

ORDINANCE NO. 1287

AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA BY AMENDING CERTAIN SECTIONS OF CHAPTER 14 - ANIMALS- AND THE ADDITION OF DEFINITIONS, SETTING FEES BY RESOLUTION BY THE CITY COUNCIL OF THE CITY OF YUKON, AND PROVIDING SUBSTANTIVE PROCEDURE AND PENALTIES REGARDING DOMESTIC ANIMALS, WILD ANIMALS, DANGEROUS ANIMALS, ANIMAL OWNERS, ANIMAL CARETAKERS, FERAL ANIMALS, THEIR CARE, AND THEIR CARETAKERS AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF YUKON, OKLAHOMA that the Code or Ordinances, City of Yukon, is hereby amended by adding sections and amending certain sections in Chapter 14 of the Code of Ordinances to allow the addition of definitions, certain fees to be set through resolution by the City Council of the City of Yukon, and providing substantive procedure and penalties regarding domestic animals, wild animals, dangerous animals, animal owners, animal caretakers, feral animals and, their care to read as follows, to-wit:

SECTION 1:

Sec. 14.

STATEMENT OF PURPOSE

The purpose and intent of this chapter is to protect public health and safety and promote the general welfare of the citizens and animals residing within the city. Pet ownership is encouraged and welcomed when it is accompanied by responsible, caring, humane and legal treatment of the animal. Pet owners and caregivers must be respectful of the rights of their fellow citizens, public and private property, and quality of life as it is impacted by their animal(s). Owners are responsible for properly training and/or securing their animals so as to prevent them from causing damage, injury or nuisance. Owners must also carefully manage their pet's ability to procreate so as to prevent the addition of unwanted stray and feral animals and to help actively reduce the euthanasia of surplus pets in our community.

ARTICLE I. IN GENERAL

Sec. 14-1. - Definitions

The words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

Abandon means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian, or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of 24 hours, regardless of where such animal may be found or kept.

Animal means any live, vertebrate creature domestic or wild, including, fish, amphibians, reptiles, birds and mammals.

Animal control officer means any person employed or appointed by the city or county who is authorized to investigate and enforce violations relating to animal control or cruelty under the provisions of this chapter.

(a) “animal control office” means the Yukon Animal Control Office.

(b) “animal control officer” shall mean any police officer or animal control officer in the Yukon Police Department.

Animal services means the organization or authority designated by the city to enforce animal control ordinances, provide temporary care for stray and surrendered animals and carry out other relevant animal-related governmental laws and programs.

Animal shelter means any facility designated or operated by the city, or its authorized agents, for the purpose of housing, impounding or caring for animals held under the authority of this Chapter or state law.

Animals ferae naturae means animals which are of a dangerous nature to mankind that are normally found in the wild, and shall not include domesticated animals.

At large means any animal, other than a dog, that is off the premises of the owner, while not under the supervision and control of the owner, or, in the case of dogs, any dog that is not at all times, whether on or off the premises of the owner, under the direct control of the owner.

Attack means the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or person occurs, or if the act required a defensive action by any person to prevent bodily injury when such person is conducting himself peacefully and lawfully. Conduct of an animal, such as charging, growling, or chasing in a menacing fashion is considered an attack if a reasonable person believes such conduct threatens the safety and welfare of any person.

Auctions means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sale of animals by owners.

Baiting means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.

Bite means that the skin has been penetrated by an animal's teeth or beak.

Citation means a written notice issued to a person by an officer stating that the officer has probable cause to believe that the person has committed an act or omission in violation of this chapter and that the city court will hear the charge.

Commercial animal establishment means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus or performing animal exhibition.

Dangerous dog means any dog that according to the records of Yukon Animal Control, or any law enforcement agency:

- (1) Has aggressively bitten, attacked or endangered, or has inflicted severe injury on a human being or damaged property.
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property.
- (3) Has been used primarily or in part for the purpose of dog fight, or is a dog trained for dog fighting; or
- (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities.

This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

Direct control means effective, immediate, continuous physical control of a dog at all times such as by means of a leash, lead, kennel, secure fence, or chain of such strength to restrain the dog and controlled by a responsible person capable of restraining the dog, or safe and secure restraint within a building or vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in certified training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or of government police dogs.

Domestic animal means any animal whose natural habitat is with humans and are kept for

pleasure or for utility, that have adapted to life in association with and to the use of human beings.

Ear tipping means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot. A cat with a tipped ear is considered to be sterile and vaccinated against rabies.

Feral animal means any wild animal, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

Fowl means poultry of any kind, including but not limited to chickens, pheasants, guineas, turkeys, peacocks, ducks and geese.

Humane officer means any person designated by the city or a law enforcement officer who is qualified to perform such duties under the laws of this state.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; or any premises where more than three dogs or three cats over the age of six months are kept.

Legal responsibility means, the owner as hereinafter defined shall be considered legally responsible for the actions of an animal and the care of an animal. In the absence of written proof of ownership, all adult members of the household shall be considered legally responsible.

Litter means the offspring produced at one birth by a mammal that normally bears several young during a delivery.

Livestock means all animals of the equine, bovine, ratite, or swine class. This includes goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

Licensing authority means the City of Yukon.

Impoundment means impoundment at a shelter or the taking or picking up and confining of an animal by an officer under the provisions of this chapter.

Officer means any law enforcement officer or any animal control officer.

Owner means any person, partnership, corporation, or other legal entity owning, keeping, or harboring one or more animals or in the case of a person under the age of 18 years of age, that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more. Also, a person legally competent to enter into a contract acquiring a dog or cat from a releasing agency.

This definition shall not apply to any veterinary clinic or boarding kennel.

Performing animal exhibition means any display, spectacle, act or event, other than circuses, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Pet grooming means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Pet shop means any person, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, or boards any species of animal.

Proper shelter for an outdoor animal shall include but is not limited to a permanent structure with four sides, a top and a bottom. The structure shall have a waterproof roof, be structurally sound, and shall be sufficiently insulated to protect the animal from the elements, with space to stand up, sit down, turn around and lie down in a normal posture. The structure and surrounding area needs to be free from trash or waste so as not to threaten the physical well being of the animal. Examples of inadequate shelter include, but are not limited to, lean-to, metal drums, cardboard boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Public nuisance means any animal or animals which causes any harm and:

- (1) Molests passerby or passing vehicles;
- (2) Unprovoked, attacks persons, other animals or fowl.
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages or destroys private or public property; or
- (6) Barks, whines, or howls in an excessive, continuous or untimely fashion, or emits any loud or offensive noise which offends adjoining residents.
- (7) Conduct by stray or feral cats that disturb the peace by habitually and significantly

destroying, desecrating or soiling property against the wishes of the owner of the property.

Releasing agency means any pound, shelter, or humane society organization, whether public or private.

Restraint means any animal secured by a leash or lead when off the owner's property.

Riding school or stable means any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule, or burro.

Scratch means that the skin has been penetrated by an animal's claws, horn, or other appendage.

Spay means to remove the ovaries of a female dog or cat in order to render such animal unable to reproduce.

Spay or neutered means rendering permanently a dog or cat incapable of reproduction by a licensed veterinarian.

Sterilization means to spay or neuter a cat or dog.

Stray animal means an animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owners.

TNR means trap, neuter, and return.

Unprovoked means any situation where the victim has been acting peaceful and lawful.

Veterinarian means a person trained and authorized to treat animals medically who is duly licensed and registered by the state.

Vicious animal means any animal that attacks, bites, or attempts to bite without provocation.

Wild animal means and includes any animal, reptile, or fowl which is not naturally true or

gentle but is of wild nature or disposition, and must be kept in confinement to be brought within the control of the owner.

Zoological park means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of undomesticated animals operated by a person, partnership, corporation or government agency.

Sec. 14-2. - Animal care

- (a) No owner or caretaker shall fail to provide his animals with sufficient good and wholesome food and clean water for the animal in a sufficient quantity to maintain the animal in a healthy condition. Water shall be provided at all times in a stable container that is sized appropriately for the animal's species and breed, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (c) No owner of an animal shall abandon such animal.
- (d) Any person wishing to dispose of an animal or animals may bring such animal(s) to the city shelter for the purpose of euthanasia or adoption and shall pay a fee in an amount determined by Resolution of the Yukon City Council and shall sign a release authorizing the immediate humane euthanasia of the animal or animals.
- (e) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (f) Any person who, as the operator of a motor vehicle, strikes any animal shall stop at once and render such assistance as may be possible or shall immediately report such injury or death to the animal's owner. If the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- (g) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, except as provided by state law; provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
- (h) Owners and caretakers of animals shall provide all health-related grooming, cleaning and parasite control required to ensure that the animals are maintained in a humane state and able to carry out normal activities.

- (i) No person, except a licensed veterinarian, shall crop or cut an animal's ears and/or tail or otherwise disfigure any animal.
- (j) No person shall dye or color artificially any animal.
- (k) Chickens, ducklings, other fowl younger than four weeks of age, or rabbits younger than two months of age, may not be sold in quantities of less than 25 to a single purchaser.
- (l) No person shall display, give away, or offer for sale any live animal on private property without consent of the owner, or public land, right of ways, or easements, except in areas that have been authorized and permitted by the city for such use.
- (m) Natural disasters. It shall be the responsibility of each pet owner and caretaker to provide adequate water, food, shelter, and health care for their animal(s) during tornados and other natural disasters and to responsibly evacuate them when necessary.
- (n) Tethering. No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety, and well-being. Tethering of an animal is prohibited during severe weather occurrences and natural disasters, including extreme heat, extreme cold, flood, hail, fire, tornado, hurricane, or blizzard.

Proper and humane tethering includes, but is not limited to the following:

- (1) The tether shall be attached to a properly fitted collar or harness. The use of a choke chain or prong collar is prohibited.
- (2) The tether shall not extend over an object or edge in such a manner that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of six feet and allow ingress and egress from proper shelter, access to drinking water, and freedom to move about and avoid areas of animal waste.
- (3) The weight and gauge of any tether or chain shall not be more than necessary to establish direct control. Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain, or tether.
- (4) No animal shall be tethered on a vacant or abandoned property.

Sec. 14-3. - Keeping of wild animals.

- (a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions,

or circuses.

- (b) No person shall keep or permit to be kept any wild animal as a pet. However, if the owner can establish to the police department's satisfaction that an animal ordinarily considered "wild" is not dangerous to people or other animals and that the animal is healthy, safe and tame as a pet, the licensing authority may issue a certificate of exemption to the owner which shall be valid indefinitely. The cost for a certificate of exemption shall be an amount determined by Resolution of the Yukon City Council. In such case, the owner agrees to accept full responsibility for the actions and behavior of each animal. The establishment of whether such animal is healthy, safe and tame as a pet shall be the responsibility of the owner of the animal. Evidence tending to establish the animal's health, safety and tameness shall be in writing, submitted by the owner of such animal to the police department within five days of the owner's notice that he is suspected of keeping a wild animal. The police department shall either agree with, or disagree with, the evidence submitted within five days of receiving such evidence from the owner of the suspected wild animal. If it disagrees it shall state its reasons in writing. The licensing authority shall refuse to grant a certificate of exemption to the owner of the suspected wild animal if the police department fails to agree with the animal's owner. The owner of the animal may appeal such decision to the city manager within five days. The failure to appeal such ruling shall make the determination of the police department and the licensing authority conclusive such that the city may take all further necessary steps to see that its ordinances are enforced.

