

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 3-103 THROUGH 3-118 ADDING DEFINITIONS OF ANIMAL WELFARE CENTER, DANGEROUS ANIMAL AND EXOTIC AND NATIVE WILDLIFE AND DELETING DEFINITIONS OF SHELTER AND VICIOUS ANIMAL; AMENDING SECTIONS 3-201 THROUGH 3-223 AMENDING AUTHORITY AND DUTIES OF THE ANIMAL WELFARE SUPERVISOR, FEES AND CHARGES, SALE AND DISPOSITION OF ANIMALS, OWNER RELINQUISHMENT, PET LICENSES, AND AUTHORITY TO EUTHANIZE; ADDING SECTION 3-207, REFUSAL TO REDEEM IMPOUNDED ANIMAL; AMENDING SECTIONS 3-301 THROUGH 3-304 REGARDING CRUELTY TO ANIMALS AND ANIMALS THAT ARE A NUISANCE; ADDING SECTION 3-302, TRANSPORTATION OF ANIMALS IN OPEN AREAS OF MOTOR VEHICLES; AMENDING SECTIONS 3-401 THROUGH 3-408 REGARDING CONFINEMENT OF DOGS AND CATS, SERVICE ANIMALS, VACCINATION, AND THE SALE OF DOGS OR CATS AND DELETING SECTIONS REGARDING BARKING AND VICIOUS DOGS; AMENDING SECTIONS 3-501 THROUGH 3-503 KEEPING OF ANIMALS OTHER THAN DOGS AND CATS AND KILLING OF WILD BIRDS; ADDING ARTICLE VI, SECTIONS 3-601 THROUGH 3-610 DEFINING HARBORING DANGEROUS ANIMAL, SEIZURE AUTHORITY, HEARING AND ADJUDICATION, CONFINEMENT AND PERMITTING, AND DESTRUCTION OR REMOVAL OF A DANGEROUS ANIMAL; AMENDING SECTION 13-108 ADDING A PERMIT FEE FOR A DANGEROUS ANIMAL PERMIT; ADDING SECTION 13-1205, DANGEROUS ANIMAL PERMIT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

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- § 1. THAT Section 3-103 through 3-118 of Chapter 3 of the Code of Ordinances of the City of Norman shall be amended and added to read as follows:

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Sec. 3-103. Altered.

(1) Neutered shall mean a process performed by a veterinarian or other person authorized by law, which removes the reproductive organs of any male animal as defined in the Oklahoma State Statutes, Title 4, Chapter 14A Dog and Cat Sterilization Act.

(2) Spayed shall mean a process performed by a veterinarian or other person authorized by law, which removes the reproductive organs of any female animal as defined in the Oklahoma State Statutes, Title 4, Chapter 14A Dog and Cat Sterilization Act.

Sec. 3-104. Animal Welfare Group.

A nonprofit organization which is registered with and approved by the City's Animal Welfare Center and has as one of its purposes the providing for the welfare and/or protection of animals.

Approval may be refused to any Animal Welfare Group if the Animal Welfare Supervisor determines that the Animal Welfare Group or one of its members meets one or more of the following:

- (1) Has a record of cruelty to animals;
- (2) Is under 18 years of age;
- (3) Has committed acts of harassment to animals;
- (4) Owns other animals which are in violation of any requirement of this chapter;
- (5) Refuses to comply with adoption requirement;
- (6) Has released two or more animals to the Animal Welfare Center in the past six (6) months;
- (7) Lacks adequate housing and/or fencing to contain the animal(s); or
- (8) Has a conviction in Municipal Court for any violation of this chapter.

Sec. 3-105. Animal Welfare Center.

The Animal Welfare Center is a facility designated and operated by the City, including the actual premises where animals are regularly kept, or places where the Animal Welfare Supervisor may designate, for the purpose of keeping or impounding stray, neglected, abused or seized animals and provide adequate care before disposal of the animals as outlined in this Chapter. The Animal Welfare Center includes a portion of the facility to provide for animal adoptions, education, citizen involvement, and spaying or neutering of animals before adoption from the facility.

Sec. 3-106. At heel.

Within a radius of ten (10) feet of the owner and obedient to the owner's commands.

Sec. 3-107. At large.

At large is a phrase indicating that an animal is:

- (1) Off the premises of its owner and not securely and physically restrained by means of harness, leash, or other device designed to restrain such animal.
- (2) Not confined on the premises of the owner or at heel on those premises.

Sec. 3-108. Dangerous animal.

Any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal(s) biting or attacking or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in section 15-605, upon the animal owner's premises.

Sec. 3-109. Confined on the premises.

Confined on the premises indicates that an animal is securely and physically restrained on and within the premises of the owner by means of fences, leashes, walls, or other devices designed to prevent the animal from leaving those premises.

Sec. 3-110. Feral dog or cat.

A dog or cat that was either born in the wild or has reverted to a wild state due to abandonment or lack of domestication and has no owner. Any feral dog or cat which has been captured and neutered or spayed and returned to the wild shall continue to be classified as a "feral" animal.

Sec. 3-111. Foster home.

Any premise owned by an individual who works under the direction of an approved Animal Welfare Group registered with the City of Norman who will take in stray or unowned dogs and/or cats for the purpose of providing temporary care up to twelve (12) months. A temporary care extension may be requested for up to an additional six (6) months if there is proof of a documented medical condition that requires the extended temporary housing of the animal.

Sec. 3-112. Kennel classifications.

(1) Commercial—Any business or establishment, whether operated separately or in connection with another business or establishment that keeps, boards, sells, shows, and/or trains dogs and/or cats for profit, except for an Animal Hospital as outlined in section 13-1201.

(2) Private—Any premise which exceeds the allowable number of dogs and/or cats as described in this section, and the animals are kept as pets and not used for any other purpose other than companionship for their owners.

(3) Rescue—Any facility operated by a non-profit Animal Welfare Group where dogs and/or cats are kept and are provided temporary housing, up to twelve (12) months and up to an additional six (6) months if there is proof of a documented medical condition that requires the extended temporary housing, and care for the purpose of placing them into a permanent home, except for a designated foster home.

Sec. 3-113. Nuisance.

A nuisance is an animal that:

- (1) Damages the property of anyone other than its owner, including, but not limited to scratches or digs about any flower bed, garden, tilled soil, vines, shrubbery, or small plants and in so doing injures them;
- (2) Habitually prowls around, on, or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises;

- (3) Overturns any garbage can or other container of waste products, or scatters the contents of the same;
- (4) Chases or kills any domesticated animals or domesticated birds;
- (5) Annoys or disturbs any person by loud and frequent barking, howling, yelping, or causes noise in an excessive, continuous or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises;
- (6) An animal that habitually or repeatedly chases, snaps at, or barks at pedestrians, joggers, dogs walked by owners, bicycles or vehicles;
- (7) Disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property.

Sec. 3-114. Owner.

An owner is any person possessing legal title to any animal or possessing no legal title, who keeps or harbors the animal.

Sec. 3-115. Unprovoked.

An act of aggression towards an animal or human that occurs without apparent cause, reason, prompting or motivation.

Sec. 3-116. Chicken coop.

A chicken coop is a small structure or enclosure where chickens nest, roost or perch and may include feeding and water[ing] devices.

Sec. 3-117. Chicken run.

A chicken run is an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.

Sec. 3-118. Exotic Wildlife and Native Wildlife.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

- (1) Exotic wildlife shall mean any of the following animals:
 - (a) A lion, tiger, leopard, panther, cougar, bobcat, ocelot, cheetah, margay, mountain lion, lynx, jaguar, jaguarondi, or any and all other felines (family Felidae), except the domestic cat (species *Felis domesticus*);
 - (b) A grizzly bear, black bear, or any and all other bears (family Ursidae);
 - (c) A wolf, coyote, jackal, hyena, or any other canines (family Canidae), except the domestic dog (species *Canis familiaris*), or the fox;
 - (d) Any and all venomous reptiles (venomous member of the class Reptillia), including, without limitation, Gila monsters (species *Heloderma suspectum*),

beaded lizards (species *Heloderma horridum*), and venomous snakes (venomous members of the suborder Serpentes);

- (e) Any anaconda (species *Eunectes murnus*), Boidae, and Pythonidae;
- (f) Any and all crocodiles, caimans, or alligators (family Crocodillia);
- (g) Gorillas, orangutans, baboons, macaques or chimpanzees; or any non-human primate (order Primata) that is not licensed pursuant to the provisions of this chapter; or any non-human primate (order Primata) that test positive for tuberculosis or herpes B;
- (h) Cassowaries (ganus *Casuarius*);
- (i) Any cross-breed or hybrid which includes any animal defined as exotic wildlife in Paragraphs (a) through (h), inclusive, of this section.

Provided, *exotic wildlife* shall not include native wildlife that is living in the wild and is not owned or possessed or intentionally being kept by any person.

- (2) Native Wildlife means any and all species of wildlife that are indigenous to or occur naturally within the State of Oklahoma.

§ 2. THAT Sections 3-201 through 3-223 of Chapter 3 of the Code of Ordinances of the City of Norman shall be amended and added to read as follows:

Sec. 3-201. Authority of Animal Welfare Supervisor and Officers.

(1) The Animal Welfare Supervisor and Animal Welfare Officers, for the purposes of enforcing the provisions of this chapter, possess all the authority of police officers of the City of Norman and will receive annual in-service training including updates on legal issues.

(2) The Animal Welfare Supervisor and Animal Welfare Officers are specifically authorized to use whatever means necessary to impound animals in violations of the provisions of this chapter, including but not limited to the use of tranquilizer guns.

(3) The Animal Welfare Supervisor or Animal Welfare Officers may upon complaint or on their own initiative inspect any structure or place licensed with a kennel license with at least one inspection being conducted annually at each licensed or registered location.

Sec. 3-202. Duties of Animal Welfare Supervisor.

(1) The Animal Welfare Supervisor shall supervise all Animal Welfare Officers, and is responsible for the administration and maintenance of the Animal Welfare Center.

(2) The Animal Welfare Supervisor, his officers, and other persons designated by the City Manager, shall pick up all animals in violation of the provisions of this chapter; or

- (a) any animal that is or will be without proper care because of injury, illness, incarceration or other excusable, involuntary absence of the person responsible for the care of such animal, and shall impound them at the Animal Welfare Center; or
- (b) may within the City, search out and destroy with firearms or other methods any dangerous animal when causing an immediate threat to a human or another animal after a reasonable attempt is unable to be captured; or

- (c) shall cause all animals, which are located within the city limits of Norman, and are brought to the Norman Animal Welfare Center after being lawfully picked up or seized by an animal welfare officer and delivered to the Animal Welfare Center or any stray animal delivered to the Animal Welfare Center by a citizen to be impounded and shall provide suitable and necessary sustenance for all animals while impounded in the shelter.

(3) The Animal Welfare Supervisor shall not release an impounded animal to its owner until all impoundment fees and room and board charges are paid in full. The Animal Welfare Supervisor shall have the discretion and authority to waive or suspend part or all of the fees based on documentable, reasonable and necessary needs to allow an animal to be returned to its owner.

(4) The Animal Welfare Supervisor shall regularly transfer all proceeds from sales, fees, charges, and deposits to the City Controller.

(5) Nothing in this section shall prevent the Animal Welfare Supervisor or his/her designee from seizing and/or forfeiting an impounded animal pursuant to any other provision of the City ordinance or state law.

Sec. 3-203. Fees, charges, and deposits.

Fees charges and/or deposits may be charged for each animal claimed by an owner and/or adopted from the City that are lawfully impounded by the Animal Welfare Officers for the following services:

- (1) Impoundment.
- (2) Handling fee for special equipment or services.
- (3) Room and boarding charge.
A full day's charge shall be made for any portion of a day in excess of four (4) hours that an animal is impounded.
- (4) Sterilization fee.
- (5) Veterinarian fees.
- (6) Quarantine and impoundment of animals that injure humans.
- (7) Quarantine and impoundment of animals suspected to have rabies.
- (8) Quarantine and impoundment of animals declared dangerous or impounded during the declaration process.
- (9) Relinquishment fee of bite animal.
- (10) Dead animal disposal fee.
- (11) Relinquishment fee.
- (12) City pet license fee.
- (13) Other fees as deemed appropriate.

Said fees shall be set administratively and based upon the actual cost of providing said services. A fee schedule is on file in the City Clerk's Office.

Sec. 3-204. Obtaining release of impounded animals.

Owners of impounded animals may retrieve or otherwise obtain the release of their animals from the Animal Welfare Center only after the applicable payment of fees as set forth in section 3-203 of this Chapter.

Sec. 3-205. Sale and disposition of animals not retrieved by owners.

(1) Except as hereinafter provided, any animal which is impounded by the City pursuant to the provisions of this chapter, shall be sold, destroyed or otherwise disposed of after five (5) days from the time of its impoundment at the Animal Welfare Center; provided, however, in the event an animal is taken into custody by an Animal Welfare Officer and the animal has been injured or otherwise disabled which ordinarily would require the animal's destruction or treatment by a veterinarian, the Animal Welfare Supervisor may order its destruction if the ownership of such animal cannot be determined within a reasonable period of time. Should such ownership be determined, the injured or disabled animal shall be promptly delivered over to such owner.

(2) An animal's impoundment period will be increased by forty-eight (48) hours should that impounded animal display a tag, microchip or markings indicating that:

- (a) The owner of such animal is a City resident; or
- (b) Such animal displays a tag which indicates it is vaccinated against rabies.

(3) Notwithstanding any provisions of this chapter, no animal suspected of being rabid or otherwise diseased shall be destroyed until such destruction is recommended by the Animal Welfare Supervisor.

(4) The manner and method of disposal or destruction of an impounded animal shall be directed by the Animal Welfare Supervisor; and such disposal may include but not limited to adoptions, euthanasia, or transfer to another animal welfare group, an animal rescue group or other animal welfare facility. For domestic animals other than dogs and cats sale by auction may be utilized as outlined in state law. No live animals shall be released or sold to any facility for educational, scientific and/or medical research.

(5) Adoption or sale may be refused to anyone the Animal Welfare Supervisor determines meets one or more of the following:

- (a) Had a record of cruelty to animals;
- (b) Is under 18 years of age;
- (c) Has committed acts of harassment to animals;
- (d) Owns other animals which are in violation of any requirement of this chapter;
- (e) Refuses to comply with adoption requirement;
- (f) Has released two or more animals to the Animal Welfare Center in the past six (6) months;
- (g) Lacks adequate housing and/or fencing to contain the animals(s); or
- (h) Has a conviction in Municipal Court for any violation of this chapter.

Sec. 3-206. Owner relinquishment of Dogs and Cats.

(1) The Animal Welfare Center shall accept any dog or cat, from within the city limits of Norman, the owner desires to release to the Center. The owner shall sign a release form vesting all rights and title to the dog or cat to the Animal Welfare Center. All dogs or cats relinquished will be screened for placement into the adoption program, or for transfer to another animal welfare rescue, animal welfare group, or animal welfare facility. If the dog or cat is not acceptable for placement into the adoption program or determined not to be transferable for any reason, including but not limited to disease, injury, or illness, then the dog or cat may be euthanized.

(2) If space is not available at the Animal Welfare Center, the owner may be asked to return on a later date for a scheduled relinquishment. If the owner agrees, a scheduled relinquishment date will be provided for the owner to return and relinquish the dog or cat. If the owner is not agreeable to scheduling a date for relinquishment, then a dog or cat may be euthanized. The owner may also be informed of other area animal welfare groups and/or animal welfare rescues where they may seek placement of their dog or cat.

Sec. 3-207. Refusal to redeem impounded animal.

It shall be unlawful for the owner, possessor, harbinger or keeper of an animal which has been impounded by the Animal Welfare Center to refuse to respond or to make arrangements to redeem an impounded animal as soon as reasonably possible once they have been notified of the impoundment.

Sec. 3-208. Quarantine of animals which injure humans.

(1) When any animal capable of carrying or transmitting rabies or other disease bites or otherwise injures a person, or is suspected of having rabies, such animal shall be quarantined as directed in The Oklahoma State Department of Health Zoonotic Disease Control Rules, OAC Title 310, Chapter 599, pursuant to the authority contained in 63 OS, Section 1-5408 et seq.

(2) It shall be unlawful to refuse to confine a bite animal. Each day that a violation or failure to comply exists shall constitute a separate offense.

Sec. 3-209. Destruction or impoundment of animal suspected rabid.

(1) Any animal which has contracted rabies shall immediately be destroyed.

(2) Any unvaccinated animal which has been bitten by another animal which is rabid shall, at the option of the owner:

(a) Immediately be destroyed, or

(b) Impounded for not less than six (6) months in a licensed veterinarian's hospital for purposes of observation and such animal shall be vaccinated at least three (3) days prior to release. All costs of that impoundment are to be paid by the owner of the impounded animal.

(3) Any effectively vaccinated animal which is bitten by a rabid animal shall be immediately revaccinated and restrained by leashing and confinement, for a period of at least ninety (90) days, by the owner.

Sec. 3-210. Animals that die within ten days after injuring a person.

(1) Should any animal bite, or inflict by other means, an open wound on a human and cause an exposure to saliva or other potentially infectious tissue, and thereafter die for any reason within ten (10) days, the owner of that animal must notify the Animal Welfare Supervisor and secure an examination of the animal's head by an authorized agency of the City, County, or State qualified to give such examinations.

(2) The head of the animal shall be delivered to such examining agency within a period of not more than twelve (12) hours subsequent to its death, if the death occurs at night; and no more than three (3) hours subsequent to the death if such occurs between the hours of 5:00 a.m. and 6:00 p.m.

(3) Upon receipt of the examination report, the owner must immediately transmit the results thereof to the person bitten or if such person be a minor, to some relative of that bitten person who has attained his majority.

(4) A copy of the written examination report shall also be forwarded to the Animal Welfare Supervisor.

(5) Should any animal die while impounded at the shelter, the Animal Welfare Supervisor shall follow the procedure as set forth in this section.

Sec. 3-211. Pet License required.

(1) Every person within the City owning, possessing, controlling, harboring, or keeping any dog or cat over six months of age shall procure a pet license tag for each dog or cat from the Animal Welfare Center or authorized agent, as long as ownership of the dog or cat continues, or within thirty days after acquiring or bringing into the city any dog or cat over the age of six months, and shall continue to procure such tags as required herein, so long as ownership of the dog or cat continues.

- (a) Service animals shall not be charged a pet license fee.
- (b) Senior citizens shall receive a fifty (50) percent discount on pet license fee.
- (c) Adopted animals from the City of Norman shall receive a waiver of the first year pet license. The City license tag should be displayed on the licensed animal at all times.
- (d) It shall be permissible for voluntary licensing stations to be operated by nonprofit organizations or veterinary hospitals, allowing such voluntary licensing stations to retain four dollars (\$4.00) of the pet licensing fees with the remainder of such fee amounts to be retained by the City.

(2) When the dog or cat has a valid license from any county or from another city within the state, proof of such licensing shall be submitted to the Animal Welfare Center and an animal license tag shall be issued to the owner for a fee established administratively.

(3) Within thirty days of the transfer or sale of a dog or cat with a valid city license, the new owner shall purchase a new pet license from Animal Welfare Center.

Sec. 3-212 Exemptions.

This article does not apply to dogs or cats found within the City under any of the following conditions:

- (1) When the dog or cat is owned by, or in the care of, any person who is a nonresident or who is traveling through the City, or who is temporarily within the City limits, for a period not exceeding thirty days.
- (2) When the dog or cat is brought into the City and kept therein for a period not exceeding thirty days, for the exclusive purpose of entering the dog or cat in any bench show, dog exhibition, field trials or other competition.
- (3) When the dog or cat is brought or sent into the City for the exclusive purpose of receiving veterinary care in any hospital.

Sec. 3-213 Term of license.

(1) Each pet license issued shall be effective for a one or three year period, at the option of the owner, and shall be issued upon payment of all required fees, charges, and penalties established administratively, and upon compliance with all conditions required for issuance of a license.

(2) A new license issued for a period commencing after the first of any month shall be effective from that date until the last day of the same month in the following year(s), as appropriate.

(3) Any license renewal shall be effective from the first day of the month following the expiration date of the license being renewed.

Sec 3-214. License application.

The owner shall state, at the time application is made and upon standard printed forms of an application provided for such purpose, his name, address, and telephone number and the name, breed, color, age, sex, physical location where the dog or cat is kept, and microchip and tattoo information of each dog or cat for which application is made.

Sec 3-215. Rabies vaccination.

As a condition for the issuance of a city pet license for a dog or cat, all applications for such license shall procure and deliver to the licensing authority a certificate issued by a duly licensed veterinarian certifying the dog or cat to be licensed has been administered an antirabies vaccination sufficient to immunize said dog or cat against rabies for the entire license period.

Sec. 3-216. Issuance of tags and certificates.

A metallic tag and license certificate with corresponding number shall be furnished by the license authority upon payment of the appropriate fee.

Sec 3-217. Owner must attach license.

The said licensing authority shall keep a record of the name of such owner or person making payment of said license fee and to whom a certificate and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag shall be securely fixed to a collar, harness or other device to be worn at all times by the dog or cat for whom the registration. A microchip, registered with Animal Welfare Center, which is implanted on a dog or cat which can be read by an electronic microchip reading device used by an Animal Welfare Officer may be used in lieu of city pet license for identification of the animal.

Sec 3-218. Tag or Certificate must be shown.

No person shall fail or refuse to show to the Animal Welfare Officer, or Police Officer, the license certificate or tag for any duly registered dog or cat kept or remaining with any home or upon any enclosed premises under their immediate control.

Sec 3-219. Removal of registration tags prohibited.

Only the owner or licensing authority shall have the authority to remove or cause the removal of the license tag or other device authorized by the licensing authority used to identify the dog or cat owner.

Sec 3-220. Lost and destroyed tags.

If the license tag is lost or destroyed, the owner shall have thirty (30) days to procure a new license tag or other identifying device authorized by and from the licensing authority for a fee established administratively.

Sec 3-221. Counterfeit and imitation tags.

No person shall imitate or counterfeit tags or other devices authorized by the licensing authority prescribed by this chapter, or have in his possession any imitation or counterfeit device or tags.

Sec. 3-222. Authority to euthanize.

The Animal Welfare Center shall have the authority to carry out the humane euthanasia of any animal lawfully taken into custody by the Animal Welfare Center which is:

- (1) Affected with any dangerous, painful, incurable or communicable disease; or
- (2) Incurably crippled or suffering incurably after reasonable effort has been made to notify the owner.

Sec. 3-223. Penalties.

(1) Except as otherwise provided in this section, any person convicted of violating the provisions of any section or subsection of this chapter shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), including costs, for each day upon which a violation continues.

(2) Any person convicted of violating the provisions of sections 3-301, 3-303, 3-401(1), 3-601, 3-602, 3-603, 3-605, and 3-608 of this chapter shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), including costs, and/or sixty (60) days in jail for each day upon which a violation continues.

§ 3. THAT Sections 3-301 through 3-304 of Chapter 3 of the Code of the City of Norman shall be amended to read as follows:

Sec. 3-301. Cruelty to animals.

(1) No person shall willfully or maliciously:

- (a) Torture, cruelly beat, injure, maim, mutilate, or unjustly destroy or kill any animal belonging to himself or to another;
- (b) Deprive any animal in subjugation or captivity of food generally accepted as being nutritious, potable drinking water, or adequate shelter;
- (c) Unjustly administer any poison or noxious drug or substance to any animal;
- (d) Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person;
- (e) Cause any other person to do any of the above items;
- (f) It shall be unlawful for any person to leave any animal in any standing or parked vehicle, box, container or other situation without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperature while confined in a vehicle, box, container or other situation which would likely cause distress, harm or death to the animal;
- (g) It shall be unlawful to intentionally torment, harass, throw objects at, verbally or physically confront any animal, whether confined or unconfined, in a manner to cause unjustified agitation or injury to the animal;
- (h) No person shall cause an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health so as to cause injury to the animal;
- (i) No person shall fail to provide or deprive, any animal in their possession, care or control, reasonable medical or necessary veterinary care if the animal is sick, diseased, and/or injured.

(2) Animal Welfare, Police, or Fire Department Officials are hereby authorized to remove, impound or take possession of any animal which has been treated in violation of the above subsection (1).

Sec. 3-302. Transportation of animals in open areas of motor vehicles.

It is unlawful on any roadway or highway within the city for the operator of any open motor vehicle, including but not limited to pickup trucks and flatbed trucks without a topper or any attached accessory such as an open trailer, to transport an animal in the open area where the animal could unintentionally fall, jump or be thrown from the vehicle and be injured or killed.

The animal shall be transported in the following manner:

- (1) If the animal is safely tethered where it cannot fall, jump or be thrown out of the open area of the vehicle and the animal is safe from becoming tangled and causing the animal to become choked or injured; or
- (2) If the animal is enclosed in a carrier that is of adequate size and properly ventilated, or in an approved transportation carrier designed for animals, and the container is safely secured or attached to the vehicle.

Sec. 3-303. Animals that are nuisances.

(1) No person shall own, keep, possess, or harbor any animal that is a nuisance unless the animal is confined on the premises of the owner as described in section 3-109 or if off the premises of the owner the animal is at heel as described in section 3-106.

- (a) The Municipal Court Judge upon a finding that the animal is a nuisance animal, may order that the animal be confined on the premises of the owner.
- (b) If there are three (3) convictions, pleas of guilty or nolo contendere of violations of sections 3-303(1) or 3-402 of this chapter against the same animal within a twelve-month period, then such animal shall be ordered removed from the City limits or destroyed, at the owner's option, within ten (10) days of the order.

(2) Noncompliance shall be a violation punishable as listed in section 3-223.

Sec. 3-304. Clean enclosures and pens required.

(1) All pens or enclosures for animals shall be maintained in a clean condition and be free of filth at all times. All manure shall be cleaned daily from the pens, and if kept in a manure pile, such shall be removed at least twice weekly.

(2) Each pen and enclosure shall be sprayed with a suitable residual spray as often as is necessary to control flies, insects, and noxious odors.

§ 4. THAT Section 3-401 through 3-408 of Chapter 3 of the Code of the City of Norman shall be amended to read as follows:

Sec. 3-401. Abandonment of cats and dogs.

(1) No person shall abandon or desert their dog or cat or permit such animal to become a stray.

(2) Any dog or cat found at large not wearing any tag indicating proof of current vaccination against rabies, or that the owner is a City resident, shall be presumed abandoned, and will be impounded by the City.

Sec. 3-402. Confinement of dogs and cats.

(1) No person shall knowingly or unknowingly permit his dog to be at large anywhere within the Norman City limits; and such dogs found at large may be impounded and/or the owner cited by the City.

(2) No person shall knowingly or unknowingly permit his cat to be at large unless the cat is altered and has either a collar with a valid City pet license attached or has a registered microchip, notwithstanding that the cat could still be determined to be a nuisance animal by its actions.

(3) All dogs and cats shall be confined to the owner's premises should the Mayor declare a state of emergency due to an outbreak of rabies within the City.

Sec. 3-403. Prohibition of dogs and cats in certain areas.

No owner shall allow any dog or cat to be in any public place or building where food or drinks are sold, served, or dispensed commercially, in accordance with the Oklahoma Administrative code, 310.257-11-54.

(1) For the purposes of this section:

- a. "Service Animal" is defined as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The ADA rules state that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are purely for emotional support are not service animals.

Sec. 3-404. Vaccination of dogs and cats.

No person shall keep, harbor, or maintain any dog or cat over four (4) months old within the City without having first had that animal vaccinated against rabies. Said vaccination shall be current as prescribed by the Oklahoma State Department of Health Zoonotic Disease Control Rules, OCA 310, Chapter 599.

Sec. 3-405. Number of dogs and/or cats allowed.

(1) No person shall harbor or keep any dogs or cats if any are unaltered that exceed the following:

- (a) More than two (2) dogs, more than six (6) months of age, may be kept on any lot, premises or in any structure, or any combination thereof, without a commercial, rescue, or private kennel license. No more than one (1) litter of puppies may be kept on any lot or premises or kept in any structure, without a kennel license; or
- (b) More than three (3) domesticated cats, more than six (6) months of age, may be kept on any lot, premises, or in any structure, or any combination thereof, without a

commercial, rescue, or private kennel license. Not more than one (1) litter of kittens may be kept on any lot or premises or kept in any structure, without a kennel license.

(2) No person shall harbor, possess or keep dogs or cats unless all have been altered that exceed the following:

- (a) More than four (4) dogs over the age of six (6) months of age on any lot or premises or kept in any structure, or any combination thereof, without a commercial, rescue, or private kennel license; or
- (b) More than six (6) cats over the age of six (6) months of age on any lot or premises or kept in any structure, or any combination thereof, without a commercial, rescue, or private kennel license.

(3) Households functioning as a foster home for an Animal Welfare Group registered with the City shall be granted an over limit exception for up to six (6) months per dog or cat, not to exceed three (3) additional dogs and/or five (5) additional cats beyond the number establishing kennel license requirements effective upon filing written notification to the Animal Welfare Center.

- (a) If a complaint is made against a foster home, the owner and Animal Welfare Group will be subject to a review as allowed for kennel licensed location to review the circumstances and to provide for approval or denial of a continued over limit exception at that location.

Sec. 3-406. Sale of dogs or cats.

(1) It is unlawful for any person to offer any animal for sale, or to sell, exchange, barter or give away, or to accept any animal on any property not owned or rented by the seller or buyer.

(2) Animal Welfare Groups registered with and approved by the City are exempt from the above section when conducting adoption events on property not owned by the group with authorization from the property owner.

Sec. 3-407. Interference with enforcement.

No person shall interfere with, hinder, or molest an Animal Welfare Officer in the performance of any duty of such agent, or seek to release any dog or cat in the custody of the Animal Welfare Officer except as herein provided.

Sec. 3-408. Permitting dogs or cats to deposit solid waste material on places open to the public or on certain private property prohibited.

It shall be unlawful for the owner, keeper, or person having control of any dog or cat to permit such dog or cat to defecate upon any sidewalk, public park, street, alley, or other place open to the public, or on private property without the permission of the owner thereof. In the event that the owner, keeper, or person having control of a dog is unable to prevent the deposit of fecal material in violation of this section, it shall be the duty of such person to properly collect and dispose of such waste material.

§ 5. THAT Sections 3-501 through 3-503 to Chapter 3 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 3-501. Keeping of animals other than dogs and cats.

(1) Except as provided otherwise, all animals commonly known as domesticated farm animals may be kept and maintained in any of the City's zoning districts only as long as:

- (a) The provisions of Chapter 22 of this Code pertaining thereto are complied with;
- (b) Such animals maintained in single-family, two-family or multifamily districts are not permitted closer than:
 - 1. Twenty-five (25) feet to a lot line upon which is situated an inhabited dwelling, nor
 - 2. One hundred (100) feet to any dwelling other than the owner's;
- (c) The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.

(2) Except as provided otherwise, chickens or laying hens may be kept and maintained in the R-1 zoning district so long as:

- (a) The provisions of Chapter 22 of this Code pertaining thereto are complied with;
- (b) Such chickens or laying hens are maintained on land upon which the owner or occupant resides;
- (c) Chickens or laying hens may only be kept under the following conditions:
 - 1. No more than four (4) chickens or laying hens are allowed per R-1-zoned parcel unless additional setback conditions can be achieved as described in subsection (1);
 - 2. Roosters are not allowed;
 - 3. The chickens are kept within a designated chicken coop and chicken run, unless supervised as described in [subsection] (c)13. below;
 - 4. The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;
 - 5. The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;
 - 6. The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;
 - 7. During daylight hours, the chickens shall have access to a chicken run and a chicken coop;

8. From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;
 9. Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;
 10. Chicken runs shall be adequately fenced and protected from predators;
 11. The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;
 12. Water shall be provided onsite and accessible to chickens at all times;
 13. Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals under section 3-113 of this chapter;
 14. All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.
- (d) Outdoor slaughter of chickens is prohibited.
 - (e) Electrical and heat sources shall comply with the City's building code.

(3) No person shall own, keep, or maintain a swine within the City limits, except in those areas zoned A-1 or A-2 and only then when in compliance with the limitations regarding those areas.

(4) However, where a person has continually kept and maintained such animals since April 23, 1968, such keeping and maintenance constitutes a nonconforming use, and may continue until such time that those animals expire, are removed, or are otherwise disposed of.

(5) Except as otherwise provided, no person shall keep and maintain, or allow to be maintained any exotic or native wildlife or dangerous or poisonous reptiles.

- (6) Persons excepted from subsection (5) shall be:
 - (a) Duly authorized and licensed circuses or educational institutions;
 - (b) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;
 - (c) Zoological gardens;
 - (d) Zoos which are supervised and publicly maintained;
 - (e) Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the federal regulations.

Sec. 3-502. Killing of wild birds.

(1) No person shall trap, hunt, shoot, kill, destroy, capture, or molest any wild bird, or rob or molest any such bird's nest.

(2) Persons excepted from the above subsection are:

- (a) Those persons hunting and killing game birds as defined and regulated by the laws, rules and regulations of the U.S. Government, the State of Oklahoma, the City, their agencies or branches; and within those areas permitted in chapter 15 of this Code.
- (b) City employees authorized by the Police Chief or the Animal Welfare Supervisor who eliminate starlings, pigeons, or other wild birds who increase in such great numbers or are found congregating to such an extent within the City so as may constitute or potentially constitute a health hazard or nuisance to City residents, in accordance with State and Federal Wildlife laws.

Sec. 3-503. Movement of animals.

(1) No person shall allow any animals to be at large, picketed, staked, herded, or driven upon any of the alleys, streets, or public ground within the City.

(2) All domesticated farm animals must be led by halter, leash, or rope while being taken to and from pasture.

§ 6. THAT Article VI, Sections 3-601 through 3-610 shall be added to Chapter 3 of the Code of the City of Norman, Oklahoma, to read as follows:

ARTICLE VI, DANGEROUS ANIMALS

Sec. 3-601. Dangerous animals prohibited.

It shall be unlawful for any person to own, harbor, possess or keep within the City limits any dangerous animal as defined in section 3-108, except in compliance with the provisions of this section.

Sec. 3-602. Animals classified by other governmental entities.

It shall be unlawful for any person to own, harbor, possess, keep or maintain an animal which another governmental entity has determined to be dangerous, except in compliance with the provision of this section.

Sec. 3-603. Animal bite.

(1) It shall be unlawful for the owner, harborer, possessor, or keeper of an animal to negligently allow or maintain any animal where it could bite a human unless the animal has

been subjected to provocation, or unless the victim has been trespassing, as defined in section 15-605.

(2) It shall be unlawful for the owner, harbinger, possessor, or keeper of an animal to negligently allow or maintain the animal to bite, attack or kill another animal unless the animal has been subjected to provocation or attack by another animal, as defined in section 3-108.

(3) It shall be unlawful for the owner, harbinger, possessor, or keeper of an animal, or for the victim, if the victim is reasonably physically able, to fail to report to the Animal Welfare Center or 911 as soon as possible of an animal bite.

(4) It shall be unlawful for any person knowing the location of such an animal to fail to inform the Animal Welfare Center of where the animal is located if the owner, harbinger, possessor, or keeper has given the animal away or caused in any way the animal to be taken from his premises.

Sec. 3-604. Animal Welfare Supervisor or his/her designee are to investigate complaints and dangerous animal designation.

(1) The Animal Welfare Supervisor or his/her designee shall investigate any incident appearing to involve a dangerous animal, or any citizen complaint of a dangerous animal, or any impoundment of an animal believed to be a dangerous animal. If the incident or impoundment meets the criteria for classification of an animal as dangerous as defined in section 3-108, a citation shall be issued.

(2) Upon issuance of a citation any animal declared to be a dangerous animal not already impounded shall be impounded and confined pursuant to the provisions of this chapter.

Sec. 3-605. Confinement/Impoundment.

An animal that is impounded at the time of an incident or after an investigation that resulted in the owner being charged with harboring or possessing a dangerous animal shall be confined pending the disposition of the animal. Such confinement shall be at the owner's expenses. Provided, however, the animal may be confined in a licensed veterinary clinic, other licensed facility, or confined at the home of the owner in accordance with section 3-109, at the discretion of the Animal Welfare Supervisor or his/her designee.

Sec. 3-606. Authority to seize a dangerous animal.

(1) In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the Animal Welfare Officer shall have the authority to immediately seize any animal when the Animal Welfare Officer has cause to believe that an animal is dangerous or poses a serious threat to public safety under the totality of the circumstances.

(2) It shall be unlawful for any person owning, keeping, possessing or otherwise maintaining an animal declared to be a dangerous animal to refuse to immediately surrender the animal to an Animal Welfare Officer for confinement as outlined in section 3-605.

Sec. 3-607. Hearing and adjudication.

(1) If, after a citation is issued alleging an animal as a dangerous animal as set forth in Sec. 3-108 of this chapter, the owner does not appear at the hearing, the animal shall be deemed abandoned and subject to disposition as set forth in section 3-205. The hearing shall be set within 10 days of issuance of a citation.

(2) The Municipal Court Judge, upon the presentation of all evidence at the hearing and upon a finding that the animal is a dangerous animal, may:

- (a) Allow the animal to remain within the City limits under restrictions as designated in this chapter; or
 - (b) Order the removal of the animal from the City limits; or
 - (c) Order the destruction of the animal.
- (3) Upon a second conviction, the Judge shall order the destruction of the animal.

Sec. 3-608. Dangerous animal permit required.

(1) A dangerous animal may be kept within the City limits as long as the owner or custodian complies with the requirements and conditions in accordance with the dangerous animal restrictions as outlined in this chapter.

(2) The owner shall pay a dangerous animal permit fee for possession of a dangerous animal within ten (10) days of the animal being adjudicated as a dangerous animal. The permit fee shall be in addition to all other required fees.

(3) The requirements and conditions for keeping or maintaining a dangerous animal within the City limits shall include:

- (a) Confinement. All dangerous animals shall be securely confined:
 - 1. Indoors; or
 - 2. In an enclosed or locked pen or physical structure upon the premises of the owner. The pen or physical structure must meet the minimum space requirements of at least 150 square feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the side, the sides must be embedded into the ground no less than two (2) feet. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or release of the animal. Electronic containment devices shall not be used to confine dangerous animal.
 - 3. Minimum care. All shelter and minimum care standards required by this chapter shall apply to dangerous animal confinement.
 - 4. Leash and muzzle. The owner of a dangerous animal shall not allow the animal to go outside of its kennel, pen or physical structure unless the animal is muzzled, restrained by a leash sufficient to control the animal, and under the physical control of an adult. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal. A muzzle is not required if the animal is:

- a. In the owner's yard (front and/or back) enclosed by a fence that is capable of preventing uninvited entry by other animals or people; or
 - b. Is restrained by means of a leash held by an adult.
- (b) Signs. The owner of a dangerous animal shall provide public notice of the animal's presence on the premises by displaying a warning sign. The sign shall be at least 8x10 in size placed in a prominent place on the owner's property, clearly visible from the public highway or street. Similar signs shall be posted on the animal's kennel, pen or enclosed structure.
- (c) Vaccinations and licenses. The owner of a dangerous animal shall file proof to ensure that the animal remains current on any vaccinations or licenses required by this chapter or any other laws.
- (d) Photograph identification. Within ten (10) days of the declaration of an animal as dangerous, the owner or custodian shall provide the Animal Welfare Supervisor with two (2) 4x6 digital-quality color photographs of such animal, clearly showing the color and approximate size of the animal, or shall make the animal available for photographing by the Animal Welfare Center.
- (e) Microchipping of animal. Upon conviction of a violation of this section, the Judge of the Municipal Court shall order the owner, possessor, harbinger or keeper of such animal to have an identification microchip implanted in such animal by a licensed veterinarian no later than fifteen (15) calendar days after the conviction at the owner's expense. The owner, possessor, harbinger, or keeper shall file proof of microchipping, acceptable to the Animal Welfare Supervisor, with the Animal Welfare Center no later than twenty (20) calendar days after conviction. Failure of the owner, harbinger, possessor or keeper of such animal to have the microchip implanted in the animal or to file acceptable proof of microchipping within twenty (20) days after conviction shall be punished as contempt of court. Upon the commencement of contempt proceedings against the owner, harbinger, possessor or keeper of such animal, the Municipal Court shall issue an ex parte order, at the owner's expense, directing Animal Welfare Officers to seize the animal, which shall be held and shall not be released until the conclusion of the contempt proceedings.
- (f) Insurance. The owner must procure liability insurance in the minimum amount of One hundred thousand and no/100 DOLLARS (\$100,000.00) at the owner's expense and provide signed, written statements about maintaining the liability.
- (g) Change of status. The owner or custodian of a dangerous animal shall notify the Animal Welfare Center immediately if the animal is unconfined and on the loose, or has attacked a human or an animal.
- (h) Change of ownership. If the owner of a dangerous animal sells, gives away, or otherwise transfers custody of the animal, the owner shall on the next business day provide the Animal Welfare Center with written documentation containing the name, address, and telephone number of the new owner or custodian. The previous owner shall upon transferring ownership or custody notify the new owner of the animal's designation as a dangerous animal. This notice shall be in writing and a copy shall be provided to the Animal Welfare Center. Upon being notified that a dangerous animal has been removed to another jurisdiction, the Animal Welfare Center is authorized, but not required, to notify the appropriate governmental

department in the jurisdiction where the dangerous animal has been transferred and notify them that the animal has been declared dangerous by the City.

(4) It shall be unlawful for the owner or custodian of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found to be kept in violation of this section shall be subject to seizure and impoundment at the owner's expense. In addition, failure to comply shall result in the revocation of the dangerous animal permit for such animal. In the event of permit revocation, the owner or custodian shall remove such animal from the city limits within twenty-four (24) hours of receipt of the notice of revocation, or the animal shall be humanely euthanized.

(5) Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's policy.

Sec. 3-609. Exceptions to classifications.

(1) No animal, whether or not it was confined on its owner's property, shall be classified as a dangerous animal because of injuries or death it has inflicted upon another domestic animal that, at the time, was attacking the animal.

(2) It is a defense to prosecution under section 3-603 of this chapter that the biting, attacking or death was sustained by a person who:

- (a) at the time was committing or attempting to commit a willful trespass or other tort upon the property occupied by the owner of the animal;
- (b) was attempting to or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal; or
- (c) was committing or attempting to commit a crime.

(3) An animal which approaches a person in an apparent attitude of attack, or which attacks or bites a human upon command of the person in charge of the animal at the time of the incident shall not, by reason of such incident, be deemed to be in violation of section 3-603.

Sec. 3-610. Exception of certain facilities.

The provisions of this article shall not apply to any veterinary hospital or zoo or other licensed facility where such animals are adequately cared for with due regard for public health and safety.

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§ 7. THAT Section 13-108 shall be amended to Chapter 13 of the Code of the City of Norman, Oklahoma, to read as follows:

* * * * *

Sec. 13-108. Fee schedules for licenses and permits and occupational taxes.

(a) The fee schedule, hereinafter set forth, shall be levied and collected by the Clerk, or his representatives, for the applicable license, fees, permits, or occupational tax levies, prior to the issuance of any such license permit or conducting of the business or serving mixed beverages.

* * *

(i) Dangerous animal	100.00
Renewal, per year.....	50.00

* * * * *

§ 8. THAT Section 13-1205 shall be added to Chapter 13 of the Code of the City of Norman, Oklahoma, to read as follows:

* * * * *

Sec. 13-1205. Dangerous animal permit.

(a) A dangerous animal may be kept within the City limits only so long as the owner, harborer, possessor or keeper complies with the requirements and conditions in accordance with the dangerous animal restriction as outlined in Chapter 3 of the Code of Ordinances of the City of Norman.

(b) An Animal Welfare Supervisor or Animal Welfare Officer(s) may, upon complaint or on their own initiative, inspect any structure or place licensed with a dangerous animal permit with at least one inspection being conducted annually at such licensed location.

(c) Notification requirements for keeping or maintaining a dangerous animal must be in compliance with conditions in accordance with sections 13-1202 and 13-1203 as outlined in Chapter 13 of the Code of Ordinances of the City of Norman.

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§ 9. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2016.

NOT ADOPTED this _____ day
of _____, 2016.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk