

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

July 1, 2025

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 the minutes of the regular meeting of June 3, 2025**
- 4. Discussion on Specific Use Business Ordinance**
- 5. Discussion and possible action on Rules of Procedure for Sallisaw Planning Commission**
- 6. Discussion and possible action on proposed Planned Unit Development District (PUD)**
- 7. Discuss and take possible action on Sallisaw Detachment Ordinance**
- 8. Discussion and possible action on Animal Control Ordinance**
- 9. Adjourn**

Posted: JUNE 27, 2025

Time: 4:45 PM

Lisa Gabbert

MINUTES

SALLISAW PLANNING COMMISSION

REGULAR MEETING

JUNE 3, 2025

The Sallisaw Planning Commission met in a regular meeting on June 3, 2025, 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 May 29, 2025 at 1:15pm; by posting on the city's website; and, by giving notice to the City Clerk.

Members present:	Tim Brown Scott Looper Matt Duke Reece Bush Beko Rivera	Chairman Vice Chairman Member Member Member
Members absent:	Crystal Sides Brady Bauer	Secretary Member
Staff present:	Keith Miller Chris Carter Lisa Gabbert Brian Heverly Ben Spyres George Bormann	Building Development Director Senior Code Inspector Recording Secretary City Manager Computer Technician Economic Development Director
Others present:	Richard Mosby Ladonna Mosby David Pederson and others	

Meeting called to order

Meeting was called to order at 5:41 p.m.

Declaration of a quorum

A quorum was declared.

Consider and take possible action on the minutes of the regular meeting of May 6, 2025

Motion was made by Looper, seconded by Duke to accept the minutes of the regular meeting of May 6, 2025, as presented.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Discussion and possible action on Case No. PC2025-004; Single Lot Split for David & Phyllis Pederson

Motion made by Bush, seconded by Looper to accept the single lot split for David and Phyllis Pederson.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Discussion and Possible Action on Preliminary Airport Subdivision Plat

Motion was made by Bush, seconded by Duke to accept the preliminary Airport Subdivision Plat.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Discussion and possible action on Rules of Procedure for Sallisaw Planning Commission

Motion made by Duke, seconded by Looper to revise the Rules of Procedure with recommended changes and correction of grammatical errors to present for review at the next Planning Commission meeting.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Discussion and possible action on proposed Planned Unit Development District (PUD)

Motions made Looper, seconded by Bush, for the board to send recommended changes on the proposed Planned Unit Development District (PUD) to city staff for revision, and present for review at the next Planning Commission meeting.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Adjourn

Motion made by Bush, seconded by Duke to adjourn the meeting.

Vote: Brown aye, Looper aye, Duke aye, Bush aye. Motion carried 4-0.

Meeting adjourned at 5:56 p.m.

Approved this _____ day of _____, _____.

Tim Brown, Chairman

ATTEST:

Crystal Sides, Secretary

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject: Specific Use Business Ordinance for Review

ITEM TITLE: Discussion on Specific Use Business Ordinance

INITIATOR:

STAFF INFORMATION SOURCE:

BACKGROUND:

EXHIBITS: 1. Specific_Use_Business_Ordinance-V1

KEY ISSUES:

FUNDING SOURCE:

RECOMMENDATION:

ORDINANCE NO. [XXXX]

AN ORDINANCE PERMITTING SPECIFIC USE BUSINESSES IN RESIDENTIAL ZONES WITHIN THE CITY OF SALLISAW, OK, AMENDING AND ADDING DIVISION 4 R-1 ONE-FAMILY RESIDENTIAL DISTRICT-SECTION 102-262 AND DIVISION 5 R-2 RESIDENTIAL DISTRICT-SECTION 292 AND THEREFORE ESTABLISHING CONDITIONS AND LIMITATIONS.

WHEREAS, the Board of City Commissioners (Board) recognizes the need to support small-scale economic activity while preserving the character and quality of life in residential neighborhoods; and

WHEREAS, the City desires to provide a regulatory framework to permit limited, low-impact business uses within residentially zoned areas;

NOW, THEREFORE, be it ordained by the Sallisaw Board of City Commissioners, as follows:

Section 1. Title

This Ordinance shall be known as the “Specific Use Business in Residential Zoning Ordinance.”

Section 2. Purpose

To permit certain low-impact, resident-operated businesses within residential districts under conditions that ensure compatibility with surrounding residential uses and maintain neighborhood integrity.

Section 3. Definitions

- Specific Use Business: A business operated by the resident of the dwelling that is limited to certain activities as defined herein and subject to performance standards.
- Home Occupation: A business conducted within a dwelling unit by a resident, incidental to residential use, and meeting defined criteria.
- Residential Zone: Any zoning district primarily intended for single-family, two-family, or multifamily dwelling units.

Section 4. Permitted Specific Use Businesses or Uses approved by the Planning Commission

The following business types may be allowed by Special Use Permit or Administrative Review in residential zones:

- A. Tutoring or Educational Services
- B. Professional Services (e.g., accountant, consultant, graphic designer)
- C. Hairdresser/Barber (one chair)
- D. Tailoring or Sewing Services
- E. Therapy or Counseling (Oklahoma Licensed)
- F. Cottage Food Production (subject to Oklahoma state law)
- G. Home-Based Art/Music Instruction
- H. Computer/Technology Support Services

Section 5. General Standards and Requirements

Specific Use Businesses must comply with all the following:

- A. Residency: The business operator must reside in the dwelling.
- B. Must be the legal owner of the property or have a lease agreement that allows use by the legal owner.
- C. Employees: No more than one non-resident employee shall be allowed.
- D. Customer Visits: Limited to no more than 6 client visits per day, and no more than 2 at any one time.
- E. Signage: One (1) non-illuminated, non-permanent sign, maximum size 2 sq. ft., may be displayed on the premises.
- F. Parking: One (1) additional off-street parking space is required beyond existing residential requirements, two (2) if there is a non-residential employee.
- G. Hours of Operation: 8:00 AM – 6:00 PM, Monday through Saturday.
- H. Noise and Odors: Business activities must not generate detectable noise, fumes, dust, or odors beyond the property boundary.
- I. Structural Modifications: No visible external alterations inconsistent with residential character.
- J. Provide copies of all licenses required by the State of Oklahoma.

Section 6. Permit Process

- A. Applicants must submit a Specific Use Business Permit application request to the Planning Commission through the Community Development Director's Office.
- B. The Director's Office shall:
 - 1. Review the application for completeness
 - 2. Request documentation necessary to review the request.
 - 3. Write a report of findings to the Commission.
 - 4. Schedule Planning Commission review for Special Use Permit.
- C. The Planning Commission may approve or deny the request based on the report.

D. The Planning Commission may review and add requirements based on the report and proposed business use.

E. Permits are valid for two years if approved, renewable subject to compliance review.

Section 7. Enforcement and Revocation

The Community Development Director's Office may revoke a permit for:

- Violation of permit conditions;
- Verified complaints from neighbors;
- Failure to comply with applicable codes or standards.

Section 8. Appeals

Applicants or affected parties may appeal decisions to the Board of City Commissioners by filing a notice of appeal within 10 days of final determination with the City Clerk.

Section 9. Severability

If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect.

Section 10. Effective Date

This Ordinance shall take effect upon adoption and publication as required by law.

Passed and adopted this [DATE] by the Sallisaw Board of City Commissioners.

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject: Discussion and possible action on rules of procedure set forth in ordinance for the planning commission, as discussed the February 2, 2025 regular meeting.

ITEM TITLE: Discussion and possible action on Rules of Procedure for Sallisaw Planning Commission

INITIATOR:

STAFF INFORMATION SOURCE: Building Development Staff

BACKGROUND: Rules of procedure will be presented at the meeting.

EXHIBITS: 1. Planning Rules of Procedure COS Final

KEY ISSUES:

FUNDING SOURCE: N/A

RECOMMENDATION:

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject: Discussion and possible action on rules of procedure set forth in ordinance for the planning commission, as discussed the February 2, 2025 regular meeting.

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INITIATOR:

STAFF INFORMATION SOURCE: Building Development Staff

BACKGROUND: Rules of procedure will be presented at the meeting.

EXHIBITS: 1. Planning Rules of Procedure COS Final

KEY ISSUES:

FUNDING SOURCE: N/A

RECOMMENDATION:

Authority

Section 74-33 Rules and Regulations and 74-35 Procedure of the Sallisaw Code of Ordinance provides that Rules shall be written and adopted by the Sallisaw Planning Commission (Commission) and any procedure shall be presented to Board of City Commissioners (Board) within 60 days. Any Rules or Bylaws previously adopted are hereby repealed and replaced with these Rules approved by the Commission. These Rules shall be in effect upon their adoption by the Commission until such time as they are amended or new Rules are adopted. The Commission shall vote to adopt the approved Rules of Procedure by majority vote.

The Commission may review and recommend amendments to the Rules of Procedure by a super majority vote of the members of the Commission. A super majority shall be considered five (5) affirmative votes. Proposed amendments must be submitted in writing to each member of the Commission at least thirty (30) days prior to the meeting at which such action is to be taken. The Commission-approved amendments shall be presented to the entire Commission for approval. The amendment of the Rules of Procedure shall take effect beginning the next regularly scheduled meeting of the Commission.

Planning Commission

Chapter 74 Section 31 of the Sallisaw Code of Ordinances establishes the Planning Commission (hereinafter the "Commission") under the provisions provided therein including defining the membership, terms, powers and duties authority, as the same are amended from time to time.

Purpose

It shall be the purpose of the Commission to:

1. Conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner
2. Adopt a Comprehensive Plan for the area of jurisdiction
3. Amend and update the Zoning Ordinance and Subdivision Regulations
4. To exercise its function by making recommendations to the City Council relating to area planning, project planning and land development.

Chair and Secretary

The members of the Commission shall elect a Chair, Vice-Chair and Secretary, annually on or about July 1 for a term of one year. No member shall serve more than two consecutive terms as Chair, Vice-Chair or Secretary. Nominations shall be made from the floor at a regularly scheduled Commission meeting. The member receiving a majority vote of the membership of the Commission in attendance and voting shall be declared elected. The Chair shall serve as the Presiding Officer of the Commission meetings. In the event of absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair. Vacancies in the office of Chair, Vice-Chair or Secretary shall be filled immediately by regular election procedures.

Where both the Chair and Vice-Chair are absent from a hearing or meeting, The Secretary shall preside. In the case all three (3) are absent and a quorum is still present, the senior member shall preside.

Duties of Presiding Officer

The Presiding Officer shall be responsible for the conduct of the meeting. It is their duty to maintain order and decorum. They shall follow the agenda unless a change of order is acceptable to a majority of the Commission. They shall have the responsibility to limit lengthy and repetitive orations but shall allow all interested parties an opportunity to discuss and present their position. The City Staff shall provide the Presiding Officer guidance on procedure subject to overrule by the Commission. The Presiding Officer and Secretary shall sign documents of the Commission.

Membership

The members of the Commission shall consist of seven (7) members who shall be residents of the City and appointed by the Mayor and approved by a majority of the Board of City Commissioners. (Board)

Terms of Members

The members of the Commission shall be appointed by the Mayor for three (3) year terms, expiring after the term unless otherwise reappointed. When a position becomes vacant, the person filling that vacancy shall be appointed for the duration of the remaining term. Members are requested to continue serving until a replacement has been appointed.

Conduct of Members of the Commission

1. Members shall take such time as to prepare themselves for hearings and meetings.
2. Any member of the Commission absent for 25% of the regular meetings in a year, absent extenuating circumstances, may be removed from the Commission for cause by a majority vote of the Commission. Any member of the Commission absent 50% of the regular meeting in a year, absent extenuating circumstances, shall be removed for cause without vote. The Chair shall report either instance to the Mayor for replacement. Each member of the Commission who shall not be able to attend a scheduled meeting of the Commission shall notify the City Staff at the earliest possible opportunity. City staff shall notify the Chairman in the event that the projected absences shall produce a lack of a quorum.
3. The Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying all media sources with information, and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Commission
4. To assist new Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be encouraged to:
 - A. Attend an orientation session with Planning Staff
 - B. Read the Planning Commissioner's Workbook
 - C. Attend Planning Commissioner's Workshop if available

Appointment to Commissions

The appointment of a member as a non-voting liaison from the Commission for each sub-commission shall come from the Mayor.

Staff

Recording Secretary. The City Manager shall supply a qualified staff member to be designated as the Recording Secretary to perform all general corresponding and recording secretarial duties for the Commission. The Recording Secretary will:

1. Keep the minutes of the Planning Commission. The minutes shall be completed and delivered to the Commission members a minimum of three (3) days prior to the Planning Commission meeting at which they will be considered
2. Prepare and post notices/agenda packets for all meetings at least three (3) days prior to a scheduled meeting
3. Maintain the permanent records of the Commission
4. Perform such other duties as State Statues may require.

Staff Liason. The Community Development Department shall be the Staff Liason to the Commission:

1. Be responsible for carrying out the directives of the Commission
2. Advise and assist the Commission in the establishment of general planning policy
3. Prepare all necessary documents for presentation to the Commission
4. Develop reports for the Commission
5. Encourage private development or investment in accordance with the Comprehensive Plan
6. Cooperate with public and private agencies and with individuals for the development, acceptance, and completion of plans
7. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and participation in planning
8. Officially present the Commission's recommendations to the City Council
9. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the City of Sallisaw, and generally serve as a liaison between the Commission and the public.

City Attorney. The City Attorney or their designee shall:

1. Serve as legal counsel to the Commission
2. Prepare memoranda of law as requested by the Commission
3. Review drafts of Ordinances, Resolutions, and Bylaws and their amendments.
4. Attend all meetings of the Commission, unless excused, and provide opinion as to law, ordinances or procedure, but the final decision as to the matter of procedure shall be the responsibility of the Presiding Officer.

Meeting Schedule

Regular meetings of the Commission shall be held the first Tuesday of each month in the Council Chambers at 113 North Elm Street, at 5:30 p.m. Meeting dates may be moved due to the City's holiday schedule by vote of a majority of the members. All meetings shall be in person with exception of a declared State of Emergency by the Governor or Mayor.

Special Meeting

Special meetings of the Commission shall be presented to the City Clerk in accordance with State Statute. The Clerk shall give prior notice to such meeting and shall state the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include making available copies of the notice to any representative of the news media by posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting as well as publishing on the City's website.

Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

Quorum for Attendance

A majority of the entire Commission, excluding vacancies, shall constitute a quorum for its business. All members of the Commission shall attend all meetings. If a quorum is not present, the meeting shall be adjourned. If public hearings are scheduled, the Chair shall continue the hearing date to the next regular meeting.

Voting

All members, including the Chair, shall have a vote and shall vote when present, except any member who shall automatically disqualify themselves from voting on any decision in which there might be a conflict of interest as defined by State Statutes.

The Chair shall restate the motion before a vote is taken. The name of the maker and supporter of a motion shall be recorded. All votes shall be taken by the Recording Secretary in random order, except that the Chairman shall vote last.

The affirmative vote of a majority of the voting members present and able to vote is necessary to approve a motion. In the event of a tie vote, the motion shall have been defeated.

Parliamentary Rules of Procedure

The purpose of procedure is for the assembly to conduct its businesses in the most efficient way possible while considering the rights of its members. The Commission shall refer to the Clerk, City Attorney or State Statute to answer procedural questions not resolved, so long as it does not conflict with the Sallisaw Code of Ordinance or Oklahoma Law.

Open Meetings and Records Policy

The City Clerk of the City shall keep a record of the Commissions, transactions, findings, and determinations. All meetings and meeting records shall be open to the public. Communications among a quorum of the Commission is considered a public record and should be copied to the City's repository. More than one communication among a quorum of the Commission is considered a meeting and is in violation of the Oklahoma Open Meeting Act

Getting the Floor

Every member desiring to speak shall address the Presiding Officer or individual speaking only. The Chair may suspend comments if the comments do not stay confined to the question under debate.

Interruptions

A member, once recognized, shall not be interrupted when speaking unless to be called to order by the Presiding Officer, or as hereinafter provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order be determined and if in order, shall be permitted to proceed.

Conflicts

If a member of the Commission believes they have a conflict and would be unable to vote on an agenda item, the member should consult with the City Staff or the City Attorney to confirm the conflict. Once the conflict is confirmed, the City Attorney may assist in the preparation of a statement to be used by the member to recuse themselves prior to any discussion, public hearing, introduction and vote on the conflicting matter. The member would read the statement regarding the conflict and recuse themselves from the item. The member may stay and discuss the item. The recusal shall be registered as an opposing vote. If the member leaves the meeting and it affects the quorum, the remaining members shall constitute a quorum.

The Member does have an option to abstain from a vote due to a conflict but should recuse prior to the agenda item. If the member did not recuse themselves prior to the agenda item and participated in discussion and abstains from voting on the item, the City Staff would advise the members that abstaining is a vote against the item. If the member continues to abstain or refuses to vote, the Recording Secretary would record the vote as an opposing vote and note in the journal that the member refused to vote and register as an opposing vote.

If a member of the Commission does not believe they have enough information to make a decision on a matter, they may move to continue the matter to a future meeting requesting staff to provide the needed information. The motion would require a majority vote of the entire Commission to continue. If the motion to continue fails, all members of the Commission must vote either aye or nay.

Order of Business and Preparation of Agenda

Deadlines for filing for placement on the Commission Agenda shall be in accordance with deadlines established by Staff members. As a general policy, the Staff Liaison has deemed that all agenda items must be in the City Clerks office no later than 10 days prior to the advertising requirements for publication to be in a regularly scheduled meeting.

The order of business on the agenda may be as follows:

- Call to Order
- Confirmation of a Quorum/Roll Call
- Approval of previous meeting Minutes

- Presentation of requests (Public Hearing) for Planned Unit Developments (PUD's), Zoning Amendments, Zoning Ordinance and Subdivision Regulation Text Amendments, Conditional Use Permits, Comprehensive Plan Update
- Presentation of remaining requests for Subdivision and Plat approval
- Reports of standing and special committees
- Reports of Commission officers and planning staff
- Other business
- Adjournment

A motion from the floor must be made and passed in order to dispense with any item on the agenda.

Where the volume of agenda items may require such action, the Chair may postpone discussion of certain agenda items until sufficient time is available for the members to give proper review to such subjects. If public interest warrants, the Chair may rearrange the order of the agenda.

Subjects not listed on an official Commission agenda will ordinarily not be considered at a meeting. Unscheduled items may be added to the agenda if, in the opinion of the Chair, unusual conditions warrant the addition.

Agendas shall be posted on the lobby door of City Hall, and on the City's website. The agenda shall note at the bottom the date it was posted. The agenda posted on the website shall be published and sent to email addresses requesting to be notified of the Commission agendas.

Meeting Shall be Open to the Public

All meetings shall be open to the public, except for closed sessions, as provided by the Statutes of the State of Oklahoma and the Ordinances of the City of Sallisaw.

Motions

Unless operating under procedures provided by Oklahoma statute or other legal regulations, all motions shall be open to debate without restriction, shall require a second (except as noted in the Rules), and shall require a simple majority vote for passage. A motion requires that a Commissioner makes a motion and another Commissioner seconds the motion. If a motion does not receive a second, the motion will not be considered.

A motion must be made and seconded before the Commission can debate the motion. Debate is limited to the motion immediately on the floor.

Amending or withdrawing a motion. If a main motion is on the floor and a Commissioner moves to amend that motion, and the motion to amend receives a second, discussion must be limited to the amendment first. If the amendment is not seconded it will not be considered.

If the seconder disagrees with the amendment, they may withdraw the second and the amendment must be seconded by another Commissioner. The motion maker may withdraw their motion for lack of a second, or the withdrawal of the second.

If the motion to amend is passed, the main motion, as amended, can now be discussed.

No motion shall violate these Rules of Procedure. It is the Presiding Officer's duty to rule a motion out of order. These conflicts shall include: 1)

1) conflicts with federal, state or local law and rules of the City; 2) an action outside of the City's scope unless approved by two-thirds vote to allow it; 3) conflicts with a motion previously adopted and still in force; 4) presents the same question that was rejected during the same meeting; and 5) conflicts or presents the same question as one that was postponed or tabled.

Procedure for Annual Report

The Board may require the Commission to submit an annual report containing the activities and updates of the Commission during budget retreat of each year. The Annual Report shall be included in the City Managers Reports to the Board. The Commission may be requested to present the Annual Report at a future meeting of the Board if either the Mayor or two Councilmembers request.

Comprehensive Plan

The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Board regarding the same. The report to Board shall be submitted in the same fashion as the Annual Report.

Procedures for Public Hearings

If the applicant or staff has requested a continuance of a public hearing to another date, the Presiding Officer will not open the public hearing, but accept a motion, second and vote to continue the public hearing. The public hearing will not require newspaper publication if continued to a date certain. Staff will include information regarding the continuation on the agenda the public hearing is continued to allow the public to follow the status of a published public hearing.

Order of Public Hearing

- The Presiding Officer announces the opening of the public hearing
- Any Commissioners with conflict will state their conflict and either leave the preceeding or stay and abstain from the official vote.
- The City Staff shall read the exhibits into the record
- City staff, applicant, attorneys, public, etc. The Presiding Officer may request to state name for record.
- Staff report to be further expanded upon at this time
- Applicant and representatives will make comments regarding the request
- In Support of – citizen group will be asked to state the representatives name, address and confirm their status as to the case
- In Opposition to – citizen group will be asked to state the representatives name, address and confirm their status as to the case
- Presiding Officer announces public comment section of the hearing is over
- Presiding Officer may asks applicant and staff if they have any further remarks prior to Commission discussion to address statements made during hearing
- Commission discussion
- Close public hearing
- The public hearing shall be reopened if additional discussion or comments are made after
- the public hearing is closed and prior to the vote. The Staff Reporter should stay until the final vote has been taken

All discussion and testimony should be given while the public hearing is open. If additional comments are made after the public hearing has been closed, a motion to reopen the public hearing is in order to capture the comments on the record.

Speakers - All speakers for public hearings shall complete a Speaker Appearance Form prior to the start of the Commission meeting. This will include attorneys, architects, applicants, residents, etc.

If a large number of speakers are present for a public hearing, the Presiding Officer may ask a single representative to speak on behalf of the group and provide testimony on the public hearing before the Commission.

When called by the Presiding Officer, the speaker will step to the podium, state if they are with the larger group and identify themselves. The speaker shall give their name and address in an audible tone for the Staff Reporter to add to the transcript, and shall limit their remarks to three minutes or less at the discretion of the Presiding Officer. The Presiding Officer may remind speakers to not repeat information previously presented by another speaker. When addressing the Commission, members of the public shall direct all remarks to the Presiding Officer and shall confine remarks to the matters that are specifically before the Commission at that time. The Commission reserves the right to question any speaker. Written testimony may be received from the speaker.

Members Leaving Council Chambers During Meeting

With the exception of a member of the Commission recusing themselves and leaving the Council Chambers due to a conflict, the Presiding Officer and all Commissioners shall remain in their designated places during the meeting unless a recess is called or the member is excused by the Presiding Officer with cause. A vote shall not be taken during a member's absence from their chair.

Visitors

The Commission may, although not required to do so, allow the public to speak during the Visitors' section of the agenda. Anyone wishing to address the Commission must complete a Speaker Appearance Form. If the Speaker Appearance Form is completed onsite, it must be submitted to the Staff Recording Secretary in the Council Chambers prior to the start of the meeting.

The Presiding Officer may ask speakers to not repeat comments made by others, and to limit their comments to no more than three minutes. The Commission should not engage in discussion with the speaker, but take the matter under advisement for a future meeting.

Visitors are not required to be residents of the City, but the Presiding Officer may advise that the Commission may not give the same weight to the comments as it would a resident.

Conduct during Meetings

Any Commissioner desiring to speak shall confine their remarks to the subject under consideration or to be considered.

Any discussion on issues must be relative to the specific topic at hand to allow adequate time to fully discussed scheduled issues.

Cell phone or computer use to text or use social media during meetings should be avoided. Commissioners should avoid discussion or sharing their opinion of matters on social media or comment outside of public meetings. If emails or phone calls are received regarding a project outside of the public meeting, information regarding the date of the meeting at which the item will be discussed should be shared. Commissioners are encouraged to stay on topic and not deviate due to outside comments. Commissioners should encourage the individual to attend the Commission and City Council meetings where the item will be discussed to hear all testimony or to address the Commission and Council. The City Attorney will assist in drafting a response for citizens and developers who wish to speak with Commissioners outside of the public hearing once an application has been filed.

How and When Rules of Procedure May be Suspended

These rules may be suspended if the Commission determines such action is necessary in case of an emergency that effects the general well-being, health or welfare of the City of Sallsiaw or its citizens. Such consent will be by a 2/3 majority of the Commission present and voting.

Attachment 1 - Sample Motions

Main Motions. Motions that bring business before the Commission are debatable and amendable and as a general rule need a majority vote to pass.

APPROVE – official action to endorse a proposal

MODIFY– The Commission, after review, discussion and agreement, may modify a request as presented to ensure the zoning or intent of code is met.

AUTHORIZE – official approval to empower an action or a person to act on behalf of the Commission in a specific manner

DENY – official action to reject a proposal

RESCIND/REPEAL – official action to nullify previous action taken by the Commission; requires a two-thirds vote or a majority of the entire membership

FIX THE TIME TO WHICH TO ADJOURN – sets the time for continuation of the present meeting in order for another meeting to continue business, but does not adjourn the present meeting or set the time for its adjournment; requires a majority vote

Example: I move that when this meeting adjourns, it adjourns to meet on (date and time) at (place).

ADJOURN – a privileged motion to close a meeting that must be seconded and is not subject to debate; discussion must be halted and a vote taken

RECESS – Short interruption which does not close the meeting; motion is not required if recess is included on the agenda

AMEND – to improve or clarify the intent or substance of a pending motion that must be made while a motion is on the floor. Amendments must be relevant to the question under consideration and shall be acted upon in reverse order. Motions can be amended only to a third degree, that is, one can amend an amendment, but can go no further.

ADDITION – addition of specific words or phrases or sentences to perfect the intent or meaning of the pending main motion.

SUBSTITUTION – substituting provisions, sections or the entire language of the original motion and providing in lieu thereof new provisions, sections or language; substantially, offering a new motion relevant to the subject of the original main motion properly in possession of the body.

REFER – enables any pending question or matter to be referred to a committee, agency or department, or another entity for review, comment and possibly recommendation.

POSTPONE – postponing consideration (or further consideration) of a measure to a certain motion and carries a time limit and can be debated as to the merits of postponement.

POSTPONE TO A CERTAIN TIME/POSTPONE DEFINITELY – set the date and time when the motion will be acted upon

TABLE – temporarily setting aside a pending motion (or series of pending motions) to take care of something else deemed urgent; if the motion laid on the table is not taken from the table by the next regular meeting, the motion dies

Pending motion. When a main motion has been made, members can amend it, postpone it, etc. All of the actions that take place while the main motion is pending are subsidiary motions.

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject: Proposed Planned Unit Development District Plan

ITEM TITLE: Discussion and possible action on proposed Planned Unit Development District (PUD)

INITIATOR:

STAFF INFORMATION SOURCE: Building Development Staff

BACKGROUND: It was requested by a local land developer that the city look into utilizing Planned Unit Development Districts (PUD)s as a way of providing standards and guidelines for development.

EXHIBITS: 1. COSv3-PLANNED UNIT DEVELOPMENTS

KEY ISSUES:

FUNDING SOURCE:

RECOMMENDATION:

ARTICLE VI - PLANNED UNIT DEVELOPMENTS

Sec. 82-300 Scope and Intent.

- A. This Article applies to the Planned Unit Development Districts (PUD).
- B. These sections intends to establish planned unit development requirements and procedures, which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city.
- C. Within PUD, conditions relating to the use of land, including but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking, and loading, compatibility and land use density shall be determined in accordance with the planned unit development regulations contained in this section. The planned unit development conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

State law reference--Similar provisions 11 O.S. §43-110

Sec. 82-301. Compliance.

A PUD may be authorized in any district, provided all of the provisions of this Article are complied with.

Sec. 82-302 Application and review procedures.

The developer of a PUD shall adhere to the following application and review procedures:

- A. Before submitting a formal application, the developer shall meet with the Planning Commission and Community Development staff to discuss and present preliminary documents of the proposed PUD.
- B. A proposed rezoning master plan shall be included, along with a design statement and a master development plan map.
- C. The PC shall issue a notice to proceed to the developer. This in no way is an approval of the proposed PUD or Zoning.

Sec. 82-803 Submission of preliminary plat.

- A. A traffic flow study, proposed curb cuts, traffic control devices, and other safety-related concerns, as requested by the planning commission, shall be provided.
- B. At least one (1) public hearing before the PC shall be held on the application for rezoning, the PUD master plan, and plat by the planning and zoning commission per the provisions of Sections 74-35 and 74-36 of the section of ordinances.
- C. Application for review of site plan and building plans shall be made to the planning and zoning commission.

Application for site plan approval shall be made to the PC.

Application for zoning plan approval shall be made to the ZB.

- A. Application for rezoning and planned unit development master plan:
 - 1. The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the City of Sallis. The PUD master plan, which is submitted with application for rezoning, shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet submission requirements of this section.
 - 2. The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the size of the project but no less than the minimum required for preliminary plats. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The map shall show the following:
 - B. Location of proposed land uses, and residential densities;
 - C. Location of collector streets within the PUD and adjacent arterial streets;
 - D. Sufficient surrounding area to demonstrate the relationship to the PUD to adjoining uses, both existing and proposed;
 - E. Location and approximate size of proposed open space and recreation areas;
 - F. Areas where access to streets will be limited and location of driveways where appropriate;
 - G. Any other pertinent information necessary for review, approval, and administration of the PUD.

The PUD design statement shall be a written report submitted to the PC and ZB as a part of the PUD master plan containing a minimum of the following elements:

- A. Title of the PUD;

- B. List of the owners and/or developers;
- C. Statement on the general location and relationship to adjoining land uses both existing and proposed;
- D. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
- E. The existing PUD zoning districts in the development area and surrounding it;
- F. A list of all special development regulations or the conventional zoning district regulations, which will be applicable; plus, a list of requested variations to the other applicable development regulations;
- G. A statement on the existing and proposed streets, including right-of-way standards and street design concepts;
- H. The following physical characteristics; elevation, slope analysis, soil characteristics, tree cover, and drainage information;
- I. A topographic map with minimum five (5) foot contour intervals;
- J. Drainage information, including number of acres in drainage area and delineation of applicable flood levels;
- K. A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which ones will remain private;
- L. The proposed densities, and the types and sizes of structures; and
- M. A description of the proposed sequence of development.

Sec. 82-304. Design standards.

- A. All proposed PUD's shall be designed to provide for the unified development of the area by the spirit and purpose of the land uses and zoning districts adjacent to it.
- B. Design of the PUD may provide for modification of conventional zoning ordinance requirements for such elements as yard areas, densities, setback, height, lot coverage, landscaping, and off-street parking.
- ~~C.~~ **The minimum size of the site on which a PUD shall be located shall not be less than three (3) acres.**
- D. Building sections and other related city section development requirements shall not be reduced in the design of a PUD.
- E. Location and type of housing shall be established in a general pattern and shown on the master development plan map.

Sec. 82-305. Minimum design and construction standards for streets and alleys.

Streets and alleys for a PUD shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross section; provided that

modifications may be requested and approved as a part of the master plan if the following criteria are met:

- A. Public streets and alleys. Proposed public street and alley modifications shall satisfy the following criteria:
 - a. Street right-of-way and paving widths shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.
 - b. Paving cross sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.
- B. Private streets and alleys. Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above and the following:
 - a. Private streets shall not be connected to an adjacent parcel, which is not part of the PUD in a manner that will circulate traffic into and through the private street system.
 - b. The owner/applicant shall clearly demonstrate the existence and capabilities of a property or homeowners association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.
 - c. The owner/applicant shall clearly demonstrate the accessibility of emergency and sanitation equipment to all proposed structures served by private streets and alleys.
 - d. The owner/applicant shall clearly demonstrate the adequacy of on and off-street parking for all property served by private streets and alleys.

Sec. 82-306 General design and development guidelines.

- A. Densities. Proposed residential densities should be compatible with adjacent developed neighborhoods.
- B. Amenities. Amenities should be considered as an important justification for development and city approval of a PUD. Where densities are to be increased to promote the economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenity and public safety.
- C. Streets:

- a. Street design should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac. Reduction of conventional minor street design widths should be considered appropriate on such streets when they are designed with limited length and only one access point.
 - c. Reduction of design widths on streets designed in a conventional pattern should not be approved.
 - d. Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However, a private street system should not serve as a reason for reduction of minimum design and paving standards.
 - e. On-street parking bays or other similar areas where vehicles must back into the traffic flow should not be approved on arterial or collector streets; provided, however, that certain cul-de-sac or small loop street designs may be considered as appropriate.
 - f. Off-street parking. The off-street parking requirements set forth in Article IV of this chapter for residential and mixed-use Planned Unit Developments may be complied with by providing one (1) or more permanent, common, off-street facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use and shall be under the ownership or permanent control of the owners of the use for which the spaces are required.
- D. Relationship to abutting uses:
- a. The master development plan map should show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, retention ponds, drainage channelization, or similar techniques.
 - b. It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.
- E. Mixed land use developments. Where a PUD proposes a mix of uses, which may generally be incompatible with a conventional development, the PUD master plan should specifically establish appropriate guidelines to assure a harmonious development.

Sec. 82-307. Approval of PUD.

After holding the **PC** public hearing and recommendation, the **BOCC** shall, a) deny the request, b)approve the request, c)send back to PC for further review or d)approve the request with conditions.

State law reference—Similar provisions 11 O.S. §43-110.

- A. Upon final approval by the city council of the PUD master plan and the appropriate approval of rezoning, these elements shall become a part of the official zoning districts map.
- B. The approved PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council as provided herein. The developer shall furnish a reproducible copy of the approved master plan map for signature by the chairman of the planning and zoning commission, the mayor, and acknowledgment by the city clerk. The PUD master plan, including the signed map, shall be made a part of the permanent file, and maintained by the city clerk.

Sec. 82-308. Conditional approval of PUD.

- A. Reasonable conditions may be required by the **PC** in conjunction with the approval of a planned unit development. Conditions imposed shall:
 - a. Be designed to take into consideration natural environment, the health, safety and welfare of the residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of municipal first responder jurisdiction, and to the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established by this article for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
- B. The conditions imposed with respect to the approval of a land use or activity shall be stated in the record of the approval actions and shall not be changed or amended except as provided herein.

Sec. 82-309. Plan changes.

Any deviation from the plans of a planned unit development submitted at the time of rezoning shall constitute a violation of the rezoning and changes in plans shall be

resubmitted for review following the same procedure required in the original adoption of the plan. The **PC** and staff shall maintain a record of the conditions that are changed.

Sec. 82-310. Time limit.

The construction of **PUD** shall start within one (1) year of the final approval of plans by the city council. Failure to begin the development within said one (1) year shall automatically void the development plans and the land shall revert to the same zoning classification which existed immediately preceding the approval of the **PUD**, provided however, that before the expiration of the development plans, the **PC** may extend the **PUD** in increments of two (6) month increments upon written request by the owner/developer.

Sec. 82-311. Multi-phase PUD.

In cases of a multi-phase PUD. Each phase shall be started within 6 months of the previous phase being completed. The **PC** may extend the **PUD phases** in increments of two 6-month periods, upon written request by the owner-developer. Failure to begin the development phase shall automatically void the development plans and the remaining land shall revert to the original zoning classification. Resubmission of the **PUD** and **zoning** shall be required at this point.

Sec. 82-312. Required Improvements

- (A) Any final plat or subdivision located within the corporate limits shall not be approved unless the subdivider or developer shall provide at his own expense the facilities listed as follows:
- (1) Water mains properly connected to the public water supply system shall be provided to ensure adequate water flow for fire protection.
 - (2) A sanitary sewer system is properly connected with the existing system by the standards and specifications governing sanitary sewer construction and in accordance with the requirements of state and county health departments.
 - (3) Streets constructed to approved standard and grade and surfaced as required by existing city standards set out in section 82-135.
 - (4) Storm drainage facilities, curb and gutter to provide adequate surface water drainage for the area being drained.
 - (5) Stormwater drainage shall be calculated for the area. If downstream improvements are necessary, it will be the responsibility of the developer for all improvements.

(B) All such facilities should be installed according to the plans and specifications of the city.

(C) All lots and residential subdivisions where septic tanks or individual sewerage disposal devices are to be installed shall not contain less than 22,500 square feet, and the width of the lots at the building line shall be a minimum of 100 feet. All such lots to be serviced by private sewerage facilities shall comply with the regulations of the county and state board of health.

(D) After the final plat is approved by the BOCC, no lot shall be sold to any person unless such lot is provided with water mains, sanitary sewer system, area storm drainage and all streets adjacent to such lots and a street from such lot to the nearest street which have been accepted by the city unless the developer has filed with the city clerk a cash bond for all the water mains, sanitary sewer systems, area storm drainage and street improvements to be constructed. The cash bond shall be filed within 90 days and deposited with the city in an amount of 150 percent of the estimated costs of such improvements. The developer may choose to deposit with the city clerk a good and sufficient corporate **surety bond** for 150 percent of the estimated cost of such improvements.

(E) All streets shall be constructed according to the standards of the city.

(F) This article is intended to permit the developer to record his final plat but to prohibit him from selling any lot or lots to anyone until such lot or lots are adequately served by utilities and streets or until the developer has filed with the city a written guarantee that he will provide the required utilities and streets within 90 days, which guarantee shall be backed up by depositing the cash or **surety bond** required in this section.

(G) The owner may, with prior approval from PC and BOCC, submit a letter of surety from an FDIC-approved banking facility.

Sec. 82-313. Application fee.

The fee for filing a petition to obtain approval of a planned unit development shall be \$500. The cost of all publications shall be billed directly to the developer. Changes to or subsequent surcharge fees shall be published in the Master Fee schedule as adopted and or modified by the Sallisaw Board of City Commissioners. The fee shall be payable upon receipt of the petition, such receipt to be a prior condition to any action on the petition by the city PC. The fee shall be nonrefundable regardless of the disposition of the application by the PC, ZB, or owner.

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject: Detachment ordinance for a single parcel from the city limits for review and possible approval

ITEM TITLE: Discuss and take possible action on Sallisaw Detachment Ordinance

INITIATOR:

STAFF INFORMATION SOURCE:

BACKGROUND:

EXHIBITS: 1. Sallisaw Deannexation Ord

KEY ISSUES:

FUNDING SOURCE: N/A

RECOMMENDATION:

ORDINANCE NO. 2025-XX AN ORDINANCE PROVIDING FOR THE DETACHMENT OF A SINGLE PARCEL FROM THE CORPORATE LIMITS OF THE CITY OF SALLISAW, OKLAHOMA AND ESTABLISHING CONDITIONS FOR APPROVAL

WHEREAS, Oklahoma Statutes Title 11, §11-21-110 authorizes the governing body of a municipality to detach territory from its corporate limits by ordinance; and

WHEREAS, [Petitioner’s Full Name], as the sole owner and qualified elector of the tract of land legally described below, has submitted a verified petition requesting detachment of said parcel from the City of Sallisaw; and

WHEREAS, The City Council finds it necessary to evaluate each detachment request in a manner that protects municipal interests, infrastructure, future planning, and equitable treatment of residents and taxpayers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA:

SECTION 1. PURPOSE AND SCOPE This ordinance authorizes the detachment of a single parcel from the City’s municipal boundaries and establishes mandatory conditions for evaluating detachment requests.

SECTION 2. PROPERTY TO BE DETACHED The following described parcel is hereby detached from the corporate limits of the City of Sallisaw: Legal Description: [Insert metes and bounds or official legal description]
Physical Address (if applicable): [Insert]
Parcel ID Number: [Insert]

SECTION 3. PREREQUISITES AND CONDITIONS FOR DETACHMENT The City Council shall only consider a detachment request if all of the following conditions are met:

A. Petition Requirements - The request is submitted in writing by the legal owner(s) of the property. - The petitioner is a qualified elector registered to vote at the address in question, if the property is residentially occupied.

B. Geographic and Service Considerations - The detachment shall not create an unincorporated island completely surrounded by city territory. - The parcel is contiguous to the existing municipal boundary at the time of detachment. - The detachment shall not compromise the City’s ability to serve adjacent properties or impair critical infrastructure such as roads, utilities, or emergency services.

C. Utility and Infrastructure Requirements - If the property is served by City electric, water, sewer, or sanitation, the petitioner must demonstrate: - Alternative access to services exists or will be arranged (e.g., well/septic). - All municipal utility accounts are paid in full. - Utility connections will be disconnected or transferred in compliance with local policy.

D. Land Use and Planning Consistency - The detachment must not conflict with the City’s adopted comprehensive plan, growth boundaries, or zoning goals. - Any zoning or development approvals granted by the City prior to detachment shall be nullified unless otherwise agreed upon in writing.

E. No Ongoing Violations - The property must be free from unresolved code enforcement actions, litigation, or special assessments imposed by the City.

F. Public Interest Determination - The City Council must determine that the detachment is in the public interest, including: - No measurable adverse financial or service impact on the City. - No loss of continuity for public improvements (roads, trails, sidewalks). - The request does not encourage fragmented land use or create a precedent detrimental to community cohesion.

SECTION 4. PROCEDURE FOR DETACHMENT 1. Notice shall be published and mailed in accordance with 11 O.S. §11-21-103. 2. A public hearing shall be held by the City Council at least 14 days following publication. 3. Upon consideration of the petition and prerequisites outlined in this ordinance, the Council may grant or deny the request by majority vote.

SECTION 5. EFFECT OF DETACHMENT If granted: - The City shall cease provision of municipal services to the property on the effective date. - The parcel shall no longer be subject to City ordinances, taxes, zoning, or jurisdiction. - A certified copy of the ordinance shall be filed with the Sequoyah County Clerk and the Oklahoma Tax Commission – Ad Valorem Division.

SECTION 6. EFFECTIVE DATE This ordinance shall become effective upon: - Final passage and approval by the City Council, - Publication in accordance with law, and - Proper filings with relevant state and county agencies.

SECTION 7. SEVERABILITY If any section or provision of this ordinance is declared invalid, the remainder shall remain in full force and effect.

SECTION 8. REPEALER All ordinances or portions of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED by the City Council of the City of Sallisaw this ___ day of _____, 2025.

Mayor, City of Sallisaw

ATTEST: City Clerk

PETITION FOR DETACHMENT (TO BE SUBMITTED BY PROPERTY OWNER)

TO: City Council of the City of Sallisaw

I, the undersigned, respectfully petition the City of Sallisaw to detach the property described below from the municipal boundaries:

- Legal Description: _____
- Parcel ID: _____
- Physical Address: _____

I certify that I am the sole owner of the property and a qualified elector registered at this address (if residential).

I understand that detachment may result in the termination of City services and release from City ordinances, and that the decision rests solely with the City Council.

Signature: _____ Printed Name: _____ Date: _____

COUNCIL RESOLUTION TEMPLATE (FOR INTERNAL USE)

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALLISAW, OKLAHOMA, APPROVING THE DETACHMENT OF PROPERTY LOCATED AT [ADDRESS] FROM THE CITY LIMITS.

WHEREAS, a petition was received from [Petitioner] for the detachment of the property described in Exhibit A;

WHEREAS, the City Council has reviewed all legal prerequisites and conducted a public hearing as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

Section 1. The property described in Exhibit A is hereby approved for detachment. Section 2. The Mayor and City Clerk are authorized to file and record the necessary documents.

APPROVED this ___ day of _____, 2025.

Mayor

ATTEST: City Clerk

AGENDA ITEM COMMENTARY

Meeting Date: July 1, 2025
Board: Sallisaw Planning Commission
Subject:

ITEM TITLE: Discussion and possible action on Animal Control Ordinance

INITIATOR:

STAFF INFORMATION SOURCE:

BACKGROUND:

EXHIBITS: 1. Sallisaw_Animal_Topic_Comparison
2. Chapter_10_ANIMALS_DRAFT

KEY ISSUES:

FUNDING SOURCE:

RECOMMENDATION:

Topic	Old Ordinance	Draft Ordinance
Definitions	Basic, ~30 terms	Expanded, over 50 terms including new categories
Animal Licensing	Rabies tag required; show dog microchip	Microchip preferred; free city registry offered
Spay/Neuter	Required on adoption or 3rd impoundment	Mandatory for all pets over 6 months
Pet Limits	Not specified	Limit of 5 pets in residential areas
Kennel Licensing	Required if 8+ dogs or cats	Required if more than 5 in residential zones
Commercial & Hobby Breeding	Defined as 'hobby' and 'commercial' breeders	Adds 'noncommercial breeder' w/ stricter rules
Nuisance Behavior	Broad, general language	Clearly defined categories and repeat violations protocol
Animal Seizure & Cruelty Enforcement	Allowed only in emergencies w/ court order	Expanded powers for officers; aligns w/ state law
Animal Sales Restrictions	Minimal	Roadside and public lot sales banned
Community Cats / TNR	Not addressed	Recognized and regulated
Livestock & Wild Animal Rules	Present	Updated and clarified
Vaccinations	Rabies required; enforcement via citation	Required, plus additional vaccine standards
Animal Bites & Rabies Quarantine	Covered	More structured response protocol
Dead Animal Disposal	Minimal coverage	Fees and procedures defined
Dangerous Animals / Court Orders	General language	Expanded due process, hearings, appeals
Animal Control Officer Authority	Limited entry and enforcement rights	Expanded authority with safeguards
Community Cat Program	Not mentioned	Fully detailed TNR framework
Abandonment & Mistreatment	Mentioned	Expanded, with detailed care standards
Zoning Sensitivity	Few distinctions	Residential vs. Agricultural enforcement split
Penalty & Enforcement Structure	Citations and court discretion	Fines, mandatory court, abatement orders

Topic Coverage Comparison: Sallisaw Animal Ordinance (Old vs. Draft)

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.

Adequate care. The normal and prudent attention to the needs of an animal including wholesome food, clean water, shelter and healthcare as necessary to maintain good health in a specific species of animal.

Adequate food. The provisions at suitable intervals at no more than 24 hours unless dietary requirements of the species require a longer interval, of a quality, wholesome food suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, served in a safe receptacle, dish or container.

Adequate water. Continual access to or access at suitable intervals not less than once each eight hours for at least on hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition and age of the animal and in sufficient amounts

to maintain good health in the animal. Such water shall be provided in a secure manner so the container cannot be overturned.

Adequate shelter. The structurally sound, properly ventilated, sanitary, dry and weatherproof housing suitable for the species, age and condition of the animal which is free of litter or hazardous substances and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from inclement weather conditions. Shelter shall be fully enclosed on three sides, roofed and a solid floor. The entrance to the structure shall either be flexible to allow the animal's entry and exit and sturdy enough to block entry of wind or rain or long enough to provide space for the animal unaffected by the weather (igloo-like). The structure shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn around comfortably. Unacceptable shelter includes, but is not limited to, barrels, pipes, crates, cardboard boxes, pet carriers, or tarpaulins.

Aggressive Dog. Description of a dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or domestic animal, while off the property of the owner. Synonymous with *Potentially Dangerous dog*. *Dangerous Dog* is a title that is given to an dog by a judge or magistrate (see Art II 10-31).

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 livestock where separately addressed).

Animal Cruelty (Cruelty to Animals). Any person who shall willfully or maliciously 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 the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall 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, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal. Statutory Reference: 21 OK Stat § 1685

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. An animal is not at large when restrained by a leash or confined in a vehicle. Does not apply to community cats or cats that are identifiable as member of a cat colony.

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

Community cat means a free-roaming cat that is visibly discernible being “ear tipped” and/or microchip.

Community cat caretaker means any person who provides food, water, or shelter to a community cat(s). A community cat caretaker is not considered the owner, attendant, keeper, or harbinger of the community cat(s) for the purpose of animal limits, criminal or civil liability referenced in this Chapter.

Community cat program means a program where community cats are trapped, sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they were trapped. A cat may receive a microchip as part of the trap-neuter-vaccinate-return program.

Certificate. A document issued at the time of vaccination, that records the registration number, the name, color, breed and sex of the dog or cat, the name and address of the owner, the date of the vaccination, and the type of vaccination administered.

Commercial breeder and *commercial pet breeder*. Any individual, entity, association, trust, or corporation who possesses eleven or more intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration; requires state license issued by the Dept of Agriculture, per 4 OK Stat § 30.4 and Okla. Admin. Code 35:55-1-3. Requirements and processes are governed by the same.

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).

Current Rabies vaccination means properly immunized by or under the supervision of a licensed veterinarian with a rabies 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 familiaris*, 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.

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 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, guinea, duck, goose, turkey or varieties thereof.

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

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 5 or more dogs or cats more than six

months of age are sheltered, fed and watered.

Kitten. A cat less than twelve (12) months old.

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

Noncommercial breeder. Any individual, entity, association, trust, or corporation who possesses one to ten (1-10) intact female animals for the use of breeding or dealing in animals for direct or indirect sale, for exchange in return for consideration, [or gifting/ giving away said animals]. (4 OK Stat § 30.2)

Neuter (also Alter) means to render a male dog or cat unable to reproduce.

Nuisance in the context of this code means the conduct or behavior of any small or large animal, 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 Dangerous Dog not confined as required by this chapter. Furthermore a nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:

First. Annoys, injures or endangers the comfort, repose, health, or safety of others; or

Second. Offends decency; or

Third. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or highway; or

Fourth. In any way renders other persons insecure in life, or in the use of property, provided, this section shall not apply to preexisting agricultural activities.

Miniature pig. A pig which, at maturity, is less than 22 inches high at the shoulder, less than 32 inches long, weighing less than 125 pounds (American Miniature Pig Association definition).

Miniature goat. A goat which, at maturity, is less than 22 inches at the withers, or shoulders, and weighs less than 70lbs.

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. Community Cat Caretakers are excepted from this definition.

Permit means the permit issued by the animal welfare division.

Pets. For the general purposes of this ordinance, pets are considered any animal that is commonly kept for the amusement, companionship, or assistance of their owners. For specific residentially zone district restrictions in this ordinance, pets are further defined as those larger animals like dogs, cats, pot-bellied pigs or pygmy goats and does not include domestic birds (parakeets, cockatiels, et), small animals (guinea pigs, hamsters, rabbits, etc), fish, snakes, lizards, or other animals commonly kept in small, enclosed spaces. Community cats are not considered pets.

Public space. Any and all public streets, sidewalks, alleyways, easements, buildings, parks, playgrounds and recreational facilities, and any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment or facilities are offered for sale, hire, lease, or use.

Puppy. A dog less than twelve (12) months old.

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.

Rabies 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.

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.

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 rabbits, hares, chinchillas, guinea pigs, hamsters, ferrets, fish, snakes, as further defined herein, 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 a domestic or feral dog or cat, which not identifiable as a community cat (ie tipped ear, microchip, tattoo, etc), running at large and unaccompanied 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.

Veterinarian. A person currently licensed to practice veterinary medicine in Oklahoma or another state.

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 provisions of this chapter shall take precedence.

Sec 10-3. Animal-related Nuisance Prohibited.

a) It is unlawful and a nuisance if an animal is off of the owner's property, regardless of zoning classification, is not restrained and under the control of the owner or keeper so as not to render other persons' insecure in life, or in the use of property, this section shall not apply to preexisting agricultural activities. Upon the second offense, abatement actions at the direction of a judge, may require the spaying and neutering of any unaltered animal at the owner's expense.

b) It is unlawful and a nuisance if animals and their enclosures are not clean and waste removed and/or stored in airtight containers so as not to violate the comfort, repose, health, or safety of others regardless of zoning classification. It shall be considered a public nuisance for any person to allow any pen enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor or disagreeable to persons of ordinary sensibilities residing in the vicinity thereof because of flies or other insects. Any condition injurious to the public health caused by improper waste disposal will be considered a nuisance.

c) It is unlawful and a nuisance if animals are not kept reasonably quiet so as not to violate the comfort, repose, health, or safety of others, ie allowing or causing frequent or long-continued noise, regardless of zoning classification.

d) It is unlawful and a nuisance if animals are abused and/or unhealthy due to a lack of access and rendering of adequate food, water, shelter, and veterinarian care, when necessary, regardless of zoning classification. Actions or conditions allowed to persist to the contrary may violate 21 OK Stat § 1685 and constitute a felony.

e) First-time confirmed violations of this section will result in abatement orders that may include at the owner's expense, reduction in population of some or all offending animals, cleaning of animal enclosures, required construction, installation and/or purchase of fencing and/or enclosures.

f) Additional or subsequent violations may result in mandatory court appearances which may result in court ordered abatement (including spaying/neutering), surrender of animals, monetary judgements (not to exceed \$500 per violation) and/or restitution for damages caused.

Sec. 10-4. Nuisance complaint procedures

a) Any person with knowledge of any nuisance listed in Sec 10-3, regardless of zoning classification, may file a complaint with the Sallisaw Animal Welfare Officers against the owner or keeper of an animal which is alleged to be a nuisance. The Officer will visit the location of the alleged nuisance to verify that the activity does rise to the level of a nuisance. If verified the offending owner or keeper will be ordered to abate the nuisance and/or be cited for the corresponding violation(s). If the observed conditions do not rise to the level of a nuisance, then no further action will be taken.

b) Any person with knowledge 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, order the animal impounded with the owner or keeper to pay impoundment costs, and/or assess monetary punitive fines not to exceed \$500 per violation.

Sec. 10-5. Pet Restrictions in Residentially Zoned Districts Only.

a) In Residentially Zoned Districts, it is unlawful to have more than any combination of five (5) pets on the owners' premises, including indoor and/or outdoor locations. Assistance/Service animals, physical or emotional support, would be included in the total allowed number of pets.

b) While any combination of (5) pets or less is permissible, owners are still required to prevent any animals from becoming a nuisance or abused in violation of Sec 10-3.

c) Property owners can impose more restrictive measures on their renters or lessors (lower allowable numbers of pets) but can not raise the restrictions as prescribed in this section. Enforcement of any lower number would be a civil issue and would determined by a rental or lease agreement.

d) Residents with more than five (5) pets in residential districts are required to have a kennel license (see section 10-92) OR they will be subject to the issuance of a citation for each pet (\$25) over the limit of five (5) and/or given a warning and allowed a reasonable time to reduce the number of pets on the premises to five (5). Subsequent offense(s) will result in mandatory court appearance which could result in up to \$100 fines per violation and/or court-ordered reduction of the number of pets at the city's discretion to reduce the number of pets to the prescribed number. These punitive actions are in addition to any actions, fines or jail time as a result of any related violations of Sec 10-3.

e) Residents in agriculturally zoned districts will not be required to have kennel licenses.

f) Alleged violations of this section can be reported to the Animal Welfare Officers. Reports will be confirmed in person prior to any citations or warnings being issued.

g) This section does not restrict the number of fowl permitted in residentially zoned districts. Numbers of fowl are restricted by space available per Article IV, Section 10-95 and are not permitted to become a nuisance per Section 10-3.

h) Residents in agriculturally zone districts are expected to meet the requirements of Section 10-3 the rest of this chapter where applicable and are not restricted by this section. All owners, regardless of zoning, should only maintain the number of animals they can afford to feed, shelter, maintain control of, and keep healthy.

Sec. 10-6. Impoundment, confinement or seizure of animals.

a) Any animal found running at large, not confined nor under the control of their owner or keeper, within the city shall be either:

1. 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 10-8 of this chapter;
or

2. At the judgment of the Animal Welfare Officer, an animal found at large, except a

dangerous dog or a potentially dangerous dog, as those terms are defined in this chapter, may be directly returned or released to the custody of the owner or keeper of the animal which has been impounded.

b) Animal Welfare Officers shall have the authority to enter upon the owner's property in pursuing a dog which is running at large and they shall have authority to open gates, cross fences and take whatever steps that are necessary to impound the dog running at large (until/if it returns to the owner's property), except nothing in this section shall be construed to authorize the city employee to enter into a dwelling of a person while pursuing an at large animal. The Animal Welfare Officer may, at their discretion, cite the owner of such animal in accordance with this chapter.

c) 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.

d) 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 10-9 of this chapter. An animal welfare officer may upon exigent and life-threatening emergency circumstances enter upon the premises of the owner or other private premises to seize an animal to prevent suffering and to ensure veterinarian care is provided, once it has been established that the occupant is not home.

e) No animal without a current rabies vaccination may be released from impoundment. The owner or keeper shall also be required to reimburse for vaccination done by the City as part of the release of the animal.

f) No impounded animal shall be returned to its owner or keeper until the animal impoundment, boarding, and, if applicable, spaying and neutering fees are paid.

g) Female animals impounded up by the animal welfare division that are in season (heat) shall always be kept separate from male animals.

h) In addition to impoundment, for 2nd or more violations, owners or keepers will face a mandatory court appearance.

Sec. 10-7. Property owner may impound animal.

a) 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 stray 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.

b) 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.