Sec. 14-4. - Beehives on residential lots, number restricted.

As a matter of public policy, it is declared unlawful to keep more than two hives of bees on a platted residential lot within the corporate limits of the city.

Sec. 14-5. - Performing animal exhibitions

- (a) No performing animal exhibition or circus shall be permitted that is not sanctioned by a recognized state or national organization in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.
- (c) It shall be unlawful for any person to stage, promote, or engage in any combat between animals or between animals and humans which by its nature causes pain, suffering, and discomfort.

Sec. 14-6. - Keeping of swine.

(a) It shall be unlawful for any person to keep, maintain or feed swine within the city, except as specifically provided for in section 14-8 or as provided in this section.

(b) The keeping of not more than one potbellied pig or similar small swine per lot or premises shall be allowed under the following conditions:

- (1) Each potbellied pig shall be a pet that is to be kept for personal enjoyment and not kept or raised for human consumption.
- (2) Each potbellied pig shall be licensed with the city under such conditions as the animal control division deems appropriate.
- (3) A potbellied pig shall not exceed 125 pounds in weight, and 26 inches in height.
- (4) There shall not be more than one potbellied pig more than three months of age per lot or residence.
- (5) The keeping of potbellied pigs for commercial breeding purposes is prohibited in the city.
- (6) The premises where potbellied pigs are kept shall be cleaned regularly and shall be maintained so that noxious odors are controlled.
- (7) Any person who keeps, maintains or harbors a potbellied pig shall keep it confined on the premises. The confinement shall be accomplished by the following means:
 - a. A fence or similar enclosure to prevent escape;
 - b. Keeping it inside a house or other building; or
 - c. Keeping it on a leash to prevent escape.

For the purposes of this section "potbellied pig" shall mean: Asian potbellied pigs, Shar-pei pigs, Vietnamese, Chinese or Asian pigs, or similar swine meeting the provisions of this section.

Sec. 14-7. - Noisy animals.

It shall be unlawful for any person to keep or harbor within the city any animal which, by emitting any irritating and/or offensive noise, disturbs the peace and quiet of any person.

Sec. 14-8. - Storage and disposition of manure; site requirements.

- (a) *Storage.* No horse, mule, donkey, pony, cow, goat, sheep or other similar animal shall be kept within less than 200 feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept. The owner of any of the above-listed animals shall provide a watertight and flytight receptacle on the premises for manure, of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a

nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises, except in such receptacle.

- (b) *Disposal.* Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.
- (c) *Site requirement.* Any property on which is kept a horse, mule, donkey, pony, cow, goat, sheep, swine or similar animal shall be not less than one-half acre in size. There shall be an additional 10,000 square feet of lot area required for each additional animal where two or more are kept.

Sec. 14-9. - Location of premises where kept.

No stable, dog kennel, rabbit warren, lot, yard or other establishment wherein animals are kept shall be maintained closer than 40 feet to any tenement or apartment house, hotel, restaurant, boardinghouse, retail food store, building used for educational, religious or hospital purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animals are kept.

Sec. 14-10. - Maintenance of premises where kept.

Every stable, structure, pen, lot or place wherein any animal is kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors, excepting agricultural-zoned property of at least five acres.

Sec. 14-11. - Vicious or dangerous animals.

- (a) *Keeping prohibited.* It shall be unlawful to keep, harbor, own or in any way possess within the city limits any vicious animal. For the purpose of this chapter, "vicious animal" is defined to mean:
 - (1) Any animal having poisonous bites;
 - (2) Any animal that has been bitten by an animal or known to have been inflicted with rabies;
 - (3) Any warm-blooded, carnivorous or omnivorous wild or exotic animal, dangerous or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined in a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage (including, but not limited to, nonhuman primates, snakes, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for

laboratory purposes);

- (4) Any animal with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals;
 - (5) Any animal which has previously attacked or bitten a human being or other domestic animal other than the type of circumstances that would be justifiable; or
 - (6) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.
- (b) *Seizure and impoundment.* Any animal found to be subject of a violation of this section shall be subject to immediate seizure and impoundment and held at the city animal shelter awaiting the findings of the municipal court.
- (c) *Fines for violation.* Any person who violates the provisions of this section may be fined as provided for in section 14-75.
- (d) *Destruction by court order.* If the court finds that such seized and impounded animal shall have inflicted major injury to a human being or other domestic animal, or that has previously bitten or attacked a human being or other domestic animal without provocation, then after a period of observation, it shall be destroyed by court order. A fine may also be levied as provided in section 14-75.
- (e) *Surrender and return.* If the court fails to find that such seized and impounded animal is a vicious animal, the court shall order and it shall be the duty of the chief of police to cause the surrender and return of the animal to the owner thereof.
- (f) *Authority to kill.* Notwithstanding the above provisions of this section, if any animal is of such vicious nature that it cannot be safely seized and impounded, it may be killed by the officer seeking to apprehend it.

Sec. 14-12 through 14-37. - Reserved.

ARTICLE II. DOGS AND CATS

Sec. 14-38. - Restraint.

- (a) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (b) Every female dog or cat in heat shall be confined in a building or secure enclosure

in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

- (c) Every animal which has bitten or molested person(s) on at least one occasion shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

Sec. 14-39. - Adoption of animals from shelter.

- (a) *Spaying or neutering as condition for release.* No animal may be released for adoption from the animal shelter unless such animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the animal shelter to ensure that the adopted animal will be spayed or neutered. The deposit shall be an amount determined by Resolution of the Yukon City Council. The city manager or his designee may waive the deposit requirement for any bona fide animal club, organization or humane society. Any bona fide animal club or organization may register with the animal shelter and may request notification of the pending destruction of any animal of a particular breed or type. Once the animal club or organization's application has been approved, the animal shelter shall attempt to notify the organization not less than 24 hours before the animal is scheduled to be destroyed. The animal club or organization shall be permitted to adopt the animal at no charge, and without depositing funds as required by this section. Nothing in this section shall be considered to create or give the animal club a property interest in the animal until such time as the animal is adopted, and the city shall not be liable for any failure to notify the animal club.
- (b) *Refund of deposit upon proof of spaying or neutering.* Of the funds deposited with the animal shelter, an amount determined by Resolution of the Yukon City Council shall be refunded to the veterinarian or adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless such animal was spayed or neutered within 60 days of adoption in the case of adult animals; or, in case of infant animals, within 30 days of the date a female animal attained the age of six months, or a male animal attained the age of eight months.
- (c) *Rules; sterilization agreement.* The adopting party shall execute a sterilization agreement provided by the animal shelter which has been approved by the city council of the city.
- (d) *Extension of time to spay or neuter.* Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the animal shelter shall grant a 30-day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.
- (e) *Death of adopted animal; refund of deposited funds.* If requested to do so, the animal

shelter shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal shelter by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

- (f) *Disposition of forfeited funds; record of accounts.* Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible and the funds shall be allocated to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the animal shelter. The city shall maintain accurate records of accounts which fund spay/neuter programs.
- (g) *Compliance with Dog and Cat Sterilization Act.* All provisions of 4 O.S. § 499 et seq. shall be complied with by the city animal shelter.

Sec. 14-40. Nuisance animals.

- (a) No owner of an animal within the city shall not fail to exercise proper care and control of such animal to prevent it from becoming a public nuisance.
- (b) It shall be a violation of this section for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance, regardless of the knowledge, intent, or culpability of the owner. For purposes of this section, an animal shall constitute a public nuisance if it:
 - (1) Unreasonably annoys humans, endangers the life or health of other animals or persons, or damages or substantially interferes with the use and enjoyment of property rights of citizens;
 - (2) Molests passerby or passing vehicles;
 - (3) Is kept or harbored in a manner that causes unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises, such as odor related to animals or cleaning agents or the attraction of flies, insects, or vermin;
 - (4) Habitually barks, whines, howls, crows or cackles in an excessive, continuous or untimely fashion or makes other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;
 - (5) Damages the property of anyone other than its owner, including but not limited to turning over garbage containers or damaging vehicles, gardens, flowers or other plant material, or depositing fecal material.
 - (6) Is at large in any of the streets, public ways, public places, parks, or upon private premises of any other person than the owner of the animal;
 - (7) Attacks other animals or fowl;
 - (8) Is repeatedly at large; or

- (c) Any animal which is unrestrained or causing a public nuisance may be impounded as provided for in this chapter.
- (d) The keeping, harboring or owning of any unrestrained animal shall be a violation of this chapter.
- (e) A citizen's complaint for violation of this section may be issued only upon receipt of the complaint signed by two or more residents of the city, each residing at different addresses in the vicinity of the animal or incident. The complaint shall set forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owners and a description of the animal(s) doing such act(s).
- (f) In addition to other remedies a nuisance may be abated in the following manner:
 - (1) Upon the first occurrence of a violation the owner or caretaker may, at the discretion of the investigating animal control officer or law enforcement officer, be given written notification that the animal's behavior constitutes a public nuisance, that the owner or caretaker is required to make reasonable efforts to abate the nuisance, and that subsequent violations may result in the issuance of a citation to the owner for allowing his or her animal to become a public nuisance.
 - (2) If there are two or more citations given for violations within a 12-month period on the same premises, the city attorney is authorized to seek an injunction in the name of the city from the appropriate court to abate the nuisance.
 - (3) Adjudication of guilt, withholding of adjudication, or plea of no contest (including, but not limited to, payment of fine) in a 12-month period for two violations on the same premises, plus a third such citation within the 12-month period, shall be presumptive evidence of a public nuisance. However, the judge may find a public nuisance without such presumptive evidence based on other evidence presented.
 - (4) The judge may fashion an injunction that will abate the particular nuisance being found, up to and including removal of one or more animals from the premises.

Sec. 14-41. - Person operating kennels to secure license.

- (a) It shall be unlawful for any person to run or operate a kennel within the city without first procuring from the city clerk an annual license to operate such kennel.
- (b) The costs of the annual kennel license shall be an amount determined by Resolution of the Yukon City Council and shall not be prorated or reduced for any reason. All licenses shall be annual licenses and shall expire on April 30 following the date of their issuance.

Sec. 14-42. - Kennels to be maintained properly.

All kennels operated pursuant to this article shall be kept in a clean and sanitary condition and shall not emit noxious odors. In addition to other remedies any owner or operator of a kennel that fails to properly maintain the kennel premises shall have his kennel license revoked. Additionally, no kennel shall be located in any residential district.

Sec. 14-43. -Off-leash dog parks.

The City of Yukon, humane society, or similar group may be authorized to operate and maintain designated areas, or parks, within the city limits where responsible owners can allow their dogs to exercise and socialize off-leash. All users of city off-leash dog parks must adhere to the rules and regulations posted at entrance to the dog park area. Violators of posted rules are subject to ejection and forfeiture of off-leash dog park privileges. It shall be assumed that there is an inherent risk in allowing dogs to interact without direct control, so all participants that choose to use off-leash dog parks do so at their own risk of injury to other persons, themselves and dogs. Persons making use of off-leash dog parks shall be responsible for injuries caused by their dogs to other persons and dogs. Persons responsible for any such injuries or property damage shall hold the operating group harmless for same.

ARTICLE III. GENERAL REQUIREMENTS

Sec. 14-44. - Prohibition on the feeding of feral animals.

The indiscriminate feeding of feral animals is prohibited as they constitute health and environmental risks to domesticated animals, wildlife, and persons. It is a violation of this section for any person to feed or harbor feral animals on a regular, intentional basis. The prohibition on feeding includes on all property in the City of Yukon, both public and private, without the permission of the City of Yukon or the property owner.

(a) *Violations.* Any person found in violation of this section shall be fined an amount determined by Resolution of the Yukon City Council.

Sec. 14-45. -Animals at large.

- (a) The owner or custodian of an animal shall prevent such animal from running or remaining at large on any public street, road, alley, park or other public space.
- (b) It shall be unlawful for any animal to run or remain at large upon any private property, whether under direct control or not, without the consent of that property administrator, owner, or legal tenant.
- (c) No person shall tether an animal on public or private property, or in such manner that the animal has access to public or private property, without the consent of that property administrator, owner, or legal tenant.

- (d) The owner or keeper of any animal found at large shall be responsible for violation of this article. Any animal found at large may be impounded by the city.
- (e) Exceptions. This section shall not apply to:
 - (1) Any animal that is specifically trained to assist or provide personal services for a disabled person, as defined under the Americans with Disabilities Act and is in the course of performing those services.
 - (2) Law enforcement dogs conducting official business.
 - (3) Authorized rescue and emergency dogs conducting official business.
 - (4) Dogs at city designated off-leash areas when under the immediate supervision of the owner and fully complying with all posted rules.

Sec. 14-46. - Animals in motor vehicles.

- (a) Any animal being transported or kept in the open bed of a vehicle shall be restrained by one or more tethers fixed to the vehicle and attached to the collar or harness being worn by the animal in a manner that will prevent the animal from falling, being thrown, or jumping from the vehicle. The animal may also be safely enclosed within the cab of the vehicle or within a container or cage.
- (b) It shall be unlawful for any person to transport, place, or confine an animal or allow it to be placed or confined in the enclosed trunk of a vehicle.
- (c) It shall be unlawful for a vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain in a vehicle without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may reasonably be expected to cause suffering, disability, or death of the animal.
- (d) Officers finding an animal under the conditions referenced above may rescue such animal from the vehicle following the policy established by animal services.

Sec. 14-47. - Removal of animal waste.

- (a) The owner of any animal shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.
- (b) The owner of any animal shall remove animal waste from his or her property if it poses a threat to the health, safety, or well-being of any animal(s) or person(s).
- (c) This section shall not apply to disabled persons accompanied by a service animal for assistance in accordance with the law.

Sec. 14-48. - Cruelty.

- (a) No person shall unnecessarily overload, overdrive, torture or torment, deprive of necessary sustenance or shelter, beat, mutilate, or inhumanely kill, or otherwise abuse any animal or cause or permit the same to be done.
- (b) No person shall abandon any animal.
- (c) Any person who commits any of the following acts shall be in violation of this section.
 - (1) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
 - (2) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals;
 - (3) Attending the fighting or baiting of animals;
 - (4) Providing or allowing property for use in the housing, training, transport, fighting or baiting of animals.

Sec. 14-49. - Interference with enforcement - breaking of property.

No person shall:

- (1) Interfere with, hinder, or molest any police officer, animal control officer or other person in the performance of any duty required by this chapter.
- (2) Refuse to surrender an animal upon lawful demand by any police officer, animal control officer, or other authorized person in the performance of any duty required by this chapter.
- (3) Harbor, hide, or conceal any animal that any police officer or animal control officer has deemed to be in violation of this article.
- (4) Break open or assist in the breaking open of any of the fences, gates, fastenings or enclosures of facilities and vehicles maintained by Yukon animal services; and no unauthorized person shall remove or release any animal from animal services property, vehicles, live traps or other sites designated for official animal care functions.

Sec. 14-51 - 14.65. - Reserved.

ARTICLE IV. IMPOUNDMENT

Sec. 14-66. - Authorized impoundment and violation notice.

Unrestrained and nuisance animals shall be taken by the police, animal control officers, or humane officers and impounded in an animal shelter and there confined in a humane manner. The keeping, harboring, or owning of unrestrained animals shall be an offense punishable pursuant to Section 1-7 of the Yukon Code of Ordinances.

