

Ordinance

Version 2.9 released on 9/5/19  
Use for all Ordinances including: TRO, Budget, Zoning, Declarations,  
Trust Indentures, etc.



<b>CITY COUNCIL USE ONLY</b>	Tracking #: _____	<b>CITY CLERK USE ONLY</b>
Date Received: _____	Committee: _____	Date: <u>03-02-2020</u>
Committee Date: _____	Hearing Date: _____	Item #: <u>2002.00385</u>
1 <sup>st</sup> Agenda Date: _____	2 <sup>nd</sup> Agenda Date: _____	

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No.	Board Approval Zz Not Listed	Other Board Name Animal Welfare Commission	City Council Approval <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Department Mayors Office	Contact Name Christina da Silva	Email cdasilva@cityoftulsa.org	Phone 918-576-5093
Subject (Description) Changes to Title II -Animal Ordinance		Ordinance Type Amending Previous Ordinance	
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property
Council District	Zoning No.	PUD No.	Planning District

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project Sting-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:	
Legal:	
Board:	
Mayor:	
Other:	

Date:	<u>2.26.20</u>
Date:	<u>02.27.2020</u>
Date:	<u>27 February 2020</u>
Date:	<u>MAR 02 2020</u>

Policy Statement

Background Information

As part of the Mayor’s Comprehensive Animal Welfare Reform Plan, the Animal Welfare Commission conducted a review of outdated ordinances as it relates to animal welfare and ownership. City Prosecutor Shelton Benedict and Deputy City Attorney Jean Ann Hudson have been engaged to answer questions throughout in the drafting process as well as ensuring that language proposed is compliant with state and federal law. Additionally, Tulsa Planning Department provided support to ensure that changes were compliant with current zoning code. Please see memo for more details on process used to engage residents and stakeholders as well as background on the amendments.

Provide background information on the requested action.

Summation of the Requested Action

Ammend Section 100 Definitions to align with state law

Ammend Section 101 to align with other parts of the ordinance and updated penalties

Ammend Section 104 to add language that would allow Animal Welfare Commission to review fees and provide reccomendations

Ammend Section 106 to provide clarification and support for enforcement

Ammend Section 117 Exemption Permits to provide support for enforcement

Ammend Chapter 2 Agricultural Animals to align with current zoning code

Ammend Chapter 3 to provide clarification on language

Ammend Chapter 4 to provide clarification on language

Ammend Chapter 5 to provide clarification on language and reflect updated processes

Ammend Chapter 6 to provide clarification on language and align with other parts of the ordinance

Ammend Chapter 7 to align with other parts of the ordinance

Summarize the pertinent details of the requested action.

Emergency Clause?	Reason for Emergency Clause
<input type="radio"/> Yes	
<input type="radio"/> No	Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing	Additional Routing and Processing Details
<input type="checkbox"/> Mail vendor copy (addt'l signature copies attached)	
<input type="checkbox"/> Must be filed with other governmental entity	
<input type="checkbox"/> Addt'l governmental entity approval(s) required	





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# Title II Animal Ordinance Amendments Overview

Date:

**March 2020**

Prepared By:

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## History and Context

In October 2018, the Comprehensive Animal Welfare Reform Plan was presented with the goal of improving the quality of life and public safety of residents and animals in Tulsa. As part of the Comprehensive Animal Welfare Reform Plan, the Animal Welfare Commission (AWC) was formed in April 2019 to advise the City on best practices that:

- Promote the safety and wellbeing of residents and animals
- Increase public education on spay and neutering to reduce pet overpopulation
- Support the City of Tulsa Animal Welfare shelter and operations

## Goals of the Ordinance Changes

The proposed ordinance revision is focused on five key issues:

- **Protecting the safety and welfare** of animals and humans by updating definitions and offenses
- Developing a **system for establishing fees for services** by adding a duty to the Animal Welfare Commission to recommend fee amounts, subject to the discretion and approval of the City Council and Mayor
- **Aligning regulations on agricultural animals with existing zoning provisions** and new land use designation AG-R
- **Codifying exemption permits** for animal rescue organizations, as well as for households that house more than 5 domestic animals, and for residents that want to maintain their animals intact for sport or hobby purposes
- **Updating procedure to improve efficiency** and ensure that language reflects current City structure

A summary of these changes is below and a redlined copy of the proposed ordinance changes is also included.

## Timeline and Process

**April 2019** The Animal Welfare Commission (AWC) members were appointed and approved by City Council and Mayor. In their first meeting, AWC Commissioners were asked to assist in reviewing outdated ordinances as it relates to animals.

**June 2019** The AWC began to review recommendations for updating the Title II Animal Ordinance that had been drafted by previous working groups that operated in 2009 and 2012. The AWC decided it would be necessary to gather feedback from residents and stakeholders to ensure legal viability and relevancy.

**July – October 2019** The AWC worked with City staff to emit a public online survey and hosted four public meetings to hear public comments from residents and invited subject matter experts. Following the request of the Commission, a working group that included WIN staff, City Council staff, Tulsa Planning Office staff and legal worked to conduct a formal review of the recommendations based on the feedback received.

**November 2019 – December 2019** Based on the feedback from survey respondents, public comment from stakeholders and identifying what items are legally feasible, AWC approved amendments that are presented in this RFA.

**January – February 2020** City Legal conducted final review to ensure that legal language aligned with state law and supported prosecution operations.

**Next Steps:** The AWC have formed two subcommittees to continue exploring root causes and solutions that address challenges related to pet overpopulation and enforcement of animal cruelty laws. The Spay & Neuter Subcommittee will host their meeting Friday 02/28 and the Humane Treatment Subcommittee will host their first meeting Friday 03/06.



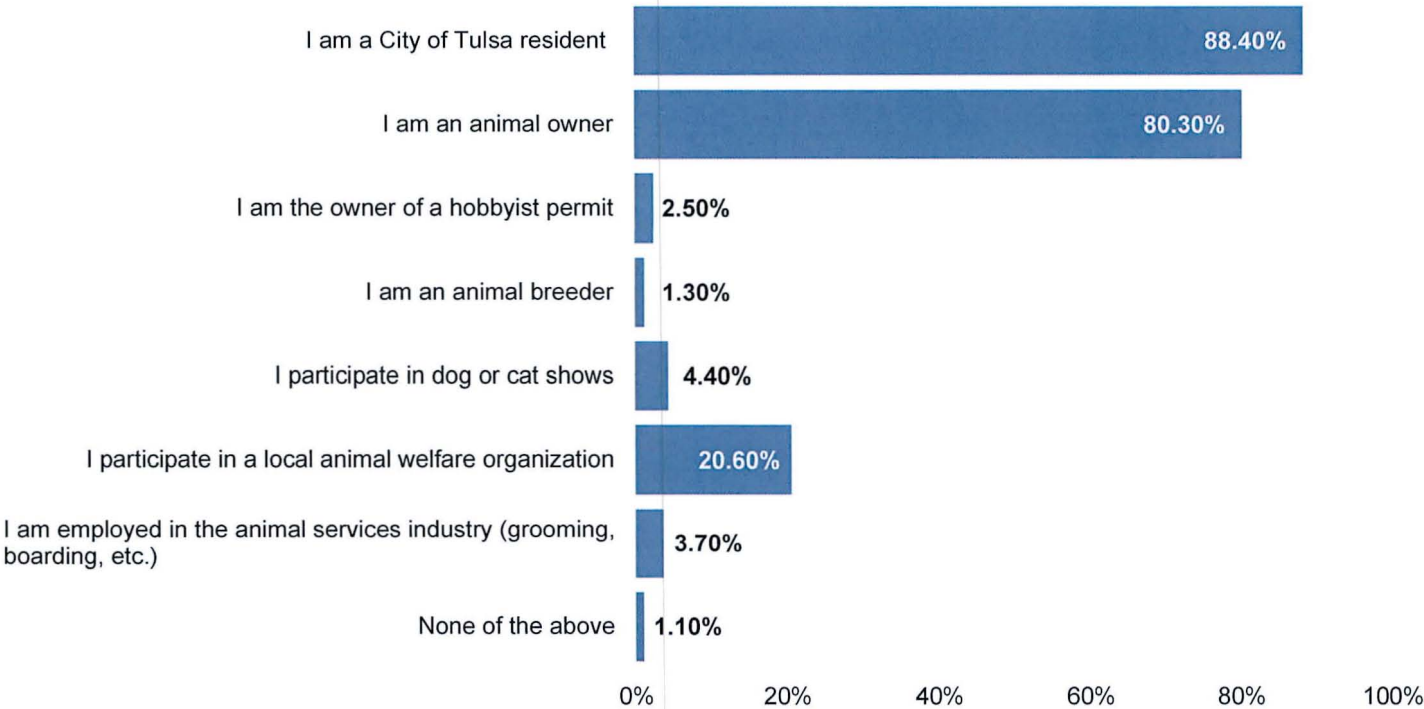
# Tulsa Animal Ordinance Feedback Survey

To gather feedback on proposed revisions of the Title II ordinance, a survey was created to gauge the levels of support and collect any recommendations or best practices from the public. The survey was open from July 1<sup>st</sup> and closed on August 31<sup>st</sup>.

## Survey Results

The survey was shared electronically via email, social media and posted on the City of Tulsa website. In total, the survey had 1,417 responses from individuals who rated their approval/disapproval and also offered comments and language suggestions.

### Survey Respondents



85%-90%

Approval rating of proposed revisions from survey respondents

20% of respondents expressed strong disapproval or disapproval on the following items:  
Section 101 Offenses – Harboring more than 5 combined dogs or cats  
Section 117 Exemption Permits

In addition to responding to the proposed revision, there were several comments from the respondents that expressed the need for Tulsa Animal Shelter and Operations to enforce current or proposed policies.

All the survey results, including the comments and suggestions were categorized and reported to the Commission in their monthly public meeting on September 2019. The Commission hosted two more public meetings to receive public comment from stakeholders. In December 2019, AWC approved the amendments included in this request for action.



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## Highlights of Proposed Amendments

The following are highlights of proposed amendments, organized by chapter in the Animal Ordinance.

### Chapter 1 Definitions, Regulation Generally

The central components of amendments to the Chapter 1 Definitions, Regulation Generally section are outlined below.

#### Section 100 Definitions

The following definitions were *added to support the safety of victims who are attacked by an animal*:

- *Animal Bite*
- *Severe injury*

The following definitions were *amended to help with the enforcement of loose animals*:

- *At large*
- *Confined on premise*
- *Leash*
- *Nuisance Animal*
- *Removed at heel*

The following definitions were *amended to support public education efforts on spay and neutering* as well as *supporting animal welfare organizations* that partner with City of Tulsa Animal Welfare operations and shelter:

- *Intact Animal*
- *Rescue organization*
- *Rescuer*
- *Foster*

The following definitions were *adapted to allow for changes to the exemption permit process*:

- Hobbyist permit definition was removed. In its place, the amended ordinance will allow for three types of exemption permits: animal count (for more than 5 animals), intact animal, and rescue organization (see section 117 for more explanation)
- *Immediate family* was clarified to help with defining exemption permit process

Other definitions provided clarification and updates *for efficiency and standardization of processes*:

- *Proof of ownership*

#### Section 101 Offenses

Any offenses that affected public safety or public health, e.g. refusing to turn in a rabies suspected animal, were changed to have a maximum penalty of \$1200 and/or six months in jail. Any offenses that may be considered minor nuisance were assigned maximum penalty of \$500 or less.

Section 101(A)(13) made it a new offense to permit an animal to destroy or damage property.

#### Section 104 License Fee

The AWC received a lot of feedback and public comment on fees and how they are established. There was a lot of concern that any increases to fees, especially to exemption permits, would make it cost prohibitive for many to apply.

In response to this, the AWC approved language that would allow for an annual review fees for services, taking into consideration cost associated for providing these services. This language mirrors similar processes in other boards and commission, e.g. Park fees. All fees would have to be voted and approved by City Council.

#### Section 106 Rabies Suspect

Changes were made to provide clarification and support for enforcement. A provision was made to allow owners quarantine their animal at home if they can prove that their animal has current a current rabies vaccination and was not at large. Language was added to clarify that if an animal is quarantined at home, it would be at the owner's expense and liability.

## Section 116 Notice of Impoundment

Provides a process for a municipal judge to impound an animal for health and safety related offenses existing in the Animal Code.

## Section 117 Exemption Permits

The current Hobbyist Exemption has several challenges in its current form:

- There is no limit to the number of animals allowed under the exemption.
- There is no accommodation for training during which an animal may be intact but not yet be participating in the activity.
- There is no accommodation for a citizen to have more than 5 animals in the case of family life events. Citizens have tried getting a single exemption from Council without success.

For these reasons, it is being proposed that the hobbyist permit be separated into three different categories:

- *Intact Animal exemption permit* - allows pets that participate or train in events to remain intact. The City does not want to prevent citizens from being involved in dog/cat shows, agility competitions and other formal activities with their animals and some of those activities require that the pet remain intact.
- *Animal Count exemption permit* – allows more than the total of 5 pets of which 3 can be dogs, due to participation in events or taking care of family pets. This exemption also limits the number of pets based on property size.
- *Animal Rescuer exemption permit* – the number of rescue groups has grown in Tulsa and most of them are foster based. This exemption allows a citizen to foster for a recognized/approved rescue group with those fostered animals being intact and the number in the household to exceed the number allowed by ordinance, current and proposed.

All fees would have to be reviewed and vetted by the Animal Welfare Commission and then ultimately voted for approval by City Council.

## Chapter 2 Agricultural Animals

The central components of amendments to the Chapter 2 Agricultural Animals are outlined below:

- *Cattle*: Removed requirement for 1 acre **per head of cattle** and changed it to just 1 acre for the pen, lot, or enclosure. This was based on WIN recommendation that cows do not need 1 acre per cow.
- *Horses*: Added AG-R to list of residential zoning categories where horses are allowed. Horses in AG-R (and other residential districts) must have 1 acre of usable land (includes the barn but not the home or house area). This is not a change to the previous ordinance, just an addition of AG-R.
  - All horses must be registered with WIN now, **including on AG zoned property**. Based on discussion with WIN and frequency of lost horses—would make it easier to find owners
- *Poultry*: Increased limits to 8 hens and 14 juvenile birds from current 6 hens and 14 juvenile birds. Based on discussion with WIN, the increase to 8 was chosen based on the idea of 2 adult hens per person for an average family of 4. This also aligns with American Planning Association best practices for urban livestock.
  - Added limits for number of poultry on AG-R, with a possibility to increase as size of AG-R lot increases, to a maximum of 45 hens on 2 acres, based on research from the American Planning Association best practices for urban livestock.
  - Prohibits roosters unless they were owned before this ordinance change and are registered with WIN
  - Specific requirements for cleanliness and sanitation of poultry building or pen
- *Rabbits*: Added limits for number of rabbits on AG-R, with a possibility to increase as size of AG-R lot increases, to a maximum of 20 adult rabbits on 2 acres. This was based on research about commercial operations which identified approx. 25 adult rabbits as the number needed to start a small-scale commercial operation.



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## **Chapter 4 Miscellaneous Provisions.**

### **Section 406 Outdoor Shelter Requirements**

Added language to provide support for enforcement of safety and welfare of residents and animals.

## **Chapter 5 Dead Animals**

Updated language to include current City department Streets and Stormwater. Additionally, it was codified that Streets and Stormwater would check for microchip or pet license tags on every dead dog and cat picked up by the City of Tulsa. Codified a proactive strategy to bring closure to families with stray or deceased pets.

## **Chapter 6 Dangerous Dogs**

Terms and definitions in this section were moved to Chapter 1 to assist with public notification

## **Next Steps**

The Animal Welfare Commission has formed two subcommittees that host open and public meetings to further explore topics and engage with subject matter experts. By the end of the year, the AWC will produce a report with findings and recommendations for the Mayor and City Council to further improve animal welfare services.

### **Spay & Neuter Subcommittee**

The Spay & Neuter Subcommittee will focus on reviewing current operations and efforts to reduce pet overpopulation while exploring best practices and opportunities to expand spay and neutering services to residents of Tulsa.

### **Animal Cruelty & Humane Treatment Subcommittee**

The Animal Cruelty & Humane Treatment Subcommittee will work with local law enforcement agencies, including the Animal Welfare Investigators, Tulsa Police Department, and District Attorney's office, to review current enforcement procedures. Recommendations for process improvements and policy recommendations will be documented in a final report that will be presented to the City Council and Mayor later this year.



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PROVIDED FOR THE CONVENIENCE OF THE READER.**

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 2, TULSA REVISED ORDINANCES, TITLED "ANIMALS" AND REGULATING MATTERS RELATED TO ANIMALS WITHIN THE CITY OF TULSA; AMENDING CHAPTER 1, TITLED "DEFINITIONS; REGULATIONS GENERALLY", SECTIONS 100 THRU 111, 113, 114, AND 116 THRU 118; PROVIDING DEFINITIONS, PRESCRIBING OFFENSES, PROVIDING FOR REGISTRATIONS, INOCULATIONS, VETERINARIAN RECORDS AND REPORTS, LICENSING, PROTECTIONS AGAINST RABIES, THE REGULATION OF DANGEROUS AND NUISANCE ANIMALS, ANIMAL IMPOUNDMENTS, COMMERCIAL ANIMAL ESTABLISHMENTS, PROCEDURES FOR ENFORCEMENT, EUTHANASIA, ENTRY ON PROPERTIES, EXEMPTION PERMITS, AND PENALTIES FOR VIOLATION OF CHAPTER 1; AMENDING CHAPTER 2, TITLED "AGRICULTURAL ANIMALS", SECTIONS 200 THRU 204; REGULATING THE KEEPING OF CATTLE, GOATS, SHEEP, HOGS, HORSES, POULTRY, RABBITS, PIGEONS AND DOVES, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 2; AMENDING CHAPTER 3 TITLED "ANIMALS IN STREETS", SECTIONS 300, 302, 304 AND 305; REGULATING THE TRAINING, HITCHING, RACING AND TURNING LOOSE OF CERTAIN ANIMALS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 3; AMENDING CHAPTER 4 TITLED "MISCELLANEOUS PROVISIONS", SECTIONS 400, 402 THRU 407 AND SPECIALLY REPEALING SECTION 401, TITLED "ADMINISTRATION OF POISON"; REGULATING THE SALE AND DISTRIBUTION OF DISEASED ANIMALS, THE DESTRUCTION AND EUTHANASIAN OF CERTAIN ANIMALS, THE LOCKING OR TYING OF WINGS OF POULTRY, THE DISTRIBUTION OF BABY POULTRY AND RABBITS AS PETS, OUTDOOR POULTRY SHELTERS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 4; AMENDING CHAPTER 5, TITLED "DEAD ANIMALS", SECTIONS 500 THRU 506; REGULATING THE LAWFUL AND UNLAWFUL DISPOSAL OF DEAD ANIMALS, THE RETRIEVAL OF IDENTIFICATION FROM DEAD ANIMALS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 5; AMENDING CHAPTER 6, TITLED "DANGEROUS DOGS", SECTION 600 THRU 607, BY SPECIALLY REPEALING SECTION 600, TITLED "DEFINITIONS" AND RENUMBERING SECTION 601 THRU 607 AS SECTION 600 THRU 606, PROVIDING FOR THE REGULATION OF DANGEROUS DOGS, AND A PENALTY FOR VIOLATIONS OF CHAPTER 6; AMENDING CHAPTER 7, TITLED "REPTILES", SECTION 700, TITLED "HABITAT", BY REDUCING THE PENALTY FOR FAILURE TO PROVIDE A SECURE HABITAT FOR REPTILES, AND PROVIDING A PENALTY FOR VIOLATIONS OF

CHAPTER 7; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA, OKLAHOMA:

*Section 1. That Title 2, Tulsa Revised Ordinances, Chapter 4, "Miscellaneous Provisions", Section 401, titled "Administration of Poison" and Chapter 6, "Dangerous Dogs", Section 600 titled "Definitions" are, by this ordinance, now specially repealed and the currently codified Sections 601 thru 607 are, by this ordinance, now renumbered as Sections 600 thru 606.*

*Section 2. That Title 2, Tulsa Revised Ordinances, "Animals", Chapter 1, "Definitions; Regulation Generally"; Chapter 2, "Agricultural Animals"; Chapter 3, Animals in Streets; Chapter 4, "Miscellaneous Provisions"; Chapter 5, "Dead Animals"; Chapter 6, "Dangerous Dogs"; and Chapter 7, "Reptiles" be and the same are now amended to read as follows:*

**"CHAPTER 1. DEFINITIONS; REGULATION GENERALLY**

- Section 100. Definitions
- Section 101. Offenses
- Section 102. Registration and Rabies Inoculation
- Section 103. Veterinarian records and reports; reporting animal bites
- Section 104. License fees
- Section 105. Proclamation of rabies
- Section 106. Rabies suspect
- Section 107. Dangerous animal
- Section 108. Animal a nuisance
- Section 109. Notice of impoundment; reclaiming; disposal of animals and fees
- Section 110. Commercial animal establishments
- Section 111. Issuance of citations; collection of fines
- Section 112. Police Dogs and Dogs Trained to Guide the Blind and Hearing Impaired and Support Service Dogs for People with Disabilities
- Section 113. Outside agencies and nonresidents
- Section 114. Records; funds
- Section 115. Unlawful removal
- Section 116. Entering property
- Section 117. Exemption permits
- Section 118. Penalty

**Section 100. Definitions.**

For purposes of this title, each word and phrase shall have the following meaning:

**Abandon or Abandoned** shall mean the leaving of an animal without making reasonable arrangements for assumption of custody by another person.



**Animal** shall mean any living creature, except human beings, and include (without limiting the generality) mammals, birds, reptiles, fish, amphibians and invertebrates, except in Section 106 of this chapter the word "animal" shall mean only mammals when referring specifically to the control of rabies and rabies-suspected animals.

- A. A large animal is any agricultural animal, excluding poultry and rabbits. It includes but is not limited to horses; dwarf, miniature, or dwarf variety horses; cattle; goats; donkeys; mules; sheep; and swine. It also includes reptiles over fifty (50) pounds.
- B. A small animal is any non-agricultural animal, including but not limited to dogs, cats, and ferrets, and the following agricultural animals poultry and rabbits.

**Animal bite** shall mean any penetration of the skin by the teeth of an animal but shall exclude scratches by the claws of dogs or cats.

**Animal Welfare Authority** means a local government entity acting alone or in concert with other local governmental units for enforcement of the animal welfare laws of the city, county and state and the shelter and welfare of animals.

**Animal Welfare Center** means the shelter at 3031 North Erie Avenue in Tulsa, Oklahoma.

**Animal Welfare Officer** means any individual employed, contracted with, or appointed by Animal Welfare Authority for the purpose of aiding the enforcement of any law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

**Animal Wild by Nature** shall mean and include any animal, except reptiles defined in Chapter 7, which, because of its potentially dangerous physical features, or its great size, or its potentially dangerous nature presents a clear and proven danger to human beings, and shall include:

- A. The following members of the Class Aves: Order Falconiformes (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and Order Ratites (ostriches, rheas, cassowaries and emus); or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- B. The following members of the Class Mammalia: Order Carnivora, Family Felidae (ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval), except commonly accepted domesticated cats; the Family Canidae (wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Mustelidae (weasels, martins, minks and badgers); Family Procyonidae (raccoon); Family Ursidae (bears); Order Chiroptera (bats); Order Edentata (sloths, anteaters and armadillos); Order Marsupialia (kangaroos and common opossums); Order Proboscidea (elephants); Order Primate (monkeys, chimpanzees and gorillas); Order Rodentia (beaver, muskrat and porcupines); Order Artiodactyla (antelope, deer, bison and camels); and Order Perissodactyla (horse-like animals); and any hybrid or cross-breed of any of the above-listed animals.

- C. Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, except for venomous aquarium specimens. Venomous aquarium specimens which cannot survive outside the confines of an aquarium and which cannot survive in the lakes, ponds, rivers or streams of northeast Oklahoma shall not be prohibited.
- D. Any species of animal when kept, maintained or harbored in such numbers or in such manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.
- E. Except as expressly provided in this title, the term "animal wild by nature" shall not include nonpoisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this section, domestic rats, chinchillas, domestic honey bees, ferrets, and those reptiles described in Chapter 7 as not prohibited.

**At Large** shall mean:

- A. An animal not confined on the premises of its owner; or
- B. A dog not under leash or not in the physical control of its owner.
- C. A cat not in the physical control of its owner.

**Cat** shall mean a member of the species *Felis domesticus*.

**Cattle** shall mean large domesticated ungulates of the subfamily Bovinae, a species of the genus *Bos*, commonly classified collectively as *Bos Taurus*.

**Chief of Police** shall mean the duly appointed, qualified or acting Chief of Police of Tulsa or the Chief's authorized representative.

**Commercial Animal Establishment (Type A)** shall mean any stable or boarding facility, grooming or bathing facility, veterinarian clinic or boarding facility, carriage horse or pony service, or sentry or guard dog service.

**Commercial Animal Establishment (Type B)** shall mean any business keeping animals in stock for retail or wholesale trade, excluding Type A Commercial Animal Establishments, which shall include, but not limited to, wholesale distributors, pet stores, stockyards, slaughterhouses and hatcheries.

**Confined on the Premises** shall mean that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences or leash. Confinement shall be of such strength and size as to prevent such animal from leaving the premise. Confinement shall keep the animal from extending its head through an enclosure so as to constitute a threat to any person or animal in the areas adjoining the enclosure. A leash used to



confine an animal shall not be of a length that would allow the dog access to public property or to sidewalks or rights-of-way or to adjacent property owned or leased by persons other than the owner of the animal.

**Dangerous Animal** shall mean any animal which, without provocation, has:

- A. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical treatment at medical facility, or rehabilitative treatment; or
- B. Bitten two (2) or more human beings during one or more encounters; or
- C. Bitten one (1) human being two (2) or more times during two (2) or more encounters; or
- D. Evidenced a propensity, tendency or disposition to:
  - 1. Attack without provocation; or
  - 2. Cause injury to, or otherwise endanger the safety of human beings or domestic animals.

**Dangerous Dog** means any dog that has:

- A. Inflicted severe injury on a human being without provocation on public or private property,
- B. Been previously found to be potentially dangerous, the owner having received notice of such by an animal welfare authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, dogs or domestic animals.
- C. Been previously found to be potentially dangerous, the owner having received notice of such by an animal welfare authority in writing and the dog thereafter attacks a dog which results in the death of said dog or domestic animal either on public or private property.

**Director of Finance** shall mean the duly appointed Director of the Finance Department of the City of Tulsa or the Director of Finance's authorized representative.

**Director of TCCHD** shall mean the Director of the Tulsa City-County Health Department or the Director's authorized representative.

**Director of WIN** shall mean the Director of the Working in Neighborhoods Department of the City of Tulsa or the Director's authorized representative or designee.

**Dog** shall mean and include any animal of the species canis familiaris.

**Domestic Animal** shall mean all domestic animals including, but not limited to, cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animal" shall not include dogs and cats.

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**Exemption Permit** shall mean a permit issued under Section 117 allowing the ownership of animals which are exempt from animal count and/or spay/neuter ordinances.

**Foster** shall mean the providing of care or rehabilitation for dogs or cats through an affiliation with an Rescuer Organization

**Hive** shall mean a manmade home for bees which includes one (1) or more boxes containing removable frames for rearing young bees, a queen excluder, one (1) or more boxes with removable frames for honey storage, an inner cover and a top cover, all of which are set on a hive stand.

**Immediate Family** shall mean a spouse, mother, father, sibling or child, including stepchildren.

**Intact Animal** shall mean an animal that has not been sexually sterilized.

**Leash**, when used to confine an animal, shall mean any rope, cable, chain or other material attached to a permanent object used to confine a dog to its owner's property.

**Mammal** shall mean any of the class Mammalia or any subclass of all animals that nourish their young with milk secreted by mammary glands and have their skin more or less covered with hair.

**Nuisance** shall mean any animal, which habitually commits any one (1) or a combination of the following acts:

- A. Scratches or digs into any flower bed, garden, tilled soil, vines, shrubbery or small plants and in so doing injures the same;
- B. Overturns any garbage can or other vessel for waste products or scatters the contents of same;
- C. Kills any domestic animal
- D. Barks, howls, brays or makes any other loud or offensive noise common to its species or peculiar to itself, so as to disturb the inhabitants of the community;
- E. Is at large.

**Owner** shall mean any person, firm or corporation having the care or maintenance of, keeping or harboring, or in possession and control or custody of any dog, cat, animal or domestic animal.

**Pigeon or Dove** shall mean any bird in the family Columbidae, and shall include any exotic dove (ringneck, white, diamond, fruit, cape, laceneck, etc.) and any fancy pigeon, racing pigeon, or common pigeon.

**Potentially Dangerous Dog** means any dog that when unprovoked:

- A. Inflicts bites on a human either on public or private property, or



**B.** Attacks a dog, cat or domestic animal which results in the death of said dog, cat or domestic animal either on public or private property;

**Poultry** shall mean any bird of the species Gallus or Meleagris gallipavo (domestic turkey), generally, any type of chicken.

**Proof of ownership** means adoption contract, bill of sale, veterinary records or photographs (including digital) which shows ownership. Animals without a bill of sale or identifiable marking (tattoo, microchip, brand, etc.) shall be released only after the WIN Director or the WIN Director's designee is satisfied the person is the rightful owner of the animal.

**Proper Enclosure of a Dangerous Dog** means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog.

**Rabies-Suspected Animal** shall mean any animal which has bitten a human being, or which has been bitten by any animal suspected of having rabies.

**Releasing Agency** shall mean any municipal shelter, humane society organization, or any other agency or group that has an ongoing adoption program and/or rescues animals for placement, whether to the public or private.

**Rescue Organization** means an organization that regularly harbors dogs or cats which have no readily identifiable owner. A rescue organization shall be incorporated as a non-profit corporation in the United States.

**Rescuer** shall mean an individual who regularly harbors dogs or cats which have no readily identifiable owner. An individual rescuer shall be named as such on a roster of recognized rescuers furnished by a Rescue Organization or animal welfare organization to the Director of Finance and to the Director of WIN.

**Severe Injury** means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

**Under Leash** shall mean and include the condition of a dog being securely held, restrained and confined by its owner, member of family or agent by means of a strap, chain, rope, cord or other material, and in such manner as to prevent the dog from attacking any person or animal.

**WIN** shall mean the City of Tulsa Working in Neighborhoods Department, any authorized representative thereof, or any City department designated by the Mayor to succeed to or share the responsibilities of WIN as provided in this Title.

**Section 101. Offenses.**

- A.** It shall be unlawful and an offense under the terms of this Title for any person within the corporate limits of the City of Tulsa to:
1. Own, keep, possess, harbor or allow to remain on premises under that person's control any dog or cat over four (4) months old, unless such dog or cat has a current license and a current vaccination against rabies as required in this Title.
  2. Fail to prevent any dog or cat owned, possessed, kept or harbored by that person from running or being at large, whether such dog or cat is licensed or unlicensed; provided, however, that it shall be permissible for:
    - a. A dog to be led off the premises of its owner when under leash;
    - b. For a police dog not to be under leash while being utilized as a police dog in the performance of police duties and when accompanied by a police officer; or
    - c. For a dog to not be under leash within an Off-Leash Park Area designated by the Park and Recreation Board of the City of Tulsa.
  3. Deposit any live dog, cat or domestic animal along any private or public roadway or in any other private or public place with the intention of abandoning the dog, cat or domestic animal.
  4. Harbor, keep or have possession of any dangerous animal, except as provided in Chapter 6 of this title. Every person violating subparagraph 101.A.4 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.
  5. Harbor, keep or have possession of any animal which is a nuisance. Every person violating subparagraph 101.A.5 shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.
  6. Fail or refuse to deliver to WIN or to the Chief of Police upon demand any unlicensed dog or cat, dangerous animal, animal which is a nuisance, rabies-suspected animal, dog or cat found at large, or any animal the keeping or harboring of which is declared to be an offense. Every person violating subparagraph 101.A.6 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees and assessments, or both such fine and imprisonment.

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7. Remove or fail to affix or attach to collars or harnesses worn by dogs or cats a current license tag as provided in this chapter, unless the dog or cat is permanently and uniquely identified with a microchip implant or tattoo. Every person violating subparagraph 101.A.7 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.
8. Keep, possess, own, harbor or exhibit any animal wild by nature except as an exhibition complying with all aspects of federal laws and regulations and Oklahoma laws and regulations applicable to exhibition of animals wild by nature.
9. Fail or refuse to keep every female dog or cat "in heat" confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that another dog or cat cannot come into contact with it except for controlled breeding purposes. Every person violating subparagraph 101.A.9 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), excluding costs, fees, and assessments.
10. Interfere or hinder WIN, the Director of Finance, Chief of Police, or Director of Health from performing their official duties as set forth herein. Every person violating subparagraph 101.A.10 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.
11. Release, other than by the owner, any animal from its confinement at any exhibition or sporting event; or release any animal from their home housing or yard.
12. Allow an animal to defecate (without the Owner, keeper or harborer removing the excreta deposited) on public or private property other than that of the owner. Every person violating subparagraph 101.A.12 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), excluding costs, fees, and assessments.
13. Permit an animal to destroy or damage property of any kind, other than the Owner's property, or to commit a similar prohibited act on the private property of another person or the property of the City, including its parks and playgrounds. Every person violating subparagraph 101.A.13 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.
14. Own or harbor any animal or poultry primarily or in part for the purpose of fighting, or any animal or poultry trained for such; or any person to place or attempt to place an animal or poultry in an enclosure or in any other place for the purpose of fighting or combat; or any person to promote, stage, hold, manage, conduct, be umpire, judge or spectator at any game, exhibition, contest or fight in which an animal or poultry is used for the purpose of

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fighting, injuring, killing, maiming or destroying any other animal or poultry. Every person violating subparagraph 101.A.14 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.

- 15.** Harbor, keep or possess in any one household more than a combined total of five (5) dogs and cats over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this subparagraph so long as the household or an individual in the household has secured an Animal Count Exemption permit or Animal Rescuer permit as required by this Title.

Every person violating subparagraph 101.A.15 shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments;

- 16.** Harbor, keep or possess domestic honeybees otherwise permitted by this chapter unless the bees are maintained as follows:

- a. No more than four (4) hives shall be maintained for each one-quarter ( $\frac{1}{4}$ ) acre or less of lot size on any lot; and
- b. No hive shall be maintained within twenty (20) feet of any lot line of the lot on which said hive is located; and
- c. Between each hive and the neighboring lot in the direction of the hive entrance the hive owner shall maintain a hedge or a screening fence of at least six (6) feet in height, to be located within twenty (20) feet of such lot line, and to extend the entire length of such lot line; and
- d. A supply of clean water must be furnished within twenty (20) feet of each hive between March 1 and October 31 of each year; and
- e. Hive owners shall inspect each hive not less than four (4) times between March 1 and October 31 of each year. A written record including the date of each such inspection shall be maintained by the owner and shall be made available to WIN upon request.
- f. Any commercial use of the property on which bees are maintained shall be conducted in accordance with Title 42.

- 17.** Violate any of the provisions of Section 110 of this title.

- 18.** Harbor, keep or possess a dog or cat over the age of six (6) months, other than a dog owned and used by the Police Department of the City as a police dog, which has not been spayed or neutered, unless the owner has secured an Intact Animal exemption permit or an Animal Rescuer permit as required in this chapter or unless the dog or cat was licensed as required



by this chapter prior to January 1, 1998, and has continuously maintained such license. In the event an owner of a dog or cat over the age of six (6) months is unable to produce a current license or license tag for that owner's dog or cat as required by this chapter, a rebuttable presumption is created that the dog or cat has not been spayed or neutered. Every person violating subparagraph 101.A.18 shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

19. Harbor, keep or possess any animal which, while not confined on the premises of its Owner, does bite, chase, or attack any person or animal without provocation. Provided, this section shall not apply to any police dog while being utilized in the performance of police duties and accompanied by a police officer. Every person violating subparagraph 101.A.19 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.

B. It further shall be an offense under the terms of this chapter for a Releasing Agency within the corporate limits of the City of Tulsa to release for adoption an animal that has not been surgically spayed or neutered, unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the Releasing Agency to ensure that the adopted animal will be spayed or neutered. Every person violating this Subsection 101.B shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

## **Section 102. Rabies and inoculation.**

A. It shall be the duty of every resident owning or having in that resident's charge or possession within the corporate limits of the City of Tulsa any dog or cat four (4) months or more of age to cause such dog or cat to be registered with the Director of Finance and pay the license fees herein required; provided, however, that the requirements for a license fee for registration shall not apply to any dog or cat which may follow or be led by any nonresident or traveler through the City while the dog or cat is with its owner or keeper.

B. It shall be the further duty of every person owning or having in that person's charge or possession within the corporate limits of the City of Tulsa any dog or cat four (4) months or more of age to cause such dog or cat within thirty (30) days after the dog or cat, reaches the age of four (4) months, to be inoculated as set forth below.

1. Inoculation must be by a person licensed to practice veterinary medicine in the state of Oklahoma or other states.
2. Inoculation must be with a prophylactic vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the City of Tulsa for either a one (1) year or a three (3) year immunization period as follows:

- a. Three-year immunity.** Modified live virus Flury strain rabies vaccine or killed strain vaccine, as licensed by the United States Department of Agriculture (USDA), will be recognized for three (3) years in dogs, provided that the dog is at least one (1) year of age at the time of the vaccination; if dogs under one (1) year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one (1) year; or
    - b. One-year immunity.** All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for a one (1) year period.
  3. Cats must be inoculated with vaccines specifically for cats. The vaccines must be recognized by the United States Department of Agriculture.
- C. Thirty (30) days shall be permitted for an owner to secure revaccination of that owner's dog, cat or ferret after the duration of immunity has lapsed.
- D. Every veterinarian, after vaccinating a dog or cat, for rabies, shall complete in triplicate a computer-generated certificate or a legible certificate furnished by the Director of Finance. Two (2) copies shall be retained by the veterinarian, one (1) as a permanent record and one as an expiration notice, and the third copy shall be retained by the animal owner to be shown to WIN upon request, and to be used to secure the license tag. Such certificate shall include the following information:
  1. Owner's full name, address, zip code, home telephone number, daytime and/or emergency contact telephone number.
  2. Breed, date of birth, sex and color or marking of the dog or cat.
  3. Type of vaccine and duration of immunity.
  4. Signature of the veterinarian administering the vaccine.
  5. Name of the animal, if applicable; and
  6. Permanent ID information, if any; and
  7. Whether the animal is spayed, neutered or unaltered.

**Section 103. Veterinarian records and reports; reporting animal bites; animal under quarantine; rabies suspected.**

- A. It shall be the duty of every veterinarian practicing in the City of Tulsa to keep a record of every dog or cat vaccinated, which record shall be made available to WIN, the Chief of Police, Director of Finance, or their designated agents at any reasonable time and upon proper demand.



- B.** It shall be the duty of every physician or other medical practitioner to report to WIN or the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such information as is pertinent to rabies control. It shall be the duty of any person having the knowledge of an animal bite to notify WIN or the Chief of Police of the incident and to provide such information upon request of the Director of WIN as is pertinent to rabies control.
- C.** It shall be the duty of every veterinarian having an animal quarantined for a biting incident to submit a written report to WIN, in the event the animal shows positive signs of rabies, dies or is disposed of for any reason. The veterinarian shall report to WIN on the tenth day of observation as to the condition of any rabies-suspected animal and when the veterinarian has released any animal quarantined for a biting incident.
- D.** It shall be the duty of every veterinarian to report immediately to WIN the veterinarian's diagnosis of any animal observed by the veterinarian as a rabies suspect.
- E.** WIN shall notify the Director of TCCHD of all animal bites.

#### **Section 104. License fees**

The annual license fee for each dog or cat shall be recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. The owner of a dog or cat permanently identified by tattoo or microchip may license the animal for a period of three (3) years upon payment of a license fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. No fee will be required for the registration of a dog that is used as a guide for the blind, used as a guide for the auditory impaired, used as a support service dog for persons with disabilities, or actively involved in law enforcement activities.

Except in cases in which three-year immunization has been performed, licenses for one-year rabies vaccinations shall expire and must be renewed on the last day of the twelfth month from when the rabies vaccination was administered as specified in this chapter. In cases of a three-year immunity, the license shall expire and must be renewed on the last day of the thirty-sixth (36<sup>th</sup>) month as specified in this chapter. No dog or cat may be licensed without a current valid rabies immunization certificate and, unless the owner has secured an Intact Animal exemption permit as required in this chapter, proof of sterilization.

Individuals may remit to the administering veterinarian licensing fees required by this title at the time the dog or cat is vaccinated for rabies; or individuals may obtain a license directly from and pay the required fee directly to the Director of Finance upon demonstration that the animal has been properly vaccinated against rabies and, unless the owner has secured an Intact Animal exemption permit as required in this chapter, has been spayed or neutered. There shall be no prorating for partial years.

Veterinarians who voluntarily collect the licensing fee at the time of administering the rabies vaccine shall be required to remit to the Director of Finance on a monthly basis all fees collected, along with a copy of the registration certificate furnished by the Director of Finance for the animals

licensed. Veterinarians shall be permitted to keep twenty-five percent (25%) of the licensing fees collected as a handling fee. No special reporting requirements of those clients choosing to license directly with the Director of Finance shall be placed upon the veterinarians.

Animals permanently identified by means of tattoo or microchip implant may be licensed for a three (3) year period in conjunction with a three (3) year vaccination for the price of one (1) annual fee, provided that the tattoo number or the microchip code is recorded on the rabies certificate completed by the veterinarian at the time of vaccination.

Upon registration, there shall be delivered to the owner metallic tags, stamped with the license number. Such tags shall at all times be attached to the collar or harness worn by the dog or cat for which the certificate was issued. If such tag is lost or destroyed, the owner shall apply in writing or in person for a new tag by presentation of the applicable registration ticket, accompanied by a fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

#### **Section 105. Proclamation of rabies**

If at any time the Director of WIN shall find that there is an epidemic of rabies among the dogs within the City of Tulsa, or any part thereof, then the Director of WIN shall certify that fact to the Mayor and specifically recommend a period, fixing the dates thereof, during which period all dogs in the City of Tulsa shall be confined on the premises of their owners or under leash as herein defined. Upon the receipt by the Mayor of written recommendation from the Director of WIN certifying the existence of any epidemic of rabies, the Mayor shall issue a proclamation, based upon recommendation of the Director of WIN, proclaiming the existence of an epidemic of rabies and fixing the dates and duration of the epidemic, which proclamation shall be published one (1) time in a newspaper of general circulation and printed and published in the City of Tulsa.

During the time of the epidemic, all dogs and cats within the City of Tulsa shall be confined on the premises of the owners or kept under leash as herein defined. The existence of an unusual number of rabid dogs and cats in the City of Tulsa shall be deemed an epidemic of rabies under this chapter, and the finding as to an epidemic of rabies by the Director of WIN shall be prima facie evidence of that fact.

#### **Section 106. Rabies suspect**

A. Any rabies-suspected animal shall be securely and separately confined for observation for a period of ten (10) days from the date of the bite. The owner shall immediately surrender the rabies-suspected animal to the Director of WIN, the Chief of Police, or their designees. The confinement and observation shall be at the:

1. Tulsa Animal Welfare Center; or
2. Discretion of the Owner, the animal may be confined in a veterinary hospital at the Owner's expense, provided that boarding kennels shall not be considered proper confinement facilities; or



3. Home of the Owner provided the animal was not at large, is not showing signs of illness, and has a current rabies vaccination administered by a licensed veterinarian.

In the event the Owner wishes to have the animal held for observation at a veterinary hospital, the animal will be transported to the veterinary hospital of the Owner's choice (provided the hospital is within the city limits of the City of Tulsa) by a representative of City of Tulsa's Animal Welfare Authority. In the event the animal is confined in the Owner's home for observation, the Owner shall notify a licensed veterinarian and follow all veterinarian care recommendations at the Owner's sole expense and liability.

Any person failing to surrender a rabies-suspect animal, or any person removing the rabies-suspect animal from the city limits of Tulsa, is guilty of an offense. If, upon examination by a veterinarian, the animal has no signs of rabies at the end of the impoundment period, it may be released to the owner or, in case of a stray, it shall be disposed of in accordance with applicable laws. In either event, the veterinarian shall make a written report of the disposition of the animal to the Director of WIN. At the end of the ten- (10) day observation period, the Director of WIN shall notify any person bitten by a rabies-suspect animal whether such animal exhibited symptoms or indications of rabies; such notice shall be in the same manner as provided for service of notice under Section 109 of this chapter.

If within the period of impoundment, the animal dies or exhibits symptoms or indications of rabies, it shall be examined by a veterinarian for clinical diagnosis and then properly euthanized by a veterinarian. The head of any rabies-suspected animal which dies shall be submitted to the State Health Department Laboratory for confirmation of diagnosis. In this event, WIN shall immediately notify any person bitten of the diagnosis; such notice shall be in the same manner as provided for service of notice under Section 109 of this chapter.

4. Dogs owned and used by the Police Department that bite a person during the course of duty shall be under the supervision of a licensed veterinarian. The type and amount of supervision is left to the professional opinion of the supervising veterinarian who assumes responsibility for the biting animal.
5. The veterinarian must regularly examine the biting animal and immediately report any changes in condition of the animal to the Tulsa City-County Health Department.
6. The dog must be under the control of an authorized agent of the Police Department or the veterinarian at all times during the observation period.

In the case of a bite inflicted by a non-immunized animal upon the head, face, neck or upper extremities, resulting in deep lacerations or multiple wounds, the Director of WIN may require immediate euthanasia of the animal in order to perform tests for diagnosis of rabies.

- B. Any dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall be euthanized immediately by the veterinarian

in charge, an animal welfare officer or a designated agent in a manner which will preserve the head for analysis; or such non-immunized, rabies-exposed dog or cat shall be strictly quarantined and observed in a veterinary hospital for a period of not less than six (6) months, and such animal shall be immunized against rabies at least thirty (30) days prior to release. Expenses for quarantine and immunization shall be borne by the owner or other person responsible for the animal.

- C. If the owner of a non-immunized animal bitten by a rabid animal is unwilling to euthanize the bitten animal, then at the expense of the owner the animal shall be confined in isolation in a veterinary hospital for a period of not less than six (6) months, as specified by the Director of WIN.

The owner of any non-immunized domestic animal other than a dog or cat which has been exposed to a rabid animal shall immediately report with such domestic animal to the Director of WIN for instruction concerning the disposition of that animal.

Any effectively immunized domestic animal, dog or cat which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and/or confined on the premises of its owner or in a veterinary hospital for a period of forty-five (45) days.

#### **Section 107. Dangerous animal**

- A. It shall be the duty of WIN and the Chief of Police to investigate any proper claim that an animal is dangerous within the meaning of this chapter. Should the investigating official determine that a dangerous animal poses an immediate threat to the public health or safety, that official shall immediately seize and impound the animal, or otherwise seek an order from the court that the animal be impounded. The official shall also refer the matter to the City Attorney for approval of a verified complaint requesting a finding by the court that the impounded animal is dangerous and aid in the proceedings instituted in the Municipal Criminal Court against any person for harboring a dangerous animal.
- B. If the court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is a dangerous animal, then the court shall order WIN to return the animal to its owner. If such animal is found by the court to be a dangerous animal, the court shall order WIN to euthanize the animal.
- C. At the option of the owner, but subject to the approval of WIN, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the dangerous animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by WIN or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City of Tulsa be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately-operated impoundment facility.



**Section 108. Animal nuisance.**

- A.** It shall be the duty of WIN and the Chief of Police to investigate any proper claim that an animal is a nuisance within the meaning of this chapter. Should the investigating official determine that a nuisance exists and it is necessary to abate the nuisance or should the official have reason to believe a threat to public health or safety exists, that official shall refer the matter to the City Attorney for approval of a verified complaint and an order from the court that the animal be impounded. Following the filing of such verified complaint and an evidentiary hearing, if the court finds upon a preponderance of the evidence that a nuisance existed, the court may order the animal euthanized as in the case of a dangerous animal. In lieu of ordering the animal euthanized, the court shall, at the request of the animal owner, require that the owner abate and prevent such nuisance and give a good and sufficient bond within three (3) days, in an amount not greater than Five Hundred Dollars (\$500.00), satisfactory for a period not exceeding one (1) year. In this event, the court may order the return of such animal to the owner. However, during the pendency of such bond, upon a finding of the court that the nuisance has recurred, the court shall order the animal be impounded, euthanized and the owner's bond be forfeited. If the court shall find that no nuisance existed, the court shall order the animal be surrendered to the owner.
- B.** At the option of the owner, but subject to the approval of WIN, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the nuisance action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by WIN or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City of Tulsa be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately-operated impoundment facility.
- C.** Nothing in this section shall be construed to permit the release from impoundment of any animal not properly licensed and vaccinated, or a threat to public health or safety.

**Section 109. Notice of impoundment; reclaiming; disposal of animals; and fees.**

- A. Notice of Impoundment.** WIN is authorized to impound any animal which is in violation of any section of this chapter or which may be donated to the Tulsa Animal Welfare Center for disposition. When the owner of the animal is known, they shall be notified of the impoundment. Notice shall be attempted by telephone within a forty-eight (48) hour period from the initiation of the impoundment. Without regard to the success in giving notice by telephone, a certified letter is to be mailed to the owner's or keeper's address within the same forty-eight (48) hour period. Licensing records, including the owner's name, address, telephone number and daytime telephone number or an emergency telephone number shall be readily accessible to the official responsible for such notifications.
- B. Time for reclaiming animals.** An animal may be reclaimed within the following times: Within five (5) days from the initial impoundment, if the animal is licensed and the owner is readily identifiable, or three (3) days from notice of impoundment, whichever is longer. If the

owner is not known, the animal shall be held for three (3) days before it becomes the property of the City of Tulsa and is disposed of as provided herein.

**C. Requirements for reclaiming animals.** An animal may be reclaimed by meeting the following requirements:

1. If an animal is not licensed and this chapter requires licensing, after the payment of the licensing fees and penalties as set forth herein and satisfying all other requirements of this section;
2. If the animal is licensed, or if a license is not required by this chapter, by paying the impoundment fees and satisfying all other requirements as set forth herein; and
3. If the animal is not spayed or neutered and this chapter requires spaying or neutering, after signing an agreement to spay or neuter the animal within sixty (60) days or forfeit a deposit in an amount recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, payable at the time of reclaiming; and
4. If the animal must be vaccinated for rabies before release, the person reclaiming the animal shall pay all fees for the vaccination.

**D. Fees.** Fees to reclaim an animal shall be recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council

No animal shall be released without the payment of the fees and charges listed above and without satisfactory proof of ownership. The payment of these fees and charges shall not constitute a defense to any prosecution that may be instituted for the violations of the terms of this title.

Provided, however, no fees shall be charged for any licensed animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a dangerous animal.

Provided, further, no person shall be entitled to reclaim any animal found to be a nuisance, rabid, rabies suspected, or dangerous, except as provided herein.

**E. Animals Not Reclaimed Within Time Limits.** Animals not reclaimed within the time limits set forth in this section shall, at the option of WIN, be euthanized or disposed of in one of the following manners.

1. **Animals Reclaimed by Owners.** Animals may be reclaimed by the owner upon payment of all fees and charges established by this section.
2. **Adoption of Dogs and Cats.** Dogs and cats may be released for adoption, provided that the adopting party pays required fees and charges as set forth herein, and further provided that:



- a. There shall be established at the City Animal Welfare Center an on-site facility for the purpose of spaying and neutering all animals adopted through the Center which have not previously been surgically spayed or neutered; this facility will be staffed by a licensed veterinarian and be under WIN; if the City of Tulsa staff does not include a licensed veterinarian and if WIN determines it is not feasible to staff the facility through donated service, a bid process shall be used to select veterinary professionals to perform the on-site sterilizations of the adopted animals;
    - b. If the licensed veterinarian described in subparagraph 109.E.2.a. or, in the absence of such veterinarian, WIN determines that the animal cannot be sterilized at the time of adoption, the adopting party shall sign an agreement to have the animal sterilized pursuant to the Dog and Cat Sterilization Act, 4 O.S. 2011, Sections 499, *et seq.*, or as the same may be amended, and shall deposit with WIN an amount recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, to ensure that the animal will be sterilized. The adopting party shall provide the Animal Welfare Center documentation from a licensed veterinarian of the animal's sterilization within one hundred twenty (120) days of adoption.
  3. **Fees and Charges.** Before an animal may be adopted, all required fees and charges must be paid according to a schedule recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, in addition to the following costs:
 

Rabies vaccination Required for all dogs and cats over four (4) months of age	Actual Reasonable Cost
Rabies vaccination and sterilization If provided by the City of Tulsa	Actual Reasonable Cost
- WIN, subject to City Council approval, shall establish policies and implement administration procedures for either the refund of adoption fees or an exchange for adopted animals which are returned.
4. **Animals Wild by Nature.** All animals wild by nature and not authorized by Subsection 101.H. herein shall be euthanized or donated to a zoo or a museum, except that, at the discretion of WIN, certain animals wild by nature which are native to Oklahoma and which in their natural habitats do not present a danger to human beings or to property may be released to their natural habitats.
  5. **Public Sale.** At the option of WIN, animals, other than dogs, cats, puppies, kittens and animals wild by nature, may be sold at a public sale pursuant to procedures set forth in this section, or donated to a zoo or museum.
  6. **Release to Veterinarian.** WIN may, at its discretion, release animals to a licensed veterinarian if the animal is in need of veterinary care. The veterinarian must agree in writing to accept responsibility for the animal and give the animal proper veterinary care

in lieu of paying fees to receive the animal. If the animal is a dog or cat, the veterinarian must sterilize the animal before releasing the animal to any subsequent owner.

- 7. Release to Animal Welfare Organizations.** WIN may, at its discretion, release animals to a Rescue Organization or nonprofit animal welfare organization incorporated as such in the United States. If an animal so released is a dog or cat, an authorized representative of the organization must agree in writing to have the animal sterilized before releasing it to a subsequent owner and provide the Animal Welfare Center documentation from a licensed veterinarian of the animal's sterilization within one hundred twenty (120) days of the animal's release.
- 8. Release for Experiments or Research.** No animal shall be released for experimental or research purposes.
- F. Procedures for Public Sale of Animals.** If an animal is to be sold at public sale, WIN shall give ten (10) days' notice of the time and place of such sale by causing notices to be posted in at least three (3) public places in the City; by publishing in a newspaper of record in the City; by serving a copy of such notice upon the owner, if known; and by providing such other notice as the Mayor may direct. The notices shall be substantially in the following form:

"The following animals (describing them), having been taken up and impounded in the Animal Shelter of the City of Tulsa for violations of the provisions of the ordinances of the City of Tulsa, will, unless reclaimed within ten (10) days from this date, be sold for cash to the highest bidder at public auction at the Animal Shelter at \_\_\_\_ o'clock, \_\_\_\_ .m. on the \_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_ (giving hour and date of sale).

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D.

\_\_\_\_\_  
Director of WIN  
City of Tulsa, Oklahoma"

The owner may reclaim any animal prior to the sale by payment of all fees and charges set forth in this section.

- G. Fees for Treatment of Sick Animals.** In addition to all other fees, the owner of a sick or injured animal impounded by WIN shall reimburse the City of Tulsa or a veterinarian for any fees incurred in treating the animal.
- H. Destruction of Animals.** WIN may euthanize any animal if it has been surrendered to the Animal Welfare Center or if the animal is so sick or injured that its cure is considered by WIN to be impracticable or if death is imminent, and in either of such events, such destruction may be done immediately without notice or any waiting period. Anyone surrendering an animal shall provide proof of that person's identity before the animal will be accepted.



- I. Disposal Fee.** For Each animal disposed of by WIN, a disposal fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council may be charged.

**Section 110. Commercial animal establishments.**

- A.** Each commercial animal establishment, of any type, shall keep and maintain its animals and all pens, cages, tanks or other holding facilities in which animals are kept in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury and minimize illness to such animals. All holding areas shall be disinfected periodically to reduce disease pathogens.
- B.** All animals housed in any commercial animal establishment shall have a wholesome, adequate diet and potable water consistent with the requirements and habits of the animal's species, type, size, age and condition and available shelter with adequate ventilation and protection from the elements. Such animal showing evidence of disease or injury shall be immediately isolated and shall receive treatment by a licensed veterinarian or euthanized by same. Euthanasia of any dog, cat or domestic animal shall be performed by a licensed veterinarian. The reason and the procedure used for such euthanasia shall be documented. Upon receipt of a signed report or complaint alleging animal abuse or other conditions not in compliance with this section at any commercial animal establishment, an investigation shall be made by the City's Animal Welfare Authority. Its findings shall be documented, and appropriate action taken.
- C. Commercial Animal Establishments (Type B).** No registration papers for animals not on the premises may be kept on the premises, except those when attached to a contract of sale. Vaccination and other medical care of such animals shall be current, and the purchaser shall receive complete health records. The establishment shall provide written documentation of each animal's origin, including the breeder's name and the state where the animal was born, to the purchaser at the time of sale. All operators of a Type B commercial animal establishment shall apply to the Director of Finance for a permit to operate such establishment in the City of Tulsa. No Type B commercial animal establishment shall sell animals in the City without the permit. The Director of Finance shall perform a background check encompassing the past ten (10) years, to ascertain if the applicant has been convicted of animal abuse or cruelty charges in that time. Conviction of animal abuse or cruelty shall be grounds for denial or revocation of a commercial animal establishment permit. The permit fee shall be recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. An application processing fee recommended by the Animal Welfare Commission, subject to the discretion approval of the City Council shall be assessed for the first application.

**Section 111. Issuance of citations; collection of fines.**

- A. Municipal Court Clerk to Assist.** The Municipal Court Clerk of the City of Tulsa is hereby authorized to work in conjunction with WIN and the Chief of Police and to assist the Municipal Criminal Court in the clerical work involved in the expedient disposition of violations.
- B. Penalties Established by Judge.** The judge of the Municipal Criminal Court shall designate the penalties to be paid for the violations of this chapter which may be satisfied by payment at

the Office of the Municipal Court Clerk, provided that penalties are within the limits herein established for such violations.

- C. Citations.** There shall be authorized by the Municipal Judge and provided by the Municipal Court Clerk suitable serially-numbered forms for the notification of violators to appear and answer charges for violating this title, which forms shall be issued and receipted by the Clerk of the Municipal Criminal Court or by duly authorized persons acting for the Clerk.

Upon the commission of any violation of this title, WIN shall take the violator's name, address, and place of employment and issue to the violator in writing a notice on the form authorized by the Municipal Judge and provided by the Clerk of Municipal Criminal Court, commanding the violator to answer the charge against them within ten (10) days at the place specified in the notice. The notice shall contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the Judge of the Municipal Criminal Court. The issuance of a citation may be in addition to or in lieu of impoundment of the offending animal.

- D. Failure to Answer.** Failure to give the required information or answer the notice provided for in this section shall authorize the Chief of Police to immediately place the violator under arrest and in custody. Whenever WIN or the Chief of Police deems it necessary, they may follow the procedure set out herein.

**Section 112. Police dogs and dogs trained to guide the blind and hearing impaired and support service dogs for people with disabilities.**

If the dog is vaccinated as herein provided, it shall be lawful for any dog trained to guide any blind or hearing-impaired person, or for any support service dog for people with disabilities, or for any police dog owned and used by the Police Department of the City as a police dog to be admitted to any public place or vehicle when actually accompanying a blind or hearing-impaired person or person with a disability, or when utilized as a police dog, when the blind, hearing-impaired or disabled person, or the officer accompanying the dog might have the lawful right to entry.

**Section 113. Outside agencies and nonresidents; euthanasia services prohibited – Mayoral exception.**

**A. Outside Agency** shall be defined as:

1. Any municipality or other political subdivision of the state of Oklahoma.
2. Any animal welfare service (shelter, rescue organization, etc.), public or private, which operates solely outside the corporate limits of the City of Tulsa.

- B.** The City's Animal Welfare Center may not accept from a nonresident nor from any outside agency any animal for the purpose of euthanasia unless upon the express, written authorization of the Mayor or Mayor Pro Tem.



1. If authorized as provided in Subsection B hereof, a fee per animal, recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, shall be charged a nonresident or an outside agency for euthanasia, unless otherwise established by contract.
2. In negotiating any contract relating to a charge for euthanizing animals from outside agencies or nonresidents, consideration shall be given to the above-stated fee, but in no event shall the fee established by contract be lower than the City's actual direct cost for euthanizing the animal.

#### **Section 114. Records; funds.**

It shall be the duty of WIN to maintain records at the Animal Welfare Center containing the description and date of the seizure of all animals taken under the provisions of this title, the place where impounded, the name of the owner if known, and if unknown, the date of the notice given, and all subsequent proceedings relating to the sale of the animal and the amount realized. All fees collected by WIN and the proceeds of all sales shall be paid to the Director of Finance. Any amount in excess of the fees due shall be held subject to the claim of the person entitled to them who may apply in writing to the Director of Finance within six (6) months. If such excess is unclaimed after six (6) months, it shall be paid into the General Fund.

#### **Section 115. Unlawful removal.**

Every person who shall take out or attempt to take out of the Animal Shelter or any Animal Shelter property any animals located therein without paying the fees prescribed by this chapter shall be deemed guilty of an offense.

#### **Section 116. Entering property.**

- A. WIN may impound animals which are deemed to be at large within the meaning of this Title, and which are found off the immediate premises of their Owners.
- B. In multi-family residential complexes, when the property manager or agent grants access to an Animal Welfare Officer or Tulsa Police Officer, at large animals may be removed from common areas, including but is not limited to playgrounds, parking lots and walkways.
- C. Impoundment by judicial order.
  1. If an animal subject to impoundment has not been impounded, a Judge of the Municipal Court, upon the presentment of a complaint verified by an Animal Welfare Officer or any law enforcement officer, shall determine whether probable cause exists to believe a violation of the provisions of this Title has occurred.
  2. If the Municipal Judge determines that probable cause exists, the Judge may issue an order of the Municipal Court describing the animal with particularity, setting forth the approximate date, time, place and actions giving rise to the alleged violation of the

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provisions of this Title, and specifying with particularity the location of the animal in the City of Tulsa.

3. The Judge may direct the Animal Welfare Officer or law enforcement officer to serve a certified copy of the order upon a person age eighteen (18) or older who is a resident at the property where such animal is located. Any such person, upon the service of a certified copy of the court's order, shall immediately deliver the animal to the Animal Welfare Officer or law enforcement officer.
4. A copy of the order shall be posted at the property in a manner easily discovered by the owner, occupant, or tenant and a copy shall be sent to the owner, occupant, or tenant by certified mail, return receipt requested.

### **Section 117. Exemption permits.**

**Exemption Permits.** The Director of Finance shall maintain a register of qualified Exemption Permit holders. Applications shall be submitted in writing to the Director of Finance, who shall notify the applicant in writing of the acceptance or denial within thirty (30) days of the application date. Upon approval of any Exemption Permit, the Director of Finance or the Finance Director's designee shall issue an Exemption Permit only upon payment of all required fees, recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. If an Exemption Permit is approved, the holder of the permit shall be deemed to consent to and give permission for an Animal Welfare Officer to enter the property at any reasonable time after the holder of an Exemption Permit is given written notice by certified mail.

If an Exemption Permit is denied, the applicant shall be notified in writing of the reason(s) for the denial. Upon receipt of a signed report or complaint against an Exemption Permit holder alleging animal abuse or other conditions not in compliance with this title, an investigation shall be made by Tulsa's Animal Welfare Authority.

#### **A. Animal count exemption permit.**

A holder of an Animal Count Exemption permit will be permitted to own and keep, at a single-family dwelling, a number of dogs and cats in excess of the number that would otherwise constitute an offense under subparagraph 101.A.15. of this Title; provided that the maximum number of dogs and cats allowed under the Animal Count Exemption permit shall not exceed a total of ten (10) animals per one (1) acre (43,560 square feet) of land including the space covered by the single-family dwelling. Holders of an Animal Count Exemption Permit shall be subject to requirements imposed under subparagraph 101.A.18 of this Title.

An Animal Count Exemption permit is only for the household listed on the permit and the permit holder shall not allow more than the number of cats and dogs permitted by subparagraph 101.A.15. outside the residence at any one time.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for the first animal with an additional fee,



recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council for each subsequent animal.

1. Permit Qualifications. An individual, not a commercial breeder, who:
  - a. Except as provided in subparagraph 117.A.2.c, has been a documented member of a nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for the exemption. Provided, however, any activity involving the fighting or physical contact between animals or any activity which is otherwise illegal or dangerous to animals or people shall not be considered an organized sport or hobby for purposes of this section, or
  - b. Except as provided in subparagraph 117.A.2.c, participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, provided the permit holder has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for an exemption; or is training animals to be actively involved in one of the activities mentioned in subparagraphs 117.A.1.a and this 117.A.1.b; or takes on the care of a cat or dog owned by an immediate family member who is unable to care for the animal because of military deployment, admission to a facility that does not permit animals (e.g., jail, nursing home), physical or mental illness or infirmity, or has died, and
  - c. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, dog fighting, a nuisance offense under this Title, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of subparagraph 101A.2. of this Title, or two (2) or more violations of Title 27, Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.
2. Application Documents. An applicant for an Animal Count Exemption permit shall submit to the Director of Finance the Exemption Permit application form, the name(s), descriptions and photo(s) of each animal at the residence for which the application is being made, and one of the following:
  - a. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or
  - b. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license; or
  - c. For a one (1) year temporary Exemption Permit during training, certificates of completion of at least two (2) training classes, dated within the twelve (12) months immediately preceding the date of application.

- d. For the immediate family member exemption under subparagraph 117.A.1.b, copies of military deployment orders, official record of incarceration, or death certificate. For mental or physical illness or infirmity exemption under subparagraph 117.A.1.b., a letter from the family member's physician or case worker stating why the family member is no longer able to care for the animal. The letter shall be signed by a physician or case worker.

## **B. Intact animal exemption permit.**

A holder of an Intact Animal Exemption permit may be permitted to own and keep at a single-family dwelling dogs and cats that have not been spayed or neutered, but shall not be allowed to own or keep more than a combined total of five (5) dogs and cats as prohibited by subparagraph 101.A.15.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for the first animal and for each subsequent animal. A one (1) year temporary Exemption Permit may be issued for a fee while an animal is in training for approved activities.

### **1. Permit Qualifications.** An individual, not a commercial breeder, who:

- a. Has been a documented member of a nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application the exemption. Provided, however, any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals or people shall not be considered an organized sport or hobby for purposes of this section; or
- b. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, provided the Owner has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for an Intact Animal exemption; or
- c. Is training animals to be actively involved in one of the activities mentioned in subparagraphs 117.B.1.a and 117.B.1.b above; and
- d. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, dog fighting, a nuisance offense under this Title, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of subparagraph 101A.2. of this chapter prohibiting at-large dogs and cats, or two (2) or more violations of Title 27 Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.
- e. Is in compliance with the Commercial Pet Breeders and Animal Shelter Licensing Act, 4 O.S.Supp.2012, Sections 30.1, *et seq.*, as it may be amended from time to time.



- 2. Application Documents.** An applicant for an Intact Animal Exemption permit shall submit to the Director of Finance the name(s) and photo(s) of each animal at the residence for which the application is being made and one of the following for each animal:
- a.** A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or
  - b.** For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license; or
  - c.** For a one (1) year temporary Exemption Permit during training, certificates of completion of at least two training classes, dated within the twelve (12) months immediately preceding the date of application.

**C. Animal rescuer permit.**

An Animal Rescuer Permit may be granted to a non-profit animal welfare organization. To qualify to receive an Animal Rescuer permit, a person must be an authorized rescuer or foster home for a recognized, non-profit animal welfare organization.

A holder of an Animal Rescuer permit may be permitted to own and keep, at a single family dwelling, more than a combined total of five (5) dogs and cats as prohibited by subparagraph 101.A.15, provided the maximum number of dogs and cats allowed under the Animal Rescuer exemption permit shall not exceed a combined total of ten (10) dogs or cats over the age of six (6) months per one (1) acre (43,560 square feet) of land including the space covered by the single family dwelling.

A holder of an Animal Rescuer permit may be permitted to own and keep Intact Animals at a single-family residence. However, an individual rescuer must comply with subparagraphs 101.A.15 and 101.A.18. as to those dogs and cats owned by the rescuer on a permanent basis.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for each Animal Rescuer permit.

- 1. Permit Qualifications.** An organization, not a commercial breeder, that is incorporated as a non-profit organization and utilizes private homes to care for unowned animals that are available for adoption.
- 2. Application Documents.** An applicant for an Animal Rescuer permit shall submit to the WIN/Animal Welfare Center the completed Animal Rescuer permit application and the following:
  - a.** Copy of the organization's Articles of Incorporation signed by the Secretary of State; and

- b. List of the organization's Board of Directors; and
  - c. Proof that animals in their care are being presented to the public for adoption, and
  - d. Letter of recommendation from a licensed veterinarian with whom the organization has a professional relationship; and
  - e. List with the name(s) and address(s) of each residence which houses and cares for animals in its program. This list shall be updated quarterly and provided to WIN.
3. **Limitations.** An Animal Rescuer may harbor dogs and cats in accordance with Section 117. Provided, however, that cats and dogs may be kept or harbored for no longer than one hundred twenty (120) days each while the Animal Rescuer attempts to locate the animal's home or a new home. If an Animal Rescuer needs to keep or harbor an animal for longer than one hundred twenty (120) days because of an animal's medical condition or behavior, the Animal Rescuer shall so notify the Director of WIN of the need for an extension.
4. **Revocation.** An Animal Rescue permit holder shall have that holder's Exemption Permit or the right to serve as an Animal Rescuer under an organization's Exemption Permit revoked if the holder has been convicted of: illegal commercial breeding; dog fighting; a nuisance under this chapter; cruelty or neglect under applicable law; violating the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of subparagraph 101A.2. of this Title, or two (2) or more violations of Title 27, Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.
- D. **Renewal.** A permit holder must reapply for the exemption permit every year. The annual fee for each renewal permit shall be the same as the original permit. To make application, the permit holder must furnish to the Director of Finance one or more of the items listed in subparagraphs 117.A.1.b or 117A.2.b. which are dated within the twelve (12) months immediately preceding the date of the application.
- E. **Inspections.** Any holder of any Exemption Permit shall be subject to inspection, consistent with Subsection 117(A), at any reasonable time by an Animal Welfare Officer to determine compliance with the provisions of this Title. It shall be unlawful and an offense, and grounds for suspension or revocation of the permit, for any person to refuse to allow such inspections.

#### **Section 118. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

### **CHAPTER 2. AGRICULTURAL ANIMALS**

Section 200. Agricultural animals- cattle, goats, sheep, hogs, horses, poultry and rabbits.

Section 201. Pigeons and doves.



Section 202. Offense.

Section 203. Animals running at large.

Section 204. Penalty.

**Section 200. Agricultural animals – cattle, goats, sheep, hogs, horses, poultry and rabbits.**

It shall be unlawful and an offense for any person to keep, maintain or permit any cattle, goats, sheep, hogs, horses, poultry, rabbits or any miniature or dwarf variety of agricultural animal upon any property or premises within the corporate limits of the City of Tulsa, except under the supervision of the City of Tulsa's Animal Welfare or as otherwise provided by law. The keeping of agricultural animals, including miniature or dwarf varieties, in violation of the terms of this section is hereby declared to be a nuisance against the public health of the City of Tulsa and such nuisance shall be subject to abatement as provided by law.

- A. Cattle may only be kept in areas zoned for agriculture (AG). Cattle must be kept in a pen, lot or enclosure that is maintained in sanitary condition not offensive or dangerous to the public. The pen, lot or enclosure must provide an area of at least one (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- B. Horses may only be kept in areas zoned for AG, AG-R, RE, RS, RD, RT, RM, or RMH:
  - 1. Horses kept in areas zoned for agriculture (AG) shall be kept under the following conditions:
    - a. The enclosure in which such animal is kept shall be maintained in a sanitary condition and shall not be offensive or dangerous to the public health.
    - b. The enclosure where such animal is kept shall not be, at its nearest point, closer than fifty (50) feet to any building used or occupied for human habitation, and the barn shall not be closer than seventy-five (75) feet, at its nearest point, to any building used or occupied for human habitation.
    - c. The enclosure where such an animal is kept fenced shall be maintained in good repair.
  - 2. Horses kept in other permitted zoning districts shall be kept under the following conditions:
    - a. The enclosure in which such animal is kept shall be maintained in a sanitary condition and in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal.
    - b. The enclosure where such animal is kept shall not be, at its nearest point, closer than fifty (50) feet to any building used or occupied for human habitation, and the barn shall not be closer than seventy-five (75) feet, at its nearest point, to any building used or occupied for human habitation.

- c. The enclosure where such an animal is kept fenced shall be maintained in good repair.
    - d. The enclosure where such animal is kept shall not be less than one (1) acre (43,560 square feet) in area for each such animal maintained, including the space covered by the barn, but not the home or house area.
  - 3. All horses kept in the City of Tulsa city limits must be registered with WIN.
- C. Poultry may only be kept in areas zoned AG, AG-R, RE, RS, RD, RT, RM, or RMH:
- 1. Poultry kept in areas zoned for agriculture (AG) must be confined to the owner's property. Poultry pens or buildings may be located no closer than one hundred (100) feet from an adjoining property line.
  - 2. Poultry kept in other permitted zoning districts must be confined to the owner's property. Poultry pens or buildings must be in a location which at the nearest point is no closer than forty (40) feet from any adjacent residence.
    - a. Roosters over the age of eight (8) weeks are prohibited. Provided that a household may keep or possess a rooster over the age of eight (8) weeks so long as:
      - (i) Immediately prior to effective date the household legally possessed the rooster(s); and
      - (ii) The rooster(s) is registered with WIN.
    - b. The number of poultry shall not exceed eight (8) adult hens and fourteen (14) chicks under the age of ten (10) weeks on lots zoned RE, RS, RD, RT, RM, and RMH. The number of poultry shall not exceed twenty-five (25) adult hens and forty (40) chicks under the age of ten (10) weeks on lots zoned AG-R, for the first acre. Provided that, for each additional one-half (1/2) acre of land over one (1) acre in AG-R zoned lots, an additional ten (10) adult hens and fifteen (15) chicks under the age of ten (10) weeks are permitted, up to a maximum of forty-five (45) adult hens and seventy (70) chicks under the age of ten (10) weeks.
    - c. Poultry pens or buildings shall be of such size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
      - (i) It shall have a roof and be enclosed on all sides.
      - (ii) The structure shall have cross flow ventilation to control odors and humidity
      - (iii) The floors of such building shall be of easily cleanable construction and shall be maintained by routinely cleaning and properly disposing of the droppings in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal; and





(iv) For poultry with yard access, housing shall be a minimum of one square foot per adult bird.

(v) For poultry without yard access housing shall be a minimum of ten (10) square feet per adult bird.

**D. Rabbits may only be kept in areas zoned AG, AG-R, RE, RS, RD, RT, RM, or RMH:**

1. Rabbits kept in areas zoned for agriculture (AG) must be in pens or buildings located at least one hundred (100) feet from an adjoining property line.
2. Rabbits kept in other permitted zoning districts shall not exceed six (6) adults and fourteen (14) young under the age of eight (8) weeks on lots zoned RE, RS, RD, RT, RM, and RMH. The number of rabbits shall not exceed ten (10) adults and twenty (20) young under the age of eight (8) weeks on lots zoned AG-R. Provided that for each additional one-half (1/2) acre of land over one (1) acre in AG-R zoned lots, an additional five (5) adults and ten (10) young under the age of eight (8) weeks are permitted, up to a maximum of twenty (20) adults and forty (40) young under the age of eight (8) weeks. All rabbits shall be kept under the following conditions:
  - a. The rabbits must be kept in a building which at its nearest point is no closer than fifty (50) feet to any adjoining residence;
  - b. The floors of such building shall be of easily-cleanable construction, and shall be maintained by routinely cleaning and properly disposing of the droppings in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal; and
  - c. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

**E. Hogs:** It shall be unlawful and an offense to keep hogs, pigs, or swine in any non-agricultural (AG) zoned property

**F.** Except as otherwise set forth in this Section 200, agricultural animals may be kept only in areas zoned for agriculture (AG). The enclosure where such an animal is kept fenced shall be maintained in good repair.

**Section 201. Pigeons and doves.**

- A. Housing shall be sized to allow one (1) square foot of floor space and a minimum of one (1) cubic foot of volume per animal housed with a maximum of twenty-five (25) birds allowed.
- B. The structure shall not be located nearer than fifty (50) feet from any adjoining residence.

- C. Pigeons shall be confined to the loft except for limited periods for exercise. At no time shall pigeons be allowed to perch on property other than that on which they are maintained pursuant to this chapter.

**D. Racing pigeons exemption permit.**

1. **Racing pigeons exemption permit.** The Director of Finance shall maintain a register of qualified racing pigeon exemption permit holders and shall make this register available to WIN and the Chief of Police and the Director of the Tulsa City-County Health Department. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for denial. A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council shall be charged for the initial permit. Each subsequent renewal shall be charged a fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

A holder of a racing pigeons exemption permit will be permitted to own and keep a maximum of two hundred (200) Racing Pigeons on the holder's property provided the owner meets all other provisions and conditions imposed by law. A racing pigeons exemption permit holder shall not be permitted to own and keep or house any other pigeons or doves on the holder's property.

A conviction for a violation of this Section 201 or noncompliance with the provisions of the racing pigeons exemption permit shall be grounds for a denial of an application for a racing pigeons exemption permit.

2. **Racing pigeons defined.** A Racing Pigeon (also, commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon) means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc. Racing Pigeons shall be banded and registered with one of the national pigeon associations/registries identified above.
3. **Application documents.** An applicant for a racing pigeons exemption permit shall submit to the Director of Finance:
- a. A full and complete application using the form supplied by the Director of Finance;
  - b. Appropriate certificates and documentation evidencing the Racing Pigeons have been banded and registered with the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc.;



- c. Appropriate certificates and documentation evidencing the applicant's membership in a local racing pigeons club chartered by either the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc.; and
  - d. Any required application fees.
- 4. **Renewal.** A racing pigeons exemption permit holder must reapply for the exemption permit every year on or before the anniversary date of the issuance of the initial permit.
- 5. **Conditions of racing pigeons exemption permit.** The keeping, breeding, maintenance and flying of Racing Pigeons under the racing pigeons exemption permit shall be permitted on the following conditions:
  - a. The housing shall be sized to allow one (1) square foot of floor space and a minimum of one (1) cubic foot of volume per bird housed with a maximum of two hundred (200) birds allowed.
  - b. The housing shall be of such size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition. The structure shall be constructed of building materials compatible with the neighborhood. It shall have a roof and be enclosed on all sides. The floor, bird's roost and nesting cubicles shall be constructed of a nonporous material or plywood covered with a nonporous covering that is impermeable to fluids. The structure shall have sufficient cross-flow ventilation to control odors and humidity, with the ventilation openings covered in screening to prevent the entry of flies. The structure shall be constructed on piers or concrete blocks to allow a minimum of eighteen (18) inches between the floor and the ground. The ground area beneath the structure shall be covered with a concrete pad and apron that extends past the building edges a minimum of twenty-four (24) inches.
  - c. The construction and location of the housing shall not conflict with the requirements of any Building Code or Zoning Code of the City of Tulsa.
  - d. The housing structure shall not be located nearer than fifty (50) feet from any adjoining residence.
  - e. All feed and other edible substances for the pigeons shall be stored in steel galvanized containers with tightly securing lids to protect against intrusion by rodents and other vermin.
  - f. The housing shall be maintained in a sanitary condition, in compliance with all applicable health regulations of the City of Tulsa and in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal. All bird droppings shall be removed from the floor, bird's roost and nesting cubicles frequently enough to prevent an accumulation of droppings (recommended a minimum of every other day). The droppings shall be bagged in plastic garbage bags and deposited in the next trash pickup.

- g. All pigeons shall be confined to the housing except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
- h. All pigeons shall be fed within the confines of the housing.
- i. No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rule: Pigeons shall not be released for flying if they have been fed within the previous four (4) hours.

**6. Right of entry for inspections.** The Director of WIN, the Chief of Police or the Director of the Tulsa City/County Health Department may enter and inspect any property or housing at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this section.

#### **Section 202. Offense.**

It shall be unlawful and an offense for any person to keep or maintain or permit to be kept or maintained any poultry, pigeons, doves or rabbits except as herein provided. It shall be unlawful and an offense for any person to maintain such animals or poultry in a manner as to trespass upon the premises of another.

#### **Section 203. Animals running at large.**

No horse, mule, donkey, cattle, swine, sheep or goats of any kind shall be permitted to run at large within the limits of this City or to be staked out in any public place in the City at any time; and it is declared to be unlawful and an offense for the owner or person in charge of any such animals to permit them to run at large or to be staked in any public place within the limits of this City contrary to the provisions of this title.

#### **Section 204. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

### **CHAPTER 3. ANIMALS IN STREETS**

- Section 300. Training animals.
- Section 301. Animals unhitched.
- Section 302. Racing animals.
- Section 303. Hitching.
- Section 304. Turning animals loose.
- Section 305. Penalty.



**Section 300. Training animals.**

It shall be unlawful and an offense for any person to break or train any dog, cat, horse, mule, donkey or other domestic animal, upon any public highway, street or alley within the City.

**Section 301. Animals unhitched.**

It shall be unlawful and an offense for any person to leave any horse, mule, donkey or other animal attached to any vehicle or conveyance in any place within the City without being securely held or tied to an object of sufficient size to prevent such animal from straying or running away.

**Section 302. Racing animals.**

It shall be unlawful and an offense for any person to engage in any fast or reckless driving, riding or racing of any horse or mule on or across any street, alley or other public grounds in the City. Any rate of speed faster than twelve (12) miles per hour shall be held to be reckless driving, riding or racing under this section.

**Section 303. Hitching.**

It shall be unlawful and an offense for any person to hitch, tie or place any horse, donkey, mule, sheep, goat, cattle or any animal of bovine kind or any domestic animal to any light, telephone or telegraph pole within the City or on a sidewalk or parking area in the City except at the regular street, avenue, alley or driveway crossings.

**Section 304. Turning animals loose.**

It shall be unlawful and an offense for any person to turn any animal loose on any street or public place in the City of Tulsa.

**Section 305. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

**CHAPTER 4. MISCELLANEOUS PROVISIONS**

- Section 400. Diseased animals and sale of diseased animals.
- Section 401. Administration of poison.
- Section 402. Destruction of animals.
- Section 403. Euthanasia.
- Section 404. Locking or Tying Wings of Poultry Prohibited.
- Section 405. Distribution of baby poultry or rabbits as pets or novelties prohibited.
- Section 406. Outdoor shelter requirements.
- Section 407. Penalty.

**Section 400. Diseased animals and sale of diseased animals.**

It shall be unlawful and an offense for any person to procure or knowingly distribute diseased animals without complete disclosure for the purpose of transferring ownership, whether such animal is sold or given away.

**Section 401. Administration of poison. (REPEALED)****Section 402. Destruction of animals.**

When any animal within the corporate limits of the City of Tulsa shall be so wounded, maimed, sick, diseased or injured as to render its recovery hopeless in the opinion of WIN or a licensed veterinarian, then it shall become the duty of WIN to kill or euthanize or cause to be killed or euthanized such animal as soon as practicable, in such manner as deemed the least painful and shall then cause the carcass to be removed and disposed of as provided in this title.

**Section 403. Euthanasia.**

- A. It shall be unlawful and an offense for any person, except a licensed veterinarian, or a person trained to euthanize and who is approved and supervised by a licensed veterinarian, or a person certified by the Oklahoma State Board of Veterinary Medical Examiners as a euthanasia technician, to euthanize any animal.
- B. Any dog, cat or any other animal which is kept for pleasure rather than utility in or about a household, held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner, may be disposed of only by adoption as a pet in a suitable home, or euthanized by any method approved by the Veterinary Division of the State Department of Agriculture, with the exception of curariform derivative drugs and provided that the following requirements are met to ensure the euthanasia agent is humane:
  - 1. The method should be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology.
  - 2. The animal should be kept as free from anxiety and fear as possible.
  - 3. The technique should be simple enough to be used by relatively unskilled personnel and be legally available to animal shelters and humane societies. It should be mechanically simple and maintenance free as possible within reasonable cost.
  - 4. It should be physically safe for personnel using it.
  - 5. It should conform with all other requirements set forth for euthanasia in 4 O.S.2011, Sections 501, *et seq.*



**Section 404. Locking or tying wings of poultry prohibited.**

It shall be unlawful and an offense for any person to lock or tie the wings of any chicken, turkey, goose, duck or other domestic poultry for the purpose of weighing or handling, or cause the same to be done.

**Section 405. Distribution of baby poultry or rabbits as pets or novelties prohibited.**

It shall be unlawful and an offense for any person, firm or corporation to sell, or offer for sale, barter or give away baby chicks, ducklings or other poultry less than four (4) weeks old in groups of less than twelve (12) each, or rabbits less than six (6) weeks old as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brood facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Every person violating this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

**Section 406. Outdoor shelter requirements.**

Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal or poultry shall be provided for all animals or poultry kept outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water. A shelter for a dog or cat shall consist of a moisture proof and windproof structure of suitable size to accommodate the animal. All necessary cleaning to remove excreta, waste materials, dirt and trash to minimize disease hazards and to reduce odors shall be performed by the owner, in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal.

**Section 407. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

**CHAPTER 5. DEAD ANIMALS**

Section 500. Dead animals - unlawful disposal.

Section 501. Dead animals - lawful disposal.

Section 502. Dead animals - strays.

Section 503. Dead animals - residential fees.

Section 504. Dead animals collected for disposal from commercial animal establishments of any type.

Section 505. Retrieving I.D. from dead animals.

Section 506. Penalty.

**Section 500. Dead animals—unlawful disposal.**

It shall be unlawful and an offense for any person to throw any dead animal or poultry in or upon any street, alley or public place within the City of Tulsa or to bury any dead animal or poultry within the City of Tulsa.

**Section 501. Dead animals—lawful disposal.**

- A. It shall be the duty of the owner of any dead animal, or the person in lawful possession of any dead animal, to notify the Director of Streets and Stormwater or the Director's designee, who shall dispose of it in a sanitary manner; provided that private persons may operate services for the removal and disposal of dead animals subject to the approval of the Director of Streets and Stormwater or the Director's designee. The Director of Streets and Stormwater or the Director's designee may prescribe appropriate rules and regulations for the operation of private services involved in the removal and disposition of dead animals.
- B. It shall be the duty of the owner or person in lawful possession of a dead dog, cat, poultry or other small animal to put such animal in a box, sack or other receptacle before collection by the Director of Streets and Stormwater or the Director's designee, or by an operator of a private animal removal and disposal service.

**Section 502. Dead animals—strays.**

It shall be the duty of any person upon whose premises a stray dead animal is found to notify the Director of Streets and Stormwater or the Director's designee. Such person shall not be liable for any fees for removal.

**Section 503. Dead animals—residential fees.**

The owner or person in lawful possession of any dead animal or poultry shall pay to the Director of Finance a fee to cover the costs of removing the same.

Fees for the removal of dead animals shall be recommended by the Animal Welfare Commission and approved by the City Council for domestic farm animals such as horses, cattle, hogs, sheep, goats or animals of like or larger size. There shall be no charge for the removal of dogs, cats, poultry or other similarly sized animals.

**Section 504. Dead animals collected for disposal from commercial animal establishments of any type.**

Notwithstanding Section 503, any dead animal collected for disposal from commercial animal establishments of any type shall be disposed of in the manner prescribed in this title and upon payment of fees recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

JB



**Section 505. Retrieving I.D. from dead animals.**

A good faith attempt shall be made by the Director of Streets and Stormwater or the Director's designee to retrieve any City license pet tags and/or any microchip information on every dead dog and cat picked up by the City of Tulsa.

**Section 506. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

**CHAPTER 6. DANGEROUS DOGS**

Section 600. Certificate of registration for certain dogs required—exemptions—fee.

Section 601. Muzzle and restraint of certain dogs.

Section 602. Dogs not to be declared dangerous

Section 603. Confiscation of a dangerous dog.

Section 604. Fines.

Section 605. Purpose.

Section 606. Penalty.

**Section 600. Certificate of registration for certain dogs required—exemptions—fee.**

**A. Certificate of registration for certain dogs required.** It shall be unlawful and an offense for an owner to have a dangerous dog without a certificate of registration issued according to this chapter. This chapter shall not apply to dogs used by law enforcement officials for police work.

**B. Exemptions.** WIN shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
2. A policy of liability insurance, such as homeowner's insurance, or surety bond used by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

**C. Fee.** A fee as recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council shall be remitted to the Director of Finance for the certificate of registration.

SK

**Section 601. Muzzle and restraint of certain dogs.**

It shall be unlawful and an offense for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

**Section 602. Dogs not to be declared dangerous.**

Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

**Section 603. Confiscation of a dangerous dog.**

Any dangerous dog shall be immediately confiscated by WIN's Animal Welfare Center if:

- A. The dog is not validly registered according to this chapter;
- B. The owner does not secure the liability insurance coverage or surety bond required by this chapter;
- C. The dog is not maintained in the proper enclosure; and
- D. The dog is outside of the dwelling of the owner or outside the proper enclosure and not under physical restraint of the responsible person.

Any dangerous dog confiscated pursuant to this section and not reclaimed by its owner under the requirements of this chapter within thirty (30) days from the date of notice of confiscation shall be deemed abandoned and, at the discretion of WIN's Animal Welfare Center, euthanized pursuant to procedures provided in Section 109 of this title.

**Section 604. Fines.**

Any fine imposed as a result of a violation of this chapter, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset.

**Section 605. Purpose.**

It is the purpose of this chapter to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs. Nothing in this chapter shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.



**Section 606. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees and assessments or both such fine and imprisonment.

**CHAPTER 7. REPTILES**

- Section 700. Habitat.
- Section 701. Transport and Handling.
- Section 702. Release of Reptiles.
- Section 703. Reptile Species Not Prohibited.
- Section 704. Prohibited Reptiles.
- Section 705. Zoo Excluded.
- Section 706. Penalty.

**Section 700. Habitat.**

All reptiles held as pets or specimens must be contained within secure habitats designed to prevent escape. Every person violating this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.

**Section 701. Transport and handling.**

- A. Reptiles being transported shall be contained within escape-proof containers.
- B. Reptiles shall not be handled openly in public places unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment.

**Section 702. Release of reptiles.**

- A. Reptiles not indigenous to Oklahoma shall not be released or abandoned.
- B. Any species of reptile not indigenous to Oklahoma that is secured by or forfeited to Animal Welfare shall be released to the Tulsa Zoo or to a reptile rescue organization for proper disposition, or euthanized if deemed necessary by Animal Welfare.
- C. Any species of reptile indigenous to Oklahoma that is secured by or forfeited to Animal Welfare may be released to the wild within the discretion of Animal Welfare.



**Section 703. Reptile species not prohibited.**

The families of reptiles listed in this paragraph may lawfully be possessed or housed, as these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with any and all state, federal and Convention of International Trade of Endangered Species (CITES) regulations that may apply:

- A. The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (geckos); Family Agamidae (Agamas); Family Iguanidae (anoles, swifts and iguanas); Family Cordylidae (sungazers and girdled lizards); Family Anguidae (alligator lizards, galli wasps and glass lizards); Family Varanidae (monitors); Family Lacertidae (wall lizards); Family Anniellidae (legless lizards); Family Teiidae (tegus, racerunners); Family Chamaeleonidae (chameleons); Family Scincidae (skinks); Family Xenosauridae (crocodile lizard).
- B. The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (blind and worm snakes); Family Boidae (boas and pythons); Family Colubridae, sub family Colubrinae, (garter, water, gopher, bull, hognose, ringneck green snakes, ratsnakes, kingsnakes, cornsnakes and racers);
- C. The following Families of the Order Testudines: Family Chelydridae (snapping turtle); Family Kinosternidae (musk turtle); Family Platysternidae (big-head turtle); Family Emydidae (painted, sliders, box turtle, pond turtle, etc.); Family Testudinidae (tortoise); Family Trionychidae (soft-shelled turtle); Family Pelomedusidae (flat-headed turtle); and Family Chelidae (side-necked turtle).

**Section 704. Prohibited reptiles.**

The families and species of reptiles listed in this paragraph are prohibited, as they pose distinct hazards to humans:

- A. The following families of the Order Crocodylia (all families).
- B. Order Squamata; suborder Sauria, Family Helodermatidae (beaded lizards and gila monsters); Order Squamata, suborder Ophidia; Family Elapidae (Cobras); Family Hydrophiidae (sea snakes); Family Viperidae (vipers and pit vipers); species in the Family Colubridae, sub family Disadomorphinae (rear-fang-snakes), Dispholidus typus (the Boomslang); Thelotornis kirklandi (African bird eating snake); and Boiga dendrophilia (the Mangrove snake).

**Section 705. Zoo excluded.**

The City of Tulsa Zoo shall not be subject to any of the provisions in this chapter.



**Section 706. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.”

*Section 3. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.*

*Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety by reason whereof this ordinance shall become effective immediately from and after its adoption, approval and publication.*

ADOPTED, by the Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Chair of the Council

ADOPTED, as an emergency measure, on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Chair of the Council

**OFFICE OF THE MAYOR**

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

G.T. Bynum, Mayor

By: \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_,  
Date  
at \_\_\_\_\_.  
Time

\_\_\_\_\_  
Mayor

SCD/PTB

20200221 FINAL TAW Commission

ATTEST:

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City Clerk

APPROVED:

---

City Attorney

*JB*

*JB*



**THIS TABLE OF CONTENTS IS NOT A PART OF THIS DRAFT ORDINANCE BUT IS ONLY PROVIDED FOR THE CONVENIENCE OF THE READER.**

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 2, TULSA REVISED ORDINANCES, TITLED "ANIMALS" AND REGULATING MATTERS RELATED TO ANIMALS WITHIN THE CITY OF TULSA; AMENDING CHAPTER 1, TITLED "DEFINITIONS; REGULATIONS GENERALLY", SECTIONS 100 THRU 111, 113, 114, AND 116 THRU 118; PROVIDING DEFINITIONS, PRESCRIBING OFFENSES, PROVIDING FOR REGISTRATIONS, INOCULATIONS, VETERINARIAN RECORDS AND REPORTS, LICENSING, PROTECTIONS AGAINST RABIES, THE REGULATION OF DANGEROUS AND NUISANCE ANIMALS, ANIMAL IMPOUNDMENTS, COMMERCIAL ANIMAL ESTABLISHMENTS, PROCEDURES FOR ENFORCEMENT, EUTHANASIA, ENTRY ON PROPERTIES, EXEMPTION PERMITS, AND PENALTIES FOR VIOLATION OF CHAPTER 1; AMENDING CHAPTER 2, TITLED "AGRICULTURAL ANIMALS", SECTIONS 200 THRU 204; REGULATING THE KEEPING OF CATTLE, GOATS, SHEEP, HOGS, HORSES, POULTRY, RABBITS, PIGEONS AND DOVES, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 2; AMENDING CHAPTER 3 TITLED "ANIMALS IN STREETS", SECTIONS 300, 302, 304 AND 305; REGULATING THE TRAINING, HITCHING, RACING AND TURNING LOOSE OF CERTAIN ANIMALS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 3; AMENDING CHAPTER 4 TITLED "MISCELLANEOUS PROVISIONS", SECTIONS 400, 402 THRU 407 AND SPECIALLY REPEALING SECTION 401, TITLED "ADMINISTRATION OF POISON"; REGULATING THE SALE AND DISTRIBUTION OF DISEASED ANIMALS, THE DESTRUCTION AND EUTHANASIA OF CERTAIN ANIMALS, THE LOCKING OR TYING OF WINGS OF POULTRY, THE DISTRIBUTION OF BABY POULTRY AND RABBITS AS PETS, OUTDOOR POULTRY SHELTERS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 4; AMENDING CHAPTER 5, TITLED "DEAD ANIMALS", SECTIONS 500 THRU 506; REGULATING THE LAWFUL AND UNLAWFUL DISPOSAL OF DEAD ANIMALS, THE RETRIEVAL OF IDENTIFICATION FROM DEAD ANIMALS, AND PROVIDING A PENALTY FOR VIOLATIONS OF CHAPTER 5; AMENDING CHAPTER 6, TITLED "DANGEROUS DOGS", SECTION 600 THRU 607, BY SPECIALLY REPEALING SECTION 600, TITLED "DEFINITIONS" AND RENUMBERING SECTION 601 THRU 607 AS SECTION 600 THRU 606, PROVIDING FOR THE REGULATION OF DANGEROUS DOGS, AND A PENALTY FOR VIOLATIONS OF CHAPTER 6; AMENDING CHAPTER 7, TITLED "REPTILES", SECTION 700, TITLED "HABITAT", BY REDUCING THE PENALTY FOR FAILURE TO PROVIDE A SECURE HABITAT FOR REPTILES, AND PROVIDING A PENALTY FOR VIOLATIONS OF

CHAPTER 7; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA, OKLAHOMA:

*Section 1. That Title 2, Tulsa Revised Ordinances, Chapter 4, "Miscellaneous Provisions", Section 401, titled "Administration of Poison" and Chapter 6, "Dangerous Dogs", Section 600 titled "Definitions" are, by this ordinance, now specially repealed and the currently codified Sections 601 thru 607 are, by this ordinance, now renumbered as Sections 600 thru 606.*

*Section 2. That Title 2, Tulsa Revised Ordinances, "Animals", Chapter 1, "Definitions; Regulation Generally"; Chapter 2, "Agricultural Animals"; Chapter 3, Animals in Streets; Chapter 4, "Miscellaneous Provisions"; Chapter 5, "Dead Animals"; Chapter 6, "Dangerous Dogs"; and Chapter 7, "Reptiles" be and the same are now amended to read as follows:*

**"CHAPTER 1. DEFINITIONS; REGULATION GENERALLY**

- Section 100. Definitions
- Section 101. Offenses
- Section 102. Registration and Rabies Inoculation
- Section 103. Veterinarian records and reports; reporting animal bites
- Section 104. License fees
- Section 105. Proclamation of rabies
- Section 106. Rabies suspect
- Section 107. Dangerous animal
- Section 108. Animal a nuisance
- Section 109. Notice of impoundment; reclaiming; disposal of animals and fees
- Section 110. Commercial animal establishments
- Section 111. Issuance of citations; collection of fines
- Section 112. Police Dogs and Dogs Trained to Guide the Blind and Hearing Impaired and Support Service Dogs for People with Disabilities
- Section 113. Outside agencies and nonresidents
- Section 114. Records; funds
- Section 115. Unlawful removal
- Section 116. Entering property
- Section 117. Exemption permits
- Section 118. Penalty

**Section 100. Definitions.**

For purposes of this title, each word and phrase shall have the following meaning:

**Abandon or Abandoned** shall mean the leaving of an animal without making reasonable arrangements for assumption of custody by another person.



**Animal** shall mean any living creature, except human beings, and include (without limiting the generality) mammals, birds, reptiles, fish, amphibians and invertebrates, except in Section 106 of this chapter the word "animal" shall mean only mammals when referring specifically to the control of rabies and rabies-suspected animals.

- A. A large animal is any agricultural animal, ~~excluding fowl,~~ poultry and rabbits. It includes but is not limited to horses; dwarf, miniature, or dwarf variety horses; cattle; goats; donkeys; mules; sheep; and swine. It also includes reptiles over fifty (50) pounds.
- B. A small animal is any non-agricultural animal, including but not limited to dogs, cats, and ferrets, and the following agricultural animals, ~~fowl,~~ poultry and rabbits.

**Animal bite** shall mean any penetration of the skin by the teeth of an animal but shall exclude scratches by the claws of dogs or cats.

**Animal Welfare Authority** means a local government entity acting alone or in concert with other local governmental units for enforcement of the animal welfare laws of the city, county and state and the shelter and welfare of animals. **MOVED FROM SECTION 600**

**Animal Welfare Center** means the shelter at 3031 North Erie Avenue in Tulsa, Oklahoma.

**Animal Welfare Officer** means any individual employed, contracted with, or appointed by Animal Welfare Authority for the purpose of aiding the enforcement of any law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. **MOVED FROM SECTION 600**

**Animal Wild by Nature** shall mean and include any animal, except reptiles defined in Chapter 7, which, because of its potentially dangerous physical features, or its great size, or its ~~vicious~~ potentially dangerous nature presents a clear and proven danger to human beings, and shall include:

- A. The following members of the Class Aves: Order Falconiformes (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and Order Ratites (ostriches, rheas, cassowaries and emus); or birds native to the continental United States and Alaska and all birds covered under the Lacey Act and Migratory Bird Act.
- B. The following members of the Class Mammalia: Order Carnivora, Family Felidae (ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars, bobcat, lynx, cheetah, serval), except commonly accepted domesticated cats; the Family Canidae (wolves, foxes, dingoes, coyotes and jackals), except domesticated dogs; Family Mustelidae (weasels, martins, minks and badgers); Family Procyonidae (raccoon); Family Ursidae (bears); Order Chiroptera (bats); Order Edentata (sloths, anteaters and armadillos); Order Marsupialia (kangaroos and common opossums); Order Proboscidea (elephants); Order Primate (monkeys, chimpanzees and gorillas); Order Rodentia (beaver, muskrat and porcupines); Order Artiodactyla (antelope,

deer, bison and camels); and Order Perissodactyla (horse-like animals); and any hybrid or cross-breed of any of the above-listed animals.

- C. Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, except for venomous aquarium specimens. Venomous aquarium specimens which cannot survive outside the confines of an aquarium and which cannot survive in the lakes, ponds, rivers or streams of northeast Oklahoma shall not be prohibited.
- D. Any species of animal when kept, maintained or harbored in such numbers or in such manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.
- E. Except as expressly provided in this title, the term "animal wild by nature" shall not include nonpoisonous aquatic or amphibious animals, gerbils, hedgehogs, hamsters, guinea pigs, mice, rabbits, birds except for those listed in this section, domestic rats, chinchillas, domestic honey bees, ferrets, and those reptiles described in Chapter 7 as not prohibited.

~~At Heel shall mean when a dog is obedient to and under the immediate control and supervision of its owner or its owner's agent.~~

**At Large** shall mean ~~when~~:

- A. An animal ~~is~~ not confined on the premises of its owner; or
- B. A dog ~~is~~ not under leash, ~~at heel~~, or not in the physical control of its owner~~under the control of the person having possession of the dog; or~~
- C. A cat not in the physical control of its owner.

**Cat** shall mean ~~and include any domestic cat.~~ a member of the species *Felis catus domesticus*.

**Cattle** shall mean large domesticated ungulates of the subfamily Bovinae, a species of the genus *Bos*, commonly classified collectively as *Bos Taurus*.

**Chief of Police** shall mean the duly appointed, qualified or acting Chief of Police of Tulsa or the Chief's authorized representative.

**Commercial Animal Establishment (Type A)** shall mean any stable or boarding facility, grooming or bathing facility, veterinarian clinic or boarding facility, carriage horse or pony service, or sentry or guard dog service.

**Commercial Animal Establishment (Type B)** shall mean any business keeping animals in stock for retail or wholesale trade, excluding Type A Commercial Animal Establishments, which shall include, but not limited to, wholesale distributors, pet stores, stockyards, ~~slaughter houses,~~ slaughterhouses and hatcheries.



**Confined on the Premises** shall mean that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, ~~or fences,~~ or ~~by rope, chain,~~ leash. ~~Confinement shall bear other device~~ of such strength and size as to prevent such animal from leaving the premise, ~~and not permit it to stray onto the property of one other than the owner.~~ Confinement shall keep the animal from extending its head through an enclosure so as to constitute a threat to any person or animal in the areas adjoining the enclosure. A leash used to confine an animal shall not be of a length that would allow the dog access to public property or to sidewalks or rights-of-way or to adjacent property owned or leased by persons other than the owner of the animal.

**Dangerous Animal** shall mean any animal which, without provocation, has:

- A. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical treatment at medical facility, or rehabilitative treatment; or
- B. Bitten two (2) or more human beings during one or more encounters; or
- C. Bitten one (1) human being two (2) or more times during two (2) or more encounters; or
- D. Evidenced a propensity, tendency or disposition to:
  - 1. Attack without provocation; or
  - 2. Cause injury to, or otherwise endanger the safety of human beings or domestic animals.

**Dangerous Dog** means any dog that has:

- A. Inflicted severe injury on a human being without provocation on public or private property,
- B. Been previously found to be potentially dangerous, the owner having received notice of such by an animal welfare authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, dogs or domestic animals.
- C. Been previously found to be potentially dangerous, the owner having received notice of such by an animal welfare authority in writing and the dog thereafter attacks a dog or domestic animal, which results in the death of said dog or domestic animal either on public or private property. **MOVED FROM SECTION 600**

~~**Director** shall mean the Director of the Tulsa City County Health Department or the Director's authorized representative.~~

**Director of Finance** shall mean the duly appointed Director of the Finance Department of the City of Tulsa or the Director of Finance's authorized representative.

**Director of TCCHD** shall mean the Director of the Tulsa City-County Health Department or the Director's authorized representative.

**Director of WIN** shall mean the Director of the Working in Neighborhoods Department of the City of Tulsa or the Director's authorized representative or designee.

**Dog** shall mean and include any animal of the ~~canine~~ species canis familiaris.

**Domestic Animal** shall mean ~~dogs and cats, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits and fowl~~ all domestic animals including, but not limited to, cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animal" shall not include dogs and cats.

**Exemption Permit** shall mean a permit issued under Section 117 allowing the ownership of animals which are exempt from animal count and/or spay/neuter ordinances.

**Foster** shall mean the providing of care or rehabilitation for dogs or cats through an affiliation with an Rescuer Organization

~~**Fowl** shall mean any bird which has been domesticated and is commonly raised for food or egg production, including but not limited to chickens, ducks, geese, turkey, peafowl, pheasant, partridge, quail and grouse.~~

~~**He, Him, His, It and Its** shall mean and include the masculine, feminine and neuter gender.~~

**Hive** shall mean a manmade home for bees which includes one (1) or more boxes containing removable frames for rearing young bees, a queen excluder, one (1) or more boxes with removable frames for honey storage, an inner cover and a top cover, all of which are set on a hive stand.

~~**Hobbyist** shall mean any person so registered with the Director of Finance as having met the requirements for the hobbyist exemption in Section 117 of this title.~~

**Immediate Family** shall mean a spouse, mother, father, sibling or child, including stepchildren.

**Intact Animal** shall mean an animal that has not been sexually sterilized.

**Leash**, when used to confine an animal, shall mean any rope, cable, chain or other material attached to a permanent object used to confine a dog to its owner's property.

**Mammal** shall mean any of the class Mammalia or any subclass of all animals that nourish their young with milk secreted by mammary glands and have their skin more or less covered with hair.

**Nuisance** shall mean any animal, which habitually commits any one (1) or a combination of the following acts:



- A. Scratches or digs into any flower bed, garden, tilled soil, vines, shrubbery or small plants and in so doing injures the same;
- B. Overturns any garbage can or other vessel for waste products or scatters the contents of same;
- C. ~~Chases any person or domestic animal, or K~~kills any domestic animal;
- D. Barks, howls, brays or makes any other loud or offensive noise common to its species or peculiar to itself, so as to disturb the inhabitants of the community;
- E. Is at large.

**Owner** shall mean any person, firm or corporation having the care or maintenance of, keeping or harboring, or in possession and control or custody of any dog, cat, animal or domestic animal.

**Pigeon or Dove** shall mean any bird in the family Columbidae, and shall include any exotic dove (ringneck, white, diamond, fruit, cape, laceneck, etc.) and any fancy pigeon, racing pigeon, or common pigeon.

**Potentially Dangerous Dog means any dog that when unprovoked:**

**A. Inflicts bites on a human either on public or private property, or**

**B. Attacks a dog, cat or domestic animal which results in the death of said dog, cat or domestic animal either on public or private property:** **MOVED FROM SECTION 600**

**Poultry** shall mean any bird of the species Gallus ~~gallus~~ or Meleagris gallipavo (domestic turkey), generally, any type of chicken.

**Proof of ownership means adoption contract, bill of sale, veterinary records or photographs (including digital) which shows ownership. Animals without a bill of sale or identifiable marking (tattoo, microchip, brand, etc.) shall be released only after the WIN Director or the WIN Director's designee is satisfied the person is the rightful owner of the animal.**

**Proper Enclosure of a Dangerous Dog means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog.** **MOVED FROM SECTION 600**

**Rabies-Suspected Animal** shall mean any animal which has bitten a human being, or which has been bitten by any animal suspected of having rabies.

**Releasing Agency** shall mean any municipal shelter, humane society organization, or any other agency or group that has an ongoing adoption program and/or rescues animals for placement, whether to the public or private.

**Rescue Organization** means an organization that regularly harbors dogs or cats which have no readily identifiable owner. A rescue organization shall be incorporated as a non-profit corporation in the United States.

**Rescuer** shall mean an individual ~~or organization~~ who regularly harbors dogs or cats which have no readily identifiable owner. An individual rescuer shall be named as such on a roster of recognized rescuers furnished by a Rescue Organization or local animal welfare organization to the Director of Finance and to the Director of WIN.

**Severe Injury** means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery. **MOVED FROM SECTION 600**

**Under Leash** shall mean and include the condition of a dog being securely held, restrained and confined by its owner, member of family or agent by means of a strap, chain, rope, cord or other device material, not exceeding sixteen (16) feet in length, and in such manner as to prevent the dog from attacking any person or animal.

~~**Vicious Animal** shall mean any animal which, without provocation, has:~~

~~A. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical treatment at medical facility, or rehabilitative treatment; or~~

~~B. Bitten two (2) or more human beings during one (1) or more encounters; or~~

~~C. Bitten one (1) human being two (2) or more times during two (2) or more encounters; or~~

~~D. Evidenced a propensity, tendency or disposition to:~~

~~1. Attack without provocation; or~~

~~2. Cause injury to, or otherwise endanger the safety of human beings or domestic animals.~~

**WIN** shall mean the City of Tulsa Working ~~I~~n Neighborhoods Department, any authorized representative thereof, or any City department designated by the Mayor to succeed to or share the responsibilities of WIN as provided in this T~~i~~tle.

## **Section 101. Offenses.**

A. It shall be unlawful and an offense under the terms of this ~~chapter~~Title for any ~~owner person~~ within the corporate limits of the City of Tulsa to:

1. Own, keep, possess, harbor or allow to remain on premises under ~~his that person's~~ control any dog or cat over four (4) months old, unless such dog or cat has a current license and a current vaccination against rabies as required in this T~~i~~tle;



2. Fail to prevent any dog or cat owned, possessed, kept or harbored by ~~him~~ that person from running or being at large, whether such dog or cat is licensed or unlicensed; provided, however, that it shall be permissible for:
  - a. ~~for A~~ a dog to be led off the premises of its owner when under leash ~~or obediently at heel~~;
  - b. ~~F~~ for a police dog not to be under leash ~~or obediently at heel~~ while being utilized as a police dog in the performance of police duties and when accompanied by a police officer; or
  - c. ~~F~~ for a dog to not be under leash within an ~~O~~ff-~~L~~easeh ~~P~~ark ~~A~~area designated by the Park and Recreation Board of the City of Tulsa.
  - ~~d. for a dog to not be under leash within any public off leash area designated by the Park and Recreation Board of the City of Tulsa.~~
3. Deposit any live dog, cat or ~~other~~ domestic animal along any private or public roadway or in any other private or public place with the intention of abandoning the dog, cat or domestic animal.
4. Harbor, keep or have possession of any ~~vicious dangerous~~ animal, except as provided in Chapter 6 of this title. Every person violating subparagraph 101.A.4 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.;
5. Harbor, keep or have possession of any animal which is a nuisance. Every person violating subparagraph 101.A.5 shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments.;
6. Fail or refuse to deliver to WIN or to the Chief of Police upon demand any unlicensed dog or cat, ~~vicious dangerous~~ animal, animal which is a nuisance, rabies-suspected animal, dog or cat found at large, or any animal the keeping or harboring of which is declared to be an offense. Every person violating subparagraph 101.A.6 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees and assessments, or both such fine and imprisonment.;
7. Remove or fail to affix or attach to collars or harnesses worn by dogs or cats a current license tag as provided in this chapter, unless the dog or cat is permanently and uniquely identified with a microchip implant or tattoo. Every person violating subparagraph 101.A.7

- shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding ~~Two Five~~ Hundred Dollars (~~\$200.00~~\$500.00), excluding costs, fees and assessments~~;~~.
8. Keep, possess, own, harbor or exhibit any animal wild by nature except as an exhibition complying with all aspects of federal laws and regulations and Oklahoma laws and regulations applicable to exhibition of animals wild by nature~~;~~.
  9. Fail or refuse to keep every female dog or cat "in heat" confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that another dog or cat cannot come into contact with it except for controlled breeding purposes. Every person violating subparagraph 101.A.9 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding ~~Two Five~~ Hundred Dollars (~~\$200.00~~\$500.00), excluding costs, fees, and assessments~~;~~.
  10. Interfere or hinder WIN, the Director of Finance, Chief of Police, or Director of Health from performing ~~his~~ their official duties as set forth herein. Every person violating subparagraph 101.A.10 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than ~~one thousand two hundred dollars~~ One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment~~;~~.
  11. Release, other than by the owner, any animal from its confinement at any exhibition or sporting event; or release any animal from their home housing or yard~~;~~.
  12. Allow an animal to defecate (without the ~~O~~owner, keeper or harborer removing the excreta deposited) on public or private property other than that of the owner. Every person violating subparagraph 101.A.12 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding ~~Two Five~~ Hundred Dollars (~~\$200.00~~\$500.00), excluding costs, fees, and assessments~~;~~.
  13. Permit an animal to destroy or damage property of any kind, other than the Owner's property, or to commit a similar prohibited act on the private property of another person or the property of the City, including its parks and playgrounds. Every person violating subparagraph 101.A.13 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.
  - ~~13~~14. Own or harbor any animal or ~~fowl~~ poultry primarily or in part for the purpose of fighting, or any animal or ~~fowl~~ poultry trained for such; or any person to place or attempt to place an animal or ~~fowl~~ poultry in an enclosure or in any other place for the purpose of fighting or combat; or any person to promote, stage, hold, manage, conduct, be umpire, judge or spectator at any game, exhibition, contest or fight in which an animal or ~~fowl~~ poultry is used for the purpose of fighting, injuring, killing, maiming or destroying any other animal or ~~fowl~~ poultry~~;~~. Every person violating subparagraph 101.A.14 shall be guilty



of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.

**1415.** Harbor, keep or possess in any one ~~(4)~~ household more than a combined total of five (5) dogs and cats over the age of four (4) months; ~~provided that no more than three (3) of such animals shall be dogs over the age of four (4) months.~~ It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this subparagraph so long as the household or an individual in the household has secured an Animal Count Exemption permit or Animal Rescuer permit as required by this Title.:

- ~~a. Immediately prior to January 1, 1998, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and~~
- ~~b. Those dogs and/or cats were licensed according to the provisions of this chapter; and~~
- ~~c. The dogs and/or cats kept or possessed are the same such animals that were kept or possessed pursuant to (a) and (b) of this paragraph; or~~
- ~~d. The household or an individual in the household has secured a hobbyist exemption as required by this chapter.~~

Every person violating ~~this~~ subparagraph 101.A.1~~54~~ shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments;

**1516.** Harbor, keep or possess domestic honeybees otherwise permitted by this chapter unless the bees are maintained as follows:

- a. No more than four (4) hives shall be maintained for each one-quarter ( $\frac{1}{4}$ ) acre or less of lot size on any lot; and
- b. No hive shall be maintained within twenty (20) feet of any lot line of the lot on which said hive is located; and
- c. Between each hive and the neighboring lot in the direction of the hive entrance the hive owner shall maintain a hedge or a screening fence of at least six (6) feet in height, to be located within twenty (20) feet of such lot line, and to extend the entire length of such lot line; and
- d. A supply of clean water must be furnished within twenty (20) feet of each hive between March 1 and October 31 of each year; and
- e. Hive owners shall inspect each hive not less than four (4) times between March 1 and October 31 of each year. A written record including the date of each such inspection shall be maintained by the owner and shall be made available to WIN upon request.

- f. Any commercial use of the property on which bees are maintained shall be conducted in accordance with Title 42.

~~1617.~~ Violate any of the provisions of Section 110 of this title;

~~1718.~~ Harbor, keep or possess a dog or cat over the age of six (6) months, other than a dog owned and used by the Police Department of the City as a police dog, which has not been spayed or neutered, unless the owner has secured ~~an Intact Animal-hobbyist exemption permit~~ or an Animal Rescuer permit as required in this chapter or unless the dog or cat was licensed as required by this chapter prior to January 1, 1998, and has continuously maintained such license. In the event an owner of a dog or cat over the age of six (6) months is unable to produce a current license or license tag for ~~his~~ that owner's dog or cat as required by this chapter, a rebuttable presumption is created that the dog or cat has not been spayed or neutered. Every person violating ~~this~~ subparagraph 101.A.~~1718~~ shall be guilty of an offense and, upon conviction, shall be punished by a fine of not exceeding more than Two Five Hundred Dollars (~~\$200.00~~\$500.00), excluding costs, fees and assessments;

19. Harbor, keep or possess any animal which, while not confined on the premises of its Owner, does bite, chase, or attack any person or animal without provocation. Provided, this section shall not apply to any police dog while being utilized in the performance of police duties and accompanied by a police officer. Every person violating ~~this~~ subparagraph 101.A.~~189~~ shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00) excluding costs, fees and assessments, or both such fine and imprisonment.

- B. It further shall be an offense under the terms of this chapter for a ~~R~~eleasing ~~A~~agency within the corporate limits of the City of Tulsa to release for adoption an animal that has not been surgically spayed or neutered, unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the ~~R~~eleasing ~~A~~agency to ensure that the adopted animal will be spayed or neutered. Every person violating this Subsection 101.B shall be guilty of an offense and, upon conviction, shall be punished ~~by imprisonment in the City jail for a period of not exceeding thirty (30) days or~~ by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments, ~~or both such fine and imprisonment.~~

## Section 102. Rabies and inoculation.

- A. It shall be the duty of every resident owning or having in ~~his~~ that resident's charge or possession within the corporate limits of the City of Tulsa any dog or cat four (4) months or more of age to cause such dog or cat to be registered with the Director of Finance and pay the license fees herein required; provided, however, that the requirements for a license fee for registration shall not apply to any dog or cat which may follow or be led by any nonresident or traveler through the City while the dog or cat is with its owner or keeper.



- B. It shall be the further duty of every person owning or having in ~~his~~ that person's charge or possession within the corporate limits of the City of Tulsa any dog or cat four (4) months or more of age to cause such dog or cat within thirty (30) days after the dog or cat, reaches the age of four (4) months, to be inoculated as set forth below.
1. Inoculation must be by a person licensed to practice veterinary medicine in the state of Oklahoma or other states.
  2. Inoculation must be with a prophylactic vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the City of Tulsa for either a one (1) ~~one~~-year or a three (3) ~~three~~-year immunization period as follows:
    - a. **Three-year immunity.** Modified live virus Flury strain rabies vaccine or killed strain vaccine, as licensed by the United States Department of Agriculture (USDA), will be recognized for three (3) years in dogs, provided that the dog is at least one (1) year of age at the time of the vaccination; if dogs under one (1) year of age are vaccinated with this type of vaccine, immunity will be recognized for a period of one (1) year; or
    - b. **One-year immunity.** All other rabies vaccines currently licensed by the United States Department of Agriculture are recognized for a one (1)-year period.
  3. Cats must be inoculated with vaccines specifically for cats. ~~Ferrets must be inoculated with vaccines specifically for ferrets.~~ The vaccines must be recognized by the United States Department of Agriculture.
- C. Thirty (30) days shall be permitted for an owner to secure revaccination of ~~his~~ that owner's dog, cat or ferret after the duration of immunity has lapsed.
- D. Every veterinarian, after vaccinating a dog or cat, for rabies, shall complete in triplicate a computer-generated certificate or a legible certificate furnished by the Director of Finance. Two (2) copies shall be retained by the veterinarian, one (1) as a permanent record and one ~~(1)~~ as an expiration notice, and the third copy shall be retained by the animal owner to be shown to WIN upon request, and to be used to secure the license tag. Such certificate shall include the following information:
1. Owner's full name, address, zip code, home telephone number, daytime and/or emergency contact telephone number~~;~~
  2. Breed, date of birth, sex and color or marking of the dog or cat~~;~~
  3. Type of vaccine and duration of immunity~~;~~
  4. Signature of the veterinarian administering the vaccine~~;~~
  5. Name of the animal, if applicable; and

6. Permanent ID information, if any; and
7. Whether the animal is spayed, neutered or unaltered.

**Section 103. Veterinarian records and reports; reporting animal bites; animal under quarantine; rabies suspected.**

- A. It shall be the duty of every veterinarian practicing in the City of Tulsa to keep a record of every dog or cat vaccinated, which record shall be made available to WIN, the Chief of Police, Director of Finance, or their designated agents at any reasonable time and upon proper demand.
- B. It shall be the duty of every physician or other medical practitioner to report to WIN or the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such information as is pertinent to rabies control. It shall be the duty of any person having the knowledge of an animal bite to notify WIN or the Chief of Police of the incident and to provide such information upon request of the Director of WIN as is pertinent to rabies control.
- C. It shall be the duty of every veterinarian having an animal quarantined for a biting incident to submit a written report to WIN, in the event the animal shows positive signs of rabies, dies or is disposed of for any reason. The veterinarian shall report to WIN on the tenth day of observation as to the condition of any rabies-suspected animal and when ~~he~~ the veterinarian has released any animal quarantined for a biting incident.
- D. It shall be the duty of every veterinarian to report immediately to WIN ~~his~~ the veterinarian's diagnosis of any animal observed by ~~him~~ the veterinarian as a rabies suspect.
- E. WIN shall notify the Director of TCCHD of all animal bites.

**Section 104. License fees**

The annual license fee for each dog or cat shall be ~~Five Dollars (\$5.00). A three (3) year license for a dog or cat may be obtained for Fifteen Dollars (\$15.00) recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.~~ The owner of a dog or cat permanently identified by tattoo or microchip may license the animal for a period of three (3) years for the annual one (1) year fee of Five Dollars (\$5.00) upon payment of a license fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. No fee will be required for the registration of a dog that is used as a guide for the blind, used as a guide for the auditory impaired, used as a support service dog for persons with disabilities, or actively involved in law enforcement activities.

Except in cases in which three-year immunization has been performed, licenses for one-year rabies vaccinations shall expire and must be renewed on the last day of the twelfth month from when the rabies vaccination was administered as specified in this chapter. In cases of a three-year immunity, the license shall expire and must be renewed on the last day of the thirty-sixth (36<sup>th</sup>) month as



specified in this chapter. No dog or cat may be licensed without a current valid rabies immunization certificate and, unless the owner has secured ~~a hobbyist an Intact Animal~~ exemption permit as required in this chapter, proof of sterilization.

Individuals may remit to the administering veterinarian licensing fees required by this title at the time the dog or cat is vaccinated for rabies; or individuals may obtain a license directly from and pay the required fee directly to the Director of Finance upon demonstration that the animal has been properly vaccinated against rabies and, unless the owner has secured ~~a hobbyist an Intact Animal~~ exemption permit as required in this chapter, has been spayed or neutered. There shall be no prorating for partial years.

Veterinarians who voluntarily collect the licensing fee at the time of administering the rabies vaccine shall be required to remit to the Director of Finance on a monthly basis all fees collected, along with a copy of the registration certificate furnished by the Director of Finance for the animals licensed. Veterinarians shall be permitted to keep twenty-five percent (25%) of the licensing fees collected as a handling fee. No special reporting requirements of those clients choosing to license directly with the Director of Finance shall be placed upon the veterinarians.

Animals permanently identified by means of tattoo or microchip implant may be licensed for a three- ~~(3)~~ year period in conjunction with a three- ~~(3)~~ year vaccination for the price of one (1) annual fee, provided that the tattoo number or the microchip code is recorded on the rabies certificate completed by the veterinarian at the time of vaccination.

Upon registration, there shall be delivered to the owner metallic tags, stamped with the license number ~~and the year in which issued~~. Such tags shall at all times be attached to the collar or harness worn by the dog or cat for which the certificate was issued. If such tag is lost or destroyed, the owner shall apply in writing or in person for a new tag by presentation of the applicable registration ticket, accompanied by a fee ~~of One Dollar (\$1.00)~~ recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

#### **Section 105. Proclamation of rabies**

If at any time the Director of WIN shall find that there is an epidemic of rabies among the dogs within the City of Tulsa, or any part thereof, then ~~he the Director of WIN~~ shall certify that fact to the Mayor and specifically recommend a period, fixing the dates thereof, during which period all dogs in the City of Tulsa shall be confined on the premises of their owners or under leash as herein defined. Upon the receipt by the Mayor of written recommendation from the Director of WIN certifying the existence of any epidemic of rabies, the Mayor shall issue ~~his a~~ proclamation, based upon recommendation of the Director of WIN, proclaiming the existence of an epidemic of rabies and fixing the dates and duration of the epidemic, which proclamation shall be published one (1) time in a newspaper of general circulation and printed and published in the City of Tulsa.

During the time of the epidemic, all dogs and cats within the City of Tulsa shall be confined on the premises of the owners or kept under leash as herein defined. The existence of an unusual number of rabid dogs and cats in the City of Tulsa shall be deemed an epidemic of rabies under



this chapter, and the finding as to an epidemic of rabies by the Director of WIN shall be prima facie evidence of that fact.

### Section 106. Rabies suspect

- A. Any rabies-suspected animal shall be securely and separately confined for observation for a period of ten (10) days from the date of the bite. The owner shall immediately surrender the rabies-suspected animal to the Director of WIN, the Chief of Police, or their designees. The confinement and observation shall be at the:

1. Tulsa-City Animal Shelter Welfare Center; or, at the discretion
2. Discretion of the ~~owner~~Owner, the animal may be confined in a veterinary hospital at the ~~owner's~~Owner's expense. Boarding, provided that boarding kennels shall not be considered proper confinement facilities. The owner must immediately surrender the rabies-suspect animal to WIN or the Chief of Police; or his designee.
3. Home of the Owner provided the animal was not at large, is not showing signs of illness, and has a current rabies vaccination administered by a licensed veterinarian.

In the event the ~~owner~~Owner wishes to have the animal held for observation at a veterinary hospital, the animal will be transported to the veterinary hospital of the ~~owner's~~Owner's choice (provided the hospital is within the Citycity limits of the City of Tulsa) by a representative of ~~the City of Tulsa's~~ Animal Welfare Authority. In the event the animal is confined in the Owner's home for observation, the Owner shall notify a licensed veterinarian and follow all veterinarian care recommendations at the Owner's sole expense and liability.

Any person failing to surrender a rabies-suspect animal, or any person removing the rabies-suspect animal from the Citycity limits of Tulsa, is guilty of an offense. If, upon examination by a veterinarian, the animal has no signs of rabies at the end of the impoundment period, it may be released to the owner or, in case of a stray, it shall be disposed of in accordance with applicable laws. In either event, the veterinarian shall make a written report of the disposition of the animal to ~~WIN and to~~ the Director of WIN. At the end of the ten- (10) day observation period, the Director of WIN shall notify any person bitten by a rabies-suspect animal whether such animal exhibited symptoms or indications of rabies; such notice shall be in the same manner as provided for service of notice under Section 109 of this chapter.

If within the period of impoundment, the animal dies or exhibits symptoms or indications of rabies, it shall be examined by a veterinarian for clinical diagnosis and then properly euthanized by a veterinarian. The head of any rabies-suspected animal which dies shall be submitted to the State Health Department Laboratory for confirmation of diagnosis. In this event, WIN shall immediately notify any person bitten of the diagnosis; such notice shall be in the same manner as provided for service of notice under Section 109 of this chapter.



4. Dogs owned and used by the Police Department that bite a person during the course of duty shall be under the supervision of a licensed veterinarian. The type and amount of supervision is left to the professional opinion of the supervising veterinarian who assumes responsibility for the biting animal.
5. The veterinarian must regularly examine the biting animal and immediately report any changes in condition of the animal to the Tulsa City-County Health Department.
6. The dog must be under the control of an authorized agent of the Police Department or the veterinarian at all times during the observation period.

In the case of a bite inflicted by a ~~nonimmunized~~non-immunized animal upon the head, face, neck or upper extremities, resulting in deep lacerations or multiple wounds, the Director of WIN may require immediate euthanasia of the animal in order to perform tests for diagnosis of rabies.

- B. Any ~~domestic~~ dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall be euthanized immediately by the veterinarian in charge, an animal ~~control~~welfare officer or a designated agent in a manner which will preserve the head for analysis; or such non-immunized, rabies-exposed dog or cat shall be strictly quarantined and observed in a veterinary hospital for a period of not less than six (6) months, and such animal shall be immunized against rabies at least thirty (30) days prior to release. Expenses for quarantine and immunization shall be borne by the owner or other person responsible for the animal.
- C. If the owner of a non-immunized animal bitten by a rabid animal is unwilling to euthanize the bitten animal, then at the expense of the owner the animal shall be confined in isolation in a veterinary hospital for a period of not less than six (6) months, as specified by the Director of WIN.

The owner of any non-immunized domestic animal other than a dog or cat which has been exposed to a rabid animal shall immediately report with such domestic animal to the Director of WIN for instruction concerning the disposition of that animal.

Any effectively immunized domestic animal, dog or cat which is exposed to a rabid animal shall be immediately re-immunized and restrained by leashing and/or confined on the premises of its owner or in a veterinary hospital for a period of forty-five (45) days.

#### Section 107. ~~Dangerous~~Vicious animal

- A. It shall be the duty of WIN and the Chief of Police to investigate any proper claim that an animal is ~~vicious~~dangerous within the meaning of this chapter. Should the investigating official determine that a ~~vicious~~dangerous animal poses an immediate threat to the public health or safety, ~~he that official~~ shall immediately seize and impound the animal, or otherwise seek an order from the court that the animal be impounded. The ~~matter official~~ shall ~~be referred also~~ refer the matter to the City Attorney for approval of a verified complaint requesting a finding

by the court that the impounded animal is ~~vicious~~dangerous and aid in the proceedings instituted in the Municipal Criminal Court against any person for harboring a ~~vicious~~dangerous animal.

- B. If the court shall fail to find, upon a preponderance of the evidence presented in an evidentiary hearing, that the animal seized and impounded is a ~~vicious~~dangerous animal, then the court shall order WIN to return the animal to its owner. If such animal is found by the court to be a ~~vicious~~dangerous animal, the court shall order WIN to euthanize the animal.
- C. At the option of the owner, but subject to the approval of WIN, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the ~~vicious~~dangerous animal action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by WIN or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City of Tulsa be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately~~-~~operated impoundment facility.

#### Section 108. Animal ~~a~~-nuisance.

- A. It shall be the duty of WIN and the Chief of Police to investigate any proper claim that an animal is a nuisance within the meaning of this chapter. Should the investigating official determine that a nuisance exists and it is necessary to abate the nuisance or should the official have reason to believe a threat to public health or safety exists, ~~he that official~~ shall refer the matter to the City Attorney for approval of a verified complaint and an order from the court that the animal be impounded. Following the filing of such verified complaint and an evidentiary hearing, if the court finds upon a preponderance of the evidence that a nuisance existed, the court may order the animal euthanized as in the case of a ~~vicious~~dangerous animal. In lieu of ordering the animal euthanized, the court shall, at the request of the animal owner, require that the owner abate and prevent such nuisance and give a good and sufficient bond within three (3) days, in an amount not greater than Five Hundred Dollars (\$500.00), satisfactory for a period not exceeding one (1) year. In this event, the court may order the return of such animal to the owner. However, during the pendency of such bond, upon a finding of the court that the nuisance has recurred, the court shall order the animal be impounded, euthanized and the owner's bond be forfeited. If the court shall find that no nuisance existed, the court shall order the animal be surrendered to the owner.
- B. At the option of the owner, but subject to the approval of WIN, an animal impounded pursuant to this section may be confined in a private kennel or veterinary clinic during the pendency of the nuisance action. The operators of the facility shall then assume full liability for the confinement and maintenance of such animal and shall not release it without first being authorized by WIN or the court. All fees for such impoundment shall be the responsibility of the owner. In no event shall the City of Tulsa be liable for costs or fees charged by the private facility. Further, the City may assess to the owner the cost of transporting the animal to the privately~~-~~operated impoundment facility.



- C. Nothing in this section shall be construed to permit the release from impoundment of any animal not properly licensed and vaccinated, or a threat to public health or safety.

**Section 109. Notice of impoundment; reclaiming; disposal of animals; and fees.**

- A. **Notice of ~~l~~impoundment.** WIN is authorized to impound any animal which is in violation of any section of this chapter or which may be donated to the Tulsa Animal Shelter Welfare Center for disposition. When the owner of the animal is known, ~~the owner~~ they shall be notified of the impoundment. Notice shall be attempted by telephone within a forty-eight (48) hour period from the initiation of the impoundment. Without regard to the success in giving notice by telephone, a certified letter is to be mailed to the owner's or keeper's address within the same forty-eight (48) hour period. Licensing records, including the owner's name, address, telephone number and daytime telephone number or an emergency telephone number shall be readily accessible to the official responsible for such notifications.
- B. **Time for ~~r~~reclaiming ~~a~~animals.** An animal may be reclaimed within the following times: ~~w~~Within five (5) days from the initial impoundment, if the animal is licensed and the owner is readily identifiable, or three (3) days from notice of impoundment, whichever is longer. If the owner is not known, the animal shall be held for three (3) days before it becomes the property of the City of Tulsa and is disposed of as provided herein.
- C. **Requirements for ~~r~~reclaiming ~~a~~animals.** An animal may be reclaimed by meeting the following requirements:
1. If an animal is not licensed and this chapter requires licensing, after the payment of the licensing fees and penalties as set forth herein and satisfying all other requirements of this section;
  2. If the animal is licensed, or if a license is not required by this chapter, by paying the impoundment fees and satisfying all other requirements as set forth herein; and
  3. If the animal is not spayed or neutered and this chapter requires spaying or neutering, after signing an agreement to spay or neuter the animal within sixty (60) days or forfeit a ~~One Hundred Fifty Dollars (\$150.00)~~ deposit in an amount recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, payable at the time of reclaiming; and
  4. If the animal must be vaccinated for rabies before release, the person reclaiming the animal shall pay all fees for the vaccination.
- D. **Fees.** ~~The following fees are established~~ Fees to reclaim an animal shall be recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council:
- ~~1. An impoundment fee of Twenty Dollars (\$20.00) for all small animals;~~
  - ~~2. An impoundment fee of Seventy Five Dollars (\$75.00) for all large animals;~~
  - ~~3. A daily fee for each day, which begins at 12:01 a.m., or part of a day, of Ten Dollars (\$10.00).~~

No animal shall be released without the payment of the fees and charges listed above and without satisfactory proof of ownership. The payment of these fees and charges shall not constitute a defense to any prosecution that may be instituted for the violations of the terms of this title.

Provided, however, no fees shall be charged for any licensed animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a ~~vicious~~dangerous animal.

Provided, further, no person shall be entitled to reclaim any animal found to be a nuisance, rabid, rabies suspected, or ~~vicious~~dangerous, except as provided herein.

**E. Animals ~~N~~ot ~~R~~eclaimed ~~W~~ithin ~~T~~ime ~~L~~imits.** Animals not reclaimed within the time limits set forth in this section shall, at the option of WIN, be euthanized or disposed of in one ~~(4)~~ of the following manners.

**1. Animals ~~R~~eclaimed by ~~O~~wners.** Animals may be reclaimed by the owner upon payment of all fees and charges established by this section.

**2. Adoption of ~~D~~ogs and ~~C~~ats.** Dogs and cats may be released for adoption, provided that the adopting party pays required fees and charges as set forth herein, and further provided that:

a. There shall be established at the City Animal ~~Shelter~~ Welfare Center an on-site facility for the purpose of spaying and neutering all animals adopted through the ~~shelter Center~~ which have not previously been surgically spayed or neutered; this facility will be staffed by a licensed veterinarian and be under WIN; if the City of Tulsa staff does not include a licensed veterinarian and if WIN determines it is not feasible to staff the facility through donated service, a bid process shall be used to select veterinary professionals to perform the on-site sterilizations of the adopted animals;

b. If the licensed veterinarian described in subparagraph 109.E.2.a. or, in the absence of such veterinarian, WIN determines that the animal cannot be sterilized at the time of adoption, the adopting party shall sign an agreement to have the animal sterilized pursuant to the Dog and Cat Sterilization Act, 4 O.S. 2011, Sections 499, *et seq.*, or as the same may be amended, and shall deposit with WIN ~~One Hundred Fifty Dollars (\$150.00)~~ an amount recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, to ensure that the animal will be sterilized. The adopting party shall provide the Animal Welfare Center documentation from a licensed veterinarian of the animal's sterilization within one hundred twenty (120) days of adoption.

**3. Fees and ~~C~~harges.** Before an animal may be adopted, all required fees and charges ~~as required~~ must be paid according to ~~the following a~~ schedule: recommended by the Animal



Welfare Commission, subject to the discretion and approval of the City Council, in addition to the following costs:

**ADOPTION FEE SCHEDULE**

~~Dogs, puppies, cats and kittens ..... \$10.00~~

~~All other animals ..... 5.00~~

**STERILIZATION AND VACCINATION COSTS**  
**(with or without adoption)**

<del>Rabies vaccination</del>	
<del>Required for all dogs and cats over four (4) months of age</del>	<del>Actual Reasonable Cost</del>
<del>Rabies vaccination and sterilization</del>	
<del>If provided by the City of Tulsa</del>	<del>Actual Reasonable Cost</del>

Rabies vaccination

Actual Reasonable Cost

Required for all dogs and cats over four (4) months of age

Rabies vaccination and sterilization

Actual Reasonable Cost

If provided by the City of Tulsa

WIN, subject to City Council approval, shall establish policies and implement administration procedures for either the refund of adoption fees or an exchange for adopted animals which are returned.

4. **Animals ~~W~~wild by ~~N~~nature.** All animals wild by nature and not authorized by Subsection 101.H. herein shall be euthanized or donated to a zoo or a museum, except that, at the discretion of WIN, certain animals wild by nature which are native to Oklahoma and which in their natural habitats do not present a danger to human beings or to property may be released to their natural habitats.
5. **Public ~~s~~Sale.** At the option of WIN, animals, other than dogs, cats, puppies, kittens and animals wild by nature, may be sold at a public sale pursuant to procedures set forth in this section, or donated to a zoo or museum.
6. **Release to ~~v~~Veterinarian.** WIN may, at its discretion, release animals to a licensed veterinarian if the animal is in need of veterinary care. The veterinarian must agree in writing to accept responsibility for the animal and give the animal proper veterinary care in lieu of paying fees to receive the animal. If the animal is a dog or cat, the veterinarian must sterilize the animal before releasing the animal to any subsequent owner.
7. **Release to ~~a~~Animal ~~w~~Welfare ~~o~~Organizations.** WIN may, at its discretion, release animals to a Rescue Organization or nonprofit animal welfare organization incorporated as such in the United Statesstate of Oklahoma. If an animal so released is a dog or cat, an authorized representative of the organization must agree in writing to have the animal sterilized before releasing it to a subsequent owner and provide the Animal Welfare Center

documentation from a licensed veterinarian of the animal's sterilization within one hundred twenty (120) days of the animal's release.

8. Release for ~~e~~**E**xperiments or ~~r~~**R**esearch. No animal shall be released for experimental or research purposes.

F. Procedures for ~~p~~**P**ublic ~~s~~**S**ale of ~~a~~**A**nimals. If an animal is to be sold at public sale, WIN shall give ten (10) days' notice of the time and place of such sale by causing notices to be posted in at least three (3) public places in the City; by publishing in a newspaper of record in the City; by serving a copy of such notice upon the owner, if known; and by providing such other notice as the Mayor may direct. The notices shall be substantially in the following form:

"The following animals (describing them), having been taken up and impounded in the Animal Shelter of the City of Tulsa for violations of the provisions of the ordinances of the City of Tulsa, will, unless reclaimed within ten (10) days from this date, be sold for cash to the highest bidder at public auction at the Animal Shelter at \_\_\_\_\_ o'clock, \_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_ (giving hour and date of sale).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

\_\_\_\_\_  
Director of WIN  
 City of Tulsa, Oklahoma"

The owner may reclaim any animal prior to the sale by payment of all fees and charges set forth in this section.

G. Fees for ~~t~~**T**reatment of ~~s~~**S**ick ~~a~~**A**nimals. In addition to all other fees, the owner of a sick or injured animal impounded by WIN shall reimburse the City of Tulsa or a veterinarian for any fees incurred in treating the animal.

H. Destruction of ~~a~~**A**nimals. WIN may euthanize any animal if it has been surrendered to the Shelter Animal Welfare Center or if the animal is so sick or injured that its cure is considered by WIN to be impracticable or if death is imminent, and in either of such events, such destruction may be done immediately without notice or any waiting period. Anyone surrendering an animal shall provide proof of ~~his or her~~ that person's identity before the animal will be accepted.

I. Disposal ~~f~~**F**ee. For ~~e~~**E**ach animal disposed of by WIN, a disposal fee ~~of Five Dollars (\$5.00)~~ recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council may be charged.

#### Section 110. Commercial animal establishments.

A. Each commercial animal establishment, of any type, shall keep and maintain its animals and all pens, cages, tanks or other holding facilities in which animals are kept in such a manner as



to prevent a nuisance or health hazard to humans and to avoid injury and minimize illness to such animals. All holding areas shall be disinfected periodically to reduce disease pathogens.

- B. All animals housed in any commercial animal establishment shall have a wholesome, adequate diet and potable water consistent with the requirements and habits of the animal's species, type, size, age and condition and available shelter with adequate ventilation and protection from the elements. Such animal showing evidence of disease or injury shall be immediately isolated and shall receive treatment by a licensed veterinarian or euthanized by same. Euthanasia of any ~~dog, cat or~~ domestic animal shall be performed by a licensed veterinarian. The reason and the procedure used for such euthanasia shall be documented. Upon receipt of a signed report or complaint alleging animal abuse or other conditions not in compliance with this section at any commercial animal establishment, an investigation shall be made by the City's Animal Control Welfare Authority. Its findings shall be documented, and appropriate action taken.
- C. **Commercial ~~a~~Animal ~~e~~Establishments (Type B).** No registration papers for animals not on the premises may be kept on the premises, except those when attached to a contract of sale. Vaccination and other medical care of such animals shall be current, and the purchaser shall receive complete health records. The establishment shall provide written documentation of each animal's origin, including the breeder's name and the state where the animal was born, to the purchaser at the time of sale. All operators of a Type B commercial animal establishment shall apply to the Director of Finance for a permit to operate such establishment in the City of Tulsa. No Type B commercial animal establishment shall sell animals in the City without the permit. The Director of Finance shall perform a background check encompassing the past ten (10) years, to ascertain if the applicant has been convicted of animal abuse or cruelty charges in that time. Conviction of animal abuse or cruelty shall be grounds for denial or revocation of a commercial animal establishment permit. The permit fee shall be ~~twenty (\$20.00) annually recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council~~. An application processing fee ~~of Twenty Dollars (\$20.00) recommended by the Animal Welfare Commission, subject to the discretion approval of the City Council~~ shall be assessed for the first application.

#### Section 111. Issuance of citations; collection of fines.

- A. **Municipal Court Clerk to ~~a~~Assist.** The Municipal Court Clerk of the City of Tulsa is hereby authorized to work in conjunction with WIN and the Chief of Police and to assist the Municipal Criminal Court in the clerical work involved in the expedient disposition of violations.
- B. **Penalties ~~e~~Established by ~~j~~Judge.** The judge of the Municipal Criminal Court shall designate the penalties to be paid for the violations of this chapter which may be satisfied by payment at the ~~e~~Office of the Municipal Court Clerk, provided that penalties are within the limits herein established for such violations.
- C. **Citations.** There shall be authorized by the Municipal Judge and provided by the Municipal Court Clerk suitable serially-numbered forms for the notification of violators to appear and answer charges for violating this title, which forms shall be issued and receipted by the ~~e~~Clerk of the Municipal Criminal Court or by duly authorized persons acting for ~~him~~ the Clerk.



Upon the commission of any violation of this title, WIN ~~or the Chief of Police~~ shall take the violator's name, address, and place of employment and issue to the violator in writing a notice on the form authorized by the Municipal Judge and provided by the Clerk of Municipal Criminal Court, commanding the violator to answer the charge against ~~him~~ them within ten (10) days at the place specified in the notice. The notice shall contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the ~~j~~Judge of the Municipal Criminal Court. The issuance of a citation may be in addition to or in lieu of impoundment of the offending animal.

- D. Failure to ~~a~~Answer.** Failure to give the required information or answer the notice provided for in this section shall authorize the Chief of Police to immediately place the violator under arrest and in custody. Whenever WIN or the Chief of Police deems it necessary, ~~he~~ they may follow the procedure set out herein.

**Section 112. Police dogs and dogs trained to guide the blind and hearing impaired and support service dogs for people with disabilities.**

If the dog is vaccinated as herein provided, it shall be lawful for any dog trained to guide any blind or hearing-impaired person, or for any support service dog for people with disabilities, or for any police dog owned and used by the Police Department of the City as a police dog to be admitted to any public place or vehicle when actually accompanying a blind or hearing-impaired person or person with a disability, or when utilized as a police dog, when the blind, hearing-impaired or disabled person, or the officer accompanying the dog might have the lawful right to entry.

**Section 113. Outside agencies and nonresidents; euthanasia services prohibited – Mayoral exception.**

**A. Outside Agency** shall be defined as:

1. Any municipality or other political subdivision of the state of Oklahoma.
2. Any animal welfare service (shelter, rescue organization, etc.), public or private, which operates solely outside the corporate limits of the City of Tulsa.

- B.** The City's Animal ~~Shelter~~ Welfare Center may not accept from a nonresident nor from any outside agency any animal for the purpose of euthanasia unless upon the express, written authorization of the Mayor or Mayor Pro Tem.

1. If authorized as provided in Subsection B hereof, a fee ~~of One Hundred Twenty-Five and no/100 Dollars (\$125.00)~~ per animal, recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council, shall be charged a nonresident or an outside agency for euthanasia, unless otherwise established by contract.
2. In negotiating any contract relating to a charge for euthanizing animals from outside agencies or nonresidents, consideration shall be given to the above-stated fee, but in no



event shall the fee established by contract be lower than the City's actual direct cost for euthanizing the animal.

#### **Section 114. Records; funds.**

It shall be the duty of WIN to maintain records at the Animal ~~Shelter~~ Welfare Center containing the description and date of the seizure of all animals taken under the provisions of this title, the place where impounded, the name of the owner if known, and if unknown, the date of the notice given, and all subsequent proceedings relating to the sale of the animal and the amount realized. All fees collected by WIN and the proceeds of all sales shall be paid to the Director of Finance. Any amount in excess of the fees due shall be held subject to the claim of the person entitled to them who may apply in writing to the Director of Finance within six (6) months. If such excess is unclaimed after six (6) months, it shall be paid into the General Fund.

#### **Section 115. Unlawful removal.**

Every person who shall take out or attempt to take out of the Animal Shelter or any Animal Shelter property any animals located therein without paying the fees prescribed by this chapter shall be deemed guilty of an offense.

#### **Section 116. Entering property.**

**A.** WIN may impound animals which are deemed to be at large within the meaning of this ~~chapter~~ Title, and which are found off the immediate premises of their ~~o~~ Owners.

**B.** In multi-family residential complexes, ~~if~~ when the property manager or agent grants access to an Animal Welfare Officer or Tulsa Police Officer, at large animals may be removed from common areas, ~~generally made accessible to occupants and their guests. This includ~~ inges but is not limited to playgrounds, parking lots and walkways.

#### **C. Impoundment by judicial order.**

- 1. If an animal subject to impoundment has not been impounded, a Judge of the Municipal Court, upon the presentment of a complaint verified by an Animal Welfare Officer or any law enforcement officer, shall determine whether probable cause exists to believe a violation of the provisions of this Title has occurred.**
- 2. If the Municipal Judge determines that probable cause exists, the Judge may issue an order of the Municipal Court describing the animal with particularity, setting forth the approximate date, time, place and actions giving rise to the alleged violation of the provisions of this Title, and specifying with particularity the location of the animal in the City of Tulsa.**
- 3. The Judge may direct the Animal Welfare Officer or law enforcement officer to serve a certified copy of the order upon a person age eighteen (18) or older who is a resident at the property where such animal is located. Any such person, upon the service of a certified**

copy of the court's order, shall immediately deliver the animal to the Animal Welfare Officer or law enforcement officer.

4. A copy of the order shall be posted at the property in a manner easily discovered by the owner, occupant, or tenant and a copy shall be sent to the owner, occupant, or tenant by certified mail, return receipt requested.

**Section 117. ~~Hobbyist exemption permit.~~**

**A. ~~Hobby exemption permit.~~** The Director of Finance shall maintain a register of qualified hobbyist exemption permit holders. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. A fee of Twenty Five Dollars (\$25.00) will be charged for the initial permit. Each subsequent renewal shall be Ten Dollars (\$10.00).

A holder of a hobbyist exemption permit will be permitted to own and keep, at a single family dwelling, a number of dogs and cats that would otherwise constitute an offense under paragraph 101.A.14. of this chapter; provided, however, that a permit holder other than an owner of hunting dogs shall allow outside the residence at any one (1) time no more than the number of cats and dogs permitted by paragraph 101.A.14. A holder of a hobbyist exemption permit shall not be required to comply with paragraph 101.A.17. of this chapter; provided, however, that an individual rescuer must comply with paragraph 101.A.17. as to those dogs and cats owned by the rescuer on a permanent basis.

**B. ~~Permit qualifications.~~** Any individual or organization, not a commercial breeder, that

- ~~1. Is actively involved in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a hobbyist exemption; or~~
- ~~2. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, and has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for a hobbyist exemption; or~~
- ~~3. Qualifies as a rescuer according to the provisions of this chapter; and~~
- ~~4. Has not been convicted in the past ten (10) years of any offense related to: illegal commercial breeding, brokering, dog fighting, a nuisance offense under this chapter, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of paragraph 101.A.2. of this chapter prohibiting at-large dogs and cats shall qualify for a hobbyist exemption permit.~~

**C. ~~Application documents.~~** An applicant for a hobbyist exemption permit shall submit to the Director of Finance one (1) of the following:

- ~~1. Certificates of completion of at least two (2) training classes, dated within the twelve (12) months immediately preceding the date of application; or~~



- ~~2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or~~
- ~~3. A certificate of title(s) from a national registry for a dog or cat owned by the applicant; or~~
- ~~4. For a rescuer organization, proof that the organization is approved by WIN pursuant to the requirements of paragraph 109.E.7. of this chapter. The organization shall submit a list of individual households that are authorized to serve as rescuers under the organization's permit; or~~
- ~~5. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid State of Oklahoma hunting license.~~

~~Any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals shall not be considered an organized sport or hobby for purposes of this section.~~

- ~~D. **Renewal.** A permit holder must reapply for the exemption permit every year. To make application, the permit holder must furnish to the Director of Finance one (1) or more of the items listed in Subsection 117.C. that are dated within the previous year.~~
- ~~E. **Records.** If applicable, the permit holder shall keep accurate records in accordance with the requirements of his associated national registry on each dog or cat owned, and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated.~~
- ~~F. **Requirements of a rescuer.** A rescuer may harbor dogs and cats in accordance with Subsection 117.A; provided, however, that such cats and dogs are harbored for no longer than ninety (90) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than ninety (90) days due to its medical condition, the rescuer shall so notify the Director of Finance.~~
- ~~G. **Revocation.** A permit holder shall have his hobbyist exemption permit or the right to serve as a rescuer under an organization's permit revoked if he has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance under this chapter; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of paragraph 101.A.2. of this chapter prohibiting at-large dogs and cats.~~

### **Section 117. Exemption permits.**

**Exemption Permits.** The Director of Finance shall maintain a register of qualified Exemption Permit holders. Applications shall be submitted in writing to the Director of Finance, who shall notify the applicant in writing of the acceptance or denial within thirty (30) days of the application date. Upon approval of any Exemption Permit, the Director of Finance or the Finance Director's designee shall issue an Exemption Permit only upon payment of all required fees, recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council. If an Exemption Permit is approved, the holder of the permit shall be deemed to consent to and give



permission for an Animal Welfare Officer to enter the property at any reasonable time after the holder of an Exemption Permit is given written notice by certified mail.

If an Exemption Permit is denied, the applicant shall be notified in writing of the reason(s) for the denial. Upon receipt of a signed report or complaint against an Exemption Permit holder alleging animal abuse or other conditions not in compliance with this title, an investigation shall be made by Tulsa's Animal Welfare Authority.

#### **A. Animal count exemption permit.**

A holder of an Animal Count Exemption permit will be permitted to own and keep, at a single-family dwelling, a number of dogs and cats in excess of the number that would otherwise constitute an offense under subparagraph 101.A.15. of this Title; provided that the maximum number of dogs and cats allowed under the Animal Count Exemption permit shall not exceed a total of ten (10) animals per one (1) acre (43,560 square feet) of land including the space covered by the single-family dwelling. Holders of an Animal Count Exemption Permit shall be subject to requirements imposed under subparagraph 101.A.18 of this Title.

An Animal Count Exemption permit is only for the household listed on the permit and the permit holder shall not allow more than the number of cats and dogs permitted by subparagraph 101.A.15. outside the residence at any one time.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for the first animal with an additional fee, recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council for each subsequent animal.

#### **1. Permit Qualifications. An individual, not a commercial breeder, who:**

- a. Except as provided in subparagraph 117(A)(2)(c), has been a documented member of a nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for the exemption. Provided, however, any activity involving the fighting or physical contact between animals or any activity which is otherwise illegal or dangerous to animals or people shall not be considered an organized sport or hobby for purposes of this section, or**
- b. Except as provided in subparagraph 117(A)(2)(c), participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, provided the permit holder has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for an exemption; or is training animals to be actively involved in one of the activities mentioned in subparagraphs 117.A.1.a and this 117.A.1.b; or takes on the care of a cat or dog owned by an immediate family member who is unable to care for the animal because of military deployment, admission to a facility that does not permit animals (e.g., jail, nursing home), physical or mental illness or infirmity, or has died, and**



- c. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, dog fighting, a nuisance offense under this Title, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of subparagraph 101A.2. of this Title, or two (2) or more violations of Title 27, Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.
- 2. Application Documents. An applicant for an Animal Count Exemption permit shall submit to the Director of Finance the Exemption Permit application form, the name(s), descriptions and photo(s) of each animal at the residence for which the application is being made, and one of the following:
  - a. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or
  - b. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license; or
  - c. For a one (1) year temporary Exemption Permit during training, certificates of completion of at least two (2) training classes, dated within the twelve (12) months immediately preceding the date of application.
  - d. For the immediate family member exemption under subparagraph 117.A.1(b), copies of military deployment orders, official record of incarceration, or death certificate. For mental or physical illness or infirmity exemption under subparagraph 117.A.1(b), a letter from the family member's physician or case worker stating why the family member is no longer able to care for the animal. The letter shall be signed by a physician or case worker.

#### **B. Intact animal exemption permit.**

A holder of an Intact Animal Exemption permit may be permitted to own and keep at a single-family dwelling dogs and cats that have not been spayed or neutered, but shall not be allowed to own or keep more than a combined total of five (5) dogs and cats as prohibited by subparagraph 101.A.15.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for the first animal and for each subsequent animal. A one (1) year temporary Exemption Permit may be issued for a fee of ~~One Hundred Dollars (\$100.00)~~ while an animal is in training for approved activities.

#### **1. Permit Qualifications. An individual, not a commercial breeder, who:**

- a. Has been a documented member of a nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application the exemption. Provided, however, any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals or people shall not be considered an organized sport or hobby for purposes of this section; or
- b. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, participates in hunting activities, provided the Owner has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for an Intact Animal exemption; or
- c. Is training animals to be actively involved in one of the activities mentioned in subparagraphs 117.B.1.a and 117.B.1.b above; and
- d. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, dog fighting, a nuisance offense under this Title, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of subparagraph 101A.2. of this chapter prohibiting at-large dogs and cats, or two (2) or more violations of Title 27 Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.
- e. Is in compliance with the Commercial Pet Breeders and Animal Shelter Licensing Act, 4 O.S.Supp.2012, Sections 30.1, et seq., as it may be amended from time to time.

**2. Application Documents.** An applicant for an Intact Animal Exemption permit shall submit to the Director of Finance the name(s) and photo(s) of each animal at the residence for which the application is being made and one of the following for each animal:

- a. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; or
- b. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license; or
- c. For a one (1) year temporary Exemption Permit during training, certificates of completion of at least two training classes, dated within the twelve (12) months immediately preceding the date of application.

**C. Animal rescuer permit.**

An Animal Rescuer Permit may be granted to a non-profit animal welfare organization. To qualify to receive an Animal Rescuer permit, a person must be an authorized rescuer or foster home for a recognized, non-profit animal welfare organization.



A holder of an Animal Rescuer permit may be permitted to own and keep, at a single family dwelling, more than a combined total of five (5) dogs and cats as prohibited by subparagraph 101.A.15, provided the maximum number of dogs and cats allowed under the Animal Rescuer exemption permit shall not exceed a combined total of ten (10) dogs or cats over the age of six (6) months per one (1) acre (43,560 square feet) of land including the space covered by the single family dwelling.

A holder of an Animal Rescuer permit may be permitted to own and keep Intact Animals at a single-family residence. However, an individual rescuer must comply with subparagraphs 101.A.15 and 101.A.18. as to those dogs and cats owned by the rescuer on a permanent basis.

A fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council will be charged for each Animal Rescuer permit.

1. Permit Qualifications. An organization, not a commercial breeder, that is incorporated as a non-profit organization and utilizes private homes to care for unowned animals that are available for adoption.
2. Application Documents. An applicant for an Animal Rescuer permit shall submit to the WIN/Animal Welfare Center the completed Animal Rescuer permit application and the following:
  - a. Copy of the organization's Articles of Incorporation signed by the Secretary of State; and
  - b. List of the organization's Board of Directors; and
  - c. Proof that animals in their care are being presented to the public for adoption, and
  - d. Letter of recommendation from a licensed veterinarian with whom the organization has a professional relationship; and
  - e. List with the name(s) and address(s) of each residence which houses and cares for animals in its program. This list shall be updated quarterly and provided to WIN.
3. Limitations. An Animal Rescuer may harbor dogs and cats in accordance with Section 117. Provided, however, that cats and dogs may be kept or harbored for no longer than one hundred twenty (120) days each while the Animal Rescuer attempts to locate the animal's home or a new home. If an Animal Rescuer needs to keep or harbor an animal for longer than one hundred twenty (120) days because of an animal's medical condition or behavior, the Animal Rescuer shall so notify the Director of WIN of the need for an extension.
4. Revocation. An Animal Rescue permit holder shall have that holder's Exemption Permit or the right to serve as an Animal Rescuer under an organization's Exemption Permit revoked if the holder has been convicted of: illegal commercial breeding; dog fighting; a nuisance under this chapter; cruelty or neglect under applicable law; violating the

Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of subparagraph 101A.2. of this Title, or two (2) or more violations of Title 27, Chapter 14 of the Tulsa Revised Ordinances governing Disturbing the Peace.

**D. Renewal.** A permit holder must reapply for the exemption permit every year. The annual fee for each renewal permit shall be the same as the original permit. To make application, the permit holder must furnish to the Director of Finance one or more of the items listed in subparagraphs 117.A.1.b or 117A.2.b. which are dated within the twelve (12) months immediately preceding the date of the application.

**E. Inspections.** Any holder of any Exemption Permit shall be subject to inspection, consistent with Subsection 117(A), at any reasonable time by an Animal Welfare Officer to determine compliance with the provisions of this Title. It shall be unlawful and an offense, and grounds for suspension or revocation of the permit, for any person to refuse to allow such inspections.

## **Section 118. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by ~~imprisonment in the City jail for a period of not exceeding ninety (90) days or by~~ a fine of not more than ~~Seven Hundred Fifty Dollars (\$750.00)~~ Five Hundred Dollars (\$500.00), excluding costs, fees and assessments, ~~or both such fine and imprisonment.~~

## **CHAPTER 2. AGRICULTURAL ANIMALS**

Section 200. Agricultural animals ~~—cows~~ cattle, goats, sheep, hogs, horses, poultry and rabbits.

Section 201. Pigeons and doves.

Section 202. Offense.

Section 203. Animals running at large.

Section 204. Penalty.

**Section 200.** Agricultural animals ~~—cows~~ cattle, goats, sheep, hogs, horses, poultry and rabbits.

It shall be unlawful and an offense for any person to keep, maintain or permit ~~or suffer to be maintained~~ any ~~cows~~ cattle, goats, sheep, hogs, horses, poultry, rabbits or any miniature or dwarf variety of agricultural animal upon any property or premises within the corporate limits of the City of Tulsa, except under the supervision of the City of Tulsa's Animal Welfare or as otherwise provided by law. The keeping of agricultural animals, including miniature or dwarf varieties, in violation of the terms of this section is hereby declared to be a nuisance against the public health of the City of Tulsa and such nuisance shall be subject to abatement as provided by law.

~~A. Agricultural animals may be kept in areas zoned for agriculture (AG).~~

**BA.** Cows ~~Cattle~~ may only be kept in areas zoned for agriculture (AG). Cattle must be kept in any a pen, lot or enclosure that is maintained in sanitary condition not offensive or dangerous



to the public. The pen, lot or enclosure must provide an area of at least one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) ~~for each animal kept therein.~~

**CB.** Horses may only be kept in areas zoned for AG, AG-R, RE, RS, RD, RT, RM, or RMH:

1. Horses kept in areas zoned for agriculture (AG) shall be kept under the following conditions:

a. The enclosure in which such animal is kept shall be maintained in a sanitary condition and shall not be offensive or dangerous to the public health.

~~2. The enclosure in which such animal is kept shall not be less than one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) in area for each such animal maintained, including the space covered by the barn, but not the home or house area. Provided however, that this paragraph shall not apply to horses kept within an area classified and zoned agricultural (AG); and it shall not apply to horses owned and maintained in compliance with the ordinance then in existence at the time of the enactment of this provision, and further provided that such owner can show proof of ownership at the time of enactment of this provision.~~

~~3. b.~~ The enclosure where such animal is kept shall not be, at its nearest point, closer than fifty (50) feet to any building used or occupied for human habitation, and the barn shall not be closer than seventy-five (75) feet, at its nearest point, to any building used or occupied for human habitation.

c. The enclosure where such an animal is kept fenced shall be maintained in good repair.

2. Horses kept in other permitted zoning districts shall be kept under the following conditions:

a. The enclosure in which such animal is kept shall be maintained in a sanitary condition and in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal.

b. The enclosure where such animal is kept shall not be, at its nearest point, closer than fifty (50) feet to any building used or occupied for human habitation, and the barn shall not be closer than seventy-five (75) feet, at its nearest point, to any building used or occupied for human habitation.

c. The enclosure where such an animal is kept fenced shall be maintained in good repair.

d. The enclosure where such animal is kept shall not be less than one (1) acre (43,560 square feet) in area for each such animal maintained, including the space covered by the barn, but not the home or house area.

3. All horses kept in the City of Tulsa city limits must be registered with WIN.

**DC.** Poultry may only be kept in areas zoned AG, AG-R, RE, RS, RD, RT, RM, or RMH:

- 1.** Poultry kept in areas zoned for agriculture (AG) must be ~~in pens or buildings confined to the owner's property.~~ Poultry pens or buildings may be located ~~at least no closer than~~ one hundred (100) feet from an adjoining property line.
- E-2.** Poultry kept in ~~areas not zoned for agriculture~~ other permitted zoning districts shall not exceed six (6) adults and fourteen (14) chicks under the age of eight (8) weeks, and must be kept under the following conditions: must be confined to the owner's property. Poultry pens or buildings must be in a location which at the nearest point is no closer than forty (40) feet from any adjacent residence.
  - ~~1. The fowl must be kept in a building which at its nearest point is no closer than fifty (50) feet to any adjoining residence;~~
  - ~~2. The floors of such building shall be of easily cleanable construction, and shall be maintained in a sanitary condition not offensive or dangerous to the public health by routinely cleaning and properly disposing of the droppings; and~~
  - ~~3. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.~~
    - a.** Roosters over the age of eight (8) weeks are prohibited. Provided that a household may keep or possess a rooster over the age of eight (8) weeks so long as:
      - (i) Immediately prior to effective date the household legally possessed the rooster(s); and
      - (ii) The rooster(s) is registered with WIN.
    - b.** The number of poultry shall not exceed eight (8) adult hens and fourteen (14) chicks under the age of ten (10) weeks on lots zoned RE, RS, RD, RT, RM, and RMH. The number of poultry shall not exceed twenty-five (25) adult hens and forty (40) chicks under the age of ten (10) weeks on lots zoned AG-R, for the first acre. Provided that, for each additional one-half (1/2) acre of land over one (1) acre in AG-R zoned lots, an additional ten (10) adult hens and fifteen (15) chicks under the age of ten (10) weeks are permitted, up to a maximum of forty-five (45) adult hens and seventy (70) chicks under the age of ten (10) weeks.
    - c.** Poultry pens or buildings shall be of such size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
      - (i) It shall have a roof and be enclosed on all sides.
      - (ii) The structure shall have cross flow ventilation to control odors and humidity



(iii)The floors of such building shall be of easily cleanable construction and shall be maintained by routinely cleaning and properly disposing of the droppings in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal; and

(iv)For poultry with yard access, housing shall be a minimum of one square foot per adult bird.

(v) For poultry without yard access housing shall be a minimum of ten (10) square feet per adult bird.

**FD.** Rabbits may only be kept in areas zoned AG, AG-R, RE, RS, RD, RT, RM, or RMH:

**1.** Rabbits kept in areas zoned for agriculture (AG) must be in pens or buildings located at least one hundred (100) feet from an adjoining property line.

**G2.** Rabbits kept in ~~areas not zoned for agriculture~~ other permitted zoning districts shall not exceed six (6) adults and fourteen (14) young under the age of eight (8) weeks on lots zoned RE, RS, RD, RT, RM, and RMH. The number of rabbits shall not exceed ten (10) adults and twenty (20) young under the age of eight (8) weeks on lots zoned AG-R. Provided that for each additional one-half (1/2) acre of land over one (1) acre in AG-R zoned lots, an additional five (5) adults and ten (10) young under the age of eight (8) weeks are permitted, up to a maximum of twenty (20) adults and forty (40) young under the age of eight (8) weeks. ~~They~~ All rabbits shall be kept under the following conditions:

**1.a.** The rabbits must be kept in a building which at its nearest point is no closer than fifty (50) feet to any adjoining residence;

**2.b.** The floors of such building shall be of easily-cleanable construction, and shall be maintained ~~in a sanitary condition not offensive or dangerous to the public health~~ by routinely cleaning and properly disposing of the droppings in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal; and

**3.c.** The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.

**E.** Hogs: It shall be unlawful and an offense to keep hogs, pigs, or swine in any non-agricultural (AG) zoned property

**F.** Except as otherwise set forth in this Section 200, agricultural animals may be kept only in areas zoned for agriculture (AG). The enclosure where such an animal is kept fenced shall be maintained in good repair.

## Section 201. Pigeons and doves.

- A. Housing shall be sized to allow one (1) square foot of floor space and a minimum of one (1) cubic foot of volume per animal housed with a maximum of twenty-five (25) birds allowed.
- B. The structure shall not be located nearer than fifty (50) feet from any adjoining residence.
- C. Pigeons shall be confined to the loft except for limited periods for exercise. At no time shall pigeons be allowed to perch on property other than that on which they are maintained pursuant to this chapter.

### D. Racing pigeons exemption permit.

1. **Racing pigeons exemption permit.** The Director of Finance shall maintain a register of qualified racing pigeon exemption permit holders and shall make this register available to WIN and the Chief of Police and the Director of the Tulsa City-County Health Department. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for denial. A fee ~~of Twenty Five Dollars (\$25.00)~~ recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Councils shall be charged for the initial permit. Each subsequent renewal shall be ~~Ten Dollars (\$10.00)~~ charged a fee recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

A holder of a racing pigeons exemption permit will be permitted to own and keep a maximum of two hundred (200) ~~rac~~ing Pigeons ~~on his the holder's~~ property provided the owner meets all other provisions and conditions imposed by law. A racing pigeons exemption permit holder shall not be permitted to own and keep or house any other pigeons or doves ~~on his the holder's~~ property.

A conviction for a violation of this Section 201 or noncompliance with the provisions of the racing pigeons exemption permit shall be grounds for a denial of an application for a racing pigeons exemption permit.

2. **Racing pigeons defined.** A ~~r~~Racing ~~p~~Pigeon (also, commonly known as ~~r~~Racing ~~h~~Homer, ~~h~~Homing ~~p~~Pigeon or ~~e~~Carrier ~~p~~Pigeon) means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc. Racing Pigeons shall be banded and registered with ~~either one~~ of the national pigeon associations/registries identified ~~herein~~ above.
3. **Application documents.** An applicant for a racing pigeons exemption permit shall submit to the Director of Finance:



- a. A full and complete application using the form supplied by the Director of Finance;
  - b. Appropriate certificates and documentation evidencing the ~~R~~Racing ~~P~~Pigeons have been banded and registered with the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc.;
  - c. Appropriate certificates and documentation evidencing the applicant's membership in a local racing pigeons club chartered by either the American Racing Pigeon Union, Inc., or the International Federation of American Homing Pigeon Fanciers, Inc.; and
  - d. Any required application fees.
4. **Renewal.** A racing pigeons exemption permit holder must reapply for the exemption permit every year on or before the anniversary date of the issuance of the initial permit.
5. **Conditions of racing pigeons exemption permit.** The keeping, breeding, maintenance and flying of ~~R~~Racing ~~P~~Pigeons under the racing pigeons exemption permit shall be permitted on the following conditions:
- a. The housing shall be sized to allow one (1) square foot of floor space and a minimum of one (1) cubic foot of volume per bird housed with a maximum of two hundred (200) birds allowed.
  - b. The housing shall be of such size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition. The structure shall be constructed of building materials compatible with the neighborhood. It shall have a roof and be enclosed on all sides. The floor, bird's roost and nesting cubicles shall be constructed of a nonporous material or plywood covered with a nonporous covering that is impermeable to fluids. The structure shall have sufficient cross-flow ventilation to control odors and humidity, with the ventilation openings covered in screening to prevent the entry of flies. The structure shall be constructed on piers or concrete blocks to allow a minimum of eighteen (18) inches between the floor and the ground. The ground area beneath the structure shall be covered with a concrete pad and apron that extends past the building edges a minimum of twenty-four (24) inches.
  - c. The construction and location of the housing shall not conflict with the requirements of any Building Code or Zoning Code of the City of Tulsa.
  - d. The housing structure shall not be located nearer than fifty (50) feet from any adjoining residence.
  - e. All feed and other edible substances for the pigeons shall be stored in ~~galvanized~~ galvanized steel containers with tightly securing lids to protect against intrusion by rodents and other vermin.

- f. The housing shall be maintained in a sanitary condition ~~and~~, in compliance with all applicable health regulations of the City of Tulsa and in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal. All bird droppings shall be removed from the floor, bird's roost and nesting cubicles frequently enough to prevent an accumulation of droppings (recommended a minimum of every other day). The droppings shall be bagged in plastic garbage bags and deposited in the next trash pickup.
- g. All pigeons shall be confined to the housing except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
- h. All pigeons shall be fed within the confines of the housing.
- i. No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rule: Pigeons shall not be released for flying if they have been fed within the previous four (4) hours.

- 6. **Right of entry for inspections.** The Director of WIN, ~~or~~ the Chief of Police or the Director of the Tulsa City/County Health Department may enter and inspect any property or housing at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this section.

#### **Section 202. Offense.**

It shall be unlawful and an offense for any person to keep or maintain or permit to be kept or maintained any poultry, pigeons, doves or rabbits except as herein provided. It shall be unlawful and an offense for any person to maintain such animals or ~~fowl~~ poultry in a manner as to trespass upon the premises of another.

#### **Section 203. Animals running at large.**

No horse, mule, donkey, cattle ~~or~~, swine, sheep or goats of any kind shall be permitted to run at large within the limits of this City or to be staked out in any public place in the City at any time; and it is declared to be unlawful and an offense for the owner or person in charge of any such animals to permit them to run at large or to be staked in any public place within the limits of this City contrary to the provisions of this title.

#### **Section 204. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished ~~by imprisonment in the City jail for a period of not exceeding thirty (30) days or~~ by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments, ~~or both such fine and imprisonment.~~



## CHAPTER 3. ANIMALS IN STREETS

- Section 300. Training animals.
- Section 301. Animals unhitched.
- Section 302. Racing animals.
- Section 303. Hitching.
- Section 304. Turning animals loose.
- Section 305. Penalty.

### Section 300. Training animals.

It shall be unlawful and an offense for any person to break or train any dog, cat, horse, mule, donkey or other domestic animal, upon any public highway, street or alley within the City.

### Section 301. Animals unhitched.

It shall be unlawful and an offense for any person to leave any horse, mule, donkey or other animal attached to any vehicle or conveyance in any place within the City without being securely held or tied to an object of sufficient size to prevent such animal from straying or running away.

### Section 302. Racing animals.

It shall be unlawful and an offense for any person to ~~indulge engage~~ in any fast or reckless driving, riding or racing of any horse or mule on or across any street, alley or other public grounds in the City. Any rate of speed faster than twelve (12) miles per hour shall be held to be reckless driving, riding or racing under this section.

### Section 303. Hitching.

It shall be unlawful and an offense for any person to hitch, tie or place any horse, donkey, mule, sheep, goat, cattle or any animal of bovine kind or any domestic animal to any light, telephone or telegraph pole within the City or on a sidewalk or parking area in the City except at the regular street, avenue, alley or driveway crossings.

### Section 304. Turning animals loose.

It shall be unlawful and an offense for any person to turn any animal loose on any street or public place in the City of Tulsa. ~~Every person violating this section shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City jail for a period of not exceeding ninety (90) days or by a fine of not more than Seven Hundred Fifty Dollars (\$750.00), excluding costs, fees and assessments, or both such fine and imprisonment.~~

### Section 305. Penalty.

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by ~~imprisonment in the City jail for a~~

~~period of not exceeding thirty (30) days or by~~ a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~

## CHAPTER 4. MISCELLANEOUS PROVISIONS

- Section 400. Diseased animals and sale of diseased animals.
- Section 401. Administration of poison.
- Section 402. Destruction of animals.
- Section 403. Euthanasia.
- Section 404. Locking or Tying Wings of ~~Fowl~~ Poultry Prohibited.
- Section 405. Distribution of baby ~~fowl~~ poultry or rabbits as pets or novelties prohibited.
- Section 406. Outdoor shelter requirements.
- Section 407. Penalty.

### Section 400. Diseased animals and sale of diseased animals.

It shall be unlawful and an offense for any person ~~or firm~~ to procure or knowingly distribute diseased animals without complete disclosure for the purpose of transferring ownership, whether such animal is sold or given away.

### Section 401. Administration of poison. (REPEALED)

~~It shall be unlawful for any person to unjustifiably administer any poison or noxious drug or substance to any animal, or unjustifiably expose any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another.~~

### Section 402. Destruction of animals.

When any animal within the corporate limits of the City of Tulsa shall be so wounded, maimed, sick, diseased or injured as to render its recovery hopeless in the opinion of WIN or a licensed veterinarian, then it shall become the duty of WIN to kill or euthanize or cause to be killed or euthanized such animal as soon as practicable, in such manner as ~~in his judgment shall be deemed~~ the least painful. ~~A~~ and he shall then cause the carcass to be removed and disposed of as provided in this title.

### Section 403. Euthanasia.

- A. It shall be unlawful and an offense for any ~~individual or organization~~ person, except a licensed veterinarian, or a person trained to euthanize and who is approved and supervised by a licensed veterinarian, or a person certified by the Oklahoma State Board of Veterinary Medical Examiners as a euthanasia technician, to euthanize any ~~domestic~~ animal.
- B. Any dog, cat or any other animal which is kept for pleasure rather than utility in or about a household, held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner, may be disposed of only by adoption as a pet in a suitable home, or euthanized by any method approved by the Veterinary Division of the State Department of



Agriculture, with the exception of curariform derivative drugs and provided that the following requirements are met to ensure the euthanasia agent is humane:

1. The method should be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology.
2. The animal should be kept as free from anxiety and fear as possible.
3. The technique should be simple enough to be used by relatively unskilled personnel and be legally available to animal shelters and humane societies. It should be mechanically simple and maintenance free as possible within reasonable cost.
4. It should be physically safe for personnel using it.
5. It should conform with all other requirements set forth for euthanasia in 4 O.S.2011, Sections 501, *et seq.*

**Section 404. Locking or tying wings of ~~fowl~~ poultry prohibited.**

It shall be unlawful and an offense for any person, ~~firm or corporation, by himself or by another,~~ to lock or tie the wings of any chicken, turkey, goose, duck or other domestic ~~fowl~~ poultry for the purpose of weighing or handling, or cause the same to be done.

**Section 405. Distribution of baby ~~fowl~~ poultry or rabbits as pets or novelties prohibited.**

It shall be unlawful and an offense for any person, firm or corporation to sell, or offer for sale, barter or give away baby chicks, ducklings or other ~~fowl~~ poultry less than four (4) weeks old in groups of less than twelve (12) each, or rabbits less than six (6) weeks old as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brood facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Every person violating this section shall be guilty of an offense and, upon conviction, shall be punished ~~by imprisonment in the City jail for a period of not exceeding thirty (30) days or~~ by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~

**Section 406. Outdoor shelter requirements.**

Natural or artificial shelters appropriate to the local ~~climaetic~~ climatic conditions for the particular species of animal or ~~fowl~~ poultry shall be provided for all animals or ~~fowl~~ poultry kept outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water. A shelter for a dog or cat shall consist of a moisture proof and windproof structure of suitable size to accommodate the animal. All necessary cleaning to remove excreta, waste materials, dirt and trash to minimize disease hazards and to reduce odors shall be performed by the owner, in a manner which does not unlawfully annoy, injure or endanger the environment or the health, safety, comfort or repose of any person or animal.

**Section 407. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by ~~imprisonment in the City jail for a period of not exceeding ninety (90) days or by~~ a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~

**CHAPTER 5. DEAD ANIMALS**

Section 500. Dead animals - unlawful disposal.

Section 501. Dead animals - lawful disposal.

Section 502. Dead animals - strays.

Section 503. Dead animals - residential fees.

Section 504. Dead animals collected for disposal from commercial animal establishments of any type.

Section 505. Retrieving I.D. from dead animals.

Section 506. Penalty.

**Section 500. Dead animals—unlawful disposal.**

It shall be unlawful and an offense for any person to throw any dead animal or ~~fowl~~ poultry in or upon any street, alley or public place within the City of Tulsa or to bury any dead animal or ~~fowl~~ poultry within the City of Tulsa.

**Section 501. Dead animals—lawful disposal.**

A. It shall be the duty of the owner of any dead animal, or the person in lawful possession of any dead animal, to notify the Director of ~~Public Works Streets and Stormwater or the Director's designee~~, who shall dispose of it in a sanitary manner; provided that private persons may operate services for the removal and disposal of dead animals subject to the approval of the Director of Streets and Stormwater or the Director's designee. The Director of Streets and Stormwater or the Director's designee may prescribe appropriate rules and regulations for the operation of private services involved in the removal and disposition of dead animals.

B. It shall be the duty of the owner or person in lawful possession of a dead dog, cat, ~~fowl~~ poultry or other small animal to put such animal in a box, sack or other receptacle before collection by the Director of ~~Public Works Streets and Stormwater or the Director's designee~~, or by an operator of a private animal removal and disposal service.

**Section 502. Dead animals—strays.**

It shall be the duty of any person upon whose premises a stray dead animal is found to notify the Director of ~~Public Works Streets and Stormwater or the Director's designee~~. Such person shall not be liable for any fees for removal.



**Section 503. Dead animals—residential fees.**

The owner or person in lawful possession of any dead animal or ~~fowl~~ poultry shall pay to the Director of Finance a fee to cover the costs of removing the same.

Fees for the removal of dead animals shall be ~~Fifty Dollars (\$50.00)~~ recommended by the Animal Welfare Commission and approved by the City Council for domestic farm animals such as horses, ~~eows~~ cattle, hogs, sheep, goats or animals of like or larger size. There shall be no charge for the removal of dogs, cats, ~~fowl~~ poultry or other similarly sized animals.

**Section 504. Dead animals collected for disposal from commercial animal establishments of any type.**

Notwithstanding Section 503, any dead animal collected for disposal from commercial animal establishments of any type shall be disposed of in the manner prescribed in this title and upon payment of ~~the following~~ fees: recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council.

~~Fifty Dollars (\$50.00) per domestic farm animals such as horses, cows, hogs, sheep, goats or animals of like or larger size.~~

~~Fifteen Dollars (\$15.00) per dog or cat.~~

~~No charge for birds, fish, reptiles, amphibians, invertebrates, or rodents or any other animal less than one (1) pound in weight.~~

**Section 505. Retrieving I.D. from dead animals.**

~~An~~ A good faith attempt shall be made by the Director of Streets and Stormwater or the Director's designee to retrieve any City license pet tags and/or any microchip information on every dead dog and cat picked up by the City of Tulsa.

**Section 506. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by ~~imprisonment in the City jail for a period of not exceeding ninety (90) days or by~~ a fine of not more than ~~Seven Hundred Fifty (\$750.00)~~ Five Hundred Dollars (\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~

**CHAPTER 6. DANGEROUS DOGS****~~Section 600. Definitions:~~ MOVED TO SECTION 100**

Section ~~601~~ 600. Certificate of registration for certain dogs required—exemptions—fee.

Section ~~602~~ 601. Muzzle and restraint of certain dogs.

Section ~~603~~ 602. Dogs not to be declared dangerous

Section <del>604</del> 603.	Confiscation of a dangerous dog.
Section <del>605</del> 604.	Fines.
Section <del>606</del> 605.	Purpose.
Section <del>607</del> 606.	Penalty.

**~~Section 600.—Definitions.~~ MOVED INTO SECTION 100**

~~A. **Animal Welfare** shall mean a local government authority acting alone or in concert with other local governmental units for enforcement of the animal welfare laws of the city, county and state and the shelter and welfare of animals.~~

~~B. **Animal Welfare Officer** shall mean any individual employed, contracted with or appointed by animal welfare for the purpose of aiding the enforcement of any law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.~~

~~C. **Dangerous Dog** shall mean any dog that:~~

~~1. Has inflicted severe injury on a human being without provocation on public or private property; or~~

~~2. Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks or endangers the safety of humans.~~

~~D. **Owner** shall mean any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having control or custody of an animal.~~

~~E. **Potentially Dangerous Dog** shall mean any dog that when unprovoked inflicts bites on a human either on public or private property.~~

~~F. **Proper Enclosure of a Dangerous Dog** means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least One Hundred Fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.~~

~~G. **Severe Injury** shall mean any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.~~

**Section ~~601~~600.** Certificate of registration for certain dogs required—exemptions—fee.

**A. Certificate of registration for certain dogs required.** ~~It is~~ shall be unlawful and an offense for an owner to have a dangerous dog without a certificate of registration issued according to



this chapter. This chapter shall not apply to dogs used by law enforcement officials for police work.

**B. Exemptions.** WIN shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
2. A policy of liability insurance, such as homeowner's insurance, or surety bond used by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

**C. Fee.** A fee ~~of Ten Dollars (\$10.00)~~ as recommended by the Animal Welfare Commission, subject to the discretion and approval of the City Council shall be remitted to the Director of Finance for the certificate of registration.

**Section ~~602~~ 601.** Muzzle and restraint of certain dogs.

~~It is~~ shall be unlawful and an offense for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

**Section ~~603~~ 602.** Dogs not to be declared dangerous.

Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

**Section ~~604~~ 603.** Confiscation of a dangerous dog.

Any dangerous dog shall be immediately confiscated by WIN ~~'s or the Chief of Police~~ Animal Welfare Center if:

- A. The dog is not validly registered according to this chapter;
- B. The owner does not secure the liability insurance coverage or surety bond required by this chapter;

- C. The dog is not maintained in the proper enclosure; and
- D. The dog is outside of the dwelling of the owner or outside the proper enclosure and not under physical restraint of the responsible person.

Any dangerous dog confiscated pursuant to this section and not reclaimed by its owner under the requirements of this chapter within thirty (30) days from the date of notice of confiscation shall be deemed abandoned and, at the discretion of WIN<sup>s</sup> Animal Welfare Center, euthanized pursuant to procedures provided in Section 109 of this title.

**Section-~~605~~ 604. Fines.**

Any fine imposed as a result of a violation of this chapter, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset.

**Section-~~606~~ 605. Purpose.**

It is the purpose of this chapter to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs. Nothing in this chapter shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

**Section-~~607~~ 606. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City jail for a period of not exceeding six (6) months or by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees and assessments or both such fine and imprisonment.

## CHAPTER 7. REPTILES

- Section 700. Habitat.
- Section 701. Transport and Handling.
- Section 702. Release of Reptiles.
- Section 703. Reptile Species Not Prohibited.
- Section 704. Prohibited Reptiles.
- Section 705. Zoo Excluded.
- Section 706. Penalty.

**Section 700. Habitat.**

All reptiles held as pets or specimens must be contained within secure habitats designed to prevent escape. Every person violating this section shall be guilty of an offense and, upon conviction, shall be punished ~~by imprisonment in the City jail for a period of not exceeding six (6) months or~~ by a fine of not more than ~~One Thousand Two Five~~ Five Hundred Dollars (~~\$1,200.00~~\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~



**Section 701. Transport and handling.**

- A. Reptiles being transported shall be contained within escape-proof containers.
- B. Reptiles shall not be handled openly in public places unless the handler is conducting an educational meeting or is demonstrating a reptile for sale within a commercial animal establishment.

**Section 702. Release of reptiles.**

- A. Reptiles not indigenous to Oklahoma shall not be released or abandoned.
- B. Any species of reptile not indigenous to Oklahoma that is secured by or forfeited to Animal Welfare shall be released to the Tulsa Zoo or to a reptile rescue organization for proper disposition, or euthanized if deemed necessary by Animal Welfare.
- C. Any species of reptile indigenous to Oklahoma that is secured by or forfeited to Animal Welfare may be released to the wild within the discretion of Animal Welfare.

**Section 703. Reptile species not prohibited.**

The families of reptiles listed in this paragraph may lawfully be possessed or housed, as these reptiles pose no life-threatening hazards to humans, provided that the reptiles are also owned in accordance with any and all state, federal and Convention of International Trade of Endangered Species (CITES) regulations that may apply:

- A. The following Families of the Order Squamata Suborder Sauria: Family Gekkonidae (geckos); Family Agamidae (Agamas); Family Iguanidae (anoles, swifts and iguanas); Family Cordylidae (sungazers and girdled lizards); Family Anguidae (alligator lizards, galli wasps and glass lizards); Family Varanidae (monitors); Family Lacertidae (wall lizards); Family Anniellidae (legless lizards); Family Teiidae (tegus, racerunners); Family Chamaeleonidae (chameleons); Family Scincidae (skinks); Family Xenosauridae (crocodile lizard).
- B. The following Families of the Order Squamata, Suborder Ophidia: Family Leptotyphlopidae (blind and worm snakes); Family Boidae (boas and pythons); Family Colubridae, sub family Colubrinae, (garter, water, gopher, bull, hognose, ringneck green snakes, ratsnakes, kingsnakes, cornsnakes and racers);
- C. The following Families of the Order Testudines: Family Chelydridae (snapping turtle); Family Kinosternidae (musk turtle); Family Platysternidae (big-head turtle); Family Emydidae (painted, sliders, box turtle, pond turtle, etc.); Family Testudinidae (tortoise); Family Trionychidae (soft-shelled turtle); Family Pelomedusidae (flat-headed turtle); and Family Chelidae (side-necked turtle).

**Section 704. Prohibited reptiles.**

The families and species of reptiles listed in this paragraph are prohibited, as they pose distinct hazards to humans:

- A. The following families of the Order Crocodylia (all families).
- B. Order Squamata; suborder Sauria, Family Helodermatidae (beaded lizards and gila monsters); Order Squamata, suborder Ophidia; Family Elapidae (Cobras); Family Hydrophiidae (sea snakes); Family Viperidae (vipers and pit vipers); species in the Family Colubridae, sub family Disadomorphinae (rear-fang-snakes), Dispholidus typus (the Boomslang); Thelotornis kirklandi (African bird eating snake); and Boiga dendrophilia (the Mangrove snake).

**Section 705. Zoo excluded.**

The City of Tulsa Zoo shall not be subject to any of the provisions in this chapter.

**Section 706. Penalty.**

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punished by ~~imprisonment in the City jail for a period of not exceeding ninety (90) days or by~~ a fine of not more than ~~Seven Hundred Fifty Dollars (\$750.00)~~ Five Hundred Dollars (\$500.00), excluding costs, fees and assessments ~~or both such fine and imprisonment.~~

*Section 3. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.*

*Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety by reason whereof this ordinance shall become effective immediately from and after its adoption, approval and publication.*

ADOPTED, by the Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Chair of the Council

ADOPTED, as an emergency measure, on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Chair of the Council



OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

G.T. Bynum, Mayor

By: \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_,  
Time Date

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney