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ARTICLE A
GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning.

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;
2. "At large" An animal shall be deemed at large unless it is on the premises under the control of or occupied by its owner, or unless it is under restraint by a competent person by means of leash or otherwise;
3. "Confined on the premises" means that an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls or fences
4. "Kennel proprietor" means a person who keeps or harbors more than a combination of five (5) dogs and cats, three (3) being a limit of a single species, over the age of ninety (90) days old. Such a person is presumed to operate a kennel Whether it be for pleasure or profit, and classified as commercial in nature:
5. "Owner" means any person, firm or corporation owning, harboring or keeping an animal, except a kennel proprietor. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period often (10) days or more, shall be deemed to be harboring or keeping the animal;
6. "Under leash" means an animal is securely held, restrained and confined by his Owner, member of family or agent, by means of a strap, chain, rope, cord, or other devise not any exceeding eight (8) feet in length, and in such manner as to prevent the animal from attacking person: and "Under leash" is intended for transporting animal place to place, and temporary use only.
7. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked. It also means an animal with a disposition to attack other persons or animals or a natural fierceness or mischief which may lead it to attack other persons or animals without provocation.

State Law Reference: Regulation of animals, city powers, 11 0.5 Section 22-115.

SECTION 4-102 ANIMALS NOT TO BE AT LARGE

No owner shall permit any animal, including fowl, except any cat, owned, harbored, or kept by him, to be at large within the city. It is unlawful for any animal, except a cat, to be at large at any time within the city. In alternative to the penalty as provided heretofore under the provisions of Section 1-108 of the Code, the owner of any animal impounded for the first time for being at large within the city may, in accordance with policies and procedures to be promulgated by the chief of police, select to have the dog sterilized; whereupon, no further penalty or cost shall be assessed for such dog being at large theretofore.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

It is- unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large.

SECTION 4404 PASTURING IN PUBLIC AREAS ILLEGAL

It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, federal, state, city or other, on any railroad right-of-way or on any property without the consent of the person owning or controlling such property.

SECTION 4-105 SWINE NOT TO BE KEPT WITHIN CITY

It is unlawful for any person to keep swine, hog, pig or boar within the city except in an enclosure awaiting immediate transportation.

SECTION 4-106 ANIMALS OR LIVESTOCK WHICH MAY BE KEPT: CONDITION

A. It is unlawful to keep or maintain any wild animal, fowl, livestock or domestic animal, except dogs and cats, within the City limits of the City except as hereinafter provided in Subsection B.

The prohibitions set forth in Subsection A of this Section shall not apply to pets kept solely within the residence, home or dwelling of the person owning or harboring such animal, nor shall this prohibition apply to an animal hospital, County fairgrounds, or clinic maintained by a licensed veterinarian. The keeping or maintaining of livestock (horses, mules, ponies, cattle, sheep, goats, ostriches, emus, and hogs or pigs) is prohibited except under the following conditions.

The owner or person in charge of such animal hereof, shall provide fences or barriers of such height and sufficient strength as may be necessary to prevent the escape of such animal from such pen, corral or enclosure:

- 2 Such animals shall be kept in an enclosure of not less than sixty-four thousand (64,000) square feet in area for each animal kept therein.
3. The barn, pen or animal shelter in which livestock are kept, including enclosures for fowl, shall not be closer than two hundred (200) feet from living quarters or a residence for human occupancy, except this shall not apply to living quarters of the owner of such animals.
4. The owner or person in charge of premises where, or of the animal which is permitted, by this section, to be penned or confined thereon, must maintain such premises in a sanitary condition not offensive or dangerous to the public, and must clean or cause to be cleaned, each day, the premises, and remove and dispose of all trash, refuse, rubbish and animal excrement, following each day an animal is kept, penned or contained in or upon such premises.

SECTION 4-107 ANIMALS WHICH DISTURB PROHIBITED, NUISANCE PROCEDURES

A It is unlawful for any person to keep or harbor within the city any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person or neighborhood.

13. Any animal;

Scratches, or digs, into any flower bed, garden, tilled soil, vines, MI/libber)• or small plants, and in doing injures the same;

2 Habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises;

3. Overturns any garbage can or other vessel for waste products, or scatter the contents of same;

4. Chases or kills any chicken or other domestic fowl; or

5. Runs at large; is hereby declared to be a nuisance. In addition to definitions used in any other ordinance of the city declaring when a dog is to be declared a nuisance, any dog which barks, howls, wails, or emits or utters sounds or noises, which cause serious annoyance and disturbs the peace or quietude of any person or persons within the vicinity of the place where same is being kept or to the neighborhood, is a nuisance.

C • It is the duty of the chief of police, or person designated by him, on being notified that any person claiming that an animal is a nuisance within the meaning of this chapter 'has filed a verified complaint, alleging that such dog is a nuisance, as herein defined, to seize and impound the animal therein described. If the municipal judge shall find that no nuisance exists, he shall order that the animal be surrendered to the owner. If the municipal judge shall find that the nuisance exists, he shall order the animal to be destroyed as in the case of a vicious animal. If the owner of such animal shall give a good and sufficient bond to be approved by the city clerk, and conditioned that such owner shall abate and prevent such nuisance, the municipal judge shall order the return of such animal to the owner thereof upon payment of the poundage fees herein specified. Nothing in this section shall be construed to permit any animal to run or be at large except as permitted under the city ordinances. No such animal shall be returned to the owner if the same is a vicious animal or in any event unless the same is registered and licensed as required by the chapter.

SECTION 4-108 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS

A Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

11 Every such building, if located within two hundred (200) feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all

accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

SECTION 4-109 STABLE, KENNELS, COOPS; LOCATION

No dog kennel or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement or apart militant house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.

SECTION 4-110 KEEPING DOGS WITHIN CITY LIMITS; SANITATION

- A It is unlawful for any person, other than a properly licensed kennel proprietor, to keep or maintain or permit or suffer to be kept or maintained any dog, upon any property or premises within the city limits more than three (3) dogs. This limitation shall not be applicable to any litter of puppies for a period of ninety (90) days from birth, born unto any adult dog permanently maintained at such premises:

Such dogs shall be kept in any pen, lot or enclosure of two hundred (200) square feet in area for each dog, which areas must be five (5) feet or more in width.

- C All owners or persons having charge or control of any premises where the keeping of dogs is permitted shall pick up and remove daily from the area within or upon which such dogs are kept or maintained, all dung and animal excrement, and shall thereupon place or cause same to be placed in an enclosed, fly-proof container, The owner shall further prevent any offensive, disagreeable, or noxious smell, stench or odor to arise from such area within or upon which any dog or dogs may be kept or maintained. Upon failure to comply with the provisions of this section, the keeping of dogs and the area within which same are confined or restrained shall be and constitute a nuisance, subject to abatement as provided in any other ordinance of the city pertaining to abating nuisances or dogs.

SECTION 4-111 STABLES, LOTS, AND PENS TO BE KEPT CLEAN

Every structure or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

SECTION 4-112 DISPOSAL OF MANURE

Any person having custody or control of any animal shall remove the animal's excrement, immediately upon its deposit, from any public or private place within the city, other than the property owned or occupied by the person owning or having control of the animal. This shall not apply to assistance or to animals used by police officers for law enforcement or tracking purposes. Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or else shall be spread evenly under the ground and turned under at once or as soon as the weather permits.

(Amended Ordinance #2014¹153; (9/02/2014)

SECTION 4-113 HEALTH OFFICER TO INSPECT

The police chief or designee, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

SECTION 4-114 BREEDING PLACES

It is unlawful for any person, firm or corporation, to establish, keep, or maintain, within the corporate Limits of the city any places, houses, yards, or pens, for the breeding of animals of any kind, or in which acts of copulation of domestic animals in public view are permitted. Each such place is hereby declared to be a public nuisance.

SECTION 4-115 SICK AND DEAD ANIMALS DISPOSAL

- A It is unlawful and an offense for any person to place or throw any dead animal or fowl in or upon any street, alley, or public place within the city or to bury any dead animal or fowl within the city.

It is the duty of the owner of any dead animal or the person in lawful possession of the same to notify the police chief, who shall dispose of the same in an sanitary manner. It is the duty of the owner or person in lawful possession to put all dead dogs, cats, fowl or other small animals in a sack, box or any other receptacle before collection by the police chief.

It is the duty of any person upon whose premises a stray dead animal is found to notify the police chief. Such person shall not be liable for any fees, for removal.

- D. The owner of any dead animal or fowl, or person in lawful possession of the same shall, pay to the police chief the actual cost of removal of the dead animal or fowl. It is unlawful and an offense for any person to fail or refuse to pay such cost of removal.

SECTION 4-116 CERTAIN ACTS ARE PROHIBITED

It is an offense and violation of this chapter for any owner, as herein defined, within the corporate limits of the city to:

- I Abandon or desert any dog or to permit any dog to become a gray;
2. Allow any bitch to run at large while she is in heat;
3. Harbor, keep, or have possession of any vicious dog as herein defined;
4. Harbor, keep, or have possession of any dog which is a nuisance as defined herein;
5. Allow any dog to be at large during the period of any epidemic of rabies after proclamation of such epidemic;
6. Fail, or refuse, to deliver to the pound officer or person designated by him, upon demand, any unlicensed dog, any vicious dog, any animal which is a nuisance, any rabies suspected dog or any animal found at large during the period of an epidemic of rabies, or any dog, the keeping or harboring of which is declared to be an offense;
7. Keep or pen any dog on premises, under his control of himself jointly with another, within an area used for confining dogs, which is less in size and dimension than herein provided.
8. Fail or refuse to comply with any sanitation rule or requirement set forth or prescribed by the provisions of this chapter or any other ordinance of the city pertaining to sanitation;

9. Permit a nuisance to exist by keeping, possessing, harboring or allowing to remain on premises under the control of the owner as defined in this chapter, any animal which emit sounds or noises, which disturb the peace or quietude of any person within the vicinity of or neighborhood where such premises are located; and
10. Do anything - which is prohibited or failing to do that which is required and commanded by any part of this chapter.
11. "Tethering" no person, to include owner, or caretaker, shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such a person is with the animal and the animal is at all times visible to such person. The tether must be constructed of material sufficient to restrain the animal but not the place the animal in danger or injury or death. At no time shall the tether extend over an object or edge in such a manner that could result in strangulation, entanglement or injury to the animal. Logging chains and vehicle tow chains may not be used to tether an animal. The addition of weight to an animal's collar, harness, chain, or tether is prohibited. (Amended 3/15/21 #2021-1587)

SECTION 4-117 UNLAWFULLY KEPT DOGS

It is the duty of the chief of police, or such person authorized by him, to seize and impound for the times and under the conditions hereinafter stated, every abandoned dog, every unlicensed dog, every bitch in heat found at large, every vicious dog, every dog which is a nuisance, and every rabies suspected dog, and every dog, the keeping or harboring of which is declared to be an offense.

**ARTICLE B
DOG AND CAT VACCINATION, TAGS AND TAX**

SECTION 4-120 DOGS AND CATS TO BE VACCINATED

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before the first day of July thereof, or, in the case of pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination

SECTION 4-121 DOG AND CAT TAX, REGISTRATION, TAG

- A. The owner of every dog and cat shall annually register the dog or cat by giving the city clerk the name and address of the owner, the name, breed, color and sex of the dog or cat, as well as the date of vaccination and by whom vaccinated, and such other reasonable information as the city clerk may request. Further, such registration tag provided to owner shall be displayed on the dog or cat at all times.

It is the duty of the city clerk to keep a register of all dog and cat registrations in the city, pursuant to the provisions hereof and such register shall show the date of the issuance of each registration, its' date of expiration, the name of the owner, or the person in whose name the registration is issued and shall designate the size of the dog or cat and state as nearly as possible the age, sex, color and breed of such dog or cat. Such registration shall further show the date of vaccination and by whom vaccinated.

A fee of Twenty-Five Dollars (\$25.00) is required to register dogs and cats that have not been spayed or neutered. A registration fee of Five (\$5.00) is required for dogs and cats that have been spayed or neutered. (Ord. 2002-1418 as amended)

SECTION 4-122 VICIOUS DOGS, DETERMINATION, MAY BE KILLED

- A. It is the duty — of the chief of police, or person authorized by him, to seize and impound any dog by him found to be vicious, and in such event to cause proceedings to be instituted before the municipal judge against the owner of such dog for the violation of this chapter. It is also his duty, upon being notified that charges of harboring a vicious dog are pending against any person, to seize and impound the dog described in such proceedings. If such seized and impounded dog shall have bitten a human being two (2) or more times before such seizure or impounding, then and in that event the dog shall be destroyed as though it were a rabid dog. In any other event, if the municipal judge shall order, it is the duty of the chief of police to cause the surrender and return the dog to the owner thereof, but in the event that such dog is found by the judge to be a vicious dog, it is the duty of the chief of police, or person designated by him, to destroy the vicious dog.

