

**City of Norman  
Animal Welfare Oversight Committee**

**City of Norman Municipal Building  
201 West Gray Street**

**Monday, September 10, 2018  
6:00 p.m.**

- I. Call to Order..... Mark Howery / Rebecca Bean
- II. Roll Call..... Mark Howery / Rebecca Bean
- III. Discussion & Approval of the July Minutes. .... Mark Howery / Rebecca Bean  
Action needed: motion to approve or reject minutes  
Action Taken: \_\_\_\_\_
- IV. Monthly Statistics and Division Updates..... Mark Bechtel  
Action needed: Acknowledge Presentation
- V. Previous Business Updates..... Mark Bechtel
  - Status of the Owner-Surrender Waiting List
  - Status of Viewing Stray-hold Animals On-line
  - Phone System Update
  - Budget Update (what requests made it into the FY 2019 AWC budget)
 Action Needed: Acknowledge Presentation
- VI. Biennial Report Update ..... Mark Howery / Rebecca Bean  
Action Needed: Discussion & Possible Vote on a Recommendation  
Action Taken: \_\_\_\_\_
- VII. City Ordinance Proposals – Chapter 3 / Animal Welfare ..... Mark Howery / Rebecca Bean  
Action Needed: Gather public comments and discussion  
Action Needed: Possible Vote on a Recommendation  
Action Taken: \_\_\_\_\_
- VIII. Call for Agenda Items for Next Meeting ..... Mark Howery / Rebecca Bean
- IX. Miscellaneous Comments..... Mark Howery / Rebecca Bean
- X. Adjournment.....Mark Howery / Rebecca Bean  
Action needed: Motion to adjourn meeting  
Action Taken: \_\_\_\_\_

# Animal Welfare Oversight Committee

July 2<sup>nd</sup>, 2018

The Norman Animal Welfare Oversight Committee of the City of Norman, Cleveland Count, State of Oklahoma, met in the multi-purpose room on the 2<sup>nd</sup> day of July, 2018, at 6:00 p.m. The notice and agenda of the meeting were posted in the Norman Animal Welfare Center building at 3428 S. Jenkins on the 30<sup>th</sup> of June, 2018. The meeting was also posted on the City of Norman website at [www.normanok.gov](http://www.normanok.gov).

## I. Call to Order

Co-chairperson Mark Howery called the meeting to order at approximately 6:14 PM.

## II. Roll Call

### BOARD MEMBERS PRESENT:

Co-chairperson Mark Howery

Co-chairperson Rebecca Bean

Councilman Bill Hickman

Jennifer Kidney, PhD

Kim Fairbanks

### ABSENT:

Kristy Wicker

Sandy Moore-Furneaux

OTHERS PRESENT:

Mark Bechtel, Norman Animal Welfare Manager

Trey Amrein, Norman Animal Welfare Supervisor

Victorya Reaves, Norman Animal Welfare

### **III. Discussion & Approval of the June Minutes**

A motion was made to accept the minutes by Jennifer Kidney. Kim Fairbanks seconded.

### **IV. Monthly Statistics and Division Updates**

Mark Bechtel went over the monthly statistics mentioning the high number of cats coming into the shelter and that the trend has continued in July.

The owner-surrender category saw a significant decrease, and Mark Bechtel attributed this to the managed intake that the shelter is doing because of the lack of intake space. There was a correction with the owner-surrender wait list numbers; there are 60 animals waiting on the list, not nine.

Mark Howery asked what the transfer-in category was. Mark Bechtel said that those are kittens transferred in from Hands Helping Paws. Kim Fairbanks clarified that these semi-feral kittens are typically trapped and then fostered until they are more social and can be adopted out through the shelter.

Bill Hickman asked how many animals were out in foster right now. Mark Bechtel said he did not know the exact number but estimated about 30 animals are currently in foster.

Bill Hickman asked about the increase in animal intakes in June and where the shelter stood on space for these animals. Mark Bechtel said there was a backlog of animals on the intake side. While the shelter is not full on the adoption side with adoptable animals, the intake side is full, and space is being used on the adoption side for incoming stray dogs.

Rebecca Bean asked what was being done to make room for animals coming in, with Fourth of July being typically a high volume week for shelters. Mark Bechtel said he was using strategies he had used in the past month such as managed intake. However, he was not able to schedule for spay and neuters to happen through another facility as in the past.

Rebecca Bean expressed concern over the flow of animals considering that intake was full and the adoption side filling up, along with the holiday coming up, 60 animals on the owner-surrender wait list, and an unknown amount of fosters. She talked about strategizing for next summer and about the second vet tech position that wasn't asked for in the budget due to city budget constraints.

Bill Hickman asked if there was a budget issue for sending animals out to be spayed and neutered. Mark Bechtel said there weren't any budget issues involved. Bill asked if it wouldn't be reasonable to plan to send animals out for spay and neuter next year in addition to the vet staff to keep up with the volume of animals coming into the shelter.

Rebecca Bean asked what was the typical number of animals that Dr. Tyler can spay and neuter in a week. Mark Bechtel said on average, it's about ten animals a day, but it depends on size and the sex of the animals. They have done up to 20 cats in one day.

There was a discussion about planning for the flow of animals in the future.

Rebecca Bean asked about the other intakes category for dogs. She knew of at least one dog in the month of June that was taken in to protective custody. Trey Amrein said that dog is at the shelter and was probably just booked in under a different category causing it to not register as protective custody.

Rebecca Bean asked what the shelter's capacity for care was. Mark Bechtel said he knew there was a formula for calculating this, but he didn't know what that number was for the shelter.

Mark Bechtel said that there was a Boy Scout planning to do his Eagle Scout project for the shelter. It's in the early stages of planning. He said the AWO's and he had vehicle safety training, which focused on backing up. The \$27,500 that was submitted to use out of the donation account has all been allocated. During the two-week \$10 adoption period, 27 adult cats, 40 dogs, 11 puppies, and 54 kittens were adopted. He discussed some of the HVAC issues that the shelter was still experiencing. Mark Bechtel mentioned that shelter managers who are near the metro area will be beginning to meet quarterly starting in the fall. The open Animal Welfare Technician position is on the city managers desk but hasn't been posted yet.

Rebecca Bean asked what is the social media plan. Mark Bechtel said that Kate is doing the posting for Facebook with Mark doing some posts concerning animal safety.

Selena Belvin, a foster with Norman Animal Welfare, asked about posting special needs fosters on Facebook to advertise them.

## **V. Old Business Updates and Follow-ups**

Mark Bechtel said the shelter budget overall went from \$150,000 to \$170,000 this year. Mark doesn't have a breakdown of that money yet.

He spoke about moving forward on statistics for phone calls and hold times.

## **VI. AWOC Annual Report Update**

Co-chairperson Mark Howery said that several people had sections of the report that were done, but were absent from the meeting.

Rebecca Bean suggested that the report update be tabled until the September 10<sup>th</sup> meeting.

## **VII. Volunteer of the Year Award**

There were four nominees for the volunteer of the year award. There was a discussion of a dual nomination for this year's award.

Jennifer Kidney moved to vote now on the Volunteer of the Year Award. Kim Fairbanks seconded. The motion passed.

Both Emily Flores and Mandy James were awarded the Volunteer of the Year Award.

## **VIII. 2016 NAWC Consultant's Report**

Co-chairperson Mark Howery said they will table the discussion about the Consultant's Report.

## **IX. Call for Agenda Items for Next Meeting**

Completing the Biannual Report, forming a subcommittee to talk about donations, and SOP's were all suggested as future agenda items.

#### X. **Miscellaneous Comments**

Bill Hickman asked if Saturday August 25<sup>th</sup> would be a good day for an open house to invite City Council members and the public to meet Mark Bechtel and tour the facility.

#### XI. **Adjournment**

A motion to adjourn the meeting was made by Kim Fairbanks at approximately 7:54 PM. The motion was seconded by Rebecca Bean, and the motion passed.

X Mark D. Howery

X MM

# Norman Animal Welfare Monthly Statistical Report

## July 2018



### IN SHELTER ANIMAL COUNTS

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Beginning	77	111	188	83	144	227	39	21%
Ending	73	96	169	88	143	231	62	37%

### ANIMAL INTAKES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Stray at Large	103	77	180	157	101	258	78	43%
Owner Relinquish	52	37	89	9	11	20	(69)	-78%
Owner Intended Euth	3	0	3	1	0	1	(2)	-67%
Transfer In	0	0	0	0	13	13	13	#DIV/0!
Other Intakes*	7	13	20	3	1	4	(16)	-80%
Returned Animal	N/A	N/A	0	16	12	28	28	#DIV/0!
<b>TOTAL LIVE INTAKES</b>	<b>165</b>	<b>127</b>	<b>292</b>	<b>186</b>	<b>138</b>	<b>324</b>	<b>32</b>	<b>11%</b>

\*Confiscate, Protective Custody, Born in Shelter, and all other infrequent entries

### OTHER STATISTICS

	2017		2018		Comparisons	
	Total		Total		Difference	Percent
Wildlife Collected (DOA)	N/A	0	3	3	3	#DIV/0!
Dog Collected (DOA)	N/A	0	4	4	4	#DIV/0!
Cat Collected (DOA)	N/A	0	3	3	3	#DIV/0!
Wildlife Transferred	N/A	0	4	4	4	#DIV/0!
Intake Horses	N/A	0	1	1	1	#DIV/0!
Intake Cows	N/A	0	0	0	0	#DIV/0!
Intake Goats	N/A	0	0	0	0	#DIV/0!
Intake Sheep	N/A	0	0	0	0	#DIV/0!
Intake Rabbits	N/A	0	1	1	1	#DIV/0!
Intake Pigs	N/A	0	0	0	0	#DIV/0!
Intake Other	N/A	0	0	0	0	#DIV/0!
<b>TOTAL OTHER ITEMS</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>#DIV/0!</b>

### LENGTH OF STAY (DAYS)

	2017	2018
Dog	N/A	12.8
Puppy	N/A	7.5
Cat	N/A	16.3
Kitten	N/A	16.3

### OWNER SURRENDER PENDING INTAKE

	Canine	Feline	Other	Total
Animals	65	48	0	113

## Norman Animal Welfare Monthly Statistical Report July 2018



### LIVE ANIMAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Adoption	88	87	175	101	101	202	27	15%
Return To Owner	37	4	41	45	3	48	7	17%
Transferred Out	26	35	61	12	23	35	(26)	-43%
Returned in Field	0	0	0	0	0	0	0	#DIV/0!
Other Outcome	0	0	0	0	0	0	0	#DIV/0!
<b>TOTAL LIVE OUTCOMES</b>	<b>151</b>	<b>126</b>	<b>277</b>	<b>158</b>	<b>127</b>	<b>285</b>	<b>8</b>	<b>3%</b>

### OTHER ANIMAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Died in Care	0	2	2	1	5	6	4	200%
Lost in Care	0	1	1	0	0	0	(1)	-100%
Shelter Euth	15	13	28	19	7	26	(2)	-7%
Owner Intended Euth	3	0	3	1	0	1	(2)	-67%
<b>TOTAL OTHER OUTCOMES</b>	<b>18</b>	<b>16</b>	<b>34</b>	<b>21</b>	<b>12</b>	<b>33</b>	<b>(1)</b>	<b>-3%</b>

### TOTAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Total Live Outcomes	151	126	277	158	127	285	8	3%
Total Other Outcomes	18	16	34	21	12	33	(1)	-3%
<b>TOTAL OUTCOMES</b>	<b>169</b>	<b>142</b>	<b>311</b>	<b>179</b>	<b>139</b>	<b>318</b>	<b>7</b>	<b>2%</b>

### SHELTER EUTHANASIA DATA

	Canine	Feline	Other	Total	Percentage
Medical - Sick	5	5		10	38%
Medical - Injured	2	2		4	15%
Behavior - Aggressive	11	0		11	42%
Behavior - Other	1	0		1	4%
<b>TOTAL EUTHANASIA</b>	<b>19</b>	<b>7</b>	<b>0</b>	<b>26</b>	

### MONTHLY LIVE RELEASE RATE

2017	2018
<b>89.9%</b>	<b>89.9%</b>

Live Outcomes / (Total Outcomes - Owner Int Euth)



# Norman Animal Welfare Monthly Statistical Report

## August 2018



### IN SHELTER ANIMAL COUNTS

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Beginning	74	96	170	88	143	231	61	36%
Ending	74	80	154	84	126	210	56	36%

### ANIMAL INTAKES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Stray at Large	131	87	218	129	98	227	9	4%
Owner Relinquish	35	14	49	20	14	34	(15)	-31%
Owner Intended Euth	3	0	3	2	0	2	(1)	-33%
Transfer In	0	0	0	0	0	0	0	#DIV/0!
Other Intakes*	4	15	19	14	6	20	1	5%
Returned Animal	N/A	N/A	0	20	10	30	30	#DIV/0!
<b>TOTAL LIVE INTAKES</b>	<b>173</b>	<b>116</b>	<b>289</b>	<b>185</b>	<b>128</b>	<b>313</b>	<b>24</b>	<b>8%</b>

\*Confiscate, Protective Custody, Born in Shelter, and all other infrequent entries

### OTHER STATISTICS

	2017		2018		Comparisons	
	Total		Total		Difference	Percent
Wildlife Collected (DOA)	N/A	0	20	20	20	#DIV/0!
Dog Collected (DOA)	N/A	0	2	2	2	#DIV/0!
Cat Collected (DOA)	N/A	0	3	3	3	#DIV/0!
Wildlife Transferred	N/A	0	2	2	2	#DIV/0!
Intake Horses	N/A	0	0	0	0	#DIV/0!
Intake Cows	N/A	0	0	0	0	#DIV/0!
Intake Goats	N/A	0	0	0	0	#DIV/0!
Intake Sheep	N/A	0	0	0	0	#DIV/0!
Intake Rabbits	N/A	0	0	0	0	#DIV/0!
Intake Pigs	N/A	0	0	0	0	#DIV/0!
Intake Other	N/A	0	1	1	1	#DIV/0!
<b>TOTAL OTHER ITEMS</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>#DIV/0!</b>

### LENGTH OF STAY (DAYS)

	2017	2018
Dog	N/A	10.9
Puppy	N/A	7.5
Cat	N/A	13.3
Kitten	N/A	17.4

### OWNER SURRENDER PENDING INTAKE

	Canine	Feline	Other	Total
Animals	53	41	0	94

# Norman Animal Welfare Monthly Statistical Report

## August 2018



### LIVE ANIMAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Adoption	99	81	180	104	110	214	34	19%
Return To Owner	51	6	57	47	4	51	(6)	-11%
Transferred Out	10	27	37	30	24	54	17	46%
Returned in Field	0	0	0	0	0	0	0	#DIV/0!
Other Outcome	0	0	0	0	0	0	0	#DIV/0!
<b>TOTAL LIVE OUTCOMES</b>	<b>160</b>	<b>114</b>	<b>274</b>	<b>181</b>	<b>138</b>	<b>319</b>	<b>45</b>	<b>16%</b>

### OTHER ANIMAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Died in Care	1	0	1	2	3	5	4	400%
Lost in Care	0	0	0	0	0	0	0	#DIV/0!
Shelter Euth	9	18	27	4	4	8	(19)	-70%
Owner Intended Euth	4	0	4	2	0	2	(2)	-50%
<b>TOTAL OTHER OUTCOMES</b>	<b>14</b>	<b>18</b>	<b>32</b>	<b>8</b>	<b>7</b>	<b>15</b>	<b>(17)</b>	<b>-53%</b>

### TOTAL OUTCOMES

	2017			2018			Comparisons	
	Canine	Feline	Total	Canine	Feline	Total	Difference	Percent
Total Live Outcomes	160	114	274	181	138	319	45	16%
Total Other Outcomes	14	18	32	8	7	15	(17)	-53%
<b>TOTAL OUTCOMES</b>	<b>174</b>	<b>132</b>	<b>306</b>	<b>189</b>	<b>145</b>	<b>334</b>	<b>28</b>	<b>9%</b>

### SHELTER EUTHANASIA DATA

	Canine	Feline	Other	Total	Percentage
Medical - Sick	2	2	0	4	40%
Medical - Injured	0	2	0	2	20%
Behavior - Aggressive	3	0	0	3	30%
Behavior - Other	1	0	0	1	10%
<b>TOTAL EUTHANASIA</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>10</b>	

### MONTHLY LIVE RELEASE RATE

2017	2018
<b>90.7%</b>	<b>96.1%</b>

*Live Outcomes / (Total Outcomes - Owner Int Euth)*



# Monthly Service By Assignment

January 2018 to August 2018  
Norman Animal Welfare Volunteers (ALL)

Place	Assignment	Jan 2018 Hours	Feb 2018 Hours	Mar 2018 Hours	Apr 2018 Hours	May 2018 Hours	Jun 2018 Hours	Jul 2018 Hours	Aug 2018 Hours	Total Hours
Norman Animal Welfare Center	Groomer	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00
	NAWC-Bather / Groomer	0:00	1:45	0:00	4:38	0:00	0:00	0:00	0:00	6:23
	NAWC-Beautification Volunteer	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00
	NAWC-Cat Socializer	101:36	115:22	106:15	112:13	28:09	72:27	59:42	54:06	649:50
	NAWC-Community Outreach Volunteer	0:00	0:00	0:00	0:00	4:30	0:00	0:00	6:00	10:30
	NAWC-Dog Handler	126:43	133:24	236:47	221:32	119:40	96:54	76:35	122:01	1,133:36
	NAWC-Foster Program	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00
	NAWC-Laundry	0:00	0:00	0:00	1:17	7:12	0:00	0:00	2:50	11:19
	NAWC-Lobby Greeter	58:12	62:23	30:29	51:00	47:12	57:45	50:30	75:45	433:16
	NAWC-Orientation	31:00	20:00	17:00	16:00	7:00	7:00	20:00	15:00	133:00
	NAWC-Photographer	0:00	0:00	2:38	0:00	0:00	0:00	0:55	0:00	3:33
	Other Volunteer Services	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00	0:00
	Veterinarian Assistant Tech	44:29	18:39	23:40	50:56	63:19	65:25	81:00	3:00	350:28
	Total	362:00	351:33	416:49	457:36	277:02	299:31	288:42	278:42	2,731:55
Grand total		362:00	351:33	416:49	457:36	277:02	299:31	288:42	278:42	2,731:55



# office memorandum

**Date:** August 31, 2018  
**To:** Animal Welfare Oversight Committee  
**From:** Jeanne Snider, Assistant City Attorney  
**Subject:** Amendment of Chapter 3, Animal Control Ordinances

## **BACKGROUND**

In 2009, City Council approved amendments to Chapter 3 of the City Code that included establishing the number of cats and dogs allowed at a residence and enacting guidelines for kennels. In 2016, further revisions were approved by City Council that included amendments to the vicious and dangerous dog and pet license ordinances. Recently, in 2018, after review with some members of the City Council and the Animal Welfare Oversight Committee, further revisions have been recommended. Those recommendations include:

1. definition updates to adequate shelter, service animal and owner
2. the time frame to hold animals not retrieved by owners
3. animals impounded due to arrest of owner
4. medical seizure and other conditions of the animal owner
5. the process of owner relinquishment
6. cats at large
7. mandatory alteration of cats and dogs
8. marking of altered animals
9. breeding license
10. prohibit dyed, colored or similarly altered animals and as prizes
11. tethering restriction
12. animals at events

In the past, amendments to Chapter 3 have been presented to local veterinarians, animal welfare groups and in public meetings, in addition to the Animal Welfare Oversight Committee, to allow citizens to ask questions and express their views regarding any amendments. Due to the past attendance at these meetings, presentation at one public meeting, in addition to the Animal Welfare Oversight Committee, would be sufficient to gather suggestions and answer questions prior to placement on a City Council meeting or City Council agenda.

## **DISCUSSION**

Attached to this memorandum is a draft ordinance for your review. The amendments are on the September 10, 2018, Animal Welfare Oversight Committee agenda for discussion. There are a few “housekeeping” items that add the new position of Animal Welfare Shelter Manager and other minor changes.

## **Proposed Revisions/Additions**

Sec. 3-102 - Adequate Shelter - has been amended to strengthen the definition of an adequate shelter to ensure protection from extreme temperatures, including wind and rain, and to allow for the animal to move about freely or to lie comfortably.

Sec. 3-103 – Service Animal - has been revised to meet the ADA definition of service animals to avoid any conflict with state/federal laws.

Sec. 3-115- Owner – adding language to include person who keeps animal over seven (7) days and provides food, water and care.

Sec. 3-205 – Sale and disposition of animals not retrieved by owners has a few amendments.

Part (1) has been amended to reduce the days an animal is impounded from five (5) days to three (3) days and specifies the three (3) day time period begins at 8 am the following day of the animal's intake and excludes Sundays, holidays or other days the shelter is not open in the calculation.

Part (2) adds a provision regarding animals held at the Animal Welfare Center due to legal seizure, arrest, medical and other situations and the return of the animal to the owner.

Part (3) adds a provision that if it is determined that the owner of an impounded animal is experiencing a situation that prohibits him/her from reclaiming or arranging for the care of their animal, the Animal Shelter staff may petition a judge for the release of the animal to the Animal Shelter Center.

Part (7) adds a provision regarding the Trap Neuter Return program and the release of an TNR cat to its original location.

Sec. 3-206 – Owner relinquishment of dogs and cats – adds a process for acceptance of owner relinquished animals if the Animal Welfare Center is at capacity.

Sec. 3-217 – Owner must attach license – exempts cats from wearing a tag if in compliance with Sec. 3-402 (which also has amendments regarding cats at large).

Sec. 3-223 – Alteration of Cats and Dogs – is a new requirement that all cats and dogs must be altered unless the owner has a breeding license.

Sec. 3-224 – Marking of altered animals – requires all animals spayed or neutered within the city limits to have the incision marked to indicate the completion of the alteration.

Sec. 3-225 – Cat and Dog Breeding License – this section will be added to Chapter 3 and a licensing provision in Chapter 13 in conjunction with Sec. 3-223.

Sec. 3-301 – Cruelty to animals

Part (1)(j) - prohibits any animal to be dyed, colored or similarly altered

Part (2)(k) – prohibits any animal to be provided as promotional prize

Sec. 3-401 – Tethering – There are two options for consideration:

- (1) prohibits tethering of any animal with a specific exemption that Animal Welfare Officer may grant for short durations; OR
- (2) allows tethering with specific conditions

Sec. 3-402 – Confinement of dogs and cats – There are two options for consideration:

- (1) No cats at large, exemptions for TNR or barn cat program; OR
- (2) No cats at large unless current on vaccinations, has pet license

Sec. 3-406 – Number of dogs and/or cats allowed – amendments would depend on mandatory spay and neutering requirement.

Sec. 3-502 – Use of animals at events, festivals, carnivals, parades – This is a new addition regarding the use of particular animals for the purpose of entertainment. This is proposed language and may require additional revision/discussion/clarification.

## **CONCLUSION**

Please review the proposed ordinance revisions and/or additions carefully and keep in mind that this is only a DRAFT. A meeting with the general public will be scheduled after input from the Animal Welfare Oversight Committee. Thereafter, review of the proposed ordinances will be scheduled on a City Council committee and then placed on a City Council agenda for consideration of the City Council.

cc: Councilmember Kate Bierman  
Councilmember Bill Hickman  
Councilmember Sereta Wilson  
Steve Lewis, City Manager  
Jeff Bryant, City Attorney  
Major Kevin Foster

## Chapter 3

### ANIMAL WELFARE CONTROL

#### ARTICLE I. - DEFINITIONS

##### Sec. 3-101. - Definitional meanings.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this article, except where the context otherwise requires.

##### Sec. 3-102. - Adequate shelter.

Structure or area of structural soundness with three sides, with a waterproof roof, solid floor, adequate bedding material, positioned to allow for protection from north and west winds, proper ventilation, of structural soundness, and which is suitable for the species, age, condition, size and type of animal which is safe and protects each animal from injury, precipitation, direct sunlight, adverse effects of extreme heat or cold, enables the animal to be clean and dry, and has sufficient room for the animal to move about freely and to lie comfortably while allowing the retention of the animals body heat. Wildlife, livestock, and other non-domesticated animals normally residing outdoors shall be only required to have appropriate shelter from extreme weather through natural or artificial means available to it to protect the animal.

##### Sec. 3- 103 - Service Animal.

(1) A dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability including an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The American's with Disability Act (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.

(2) Therapy, comfort, and/or emotional support animals are often a great asset to those they work with however, they are not service animals, and may not enjoy the same rights privileges and/or access to restricted areas as is allowed under federal or state law.

##### Sec. 3-104~~3~~. - 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 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 Oklahoma State Statutes, Title 4, Chapter 14A Dog and Cat Sterilization Act.

**Sec. 3-1054. - Animal Welfare Group.**

A nonprofit organization which is registered with and approved by the City's Animal Welfare Center and has as one (1) 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 (1) of its members meets one (1) or more of the following:

- (1) Has a record of cruelty to animals;
- (2) Is under eighteen (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 (2) 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. 3-1065. - 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, Animal Welfare Shelter Manager, or other designee 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. 3-1076. - At heel.**

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

**Sec. 3-1087. - 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. 3-1098. - 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. 3-1109. - 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. 3-1110. - 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. 3-1121. - Foster home.**

Any premises 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. 3-1132. - 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 premises 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. 3-1143. - 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. 3-1154. - Owner.**

An owner is any person possessing legal title to any animal or possessing no legal title, who keeps or harbors the animal in excess of seven (7) days without delivering the animal to its proper owner or the Animal Welfare Center, provides food or water regularly for the animal, or provides routine or ongoing non-emergency medical care for the animal.

**Sec. 3-1165. - Unprovoked.**

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

**Sec. 3-1176. - 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. 3-1187. - 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. 3-1198. - 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 and all crocodiles, caimans, or alligators (family Crocodillia);
  - (f) 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;
  - (g) Cassowaries (ganus Casuarius);
  - (h) 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.

**ARTICLE II. - ADMINISTRATION**

**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 (1) inspection being conducted annually at each licensed or registered location.

**Sec. 3-202. - Duties of Animal Welfare Supervisor and Animal Welfare Shelter Manager**

(1) The Animal Welfare Supervisor shall supervise all Animal Welfare Officers. The Animal Welfare Shelter Manager shall supervise all other division employees, 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)~~

(3) The Animal Welfare Shelter Manager shall ~~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~~

(4) The Animal Welfare Shelter Manager 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 Shelter Manager, or designated employees, ~~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.

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

(6) ~~(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 as determined by shelter staff in accordance with common local costs.
- (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 3-202 and 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 three (3) full ~~five (5)~~ days from the time of its impoundment at the Animal Welfare Center; provided, however, in the event an animal is taken into the custody of the Animal Welfare Center ~~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, Animal Welfare Shelter Manager, Shelter Veterinarian, or other authorized division staff, 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. For the purposes of this section, the three (3) day time period shall begin at 8:00 A.M the day following the animal's intake into the facility. Calculation of the three total days shall not include Sundays, holidays, or other days the shelter is not open to the public. Impounded kittens and puppies which are under the age four months of age without a known owner or mother may, at the discretion of the shelter staff, are exempted from any required hold times prior to their release. The age of four months shall be determined by the eruption of the animal's adult teeth.

(2) Animals held at the Animal Welfare Center due to legal seizure, arrest, medical situation, protective custody seizures, or other legal means involving law enforcement requests shall be returned to the owner(s) or legal representative as soon as possible. Upon verification that the animal's owner has been notified of its impoundment, the three day holding time referenced in the above section shall apply as if the animal were impounded for other reasons.

~~(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) Should it be determined that the owner of an impounded animal is experiencing a situation that prohibits him or her from reclaiming or arranging for the release of the animal in a timely and reasonable manner, the Animal Welfare Shelter Manager or Animal Welfare Supervisor may seek petition from a judge of competent jurisdiction for the release of the animal into the care and custody of the Animal Welfare Center in order that the highest level of long term care and safety of the animal may be provided for.

~~(4) (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 or the Animal Welfare Shelter Manager.

~~(5)~~ (4) The manner and method of disposal or destruction of an impounded animal shall be directed by the Animal Welfare Supervisor or the Animal Welfare Shelter Manager; and such disposal may include but not limited to adoptions, euthanasia, or transfer to another animal welfare groups, 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.

~~(6)~~ (5) Adoption or sale may be refused to anyone the Animal Welfare Supervisor, Animal Welfare Shelter Manager, or their designated staff members determines meets one (1) or more of the following:

- (a) Had a record of cruelty to animals;
- (b) Is under eighteen (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 (2) or more animals to the Animal Welfare Center in the preceding twelve (12) 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.

(7) Animals in custody of Norman Animal Welfare, or partnering organizations as part of a Trap Neuter Return (TNR) program may be released to their original location in accordance with common program standards. Further, cats trapped from identified feral colonies and placed in the custody of the Animal Welfare Center who have no identifiable owner may, after necessary holding times, alterations, examinations, and vaccinations be returned to its original location at the shelter staff's discretion.

### **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. The acceptance of relinquished animals by the Animal Welfare Center may be limited to specific days and times as

necessary for the efficient operation of the facility so long as the animal's situation is screened to ensure any unsafe situations may be resolved immediately. Prior to transfer of the animal, owners of relinquished dogs and cats shall complete all necessary releases, questionnaires, or surveys deemed necessary by the facility to assist in the necessary screening process. Any limitations or updates made to the process of accepting surrenders shall be public advertised and made available in advance of the changes.

(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 (6) 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 (30) days after acquiring or bringing into the city any dog or cat over the age of six (6) 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 (55 years of age and above), active duty military, and military veterans 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 (30) 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 (30) days.
- (2) When the dog or cat is brought into the City and kept therein for a period not exceeding thirty (30) 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 registered dog and cat. Cats are exempt from wearing a tag as long as the cat is in compliance with 3-402. ~~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. – Alteration of Cats and Dogs. *(Add licensing in Section 13)***

(1) Every person within the City owning, possessing, controlling, harboring, or keeping any dog or cat for any length of time which is over four (4) months of age shall ensure the animal is altered and unable to produce offspring. The age of four (4) months shall be determined by the eruption of the animal's adult teeth.

- (a) Owners of unaltered animals may seek a license for the animal. The license will be available through the city clerk's office and renewed by January 1 of each year at the posted rate each animal each year. The license fee shall not be prorated due to the date issued.
- (b) Any unaltered animal convicted of section 3-402 of this chapter shall have its license suspended immediately without refund. The owner of any animal whose license has been suspended in accordance of this section shall be prohibited from future issuances of licenses for unaltered animals.
- (c) The owner of any unaltered animal within the City of Norman city limits shall, upon request from any city officer, provide immediate proof of licensing. Failure to do so shall result in the impoundment of the animal, at the owner's expense until the time it is altered or licensed.
- (d) Each city business day at noon 12:00 P.M. shall constitute a separate violation of this section.

**Sec 3-224 – Marking of altered animals.**

(1) All animals spayed or neutered within city limits by any veterinarian, technician, rescue, shelter, or other persons or organization shall have the skin of the animal near the incision marked to indicate the completion of the alteration. The marking should be applied in a manner so to allow for the clear and undisputed evidence that the animal has been altered.

(2) It shall be unlawful to apply markings to the skin or body of an animal that commonly indicates it has been altered when the animal has not been altered. Should it be discovered that such a marking exists on an unaltered animal, the owner or responsible person for the animal shall alter the animal.

- (3) All animals altered prior to the acceptance of this section shall be exempt.

**Sec. 3-225 – Cat and Dog Breeding License. (Add licensing in chapter 13)**

(1) Every person within the City owning, possessing, controlling, harboring, or keeping any dog or cat for any length of time shall first obtain a city breeding license before the animal becomes pregnant or has delivered any offspring. The license will be available through the city clerk's office. The issuance of a breeding license shall allow for one (1) litter from the licensed animal for each calendar year. Delivery of any animals, no matter the number or their outcome, shall count for the allowed annual litter. Each additional pregnancy or additional litter shall be considered an additional violation of this section. The transportation of an animal from its primary residence for the apparent intent of attempting to defeat the requirements of this section shall not be a valid exemption.

**Sec. 3-2263. - 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.

**ARTICLE III. - GENERAL PROVISIONS****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.
- (j) It shall be unlawful to participate in, assist with, sell, transport or otherwise allow any animal to be dyed, colored, or otherwise similarly altered for the purposes as a promotional item, prize, or giveaway. This prohibition shall in no way limit the actions of a commercial or private groomer, medical care provider, or owner preparing an animal for a commonly recognized and accepted competition or show event as long as the action is performed in a safe and humane way that does not result in discomfort or injury to the animal.
- (k) It shall be unlawful to participate in, assist with, sell, transport or otherwise allow any animal to be provided to another person as a promotional item, or prize to be giveaway at any event, festival, carnival, or parade. This prohibition shall in no way limit the actions of a business, commercial or private shelter, rescue, or other licensed breeder operating in the scope of their daily business activities.

(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 residential property ~~premises~~ of the owner as described in Section 3-109 or if off the residential property 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.

**ARTICLE IV. - DOGS AND CATS**

**Sec. 3-401. - Tethering**

Option 1: It shall be unlawful for the owner of any dog or cat to keep or maintain the animal on a tie-out, tether, picket, or similar device consisting of a rope, chain, cable, or other type of tether for any duration unless continually supervised by its owner or other adult responsible for the animal at the time. Specific exemptions to this section may be granted by any Animal Welfare Officer or Commissioned Police Officer for short durations.

Any person who receives an exemption shall ensure that the animal will not be on the tie-out, tether, picket, or similar device for any duration under conditions which may reasonably threaten the health or well-being of the animal. Dogs and cats may not be tethered unsupervised between the hours of 12:00 a.m. and 6:00 a.m. The owner of a

dog or cat maintained on a tether of any type shall properly fit the animal with a harness to which the tether shall be attached. The tether shall be of adequate length to allow reasonable exercise, access to water, shelter, and shall not be subject to entanglement with other objects in any manner that may cause the animal any injury or clear discomfort or be of a weight disproportionate to the size of the animal so tethered as to unduly burden the animal. Tethering dogs or cats using choke-chains or prong collars is prohibited. Tethering of an unsupervised dog or cat is prohibited when the outside air temperature is not between 35 and 85 degrees Fahrenheit.

**Option 2:** It shall be unlawful for the owner of any dog or cat to keep or maintain the animal on a tie-out, tether, picket, or similar device consisting of a rope, chain, cable, or other type of tether for any duration under conditions which may reasonably threaten the health or well-being of the animal. Dogs and cats may not be tethered unsupervised between the hours of 12:00 a.m. and 6:00 a.m. The owner of a dog or cat maintained on a tether of any type shall properly fit the animal with a harness to which the tether shall be attached. The tether shall be of adequate length to allow reasonable exercise, access to water, shelter, and shall not be subject to entanglement with other objects in any manner that may cause the animal any injury or clear discomfort or be of a weight disproportionate to the size of the animal so tethered as to unduly burden the animal. Tethering dogs or cats using choke-chains or prong collars is prohibited. Tethering of an unsupervised dog or cat is prohibited when the outside air temperature is not between 35 and 85 degrees Fahrenheit.

#### **Sec. 3-4021. - 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. 3-4032. - 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)

**Option 1:** No person shall knowingly or unknowingly permit his cat to be at large anywhere within the Norman City limits. Any cats found at large may be impounded and/or the owner cited by the City. Cats verified as being involved in an active Trap Neuter Return (TNR) or Barn Cat program are exempted from this section. (Updates may be needed to 3-217)



**Option 2:** No person shall knowingly or unknowingly permit his cat to be at large unless the cat is altered, current on its vaccinations as required in this chapter, has a valid issued pet license, and has either a collar with a valid City pet license attached or has a registered microchip containing accurate and current information for the owner, 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. 3-4043. - Prohibition of dogs and cats in certain areas.**

Regulations pertaining to the prohibition and exceptions of live animals on the premises of a food establishment as established in Oklahoma Administrative Code, 310:257-11-54 (Prohibiting Animals) shall be enforceable as if listed entirely in this section.

~~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. 3-4054. - 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. 4-4065. - Number of dogs and/or cats allowed. (Need amended if mandatory spay/neuter)**

(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. 3-4076. - Sale of dogs or cats.**

(1) It shall be unlawful for any person to offer any animal for sale, or to trade, exchange, barter or give away or to accept any animal on any property not owned or rented by the seller or buyer or on any public curbsides, roadsides, alleyways, streets, parks, or any parking lots unless specifically permitted by the City of Norman to do so.

~~(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. 3-4087. - Interference with enforcement.**

No person shall interfere with, hinder, or molest an Animal Welfare Officer or other employee of the Animal Welfare Center 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 or Animal Welfare Center except as herein provided.

**Sec. 3-4098. - 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 or cat 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 within three (3) minutes of its deposit or placement.

**ARTICLE V. - ANIMALS OTHER THAN DOGS AND CATS****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.
- (f) Ensure the animal is properly secured per international airline regulations, detained, or prohibited from unsafe access to others.
- (g) hall be required to provide proof of required licensing and liability insurance to any city officer for keeping and displaying the animal.

#### Sec. 3-502. – Use of Animals at events, festivals, carnivals, parades, etc.

(1) It shall be unlawful to allow for the use of any camel, mule, pony, lama, elephant, zebra, giraffe, at any event, festival, carnival, parade, or other function held on public or city owned property for the purpose of a ride, attraction, entertainment, or other similar activity.

(2) Official mascots or representative of a local school, college, university or other educational institution shall be exempt from this section as long as the animal(s) are being properly cared for.

(3) Any use of any camel, mule, pony, lama, elephant, zebra, giraffe, at any event, festival, carnival, parade, or other function held on privately owned property for the purpose of a ride, attraction, entertainment, or other similar activity shall only be allowed upon the receipt and acceptance of a permit for such activity.

The issuance acceptance of a permit for such activity shall require agreement from the person(s) responsible for the property and the event to the inspection of the permitted location, any involved animals, and any areas or location where the involved

animals are housed or transported. Such inspections may be carried out at the sole determination of the city and may take place during, before and/or after the event. The focus of the inspection shall be limited to ensuring the proper care and wellbeing of the involved animal(s). Should the inspecting officer determine the animal's health may be in danger appropriate criminal charged should be issued to the responsible person and the permit may be immediately revoked.

**Sec. 3-5032. - 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. 3-5043. - Movement of Livestock animals.**

(1) No person shall allow any livestock ~~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.~~

**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, harbinger, 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 Section 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 ten (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 one hundred fifty (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 eight (8) by ten (10) 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), four (4) by six (6) 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 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.