

CHAPTER 3

ANIMALS

Article 1. Definitions

§ 3-1-1. Definitions.

(A) The following word 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, turkey, or another animal or fowl.

(2) "At large" means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.

(3) "Owner" means any person, firm, or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten days or more, shall be deemed to be harboring or keeping the animal.

(4) "Vicious dog" means a dog which has bitten, or attempted to bite, any person, without undue provocation, or which attacks, or barks or growls at and acts as if it intended to attack or bite, or bites a person or person, when not unduly provoked. (Code 1972, § 3-1.)

Article 2. Animals: General

§ 3-2-1. Animals not to be at large.

(A) No owner shall permit any animal owned, harbored, or kept by him, including a dog or cat, to be at large except as hereafter provided; and it is unlawful for any animal including a dog or cat, to be at large at any time within the city, except as hereinafter provided.

(B) Dogs or cats, which are not a nuisance or vicious as defined elsewhere in the Jenks City Code, may be at large within non-platted AG zoned areas within the City of Jenks. (Amended 1/17/94, Ord. #824).

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§ 3-2-2. Turning animals at large unlawful.

(A) It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn such animal at large, or in any manner to turn such animal at large. (Code 1972, § 3-3.)

§ 3-2-3. Pasturing public areas, etc., illegal

(A) 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 any property without the consent of the person owning or controlling such property. (Code, 1972, § 3-4)

§ 3-2-4. Swine prohibited.

(A) No swine shall be kept within the City except temporarily in a stock yard awaiting transportation or except upon a tract not within a subdivision and not less than seven (7) acres in size, unless the same has been properly permitted as an "Exotic Animal" under Article 7 of this chapter. (Amended Ord. #783, July 20, 1992)

§ 3-2-5. Animals which disturb prohibited.

(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 persons. (Code 1972, § 3-6)

§ 3-2-6. Buildings for animals.

(A) Every stable or building wherein any horse, mule, donkey, pony, cow, goat, sheep, or animal raised for fur-bearing purposes shall be 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.

(B) Every such stable or building, if located within two hundred 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. Such 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 such receptacle. (Code 1972, § 3-7)

(C) The minimum space required for animals referred to in (A) above are as follows :

- (1) No more than one (1) on less than one (1) acre.
- (2) No more than two (2) per acre as a maximum.

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§3-2-7. Stables, kennels, coops, etc.: Location

(A) No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard, or other establishment wherein animals are kept, shall be maintained closer than forty (40) feet to 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. (Code 1972, §3-8.)

§3-2-8. To be kept clean, etc.

(A) Every stable, structure, pen, coop, 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. (Code, 1972,§3-8.)

§3-2-9. Manure.

(A) Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits. (Code 1972, §3-10)

§ 3-2-10. Inspections.

(A) The animal control officer, police officer, or other designee of the city manager, 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 such animal to cause such 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 shall not abridge the right of others to make such complaint. (Code 1972, §3-11.)

Article 3. Dogs: Vaccination, Tax, License, etc.

§3-3-1Dogs to be vaccinated.

(A) The owner of a dog shall have the dog vaccinated against rabies by a veterinarian or other authorized person every calendar year before the first day of May thereof, or in the case of a pup, before he is six (6) months old. The person vaccinating the dog shall furnish the owner a certificate of vaccination. (Code 1972, §3-12.)

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§3-3-2. Dog tax; registration; tag.

(A) A tax of three dollars (\$3.00) per year for every mate or spayed female dog more than six (6) months of age, and, a tax of five dollars (\$5.00) for every unspayed female dog more than six (6) months of age, is hereby levied upon the owner of any such dog kept or harbored within the City. (Amended Ord. #.641, May 4, 1987.)

(B) The tax shall not apply to a dog only temporarily brought and kept within the city, nor to a dog brought within the city to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

(C) The owner shall pay such tax to the city clerk for every calendar year before the first (1) day of May thereof, or upon acquiring after said day any dog within the city upon which the tax has not been paid for the year in which acquired, or upon bringing a dog into the city after said day.

(D) Before the city clerk accepts any money offered in payment of the tax for a dog or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs, showing that the dog has been immunized against rabies during the calendar year (that is, since the thirty-first (31) of last December).

(E) The owner of the dog shall, at the time of paying the tax, register the dog by giving to the city clerk, the name and address of the owner, the name, breed, color, and sex of the dog, and such other reasonable information as the city clerk may request.

(F) The city clerk thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog. Such tag shall constitute a license for the dog. (Code 1972, §3-13)

§3-3-3. Tag to be placed on dog collar; lost tags.

(A) The owner shall cause the tag received from the city clerk to be affixed to the collar of the dog upon which the tax has been paid so that the tag can easily be seen by officers of the city; and the owner shall see that the tag is so worn by the dog at all times.

(B) In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the city clerk, presenting to him the original receipt, and paying to him a fee of one dollar (\$1.00).

(Code 1972, §3-14.)

§3-3-4. Tags: Counterfeiting, placing on other dogs.

(A) No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog as provided in this chapter, or take from any dog a tag legally placed on it, or place such tag upon a dog for which the tag was not specifically issued. (Code 1972, §3-15)

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§ 3-3-5. Vicious dogs may be killed.

(A) Any person may kill a dog in self-defense or in defense of 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. (Code 1972, §3-16.)

§3-3-6. Rabid dog may be killed.

(A) Any person may kill a dog the appearance or conduct of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies. (Code 1972, §3-17.)

Article 4. Pound: Establishment, Operation

§ 3-4-1. Pound established.

(A) A city pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of a pound man 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 a humane manner. (Code 1972, §3-18.)

§3-4-2. Animals to be impounded.

(A) The pound man, a policeman, or such other officer or employee of the city as the city manager may authorize, shall take into custody and impound any animal running in violation of any provision of the ordinances of the city, may enter upon the premises of the owner or other private premises to take such animal into custody; and if with reasonable effort a dog or a cat illegally at large cannot be caught, may kill it, either on or off private premises.

(B) Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. The council, by motion or resolution, may provide for the payment of rewards to private persons who present such animals at the pound, when an appropriation exists for the purpose.

(C) Animals which are of no apparent value, taken into custody as provided in this section, shall be destroyed in a humane manner by the officer or employee of the city in charge of such animal or by the pound man, after a seventy-two (72) hour holding period. (Code 1972, §3-19.)

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§3-4-3. Breaking pound, etc.

(A) No unauthorized person shall break, or attempt to break, open the pound or take or let out any animal therefrom, or take or attempt to take from any officer or employee of the city any animal taken into custody as provided by ordinance, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter. (Code 1972, §3-20)

§3-4-4. Fees for impounding, etc.

(A) The fees for impounding an animal, to be paid upon redemption shall be as follows:

(1) For any horse, mule, donkey, pony, cow, or similar large animal:

For impounding	\$10.00
For keeping each day	3.00

(2) For any dog, hog, sheep, goat, or other similar animal:

For impounding	\$10.00
For keeping each day	2.00

(3) For any fowl:

For impounding	2.00
For keeping each day	1.50

(B) In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

(C) Any person redeeming an impounded animal shall pay the above fees to the city clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

(D) Furthermore, any person redeeming a dog not licensed as required by ordinance shall exhibit to the city clerk evidence of said dog having received a current rabies shot, and shall pay the required license tax to the city clerk and secure a tag and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it. (Code 1972, §3-21.)

(E) The owner of any animal or fowl, having permitted the same to become impounded or subject thereto, shall be guilty of an offense against the city and subject to the following punishment, to-wit:

(1) For the first offense, the owner of any such animal or fowl shall be subject to a fine of ten dollars (\$10.00) plus court costs and the payment of impounding fees and keeping charges to secure the release of any such animal or fowl impounded.

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(2.) For the second offense and each offense thereafter, the owner of any such animal or fowl shall be subject to a fine of thirty-five dollars (\$35.00) plus court costs and the payment of impounding fees and keeping charges to secure the release of any such animal or fowl impounded.

§3-4-5. Owner may redeem.

(A) An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, and paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. (Code 1972, §3-22.)

§3-4-6. Sale of impounded animals.

(A) As soon as practicable after any animal of apparent value has been impounded, the pound man or other employee or officer impounding the same, shall inform the chief of police; and the chief of police shall thereupon post a notice thereof at the police office of the city. Such notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to the time fixed for the sale thereof; and such notice shall also state that, unless the animal is redeemed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowls shall not be before the third day after the posting of the notice; and the time of holding such sale of other animals shall not be before the tenth (10) day after the posting of the notice.

(B) Sales herein provided for shall be for cash to the highest bidder, and shall be conducted by, or under the direction of, the chief of police. If there is no bid, the chief of police shall provide for and conduct another sale for the sale of such animal by posting a notice thereof at the police office if he believes that a bid would be made at a later time, otherwise, after any offering of an impounded animal at a sale without a bidder, he shall destroy the animal, or have it destroyed, in a humane manner.

(C) The purchaser of an animal at a sale held as provided herein, shall acquire absolute title to the animal purchased.

(D) The chief of police shall pay to the city clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city clerk is open for business. (Code 1972, §3-23.)

§3-4-7. Owner may claim excess money.

(A) 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, but if a claim is not so made, the excess shall belong to the city. (Code 1972, §3-24.)

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Article 5. Cruelty to Animals

§3-5-1. Cruelty to animals.

(A) It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner. (Code, 1972 §3-25)

§3-5-2. Poisoning animals.

(A) It is unlawful for a person willfully to poison any dog or other animal except a noxious, nondomesticated animal; or knowingly to expose poison so that the same may be taken by such an animal. (Code 1972, §3-26)

§3-5-3. Encouraging animals to fight, etc.

(A) It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue, or annoy another animal except a noxious, nondomesticated animal; or to keep a house, pit, or other place used for fights between animals. (Code 1972, §3-27.)

Article 6. Penalty

§3-6-1. Penalty.

(A) Any person who violates or fails to comply with any provision of this chapter or any legal order or regulation made pursuant thereto, shall be guilty of an offense, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) plus court costs, unless otherwise provided for in this chapter. Each day upon which a violation continues shall be deemed a separate offense. (Amended Ord. #534, Nov. 21, 1983.)

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Article 7. Regulation of Exotic Animals

§ 3-7-1. Exotic Animal Defined.

(A) An "exotic" animal is defined as any animal not normally considered domesticated, and shall include but not be limited to :

(1) Class Reptilia: Order Phidia (such as racers, boas, water snakes and pythons) and Order Loricata (such as alligators and crocodiles);

(2) Following members of the Class Aves: Order Falconiforms (such as hawks, eagles and vultures) and Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus).

(3) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the Family Canidae (such as wolves, dingos, coyotes and jackals), except domesticated dogs (unless, after complaint and investigation by the City Manager or his designee, the dog is determined to be vicious or has previously attacked or bitten a person); Family Mustelidae (such as weasels, mink, badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); and Order Marsupialia, (such as kangaroos and common opossums), Order Edentata (such as sloths, anteaters and armadillos), Order Proboscidea (elephants), Order Primata (such as monkeys, chimpanzees and gorillas), Order Rodenta (such as porcupines) and Order Ungulata (such as antelope, deer, bison, camels, and potbellied pigs).

§ 3-7-2. Prohibited Exotic Animals.

(A) Any exotic animal or species prohibited by federal and/or Oklahoma law.

(B) Any exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance.

(C) Bats.

(D) Skunks, except those owned by individuals on the effective date of this ordinance and provided that an Exotic Animal Permit is obtained for such skunks within 60 days of such effective date.

(E) Any large, non-domesticated, carnivorous animal in the Family Felidae (such as ocelote, tigers, jaguars, leopards, and cougars), in the Family Canidae (such as wolves, dingos, coyotes and jackals) and in the Family Ursidae (such as bears).

(F) Three or more exotic animals over six (6) months of age unless the premises upon which the exotic animals are housed is zoned Commercial General (CG).

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§ 3-7-3. Exclusions.

(A) Notwithstanding the above, a valid zoological park, veterinary hospital, humane society, shelter, public laboratory, circus, sideshow, educational or scientific facility, provided protective devices adequate to prevent such animal from escaping or injuring the public as provided, are excluded from the provisions of this Article.

§ 3-7-4. Procedures for applying for and renewing an Exotic Animal Permit.

(A) No person shall receive, purchase, own or keep any exotic animal without first applying with the City of Jenks and receiving a permit to do so. Notwithstanding the above, those persons in possession of exotic animal(s) when they become a resident of Jenks in the future or who possess said animals when this section of the ordinance becomes effective have a 60-day period in which to apply for said permit before the penalty provisions of this ordinance become applicable.

(B) No person shall apply for an exotic animal permit without first obtaining any required state or federal permits.

(C) The application for a permit shall contain the name of the applicant; his address, phone number, social security number, date of birth, the address of the proposed location of the exotic animal(s), if different from the applicant's; a brief description of the applicant's plan for keeping the exotic animal(s) which shall include the species of animal, the number of individuals of each species; and a description of the housing facilities; a list of individuals qualified to care for the animal(s) desired or that have agreed to advise or assist the applicant in the proper care and treatment of the said animal and who would be willing to recommend the person applying for the permit; the list of publications which the applicant has studied in order to qualify for a permit for the said animal(s). If the property on which the exotic animal is to be located is not owned by the applicant, then written approval of the property owner to have an exotic animal on the premises shall be provided. The application shall be submitted with a non-refundable \$35.00 application fee. In addition, the applicant shall provide evidence of public liability insurance coverage in an amount of not less than \$25,000 for the premises upon which the exotic animal(s) will be housed.

(D) Upon receipt of the application, a City representative and a qualified designee of the City Manager shall inspect the facilities where the animal(s) are to be housed and shall make whatever other investigations they deem necessary.

(E) At the applicant's expense, notice of the hearing before the Jenks City Council on consideration of the application for an exotic animal permit shall be given to all landowners within a 300 foot radius of the exterior property boundary on which the exotic animal is to be housed by first class mailing at least 15 days prior to the proposed hearing. Such notice will specify the type(s) of exotic animal(s) to be housed and the location thereof and the date, time, and place of the hearing. In addition, the applicant shall post notice on the property, pursuant to the zoning code provisions for same, where the exotic animal will be housed for at least 15 continuous days prior to the City Council hearing date that application for an exotic animal permit is being sought and specifying the date, time and place of the hearing.

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(F) If the Jenks City Council approves the application by finding that the granting of such permit will not constitute a menace to the health, peace or safety of the community and that adequate safeguards have been made, then the permit shall be issued by the Jenks City Manager or his designee and shall be valid for one calendar year. Whenever a new exotic animal is added, except for newborns under six (6) months of age, a new application for permit must be secured and a new application fee shall be due and payable at the time of application for the permit and shall be a pre-requisite to issuance of a permit for the new exotic animal.

(G) The Exotic Animal Permit shall be valid for one year, and must be renewed within 30 days thereafter; and an inspection is required prior to the renewal of the Exotic Animal Permit. The annual fee of renewal is \$20.00 which includes one inspection. Additional inspections to determine if deficiencies have been corrected shall be \$20.00 each. If during the preceding year, more than the initial permit has been issued for the applicant, the former permits may be consolidated so that only one renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest initial permit. The City Manager or his designee may deny the application for renewal for cause. If a renewal permit is denied, the applicant may appeal the denial to the Jenks City Council within 15 days of notice of denial by filing a written notice of appeal with the Jenks City Clerk.

(H) A change of residence of the applicant for an exotic animal permit or change of location for the exotic animal, shall require a new application and permit within fifteen (15) days of the change in residence or location.

(I) The exotic animal permittee must notify the City Manager when changing his residence or location on the same property of the exotic animal(s), or selling or other-wise disposing of the exotic animal(s) for which the permit was issued within fifteen days of such action.

§ 3-7-5. Health Requirements.

(A) Individuals authorized to acquire an exotic animal must, within 15 days of acquisition, submit to the City Manager or his designee, a health certificate from a qualified veterinarian stating that the animal has been vaccinated in accordance with the applicable laws and time schedules.

§ 3-7-6. Housing Facilities and Care Required for Exotic Animal Permit.

(A) Housing shall be sufficiently spacious and ventilated and shall be kept clean and sanitary at all times.

(B) The exotic animal(s) shall be provided with proper food, water and attention and not exposed to cruel or inhumane treatment.

(C) The exotic animal(s) shall be kept and cared for in such a way as to not endanger the safety of any person or property.

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§ 3-7-7. Inspection.

(A) Permits issued pursuant to the provisions of this section shall be surrendered for inspection upon request of the Jenks City Manager or his designee. The premises on which an exotic animal is maintained shall be open at any reasonable hour and in a reasonable manner for inspection by the Jenks City Manager or his designee. In the event of failure to abide by the regulations herein, the permit may be withdrawn by the City Manager or his designee.

§ 3-7-8. Impoundment.

(A) For failure to have a permit in advance of obtaining an exotic animal or to renew said permit within 30 days of the expiration date, or upon suspension of an exotic animal permit, the City Manager or his designee shall have the authority to enter the premises where the exotic animal is kept at any reasonable hour to impound said animal. In case of an emergency, the City Manager or his designee, shall have the authority to enter the premises where the exotic animal is kept, and to impound said animal. The animal shall be surrendered upon demand of the Jenks City Manager or his designee. Procedures for reclamation and destruction of impounded exotic animals shall be followed pursuant to Article 4 of this Chapter. The exotic animal may be returned to its owner if the problem for which it was impounded is corrected within the period allotted in Article 4 of this Chapter and all penalties and charges are paid. In the event the City pound facility is inadequate for housing the impounded exotic animal, the City may have the same housed at another facility and the owner of such exotic animal shall be responsible for all costs incurred, even if they are in excess of those set forth in Article 4.

(B) In the event an exotic animal is a threat to the individual seeking to impound it, the impounding person may have the exotic animal humanely destroyed.

§3-7-9. Appeals.

(A) Appeal of actions by the City Manager or his designee beyond the application process shall be made in writing to the City Clerk within seventy-two (72) hours of the action complained of. Such time period shall not include weekends and official city holidays. (Enacted Ord. #783, July 20, 1992)

§3-7-10. Revocation of Permit

(A) An exotic animal permit may be revoked by the City Manager for any of the following reasons, to-wit: false or misleading information on an application for an Exotic Animal permit or a renewal permit; failure to secure an additional permit within the proscribed time period when an additional exotic animal is located on the premises; changes in the character of the premises on which the exotic animal is located, or the adjacent areas, which would cause the continued retention of the exotic animal to be a threat to safety of the public or a nuisance, or endangerment of the exotic animal; failure to abide by the provisions of this article regulating exotic animals; or, failure to take corrective action as may be directed by the City Manager or his designee to correct noted deficiencies. (Added Ord. #939, Nov. 17, 1997).