Sec. 10-8. 72 Hour holding; Disposition following holding period; Adoptions.

a) Any dog or cat or other small animal found running at large and impounded in the animal welfare center (AWC) shall be confined in a humane manner. Following a 72-hour holding period in which stray animals are not claimed by their owner or arrangements to redeem made, exclusive of days City offices are closed, impounded and/or unclaimed animals shall become the property of the city and final disposition will be determined by the city.

b) At the end of the 72 hour period, animals that have not been reclaimed by the owner or keeper, with all fees being paid, may be:

1. Adopted or made available for adoption from the animal shelter,
2. Transferred to an animal adoption agency or rescue, (Animals may be transferred to an animal adoption agency with no charge to the receiving party)
3. Or euthanized.

c) The Animal Welfare Officer, upon receiving any animal for impoundment, shall record the description, breed, color and sex of the animal, and the date and time of impoundment. If the owner or keeper is known or can be determined, that information will be recorded and efforts will be made to contact them to reclaim the animal, to include written notice posted at their residence, within 72 hours or the animal will be forfeited to the city for a disposition to be determined by the city. Attempts to contact the owner or keeper will be recorded. *The owner at the time of impoundment will have all fees incurred added to the cost of the adoption fee after the 72-hour holding time has expired*

d) Adoption.

1. Under no circumstances will anyone with a conviction related to cruelty to animals, instigating or encouraging a fight between animals, cockfighting, or dogfighting be allowed to adopt an animal from the AWC.

2. Following the 72-hour holding period, healthy animals at least 8 weeks old may be adopted in accordance with the fee schedule.

3. No dog or cat over the age of 6 months may be released for adoption from the AWC unless said animal has been surgically spayed or neutered; or, in the case of animals under 6 months, 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.

Each person who adopts an unaltered male or female animal 6 months age or less from the animal shelter shall sign an agreement to have the animal sterilized when the puppy or kitten reaches six (6) months of age. The refundable sterilization deposit can be reclaimed upon presentation of a veterinarian receipt showing that the animal was spayed/neutered by the aforementioned ages OR upon reasonable proof being presented by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

4. Sterilization deposits will be considered forfeited by the adopting party 30 days after the animal is estimated to reach 6 months of age (animal is estimated to be 7 months old) after adoption in the absence of contact or veterinarian documentation of life or health issues. Funds

which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible, and funds from said account shall be allocated to programs which directly promote, subsidize, or otherwise reduce the cost of spaying or neutering animals of the releasing agency. Accurate records of accounts which fund spay/neuter programs shall be maintained.

5. Extension. 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, Animal Control shall grant a thirty-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 their necessity.

6. An application will be completed for every animal adopted with copies kept for up to three years. Potential adopters who do not own their own homes will be required to furnish proof that animal ownership is permitted at the residence, ie pet addendum, letter from landlord, etc.

7. There is hereby established a grace period of 7 calendar days beginning on the day of adoption and ending at the close of business on the 7th 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 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.

8. The City Manager may designate certain days in which animals eligible for adoption may be adopted from the city's animal welfare 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.

Sec. 10-9. Animal Identification

a) It shall be unlawful to possess a dog or cat over the age of six (6) months within the city limits whose ownership is not able to be quickly established without the owner present, thus facilitating a rapid return of the animal to the appropriate owner and any subsequent actions that may be necessary.

b) The City will provide a free and voluntary registration program for owners to participate in that will link a pet's chip number with the owner's contact information to be used in the event the animal is picked up stray. Owners may contact the Animal Welfare Center to provide the information (including the chip number), come by the AWC or participate in any free chipping event in which the AWC is participating. Owners are encouraged to keep the information up to date and notify the AWC as contact details change, to include changes in ownership, phone number or address.

c) Owners of cats and dogs will be identified by the animal's microchip (registered with the chip service/manufacture and/or through the AWCs) or a collar/harness worn at all times when they are off the owner's premise which shall have at least a valid phone number for the owner, preferably with a name and address as well.

d) Prior to return of an animal, animal welfare officers will request proof of rabies vaccination. If proof of a current vaccination is not produced the owners or keepers will be subject to a citation for a first offense with a fine not to exceed \$200 for a first-time offense and

mandatory court appearance with a fine not to exceed \$500 upon a guilty verdict.

e) New owners, to include when pets are transferred or purchased, or new residents have 60 days upon obtaining a new pet or arriving to comply with the requirements of this section.

Sec. 10-10. Roadside selling of Animals.

a) No person, including non-commercial breeders, shall sell, trade or give away any dogs or cats 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.

Exception:

- Approved agencies doing so during special adoption or vaccination events at which all animals must be spayed, neutered and properly vaccinated, as age of the animal allows. Documentation from a licensed veterinarian must be available for each animal in accordance with Sec 10-12.

b) Any person violating any of the provisions of this section shall receive one citation per animal available for or being sold, traded or given away, upon conviction thereof, shall be subject to a fine between \$50-\$100 per citation.

Sec. 10-11. Requirements for Commercial and Noncommercial Breeding Activities.

a) It shall be unlawful, within the city limits, outside of their residence (to include rentals without the permission of the owner of the property) for noncommercial breeders, as defined in section 10-1, to offer for sale, trade, exchange, or gift any animal as defined in Sec 10-1 of this ordinance or to breed animals for the same purpose(s). To do so would be in violation of 10-10 of this chapter.

b) It shall be unlawful for a noncommercial breeder to offer for sale, trade, exchange, or gift any animal in the absence of the following:

1. All vaccinations required by Sec 10-12 of this chapter that are age and type of animal appropriate or cannot be vaccinated due to health reasons determined and documented by a licensed veterinarian.

2. A copy of all health records is passed on to the new owner. The noncommercial breeder will maintain a copy for the period of one year and can be asked to produce copies by a Health Officer, Police Officer, or Animal Welfare Officer.

3. In the case of dogs and cats over two (2) months of age, microchipped implanted and information/ instructions for the device and change of registration passed on to the new owners.

c) Commercial Breeders will follow all state requirements and regulations governing the breeding of animals. Commercial Breeders will be licensed annually with the city and only allowed to establish and operate kennels in agricultural zoned areas.

d) Violations of this section will result in citations with mandatory court appearance and upon conviction fines from \$50-\$100 per animal available for sale, trade, exchange, or gift at the time of the citation.

Sec. 10-12. Vaccination Required—Certificate of vaccination.

a) The owners of all dogs and cats are required to have the animals vaccinated against rabies by a licensed veterinarian before they are 4 months old and then maintain the currency with an additional shot in accordance with the type of vaccine given. 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. (Statutory Reference: OAC 310:599-3-9.1)

b) Pursuant to Sec 10-19 a rabies tag may be used as an identification tag. Affix the rabies vaccination tag issued by a licensed veterinarian to a collar to be always worn by the animal while off the owner’s property; except the owner of a show dog or cat, whose coat maybe damaged by a collar, may substitute an implanted microchip in lieu of a collar. However, documentation will be available showing the animal’s breed registration, ie AKC, CKC, TICA, CFA, etc, and proper 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 dog or cat **animal**.

c) No person shall use a rabies tag or veterinarian certificate or receipt for any animal other than for that animal dog or cat to which the rabies tag, veterinarian certificate, or receipt was issued.

d) All Breeders, commercial and noncommercial, will ensure vaccinations are received by puppies and kittens in accordance with the below schedule, prior to transfer to new owners, with copies of health records being given to new owners and retained by the breeder for the period of at least one (1) year following the transfer to a new owner or death of the animal, whichever comes first:

<u>Puppy's Age</u>	<u>Vaccinations</u>
6 — 8 weeks (1.5-2 months)	DA2PP (distemper, adenovirus [hepatitis] I & II, parainfluenza, and parvovirus)
9 — 12 weeks (2.5-3 months)	DA2PP
12 — 16 weeks (3-4 months)	DA2PP, Rabies
Every 1 — 3 years	DA2PP, Rabies—intervals based on type of vaccine

<u>Kitten's Age</u>	<u>Vaccinations</u>
6 weeks (1.5months)	FPV (feline panleukopenia virus) + FHV-1+ FCV (<i>feline calicivirus and feline herpes virus 1</i>)
8 weeks (2 months)	FeLV (feline leukemia virus)*
9 — 10 weeks (2.25-2.5 months)	FPV + FHV-1 + FCV
12 — 16 weeks (3-4 months)	FPV + FHV-1 + FCV, FeLV*, Rabies
Every 1 — 3 years	Rabies—intervals based on type of vaccine

*While not required, it is highly recommended that cats receive the Feline Leukemia (FeLV) booster every 1-3 years, based on risk of exposure to FeLV+ cats.

Vaccination schedule derived from American Animal Hospital Association

*Rabies requirements based on OK Dept of Health requirements
Oklahoma Administrative Reference: OAC 310:599-3-9.1*

f) Any Breeder, commercial or noncommercial, upon conviction of violations of this section, will be subject to fines from \$50-100 per animal and a moratorium on conducting business within the city limits Sallisaw for 3-5 years. These fines will be in addition to any fines levied because of violations and convictions of Section 10-11.

g) An animal welfare officer or any police officer may require, in the conduct of a nuisance complaint verification or upon observation of a violation of this chapter, an owner to provide proof of rabies vaccination, on any animals. If proof of a current vaccination is not produced the owners or keepers will be subject to a citation for a first offense with a fine not to exceed \$200 for a first time offense and mandatory court appearance with a fine not to exceed \$500 upon a guilty verdict.

Sec. 10-13. Injuring, poisoning or trapping animals prohibited.

a) 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.

b) No person shall set or expose an open jaw-type trap, leg hold trap, snare trap, or any type of trap which would likely cause physical harm or injury to any animal. This provision shall not apply to people who are licensed by the state to trap animals as provided in 29 O.S. § 4-119.

c) No person shall unjustly administer any poison or noxious drug or substance to any animal, 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 cause any other person to do any of the above acts.

d) A person who accidentally or otherwise strikes an animal with an automobile and injures it shall notify the animal welfare division.

e) Exception. Trap-and-Release (TNR). Those personnel involved in TNR operations to reduce the population of feral cats and maintain cat colonies are permitted to conduct the following:

1. With use of live traps, trap feral or sick/injured cats
2. Provide spaying/neutering of cats
3. Clip/notch the ears of spayed/neutered cats to indicate their altered status
4. Return the cat to the same place it was trapped and release it
5. Ensure adequate food, shelter and water are provided for the period they are under the control of people executing TNR operations.

f) Violations of this section will result in citation(s) with mandatory court appearance and may

constitute a felony under OK state law. (Statutory Reference: 21 OK Stat § 1685)

Sec. 10-14. Diseased animals—Injured or sick animals.

a) Every person owning or having any animal within the city which known or suspected to be seriously sick or injured shall be isolated from other animals until cleared by a veterinarian.

b) Any animal which comes into possession of the city at the Animal Welfare Center which is injured or sick beyond which reasonable veterinarian care shall be humanely euthanized by the animal welfare 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. This is to reduce/prevent animal suffering. Provided, however, that before such sick or injured animal is euthanized, the animal welfare 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 welfare personnel. The animal welfare officer 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. 10-15. Animal fighting prohibited.

a) It is unlawful for any person to instigate or encourage a fight between animals or to encourage one animal to attack, pursue, or annoy another animal except a noxious, non-domesticated animal, or to keep a house, pit, or other place used for fights between animals.

b) The regulations of the State of OK, and all amendments thereto, relating to owning, possessing, keeping or training a dog(s) for fighting, instigating or encouraging dogfighting and keeping place, equipment or facilities for dogfighting are adopted herein by reference.

c) The regulations of the State of OK, and all amendments thereto, relating to instigating or encouraging cockfight, keeping place, equipment or facilities for cockfighting, servicing or facilitating cockfight, or owning, possessing, keeping or training bird for fighting are adopted herein by reference. (Statutory Reference: 21 OK Stat § 1692.1 thru 1692.9 and 1693 thru 1699)

Sec. 10-16. Livestock, horses not to be kept within city, exceptions.

a) It is unlawful for anyone to keep cows, sheep, goats, cattle or other livestock of any kind, in any area zoned other than Agricultural A-1 and Agricultural A-2 within the limits of the city.

b) Any livestock shelter, in A-1 or A-2, shall be provided and located so that no part shall be any closer than 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 or,

3. The owner's residence/ animal location is in an Agricultural A-1 or Agricultural A-2 zoned area.

4. The animal is part of educational programs at Sallisaw High School and is kept in a permitted and inspected location that meets the enclosure requirements.

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. Violations or omission of required act and day of continued violation after one three-day notice shall be deemed a separate offense(s). A person is not entitled to any notice for any additional offenses after the first notice.

e) Keeping of swine.

1. Swine shall not be kept within the city limits, unless the owner's residence is zoned for agriculture. If kept in an agriculturally zoned area, the animal is still to be kept in a manner so as not to be a nuisance, in accordance with section 10-3.

2. Exceptions.

- 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.

- 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.

- Miniature pigs and goats, as defined by Sec 10-1, may be kept as pets.

Sec. 10-17. 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, elephants, rhinoceroses, bears, all forms of poisonous snakes, 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.

Section 10-18. Dogs in City Parks And On Park Trails

a) All dogs brought into/onto any city park, city walking trail, jogging trail, or any sidewalk area of any city park must be always restrained on a leash. All other animals are prohibited.

b) When unrestrained or stray dogs are found on city park grounds, outside of off-leash facilities (dog parks), without an owner, the animal shall be impounded by the animal welfare officer. If the owner is present, and the dog is off-leash, the owner shall be requested to leash the dog or remove it from the park. Failure of owner to leash their dogs may result in a citation issued to the owner for nuisance violation. Multiple offenses will result in mandatory court appearance.

c) 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.

d) 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.

e) Off-leash facilities (dog parks)

1. Hours of off-leash dog facility.

i. Closed from dusk to dawn and any time signs are posted closing the facility for cleaning or maintenance.

ii. It shall be unlawful for anyone to loiter, idle, wander, stroll, or play in the off-leash dog facility when it is closed.

2. Use of off-leash dog facility generally.

i. Only dogs accompanied by an owner at least 16 years of age are permitted to be within the off-leash dog facility, whether or not the dog in question is leashed. An owner will only be considered to be accompanying a dog if both the person and the dog are within the fenced confines of the off-leash dog facility, and the dog is in the visible presence of the owner at all times. An owner may not accompany more than two dogs in the off-leash dog facility at any one time. Dogs must wear collars or harnesses bearing identification while in the off-leash dog facility.

ii. It shall be unlawful for any person to bring a dog weighing 30 pounds or more into the designated “small dog area” of the off-leash dog facility.

iii. It shall be unlawful for any person to bring a dog weighing less than 30 pounds into the designated “large dog area” of the off-leash dog facility.

iv. It shall be unlawful for any person to host or participate in any competitive event at the off-leash dog facility unless the City Manager determines that such competitive event will not create a disturbance or public nuisance.

v. It shall be unlawful for any person to keep a dog leashed or confined in the off-leash dog facility overnight.

3. Care of off-leash dog facility by users.

i. Owners must immediately clean up and dispose of waste left by any accompanied dog. It shall be unlawful for an owner to leave the off-leash dog facility without first cleaning up and disposing of all waste left by an accompanied dog.

ii. Owners must stop their dog from digging and must fill any holes caused by their dog. It shall be unlawful for an owner to leave the off-leash dog facility without first filling any holes caused by their dog.

4. Health rules for off-leash dog facility.

i. It shall be unlawful for any person to bring a dog which does not have current rabies vaccination into the off-leash dog facility.

ii. It shall be unlawful for any person to bring a dog which has a contagious condition, disease, parasites, or fresh wounds into the off-leash dog facility.

iii. It shall be unlawful for any person to bring a female dog in season into the off-leash dog facility, whether or not the female dog in question is leashed.

5. Bites, scratches, and aggression in the off-leash dog facility.

i. All bites and scratches by a dog that break skin within the off-leash dog facility must be reported to the Sequoyah County Health Department. It shall be unlawful for any person to fail to report to the Animal Welfare Officer(s) that a dog accompanied by him or her in the off-leash dog facility bit or scratched a person or another dog within 24 hours of the bite or scratch incident.

ii. Dogs showing aggression toward people or other dogs must be removed immediately. It shall be unlawful for an owner to fail to immediately leash and remove their dog if it is showing aggression.

iii. It shall be unlawful for any person to bring any dog deemed to be a Dangerous Dog by any state or local government or agency into the off-leash dog facility.

6. Use of off-leash dog facility by children.

i. No child under eight years of age is permitted in the off-leash dog facility except during city-approved activities scheduled for that age group. It shall be unlawful for a parent or guardian to permit a child under eight years of age to be in the off-leash dog facility, unless the child is attending a city-approved activity scheduled for that age group.

ii. It shall be unlawful for a parent or guardian to permit a child over eight and under 16 years of age to be in the off-leash dog facility unless the child is accompanied by an adult over 17 years of age who is directly supervising the activities of that child, or unless the child is attending a city-approved activity scheduled for that age group.

7. Possession unlawful at off-leash dog facility.

i. It shall be unlawful for any person to possess tobacco products, alcoholic beverages, or glass containers inside the off-leash dog facility.

ii. It shall be unlawful for any person to possess or unleash an animal other than a dog within the off-leash dog facility.

iii. It shall be unlawful for any person to possess or utilize an outside obstacle in the off-leash dog facility.

iv. It shall be unlawful for any person to possess a skateboard, skates, a bicycle, a scooter, or any other wheeled apparatus in the off-leash dog facility. The operation of a non-motorized wheelchair or motorized mobility device by a person with physical disabilities is exempt from this section.

Sec. 10-19. Feeding of Stray Dogs, Cats, or Other Stray Animals Strongly Discouraged.

a) High populations of stray dogs, stray 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 other domestic animals. In addition, food provided for stray animals is often attractive to other wild animals such as racoons and rodents and may create nuisance conditions.

b) Notify Animal Welfare of stray animals to facilitate proper feeding and vetting and investigation, if necessary, of circumstances that led to the animal being stray.

Sec. 10-20. Investigations and Interference.

a) For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the Animal Welfare or Public Health Officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored and to demand the exhibition by the owner of such dog or cat or small animal and presentation of vaccination records pursuant to any contact or complaint investigation.

b) The Animal Welfare Officer, in the manner authorized by law, may enter the property where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his or her opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal vaccinations and any licenses or permits pursuant to any contact or complaint investigation.

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

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, potentially dangerous, 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. Community Cat Program.

a) Community cats are exempt from licensing, tag, stray, animal limits, and at-large provisions of this Chapter.

b) Returning a cat pursuant to a community cat program shall not be considered

abandonment under the definitions of this Chapter.

c) A community cat received by the shelter or animal services facility may be released prior to the expiration of any holding period to an organization that operates a community cat program or to be returned to the location where it was trapped if the shelter operates a community cat program.

d) Nothing in this section shall prohibit or limit the authority of animal welfare officers and/or other authorized officials to impound a stray, sick or injured cat for the purposes of veterinary treatment, disposition per Sec 10-8 and/or humane euthanasia if necessary.

e) Cat colonies are subject to the nuisance requirements/restrictions of this Chapter. Colonies that become a nuisance may be subject to abatement to address the nuisance.

Sec. 10-23. Mandatory Spay/Neuter of all pets within City Limits

a) It shall be unlawful to own or have possession of pet cats and dogs over the age of 6 months and residing within the city limits that are not spayed or neutered within 60 days of beginning residence within the city, including moving from another locality, being purchased, transferred or adopted or temporarily residing/ visiting for more than 2 months.

b) Exceptions. No exception listed below relieves an owner from the nuisance and at large restrictions in the Article.

1. Any animal, with a veterinarian's exception letter, that would be put at a life-threatening health risk temporarily (the exception will last until 60 days after the temporary condition has passed) or permanently if spayed or neutered.

2. The pet is under 6 months of age.

3. The pet has a Breeding Permit that has been granted by the City of Sallisaw for breeding purposes.

c) Breeding Permit.

1. A Breeding Permit can be requested and granted for those owners wishing for their pets to remain intact and able to responsibly breed.

2. The permit fee will be \$100 per pet and shall not expire.

d) Fines. Failure to comply with this section will result in a \$100 fine for the first offense, \$200 fine after 60 days of non-compliance without a veterinarian's exception letter, after which a mandatory court appearance and additional fines, court-ordered spaying/ neutering, and/or animal seizure are options

Secs. 10-24-30. Reserved.

ARTICLE II. DANGEROUS ANIMALS

Sec. 10-31. Definitions.

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 without provocation on public or private property,
2. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the animal thereafter aggressively bites, attacks, or endangers the safety of humans, or
3. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the animal thereafter attacks another animal which results in the death of said animal either on public or private property.
4. Dangerous Animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their official duties and where any injury inflicted by the police dog was reasonably related to the duties being performed.

Potentially dangerous animal. Any animal that, when unprovoked inflicts bites on a human either on public or private property, or when unprovoked attacks another animal which results in the death of said animal either on public or private property before being adjudicated. Statutory Reference: 4 OK Stat § 44 (2024)

Proper enclosure of a dangerous animal means, while on the owner's property, securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) 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 dog.

Provoke or provocation means, any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner like that shown by the evidence.

Severe injury means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery (4 OK Stat § 44 (2024))

Sec. 10-32. Dangerous and diseased animals prohibited.

a) The keeping of dangerous or diseased animals within the city is hereby declared unlawful except as may be permitted in this chapter.

b) Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a

person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. Statutory Reference: 4 OK Stat § 46 (2024)

Sec 10-33. Summons and Complaint Process.

a) Any person who witnesses or has personal knowledge that an act or acts made unlawful by this chapter have been committed may sign a complaint against the alleged violator.

b) Any police officer, Animal Control Officer, or code enforcement officer who is employed by the city is authorized to issue a summons and complaint when said officer personally observes a violation of the chapter.

c) The complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:

1. Name, address, and telephone number of the complainant and other witnesses to the incident;
2. Date, time, and location of the incident;
3. Description of the animal;
4. Name, address, and telephone number (if known) of the animal owner;
5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant or such facts as may warrant the process to determine that the animal is potentially dangerous or diseased be started; and
6. Other facts and circumstances of the incident.

Sec. 10-34. Impoundment.

a) It shall be the duty of the Animal Welfare Officer upon receipt of a verified complaint as outlined in Sec. 10-33 of this subchapter to conduct an evaluation of the general temperament of the animal(s) in question and review the situation relevant to the claim to assess the likelihood the definition(s) of dangerous or diseased will be determined to have been met. If deemed likely, the Animal Control Officer will impound the animal(s) pending a determination as required by this chapter. If deemed unlikely by the AWO to meet the definitions, the complainant may request the complaint be sent to the Building Development Director an appeal. If the appeal is approved in writing, an impoundment and determination will proceed as required by this chapter. If the appeal is not concurred with in writing, the complainant may appeal further with the complaint and all associated assessments and nonoccurrence begin submitted to a Judge by the Building Development Director for final determination. Any and all expenses associated with the impounding, including shelter, food, handling, and veterinary care, shall be borne by the owner of such animal during the period of impoundment.

b) Redemption impounded animal for reasons of this article.

1. To redeem an impounded animal from the city animal shelter, the owner of the animal must provide proof of ownership and pay all fees associated with the impoundment.

2. Any owner redeeming an animal may also be responsible for any fees associated with additional violations of this article.

Sec. 10-35. Hearing and Determination.

a) The Municipal Judge, in addition to any hearings which may be required on criminal charges, shall hold a hearing within 15 days of the date of impoundment (or as soon as possible thereafter) to determine if the animal is dangerous or diseased as defined by this code. Said hearing may be held in conjunction with any criminal proceedings as so ordered by the Judge, but in no event shall this delay the hearing on determination of viciousness.

b) The Municipal Judge shall be empowered to make one of the following determinations as a result of said hearing:

1. That the animal is in fact not dangerous or diseased, in which event the Animal Control Officer shall cause it to be surrendered to the owner of the animal, upon payment by the owner of the expenses.

2. That the animal is in fact dangerous or diseased, and should be destroyed.

3. That the animal is dangerous or diseased, but that for good cause shown the animal should not be destroyed, in which event the Judge shall order one of the following:

i. That the animal be immediately removed from the corporate limits of the city and not to ever be allowed within the corporate limits of the city, and that the owner pay all fees required by the fee schedule and/or fines imposed by the Judge; or

ii. That the owner be allowed to maintain the Dangerous Dog within the corporate limits of the city under the following conditions:

a. Payment of fees. Payment of all fees required per the city's master fee schedule or this chapter.

b. Leash and muzzle. No person shall permit an animal covered by this subchapter to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than 4 feet in length. No person shall permit said animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animal may not be leashed to an inanimate object such as trees, posts, buildings, and the like. In addition, all animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

c. Confinement. All animals covered by this subchapter shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine said animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house said animal must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

d. Confinement indoors. No animal covered by this subchapter may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit

such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

e. Signs. All owners, keepers, or harborers of animals covered by this subchapter within the city shall display in a prominent place on their premises a sign easily readable by the public using the words “beware of dangerous animal.” In addition, a similar sign is required to be posted on the kennel or pen of such animal.

f. 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.

c) All owners whose animal is adjudged to be a Dangerous Dog at the hearing and sentenced as imposed by the Municipal Judge pursuant to this section, upon written demand, may appeal the Judge's decision within ten days to the district court of the county where a trial in the district court shall be accorded to them de novo.

d) It shall be an affirmative defense to a prosecution before a Judge or complaint made pursuant to this chapter that the injury, damage or death was sustained by a person or animal who, at the time, was committing a willful criminal act upon the premises of the owner of the accused animal or was assaulting the owner of the accused animal. If applicable the animal will be determined to be not dangerous. Statutory Reference: 4 OK Stat § 42.4 (2024)

e) 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.

Secs. 10-36-50. 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 owner's 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 county, shall make a determination of the disposition of the biting animal after consultation with the victim's physician, and based upon the risk of rabies in the particular animal.

3. The animal must be restrained and removed to an area where it will not come in contact with any persons or animals outside of the household.

4. The animal must be made available to the Animal Welfare Officer for periodic inspection.

5. The owner will observe the animal for any signs of illness or personality changes and report such changes to the Animal Welfare Officer.

6. The animal may not be removed from the known quarantine location without prior notification and approval of the Animal Welfare Officer.

7. The animal will remain under quarantine until the owner is notified that the final health inspection has been made and that the animal has been cleared by the Animal Control Officer. Contact will be made by phone, personal service, or certified mail

8. The animal may not receive a vaccination for rabies during the quarantine period.

9. Failure to comply with all conditions of residential quarantine will result in the animal being impounded at the Animal Shelter or a veterinarian of the owner's choice, at the owner's expense, for the duration of the quarantine period.

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.

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 (or as soon as possible thereafter) and the court will determine the disposition of such an animal.

d) During quarantine and testing procedures, the procedures for determination of a Dangerous Dog will commence in accordance with Article II of this chapter.

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.

e) Exception. If the animal is perceived as an eminent threat to a human or other animal in which case the killing of any the animal in defense would be permitted. However, the carcass of the animal may not be removed from the city limits without written permission from the Public Health Officer of Sequoyah County or the Animal Welfare Officer.

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 any diagnosis of an animal observed to be a rabid suspect.

Sec. 10-55. Records.

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

a) An accurate and detailed record of the 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

b) An accurate and detailed record of all bite cases reported to the city, with a complete report on the investigation of each case.

Sec. 10-56. Exemptions from article.

a) Hospitals, clinics, and 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.

Secs. 10-57—10-90. Reserved.

ARTICLE IV. KENNEL AND ENCLOSURE REQUIREMENTS ; BIRDS AND BEES

Sec. 10-91. 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 fenced in area in the rear of the property (in Residentially Zoned Districts as fenced areas may be in the front of properties in Agriculturally Zoned Districts) in which the animals may roam, play, exercise, etc but be kept from leaving the property

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, guinea, 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.

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

Sec. 10-92. Kennel facility standards; space requirements; exceptions.

a) A kennel license is required for any residence that has more than a combination of five (5) pets in a residentially zoned district and does not meet the definition of commercial breeder (see Sec 10-1).

b) All kennels within the city must be registered with the city, pass an annual inspection (to confirm that facilities adhere to this section and that animals are healthy), and pay the annual fee for such license as per the master fee schedule.

c) All kennels within the city limits shall meet the following minimum standards:

1. The kennel floor shall be made of at least four inches thick concrete, with a smooth surface which shall have one-quarter inch of slope per foot of fall for drainage and enclosed by chain link material of at least ten (10) gauge. The drainage shall slope to a cleanout gutter, and all drains shall be connected to the sanitary sewage line.

2. Sleeping area 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 (10) gauge and accommodate animals as below:

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

*The kennels for cats shall be completely enclosed

3. For the purpose of defining kennel space only, small-size dogs shall be defined as any dog weighing 25 pounds or less; medium-size dogs shall be defined as any dog between 25 and 50 pounds; large-size dogs shall be defined as any dog in excess of 50 pounds.

4. There shall be at least one cage which must be completely enclosed to house female dogs in heat, if necessary.

5. Outdoor recreational space will be a minimum of 1000 square feet of enclosed (minimum 6' fence) space. Areas controlled by an underground wire or proximity fences do not constitute an enclosure.

6. For a home to be considered as an alternative to kennels, the square footage of indoor climate controlled "common areas" (not including bedrooms, bathrooms, kitchens, or garages) * .2 (giving 20% of the space to the animals and 80% to humans and furniture) must allow for a number of square feet per animal (in the table below).

The equation is $xxxxsqft * .2 = yyyyy / A$ (# of sqft for size of animal) = max # of animals permitted for the space.

Size animal	Required indoor space for Kennel License (A)
Large dog	100 sqft
Medium Dog	50 sqft
Small Dog/ Cat	30 sqft

For example, if the living room, dining room and family room square footage is 3000 sqft, then a permit for a maximum of 6 large dogs could be issued.

d) All Kennels in any zoning districts will be subject to the nuisance requirements per Sec 10-3. Licenses may be revoked and pet population directed to be reduced as part of abatement proceeding, regardless if the license is current or not.

e) Any Kennel, previously licensed (up for renewal), currently licensed, or new application, that doesn't meet the requirements of this section may have their licenses either revoked, not renewed or denied and punitive action and/or abatement may become necessary to reduce the number of pets to the residential limit.

f) If a current/unexpired license is revoked, fees will not be prorated and returned but will be considered forfeit to the City in addition to any punitive actions taken.

g) Exceptions: Kennels operated and maintained by licensed veterinarians; commercial pet stores where all animals are kept within the establishment; show kennels where the animal's housing is under the roof or physically attached to the owner's home; animal shelters.

Sec. 10-93. 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 sanitary conditions with adequate food, water and shelter.

Sec. 10-94. 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. 10-95. Keeping of domestic birds, birds of prey and fowl in Residentially Zoned Districts

a) The housing and keeping of domestic birds shall be in such a manner as not to create a nuisance.

b) Every keeper of domestic birds shall confine the same in an enclosure (coop and outdoor space) sufficient to prevent their being at large and shall provide a shelter area of sufficient size to be conducive to good sanitation practices, no more than one fowl per ten square feet of combined coop and outdoor space. All enclosures shall closed at the top to prevent their being at large and to protect them from predators.

c) All birds of prey shall be kept in an enclosure designed to house no more than one bird of prey per 50 square feet.

d) Enclosures shall be in the rear yards only.

e) The enclosure shall be situated so that no part shall be any closer than 50 feet to the dwelling quarters of any person other than the owner or custodian of such animals or a food service facility.

f) 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.

g) Roosters are not permitted in residentially zoned areas and are subject to nuisance enforcement in agricultural zones.

Sec. 10-96. Beekeeping.

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

1. The density of colonies on any lot may not exceed one colony of bees for each 2,500 square feet of rear yard area;
2. Colonies shall not be located within 35 feet of any property line.

- a. The beekeeper shall maintain 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 is encouraged to register his beekeeping operation with the state board of agriculture (ODAFF).

Secs. 10-97—10-120. Reserved.

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 _____ 2025

**CITY OF SALLISAW, OKLAHOMA
BY:**

Ernie Martens, Mayor

ATTEST:

**Kim Jamison, City Clerk
[SEAL]**

Section 8. Animal Welfare and Shelter Fees (DRAFT)

Adoption and Redemption of Impounded Animals

REDEMPTION OF IMPOUNDED ANIMALS	RATE	RATE CHANGE	NOTE
Adoption fee for dog or cat. Includes neuter/ spay, vaccination for each animal adopted.	\$50.00		Each. Completed prior to animal leaving facility.
Adoption fee for puppy or kitten <6 months. Includes neuter & spay deposit, vaccinations for each animal adopted.	\$95.00 (\$25.00 deposit incl)		Spay/Neuter deposit of 25\$ can be redeemed in accordance with Sec 10-8
Adoption fee for puppy or kitten between 6 and 10months. Includes neuter/ spay, vaccinations for each animal adopted.	\$70.00		
Adoption small animal (not cat or dog), fowl or domestic bird	\$20.00		Each
Altered dog or cat, first impoundment	\$30.00		
Altered dog or cat, second impoundment	\$75.00		Fee in addition to any fine received in court
Altered dog or cat, third or subsequent impoundment	\$100.00		Fee in addition to any fine received in court
Unaltered dog or cat, first impoundment	\$80.00		
Unaltered dog or cat, second impoundment	\$180.00		Fee in addition to any fine received in court & includes spay/neuter (see Sec 10-3)
Impoundment of livestock or other large animal	\$100.00		Per day plus actual cost of feed and other housing costs.
Care Fees (Fees include day of arrival and day of departure of impounded animals and is in addition to any other fees or fines)	\$15.00 animal/day		Not applicable to animals being adopted
Dead animal pick up from residence, animal hospital or clinic. (dog or cat only)	\$25.00		Each
Dead animal pick up from residence of person over 65 years of age (dog or cat only)	NC		
Owner surrender of adoptable animal to shelter	\$50.00		Per animal

Animal Euthanasia and Cremation Services

EUTHANASIA AND CREMATION SERVICES	RATE	RATE CHANGE	NOTE
Euthanasia of animal at animal shelter. At owner's request. Requires signed release.	\$45.00		Per animal
Cremation services up to 20 lbs.	\$100.00	\$110.00	Includes urn with engraved plate
Cremation services 21 to 60 lbs.	\$140.00	\$150.00	Includes urn with engraved plate
Cremation services 61 to 80 lbs.	\$160.00	\$175.00	Includes urn with engraved plate
Cremation services 81 to 100 lbs.	\$200.00	\$215.00	Includes urn with engraved plate
Cremation services 101 up to maximum of 250 lbs.	\$230.00	\$250.00	Includes urn with engraved plate

Animal Licenses and Permits

LICENSES AND PERMITS FOR KENNELS	RATE	RATE CHANGE	NOTE
Kennel (required for more than any combination of 5 pets)	\$175		Per yr; annual insp reqd for license issuance
Bee Keeper License (In zoned agriculture areas only)	\$25.00		Per year