Sec. 14-67. - Minimum retention period.

Animals impounded under this article shall be kept for not less than five working days, except for animals *ferae naturae* which shall be impounded, if at all, for a period of time deemed necessary for the protection of the public.

Sec. 14-68. - Immediate notice to known owner.

If by a license tag or other means the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.

Sec. 14-69. - Fees.

Fees for reclaiming any animal shall be an amount determined by Resolution of the Yukon City Council.

Sec. 14-70. - Assumption of ownership by city, disposition.

Any animal not reclaimed by its owner within five working days shall become the property of the city, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

Sec. 14-71. - Notice of violation.

In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice of violation shall have the same force and effect as the issuance of a ticket.

Sec. 14-72. - Alternative enforcement.

- (a) The owner of an impounded animal may also be proceeded against for any violation of this chapter. Such suit may be either criminal, civil or equitable in nature.
- (b) All licenses issued to animal owners against whom three or more ordinance violations have been assessed in a 12-month period shall not be renewed.

Sec. 14-73. - Impoundment and disposition of rabies-suspected animals.

Every rabies-suspected animal found within the city shall be immediately seized by the chief of police or other persons designated by him, and securely and separately confined for observation for a period of ten days. If within such period the animal becomes rabid or shows symptoms of indications of rabies, it shall be the duty of the chief of police or persons designated by him to destroy the animal. If such animal is not rabid and is duly vaccinated and licensed and is not a vicious animal, it shall be surrendered to the owner on demand after the expiration of such ten-day period, and upon payment of the impounding fee prescribed in this chapter

Sec. 14-74. - Enforcement

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this chapter to interfere with a humane officer in the performance of his duties.

Issuance of a Citation; Impoundment of animal

An animal control officer or other law enforcement officer upon observing a violation of this chapter, or having probable cause to believe a violation of this chapter has occurred, may do the following

- (1) Issue a verbal or written warning to the owner or keeper of the animal indicating the nature of any complaint or violation and actions required to become compliant.
- (2) Issue a citation to the owner or keeper of the animal. For any violation of section, animals in motor vehicles, the citation may also be issued to the driver or registered owner of the vehicle.
- (3) Impound the animal that is the subject of the violation.

Sec. 14-75. - Penalties

Any person violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof shall be subject to the penalties set forth in section 1-7 of this Code.

Sec. 14-76. - Disposition of fees and penalties.

It shall be the duty of anyone collecting any fees or penalties under this chapter to pay all such monies to the City of Yukon. Monies collected from penalties from fines shall be utilized for the purpose of sterilization of animals, animal control activities, the city shelter, and support of feral animal community care.

PUBLISHED IN THE YUKON REVIEW
APRIL 6TH AND 10TH, 2013

ORDINANCE NO. 1287

AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA BY AMENDING CERTAIN SECTIONS OF CHAPTER 14 - ANIMALS- AND THE ADDITION OF DEFINITIONS, SETTING FEES BY RESOLUTION BY THE CITY COUNCIL OF THE CITY OF YUKON, AND PROVIDING SUBSTANTIVE PROCEDURE AND PENALTIES REGARDING DOMESTIC ANIMALS, WILD ANIMALS, DANGEROUS ANIMALS, ANIMAL OWNERS, ANIMAL CARETAKERS, FERAL ANIMALS, THEIR CARE, AND THEIR CARETAKERS AND DECLARING AN EMERGENCY.

SECTION 2 - EMERGENCY

An Emergency is declared to exist and it is necessary for the public welfare, health, and safety that this Ordinance take effect immediately upon passage, approval, and publication according to law.

PASSED AND APPROVED this 2nd day of April, 2013, with the Emergency Clause passed separately.

John Alberts, Mayor

Douglas A. Shivers, City Clerk

(SEAL)
LPXLP

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