b) City of Sallisaw residents who are 65 years of age or older may obtain a license for a cat or dog at no cost. However, if a kennel or special handler's license is applied for, the kennel or special handler's license fee will apply to such resident.

Sec. 10-123. Issuance of records.

- (a) Upon obtaining a license for a dog or cat, a license tag shall be issued. The tag, of durable material, shall be designed to be easily fastened or riveted to the animal's collar or harness. The tag shall bear a number corresponding to the receipt issued by the city.
- (b) The city's animal welfare division shall maintain records of licensed dogs and cats, and such records shall be open to public inspection.

Sec. 10-124. Fastening of tags to collar or harness.

Tags issued shall be fastened to the animal's collar or harness at all times. The collar or harness with tag shall be worn by the animal at all times, with the exception of show animals as set out in section 10-13 of the Sallisaw Code of Ordinances.

Sec. 10-125. License fee—License fee in addition to other fees.

- (a) The fee for the licensing of dogs and cats shall be provided in the fee schedule.
- (b) The license fee shall be in addition to any other fee and deposits provided in the fee schedule under this chapter and any fines imposed by a court of competent jurisdiction.

Sec. 10-126. Use of revenues collected from license fees.

The revenues collected, under this chapter, shall be used for general municipal purposes of the city.

Sec. 10-127. Transfer of cats and dogs.

- (a) When ownership of a dog or cat is transferred within the city limits, the new owner will have 30 days to update the registration of the animal with the animal welfare division.
- (b) When ownership of a vicious or dangerous dog is transferred within the city limits, the previous owner will notify the animal welfare division and provide the name and address of the new owner, if the new owner resides within the city limits.
- (c) The new owner will be required to:
 - (1) Immediately register the dog with the animal welfare division.
 - (2) Ensure the requirements for maintaining a vicious or dangerous dog, as outlined within section 10-32 of this chapter, are complied with prior to the dog being placed on the new owner's property.

Sec. 10-128. Non applicability of article.

The provisions of this article shall not apply to cats or dogs in the custody of a veterinarian, or whose owners are nonresidents visiting the city for a period not exceeding 30 consecutive days.

SECTION 2.

Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 3.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

SECTION 4.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2024

CITY OF SALLISAW, OKLAHOMA

By:

Ernie Martens, Mayor

ATTEST:

KIM JAMISON, City Clerk
[SEAL]

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

Questions

1. How many chickens and rules governing them in residential areas?
2. How many cats and dogs, or combination of cats and dogs may be kept in residential areas?
3. Should a Kennel license be limited to Agriculture or commercially zoned areas?
A Kennel is normally in the business of selling / breeding / harboring animals.
4. Should spay / neuter of all animals be required? Exemptions?
5. How do we determine locations where cats in the TNR program are released to?
6. Should we do a city-wide survey on some questions?

Notes:

1. Wording for Trap/Neuter/Release (TNR) is needed for the ordinance.
2. The more definitions the better.
3. Expansion of animal shelter and services provided.
4. Spay/Neuter coupon similar to Ft Smith?
5. Need to determine the cost of TNR program. TNR program should only apply to feral cats, or cats known not to belong to residents.
6. The city may need to contract with a local veterinarian(s) for services. Could contract for a fee, or for volunteer services.
7. Need to discuss feeding of feral animals under controlled circumstances. I have seen a few instances where feeders register with a city and assist in the TNR programs.

SAMPLE ORDINANCES RELATED TO THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS.

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STILLWATER, OK

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

Sec. 6-82. - Keeping of backyard chickens permitted; requirements. [SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Notwithstanding other provisions of this chapter to the contrary, the keeping of no more than six hens in the rear yard of property zoned for single-family residential use shall be permitted provided that the facilities for the keeping of such chickens complies with the following requirements:

- (1) Eggs produced by hens kept pursuant to this section shall be for the personal consumption of the owner/resident; commercial marketing of such eggs is expressly prohibited and shall be deemed a violation punishable by a fine as provided herein.
- (2) *Housing*: The coop shall be constructed in a manner that can be secured to protect the hens from predators and withstand adverse weather conditions. It shall provide no less than two square feet of floor space per hen, be well ventilated, and include roost capacity and nesting boxes consistent with the number of hens kept.
- (3) *Run*: A separate outside enclosure shall be attached to the coop. The enclosure shall be of sufficient size and dimension to provide a minimum of ten square feet of ground space per hen. The enclosure shall be constructed of metal wire or a similar material adequate to permit the unimpeded flow of air and sunshine through the enclosure area and of a sufficient height and density to prevent the escape of the hens during occupancy. The use of electric wire for this purpose is expressly prohibited.
- (4) *Setback*: The coop and run shall not be located closer than 25 feet to any dwelling unit located on an adjoining or neighboring property, nor shall it be located closer than five feet from any side or rear yard property line. The owner/resident shall be responsible for screening the coop and run from adjoining or neighboring properties. Maintenance of an opaque wooden or masonry fence along the side and rear property lines shall be deemed sufficient under this section provided the height of the coop or run does not exceed the maximum height of the side and rear yard fencing and is not visible from adjoining or neighboring properties despite such fencing.
- (5) *Portable housing/run*: Portable housing such as "chicken tractors" and attached runs are permitted provided said facilities are constructed and located consistent with the building and setback requirements set forth herein.
- (6) *Flock maintenance*: Hens shall be confined to the coop between dusk and dawn and shall be confined to the coop and run areas at all other times. Adequate food and water shall be available at all times the hens are present.
- (7) *Sanitation*: The coop and run shall be cleaned daily to prevent the accumulation of unconsumed food, fecal matter, bedding or nesting material. Any waste not composted shall be properly bagged and placed in garbage containers.

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

- (8) This section is not intended to be construed in derogation of or in conflict with any restrictive covenant or lease agreement that may be applicable.

MIAMI, OKLAHOMA

Sec. 4-14. - Keeping of fowl.

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It shall be unlawful for any person to own, possess, raise or keep any fowl within city limits except as may be otherwise provided in this section or other parts of this Code. Except for agricultural property this section shall not apply to the keeping within the city of no more than five (5) hens, subject to the following:

1. Although fowl, up to the allowed five (5) hens, will not count against a person's limitation on the allowed number of animals under [Section 4-83](#), all fowl are subject to all other violations within this Chapter including but not limited to being at large, or a nuisance animal.
2. No roosters or male fowl shall be allowed within city limits.
3. Every person owning or possessing fowl shall have at least three (3) square feet of coop space per fowl. Hens shall be pets that are kept for personal enjoyment and not kept for human consumption, nor may they be butchered within city limits; provided, however, the eggs produced may be used for human consumption.

MCALESTER, OKLAHOMA

- Sec. 10-97. - Permitted number of domestic fowl.

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- (a) No person shall own, keep, harbor, or maintain more than ten domestic fowl within the City of McAlester.
- (b) All roosters, peacocks, and geese are prohibited within the City of McAlester.
- (c) Individuals currently owning, keeping, harboring, or maintaining more than the permitted number of domestic fowl, or any roosters, peacocks, or geese shall not be granted a new permit upon expiration without compliance of this section.

(Ord. No. 2600, § 1, 4-25-2017; Ord. No. 2603, § 1, 6-13-2017)

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

Editor's note— Formerly codified as § 10-23 which was renumbered by Ord. No. 2603.

- **Sec. 10-98. - Enclosure requirements.**

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- (a) Domestic **fowl** shall be kept within a designated enclosure which shall be located in the rear or backyard of the property.
- (b) Enclosures shall be predator resistant and any open wall or windows shall be designed and screened to prevent access by predators.
- (c) Enclosures shall have a suitable run attached and all areas of the enclosure should be easily accessible for proper cleaning and to prevent odor and build-up of food or bedding. Enclosures shall be located in areas that are not susceptible to stormwater runoff onto neighboring properties.
- (d) All areas where domestic **fowl** are present shall be cleaned to prevent an accumulation of food, fecal matter, bedding or nesting material so as to prevent a nuisance or unsanitary condition due to odor, vermin, debris or decay. All waste not composted shall be properly bagged and placed in garbage containers.
- (e) From dusk until dawn, domestic **fowl** shall be kept within the enclosure. During the other hours of the day, domestic **fowl** shall have access to a run and an enclosure.
- (f) Any electrical or heat sources shall comply with the city building code.

COLLINSVILLE, OK

Sec. 8-151. - Rooster defined; unlawful to keep in city; nuisance.

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- (a) As used in this section, the term "rooster" is defined to be the male of domestic fowl, including, but not limited to, chickens, turkeys, geese, ducks or guineas.
- (b) It is **unlawful for any person to keep or maintain, or permit or suffer to be kept or maintained, any rooster as herein** defined, within the limits of the city or upon or in any real property or premises within the corporate limits of the city, except that merchants engaged in the business of selling domestic fowl may keep roosters on their premises for sale, provided that all such roosters when kept for sale shall be confined in coops and kept in a sanitary condition.
- (c) The keeping of roosters, as defined in this section, in violation of this section is hereby declared to be a nuisance.

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NUMBER OF ANIMALS THAT MAY BE KEPT (DOGS AND CATS)

Miami, OK

It shall be unlawful for any owner, possessor or harborer of any cat, dog or other domestic animals, male or female, to keep or own more than five (5) animals of vaccination age (see [Section 4-7.1\(a\)](#)) at any one (1) tract of land, whether business or residential, situated within the city limits, unless each such owner, possessor or harborer shall first obtain and hold a valid Certificate of Exemption.

Muldrow, OK

Sec. 6-61. - Number of dogs or cats allowed.

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- (a) No person shall harbor or keep any dogs or cats if any are unaltered that exceed the following:
 - (1) More than three dogs, more than six months of age, kept on any lot, premises or in any structure, or any combination thereof, without a commercial, rescue, or private kennel license. No more than one litter of puppies may be kept on any lot or premises or kept in any structure, without a kennel license; or
 - (2) More than three domesticated cats, more than six months of age, kept on any lot, premises, or in any structure, or any combination thereof, without a commercial, rescue, or private kennel license. Not more than one litter of kittens may be kept on any lot or premises or kept in any structure, without a kennel license.
- (b) No person shall harbor, possess or keep dogs or cats unless all have been altered that exceed the following:
 - (1) More than four dogs over the age of six months of age on any lot or premises or kept in any structure, or any combination thereof, without a commercial, rescue, or private kennel license; or
 - (2) More than six cats over the age of six months of age on any lot or premises or kept in any structure, or any combination thereof, without a commercial, rescue, or private kennel license.

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

MOORE, OKLAHOMA

Sec 4-107 Number Of Animals Restricted, Kennels

1. No more than four animals, more than six months of age, may be kept on any lot, premises or in any structure, except in a kennel. Not more than one litter of puppies born to one female dog or one litter of kittens born to one female cat may be kept on any lot or premises or kept in any structure except in a kennel.
2. It is unlawful for any person to have, run, maintain or operate any kennel or any place for the sale, exchange, breeding or training of pet animals within the city except in accordance with the zoning ordinance.

MCALESTER, OKLAHOMA

Sec. 10-142. - Limitation on number of dogs and cats per physical location.

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- (a) It shall be unlawful for any person to own, keep, or harbor more than four dogs or cats over three months of age at any one address or location within the city limits.
- (b) All persons residing in the city who own one or more dogs must keep such dogs at the residential premises permanently occupied and inhabited by the dog owners. It shall be unlawful for such dog owners to keep their dogs at any other location within the city limits. This section shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.
- (c) The provisions of this section shall not be construed to prohibit any person engaged in operating any abattoir, packinghouse or stockyard from keeping livestock for a

SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

reasonable length of time while awaiting their use in connection with the operation of such abattoir, packinghouse or stockyard which had been zoned for such use.

COLLINSVILLE, OKLAHOMA

Sec. 8-34. - Limit on dogs or cats maintained per residence.

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It shall be unlawful for any person to keep, maintain or harbor more than three dogs or three cats or a total of more than five such animals that have reached an age requiring registration at any one location or address, whether business or residential, within the city, unless such person shall first possess a kennel or cattery license. Any person who violates this section shall be punished as provided for by [section 1-11](#) of this Code.

Sec. 8-258. - Zoning location; approval of city required.

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It is unlawful for any person to run, maintain or operate any kennel, stable or business for the sale, exchange, breeding or raising of animals of any kind within the city:

- (1) In any location in the city which is not specifically zoned for the operation of kennels, stables, or businesses for the sale, exchange, breeding or raising of dogs or animals of any kind, or fowls of any kind; and
- (2) Without the prior approval of the board of commissioners of the city granted at a meeting of the board of commissioners.

ALTUS, OK

Sec. 4-128. - Number of dogs and cats maintained at one residence restricted.

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SAMPLE ORDINANCE ITEMS FROM OKLAHOMA

- (a) *Number permitted; inspections authorized.* It is unlawful for any animal or property owner to own, possess, keep or have under his control more than a total of four dogs and cats, including any combination thereof, over six months of age at a single residential location. The city animal control officer shall be authorized to conduct a breeding inspection to determine if the provisions of this section are being violated.
- (b) *Exception.* By authority and at the discretion of the animal control department, a written waiver may be granted to an owner having up to a total of eight dogs and cats, including any combination thereof, over six months of age if all are altered and receiving suitable care.