- B Any person may kill a dog in self-defense or another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed. The dog must be at large.

SECTION 4-123 DOGS AND CATS CONFINED; WHEN

- A When the health officer or chief of police determines and certifies that a dog, a cat, or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless resolution prescribed a later time.

While such resolution is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such resolution, or for any dog or cat to be a large in violation thereof.

SECTION 4-124 FERAL CATS

- A. After the determination by an animal control officer and a shelter representative that a cat is feral, said cat may be euthanized, (Ord. 2002-1418)
B. Any cat at large not displaying an up to date animal registration tag, shall be considered a feral cat.

ARTICLE C
ANIMAL POUND

SECTION 4-130 POUND ESTABLISHED

A city pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of a pound officer or of such other person as may be officially designated. The person in charge of the pound shall provide proper sustenance for all animals impounded and shall treat them in an humane manner. The city may contract with another agency for the use of a pound maintained by the agency.

SECTION 4-131 ANIMALS TO BE IMPOUNDED

- A The pound officer, a police officer, or such other officer or employee of the city as may be authorized by the city manager:
- 1 Shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the city;
 - 2 May enter upon the premises of the owner or other private premises to take such animal into custody; and
 - 3 If with reasonable effort a dog illegally at large cannot be caught, may kill it, whether on or off private premises.

Any other person may take such animal into custody as provided in this section, shall be sold or destroyed in a humane manner by the officer or employee of the city in charge of such animal, or by the pound officer, after a full three (3) days or seventy-two (72) hours have elapsed after taking the animal into custody, provided the animal is not redeemed or claimed as provided in this chapter. A description of the animal and the date impounded shall be posted in the pound office by the pound officer in charge as notice to any interested person. If the owner can be identified by tag or otherwise, the pound officer shall notify the owner at the address on the registration tag or city records that the animal will be sold or destroyed. The notice may be given to the owner or may be left at the owner's address with some members of the family over fourteen (14) years of age,

SECTION 4-132 BREAKING POUND

No unauthorized person shall:

- L Break or attempt to break open the pound, or take or let out any animal therefrom;
2. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter, or:
3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-133 FEES FOR IMPOUNDING

- A. The city council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day,
- B. Any person redeeming an impounded animal shall pay the required fees to the city clerk and present his receipt therefore to the person in charge of the pound before the latter releases the animal
- C. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-127 of this code shall pay the required license tax to the city clerk and present the receipt therefor to the person in charge of the pound before the latter releases the dog. If a dog has been licensed the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it.

SECTION 4-134 OWNER MAY REDEEM

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal; providing satisfactory proof of ownership, and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the pound officer an animal should be destroyed for humane reasons, such animal may not be redeemed. An animal confined for rabies observation or other infectious disease may not be reclaimed until the pound officer authorizes the release or until the observation period is over.

SECTION 4-135 SALE OF IMPOUNDED ANIMALS
(AMENDED 3/7/2005)

- A, Any impounded animal not claimed by their owner before the expiration of seventy-two (72) hours, exclusive of Saturdays, Sundays, and City Holidays, shall become the property of the city and shall be disposed of at the discretion of the city.
- B. At the end of the period prescribed in this chapter, animals that have not been reclaimed by the owner thereof shall be destroyed, sold, adopted, or otherwise disposed of in a humane manner and as required by law. Any animal who has displayed an aggressive disposition or behavior such as trying to bite or scratch, has been reported to have already bitten or scratched, is unhealthy or otherwise not eligible for adoption as determined by an Animal Control Officer or the City's authorized agent shall be destroyed after the seventy-two hour period has expired. Any animal eligible for adoption may be adopted after the seventy-two (72) hour period has expired but shall not be destroyed or otherwise disposed of until after one hundred and twenty (120) hours after impoundment.

C. Sale of Impounded Animals

I Any animal taken up and not reclaimed shall be destroyed or in the alternative sold at public sale by the chief of police or a designated police officer upon the expiration of three (3) days from the giving of the notice to the owner provided in this chapter. The Chief of Police shall give three (3) days' notice of the time and place of such sale by causing notices thereof to be posted in at least three (3) public places in the city and serving a copy upon the owner, if known, which notices shall be substance as follows:

"The following animals (describing them) having been taken up and impounded in the pound of the City of Dewey, Oklahoma, for running at large contrary to provisions of the ordinance of the City of Dewey, will, unless redeemed within three (3) days, be sold at public auction for cash to the highest bidder at said pound at the hour of _____ o'clock on the date _____ (giving day and date of sale), Dated this _____ day of _____

2. At the prescribed time all animals advertised to be sold and which are not redeemed prior to the time of sale shall be sold.

D. Adoption

- I. No animal may be adopted from the animal shelter or its authorized agent by any employee of the shelter for any reason, nor may any employee of the shelter adopt, give away or sell any animal from the shelter,
2. A "No Questions Asked" period of seventy-two (72) hours, from the date of the adoption, is established for the purpose of returning an adopted animal, for any reason, to the animal control division. The City or its authorized agents are not responsible for any pre-payments or payments made for rabies vaccinations or sterilization of the animal.
3. A grace period of seven (7) days, from the date of the adoption, is established during which period an animal adopted from the city's animal shelter or its authorized agent may be returned to the animal shelter or its authorized agent for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the first adopted animal is in poor health.
4. Upon presentation of reasonable proof that the adopted animal died before the expiration of the period (luring which the spaying or neutering was required to be completed. The City or its authorized agents are not responsible for any pre-payments or payments made for rabies vaccinations of the first animal. The adoption fee for the first animal shall be applied toward the adoption of the second animal with no additional adoption fees.
5. Sales and/or adoption fees as established by council resolution shall be for check or money order and shall be collected by, or under the direction of the Chief of Police. If an impounded animal cannot be sold or adopted, the animal shall be destroyed, in a humane manner, or otherwise disposed of in a legal manner.
6. The purchaser or adopter of an animal as provided herein shall acquire absolute title to the animal purchased or adopted.
7. The animal control officer shall pay to the appropriate person or office as designated by the city manager all money received from the sale or adoption fees of impounded animals as soon as possible to the day in which it is received.
- S. No dog or cat may be released for adoption from the city animal shelter or its authorized agent until the new owner has paid the required adoption fee and:
 - a. The animal has a current rabies vaccination and has been surgically sterilized; or
 - b. Presentation of pre-payment receipt from a veterinarian to have the animal vaccinated for rabies and surgical sterilization; or
Presentation of a pre-payment receipt from a veterinarian to have the animal vaccinated for rabies and also has presented written documentation from the veterinarian that the animal is unable to reproduce due to age or illness.

Pre-payments for rabies and sterilization for puppies and kittens are required even though a waiting period may be required before they are old enough to be vaccinated for rabies or sterilized.

9. The provisions of this chapter shall not be construed to require the sterilization of dogs or cats which are being held in the city animal shelter or its authorized agent which might be claimed by their rightful owners; nor shall it be construed to require sterilization of dogs and cats held pursuant to the provisions of Section 3.91 through 4.02 of Title 4 of the Oklahoma Statutes.
10. The city animal shelter or its authorized agent shall furnish conditional adoption agreements to be completed and signed by the owner or adopting party

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. Sections 501 to 508.

SECTION 2. PART 4, ANIMALS, SECTION 4-139 is hereby created to read as follows:

Section 4-139: Fee Schedule.

A. Legislative Purpose:

The Dewey City Council finds that each year hundreds of dogs and cats within the City are euthanized because they are unwanted, and data show that the number of dogs and cats that must be euthanized is on the increase. Furthermore, the overpopulation of stray dogs and cats disturbs the quiet enjoyment of property within the City, affecting the quality of life in residential neighborhoods. The City Council finds that the overpopulation and attendant high costs of disposal and enforcement can be significantly reduced through a spay and neutering program. It is therefore the policy of the City to encourage and promote through appropriate fee schedules and legislation the spaying and neutering of dogs and cats as a means of responsible pet ownership.

13. Impoundment Fees:

Impoundment fees for allowing intact animals to run at large will be twice as much as the impoundment fees for allowing sterilized animals to run at large. The impoundment fee for the first offense of allowing an intact animal to run at large will be reduced by one half upon presentation of a written receipt from a veterinarian for pre-payment of having the animal sterilized.

C. Impoundment Fees — Second or Subsequent Offenses:

Second or subsequent impoundment fees for allowing intact animals to run at large will be twice as much as the first offense impoundment fee for allowing intact animals to run at large. If the animal is not redeemed within seventy-two (72) hours, exclusive of holidays and weekends, animal shall become the property of the City and disposed of at the discretion of the City. The impoundment fee for second or subsequent offenses will be reduced by one half upon presentation of a written receipt from a veterinarian for pre-payment of having the animal sterilized,

B. Other Impoundment and Governmental Agencies Fee:

Upon the availability of space the City Animal Shelter will accept dogs / cats from other governmental agencies and citizens of Dewey. The submitting agency will be responsible for all expenses connected with the necessary treatment of the condition of the animal.

If a citizen of Dewey chooses the Animal Shelter for boarding they must first show proof of city license, rabies vaccination and boardetella.

If the animal is not redeemed within seventy-two (72) hours, exclusive of holidays and weekends, that animal shall become the property of the City and disposed as deemed necessary. This shall also apply to those animals that are being boarded at the City Animal Shelter.

The City Animal Shelter will not accept any animal that is sick or injured.

F. Dead Animal Pick-Up; Animals Brought to the Shelter for Euthanasia at the Owner's Request: 1.

Dead animals may be picked up from residences by the animal control officer upon request. However, in the event the carcass is decomposed, swollen, or has burst or is under a house, building, and vehicle, or other structure or is in attics or cannot otherwise be reasonably reached, it is the owner responsibility to dispose of the carcass in a proper manner at his or her expense.

2, Owners may surrender an animal with an Animal Control Officer at the animal shelter providing 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.

G. - Fee Schedule:

Impoundment (sterile animal)	\$20.00
Impoundment (Intact Animal)	1 st \$25.00
Impoundment (Intact Animal)	2 nd & Subsequent \$50.00
Impoundment for other / Agencies	\$10.00 per day
Boarding Fee	\$10.00 per day
Surrender Fee:	\$20.00
Stray Animal Fee:	\$20.00
Dead Animal/Disposal Fee	\$15.00
Euthanize Fee:	\$25.00
Adoption Fee: •	\$30.00
	\$15.00 (Senior Citizen)

SECTION 4-136 RECORDS; FUNDS

it is the duty of the chief of police to enter in a book, to be kept in his office for that purpose, the description and date of the seizure of all animals taken under the provisions of this chapter, the place where impounded, the name of the owner is known, and if unknown the date of the notice given, and all subsequent proceedings relating to the sale thereof, and the amount realized. All fees collected by the chief of police shall be paid to the city clerk. The proceeds of all sales shall be turned over to the city clerk,

SECTION 4-137 OWNER MAY CLAIM EXCESS MONEY

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars (5.00) to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the council, the city clerk shall pay him such excess. If a claim is not made, the excess shall belong to the city.

SECTION 4-138 UNCLAIMED ANIMALS

At the expiration of the time within which the owner may reclaim any animal seized under the provisions of this chapter, the pound officer or any other officer or person designated may destroy any animal not then reclaimed and cause the body thereof to be disposed of as now or hereafter provided. If in the judgment and discretion of the pound officer or any person or pound officer designated, the unclaimed animal should not be destroyed, then the pound officer may within three (3) days after the time for reclaiming such animal has expired, sell and dispose of the animal.

ARTICLE D
MISCELLANEOUS PROVISIONS

SECTION 4-141 CRUELTY TO ANIMALS

It is unlawful for any person to overdrive, overload, drive when overloaded, overworked, torture, torment, deprive of necessary sustenance of water, cruelly heat, mutilate or kill any animal or fail to give such animal sufficient water, or cause or procure an animal to be so overdriven, overworked, tortured, tormented, or deprived of necessary sustenance or water, cruelly beaten, mutilated or killed.

SECTION 4-142 DISEASED ANIMAL

It is unlawful for any person knowingly to bring into the city any animal with a disease, or allow such animal to run at large within the city.

SECTION 4-143 SALE OF DISEASED ANIMALS

It is unlawful for any person to knowingly sell, or to cause, allow, or procure to be sold, any diseased, wounded, maimed, sick, are injured animal without disclosing such ailment to the prospective purchaser..

SECTION 4-144 KILLING OF ANIMAL

When from any cause it may happen that any horse, mule, cow, calf, steer, goat, or other domestic animal within the corporate limits of the city shall be so wounded, maimed, sick, diseased or injured as to render its recovery hopeless in the opinion of the police chief; the police chief may kill or destroy, or cause to be killed or destroyed such animal so injured or diseased as soon after such injury or disease as practicable, and in such manner as in his judgment shall be the least painful. He will cause the carcass to be removed to such place as may be set apart for such matter and disposed of as provided by ordinance for dead animals.

SECTION 4-145 POISONING ANIMALS

It is unlawful for a person willfully to poison any dog or other animal except a noxious, no domesticated animal, or knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-146 ENCOURAGING ANIMALS TO FIGHT

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, no domesticated animal; or to keep a house, pit or other place used for fights between animals:

ARTICLE E
KENNELS

SECTION 4450 KENNEL PROPRIETOR

It is unlawful for any person to be a kennel proprietor, as herein defined, within the city unless such proprietor shall first pay to the city clerk of the city an annual license fee of Ten Dollars (\$10.00). Upon proof of proper zoning and payment of such fee the city clerk shall furnish to such kennel proprietor a license to engage in such business. The kennel proprietor's license levied in this section shall be in lieu of all other license fees prescribed in this chapter and ordinances of the city for dogs in such kennel. All dogs in such kennel shall be at all times confined on the premises of such kennel proprietor. Should any dog or bitch belonging to, or kept by, such kennel proprietor be allowed off the premises of such kennel proprietor, the owner or keeper, thereof shall pay the same tax and license fee thereon as is required by the ordinances of the city for all dogs not kept by a kennel proprietor. Any such dog shall be subject to all of the provisions of such ordinances, including seizure and impounding to the same extent and in the same manner as any dog at large. Such kennel shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the cooperative health department or other proper official of the city.

SECTION 4-151 KENNEL TAGS

It is the duty of the city clerk to furnish to each kennel proprietor a sufficient number of tags upon each of which shall be engraved, carved or stamped, the year of the registration of such kennel and the number under which same was registered. The kennel proprietor or other person in charge of such kennel, shall tag each dog or bitch in such kennel with one of the kennel tags in the same manner that other dogs are tagged.

ARTICLE F
ZONING ORDINANCE TO PREVAIL

SECTION 4-160 ZONING ORDINANCE TO PREVAIL

In case of conflict between this chapter and the present or any future zoning ordinance, the provision of the zoning ordinance shall prevail and supersede the provision of this chapter.

ARTICLE G
PROCLAMATION OF RABIES

SECTION 4-170 QUARANTINE OF ANIMALS FOR OBSERVATION

The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer, the city health officer, and the county health department. The animal control officer shall securely quarantine such animal for a period of ten (10) days and shall not release such quarantined animal until reasonable determination has been made that animal is not infected with rabies. At the discretion of the animal control officer such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the city animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the city animal shelter. The animal may be reclaimed by the owner if a adjudged free of rabies and such owner shall then pay any related charges for confinement. Quarantined animals will be held at the animal shelter at the owner's expense. (Ord. 2002-1418 as amended)

SECTION 4-171 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, the city health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact.

SECTION 4-172 RABIES CRISES DECLARATION

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county or state health officials feel that a rabies crises may be imminent, the health officials may recommend to the city manager city-wide quarantine, and upon the invoking of such quarantine by the city council, by resolution, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animal may be taken or removed from the city without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

SECTION 4-173 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD

During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

SECTION 4-174 SURRENDER OF ANIMALS UNDER SUSPECT

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

ARTICLE
BIRDS AND BEES

SECTION 4-180 BIRD SANCTUARY

A The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

It is unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests.

C If birds of any class, variety or description are found by the city council to congregating in such numbers in particular locality as to constitute a legal nuisance, or a menace to health or property, then it shall become the business of the council of the city to adopt appropriate means or measures for the reduction or abatement of such nuisance, including, but not limited to the destruction of such birds in such numbers and in such manner as may be deemed advisable by the council of the city by appropriate action.

D. For the purpose of such action by the council, it shall be preferred, but not exclusive, practice that appropriate notice of the consideration of such abatement measures be given to representatives of the interested societies and organizations at and within the city having an interest in the preservation of birds and wild fowl. In no event shall the giving of such notice be deemed a condition precedent to the taking of any action on the part of the council within the terms of this section or other applicable law.

SECTION 4-181 BEES

A The keeping or maintaining of bees, or the hiving or other reciprocal or place for maintaining of bees shall be and is hereby declared unlawful and a nuisance.

B. No person shall at any location within the city keep and maintain any number of bees, of whatever kind or description, or any place for harboring bees.

ARTICLE
PENAL TIES

SECTION 4-190 PENALTY

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be fined or imprisoned as provided in Section 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.

Animals

CHAPTER 2
(RESERVED)