

TITLE 2 - ANIMALS

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Footnotes:

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Editor's note— Ord. No. 21979, § 1, adopted December 18, 2008, amended Title 2, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Title 2 pertained to similar subject matter. See also the Code Comparative Table.

CHAPTER 1. - DEFINITIONS; REGULATION GENERALLY

Section 100. - Definitions.

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

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 Wild by Nature shall mean and include any animal, except reptiles defined in Chapter 7, which, because of its dangerous physical features, or its great size, or its vicious 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 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.

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 which shall include, but not limited to, wholesale distributors, pet stores, stockyards, slaughter houses 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 or 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.

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.

Dog shall mean and include any animal of the canine species.

Domestic Animal shall mean dogs and cats, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits and fowl.

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, 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.

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 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 of 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.

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

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.

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 local animal welfare organization to the Director of Finance.

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 not exceeding sixteen (16) feet in length, and in such manner as to prevent the dog from attacking any person.

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 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.

(Ord. Nos. 17247, 19038, 19143, 19424; Ord. No. 21979, § 1, 12-18-2008)

Section 101. - Offenses.

- A. It shall be an offense under the terms of this chapter for any owner within the corporate limits of the City of Tulsa to:
1. Own, keep, possess, harbor or allow to remain on premises under his 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 him from running or being at large, whether such dog or cat is licensed or unlicensed; provided, however, that it shall be permissible:
 - a. for a dog to be led off the premises of its owner when under leash or obediently at heel;
 - b. 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. 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.
 - d. for a dog to not be under leash within any public off-leash area designated by the Public Works Department of the City of Tulsa, or its successor department.
 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 domestic animal;
 4. Harbor, keep or have possession of any vicious animal. Every person violating this 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 this subparagraph 101.A.5 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;
 6. Fail or refuse to deliver to WIN or to the Chief of Police upon demand any unlicensed dog or cat, vicious 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 this 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 this subparagraph 101.A.7 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00), 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 this subparagraph 101.A.9 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00), excluding costs, fees and assessments;
10. Interfere or hinder WIN, the Director of Finance, Chief of Police, or Director of Health from performing his duties as set forth herein. Every person violating this 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 harbinger removing the excreta deposited) on public or private property other than that of the owner. Every person violating this subparagraph 101.A.12 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00), excluding costs, fees and assessments;
13. Own or harbor any animal or fowl primarily or in part for the purpose of fighting, or any animal or fowl trained for such; or any person to place or attempt to place an animal or fowl 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 is used for the purpose of fighting, injuring, killing, maiming or destroying any other animal or fowl;
14. Harbor, keep or possess in any one (1) 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 paragraph so long as:
 - 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.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 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;

15. 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 at all times 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.
16. Violate any of the provisions of Section 110 of this title;
17. 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 a hobbyist exemption 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 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.17 shall be guilty of an offense and, upon conviction, shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00), excluding costs, fees and assessments;
18. 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 subsection 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.18 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 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.

(Ord. Nos. 16854, 19038, 19143, 19424, 19571, 21856; Ord. No. 21979, § 1, 12-18-2008; Ord. No. 22107, § 1, 8-6-2009; Ord. No. 22431, § 1, 5-12-2011)

Section 102. - Registration and rabies inoculation.

- A. It shall be the duty of every resident owning or having in his 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 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-year or a 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-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 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.

(Ord. Nos. 13559, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 to 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 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 has released any animal quarantined for a biting incident.
- D. It shall be the duty of every veterinarian to report immediately to WIN his diagnosis of any animal observed by him as a rabies suspect.
- E. WIN shall notify the Director of all animal bites.

(Ord. Nos. 13559, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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). 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). 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 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 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 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-year period in conjunction with a three-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).

(Ord. Nos. 13559, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 105. - Proclamation of rabies.

If at any time the Director shall find that there is an epidemic of rabies among the dogs within the City of Tulsa, or any part thereof, then he 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 certifying the existence of any epidemic of rabies, the Mayor shall issue his proclamation, based upon recommendation of the Director, 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 shall be *prima facie* evidence of that fact.

(Ord. Nos. 8006, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 106. - Rabies suspect.

- A. Any rabies-suspected animal shall be securely and separately confined for observation for a period of ten (10) days. The confinement and observation shall be at the Tulsa City Animal Shelter or, at the discretion of the owner, the animal may be confined in a veterinary hospital at the owner's expense. Boarding kennels shall not be considered proper confinement facilities. The owner must immediately surrender the rabies-suspect animal to WIN or to the Chief of Police or his designee. 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 the City of Tulsa Animal Welfare. 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 WIN and to the Director. At the end of the ten-day observation period, 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.

1. 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.
2. 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.
3. 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 animal upon the head, face, neck or upper extremities, resulting in deep lacerations or multiple wounds, the Director 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, animal control officer or a designated agent in a manner which will preserve the head for analysis; or such nonimmunized, 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 nonimmunized 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.

The owner of any nonimmunized 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 for instruction concerning the disposition of that animal.

Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately reimmunized 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 107. - 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 within the meaning of this chapter. Should the investigating official determine that a vicious animal poses an immediate threat to the public health or safety, he shall immediately seize and impound the animal, or otherwise seek an order from the court that the animal be impounded. The matter shall be referred to the City Attorney for approval of a verified complaint requesting a finding by the court that the impounded animal is vicious and aid in the proceedings instituted in the Municipal Criminal Court against any person for harboring a vicious 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 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 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 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.

(Ord. Nos. 19038, 19143, 19424; Ord. No. 21979, § 1, 12-18-2008)

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 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 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.

(Ord. Nos. 19038, 19143, 19433; Ord. No. 21979, § 1, 12-18-2008)

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 Animal Shelter for disposition.

When the owner of the animal is known, the owner 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 One Hundred Fifty Dollars (\$150.00) deposit, 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 to reclaim an animal:

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 animal.

Provided, further, no person shall be entitled to reclaim any animal found to be a nuisance, rabid, rabies suspected or vicious, 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 (1) 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 Shelter an on-site facility for the purpose of spaying and neutering all animals adopted through the shelter 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.2001, § 499, *et seq.* , or as the same may be amended, and shall deposit with WIN One Hundred Fifty Dollars (\$150.00) to ensure that the animal will be sterilized.
3. **Fees and charges.** Before an animal may be adopted, fees and charges as required must be paid according to the following schedule:

ADOPTION FEE SCHEDULE

Dogs, puppies, cats and kittens \$10.00

All other animals 5.00

STERILIZATION AND VACCINATION COSTS (with or without adoption)

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 nonprofit animal welfare organization incorporated as such in the state 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.
 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 action 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. _____.

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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 Shelter 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 identity before the animal will be accepted.
- I. **Disposal fee.** For each animal disposed of by WIN, a disposal fee of Five Dollars (\$5.00) may be charged.

(Ord. Nos. 17428, 17496, 17918, 18362, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 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 Animal Control. 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 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 Dollars (\$20.00) annually. An application processing fee of Twenty Dollars (\$20.00) shall be assessed for the first application.

(Ord. Nos. 16228, 16229, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 received by the clerk of the Municipal Criminal Court or by duly authorized persons acting for him.

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 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, he may follow the procedure set out herein.

(Ord. Nos. 17619, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 15032, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 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 Dollars (\$125.00) per animal 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.

(Ord. Nos. 17087, 19038, 19143, 21836; Ord. No. 21979, § 1, 12-18-2008)

Section 114. - Records; funds.

It shall be the duty of WIN to maintain records at the Animal Shelter 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 12841, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 116. - Entering property.

WIN may impound animals which are deemed to be at large within the meaning of this chapter and which are found off the immediate premises of their owners. In multi-family residential complexes, if the property manager or agent grants access, at large animals may be removed from common areas generally made accessible to occupants and their guests. This includes but is not limited to playgrounds, parking lots and walkways.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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), excluding costs, fees and assessments, or both such fine and imprisonment.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 2. - AGRICULTURAL ANIMALS

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

It shall be unlawful for any person to keep, maintain or permit or suffer to be maintained any cows, 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).
- B. Cows in areas zoned for agriculture (AG) must be kept in any 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.
- C. Horses:
1. 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. 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.
- D. Poultry 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.

- E. Poultry kept in areas not zoned for agriculture 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:
 - 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.
- F. 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.
- G. Rabbits kept in areas not zoned for agriculture shall not exceed six (6) adults and fourteen (14) young under the age of eight (8) weeks. They shall be kept under the following conditions:
 - 1. 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. 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.

(Ord. Nos. 4571, 5998, 12841, 13340, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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) shall be charged for the initial permit. Each subsequent renewal shall be Ten Dollars (\$10.00).

A holder of a racing pigeons exemption permit will be permitted to own and keep a maximum of two hundred (200) racing pigeons on his 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 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 has, through selective past breeding, developed the distinctive physical and mental characteristics 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 of the national pigeon associations/registries identified herein.
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 fee.
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 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. 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 pick up.

- 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.** 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.

(Ord. Nos. 19038, 19143, 20332; Ord. No. 21979, § 1, 12-18-2008)

Section 202. - Offense.

It shall be unlawful 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 for any person to maintain such animals or fowl in a manner as to trespass upon the premises of another.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 203. - Animals running at large.

No horse, mule, donkey, cattle or swine 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 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.

(Ord. Nos. 12841, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 3. - ANIMALS IN STREETS

Section 300. - Training animals.

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

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 302. - Racing animals.

It shall be an offense for any person to indulge 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 304. - Turning animals loose.

It shall be unlawful 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.

(Ord. Nos. 19038, 19143, 19571; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 4. - MISCELLANEOUS PROVISIONS

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

It shall be unlawful 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.

(Ord. Nos. 552, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 401. - Administration of poison.

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 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 the least painful. And he shall cause the carcass to be removed and disposed of as provided in this title.

(Ord. Nos. 552, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 403. - Euthanasia.

- A. It shall be an offense for any individual or organization, 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.2001, §§ 501, *et seq.*

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 404. - Locking or tying wings of fowl prohibited.

It shall be unlawful 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 for the purpose of weighing or handling, or cause the same to be done.

(Ord. Nos. 8410, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 405. - Distribution of baby fowl or rabbits as pets or novelties prohibited.

It shall be unlawful for any person, firm or corporation to sell, or offer for sale, barter or give away baby chicks, ducklings or other fowl 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.

(Ord. Nos. 9393, 19038, 19143, 19571; Ord. No. 21979, § 1, 12-18-2008)

Section 406. - Outdoor shelter requirements.

Natural or artificial shelters appropriate to the local climactic conditions for the particular species of animal or fowl shall be provided for all animals or fowl 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 moistureproof 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 5. - DEAD ANIMALS

Section 500. - Dead animals—unlawful disposal.

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

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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, 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. The Director 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 or other small animal to put such animal in a box, sack or other receptacle before collection by the Director of Public Works or by an operator of a private animal removal and disposal service.

(Ord. Nos. 10935, 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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. Such person shall not be liable for any fees for removal.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 503. - Dead animals—residential fees.

The owner or person in lawful possession of any dead animal or fowl 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) for domestic farm animals such as horses, cows, hogs, sheep, goats or animals of like or larger size. There shall be no charge for the removal of dogs, cats, fowl or other similarly sized animals.

(Ord. Nos. 19038, 19143, 19859; Ord. No. 21979, § 1, 12-18-2008)

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:

- A. Fifty Dollars (\$50.00) per domestic farm animals such as horses, cows, hogs, sheep, goats or animals of like or larger size.
- B. Fifteen Dollars (\$15.00) per dog or cat.
- C. No charge for birds, fish, reptiles, amphibians, invertebrates, or rodents or any other animal less than one (1) pound in weight.

(Ord. Nos. 19038, 19143, 19859; Ord. No. 21979, § 1, 12-18-2008)

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

An attempt shall be made to retrieve any City license pet tags on every dead dog and cat picked up by the City of Tulsa.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 Dollars (\$750.00), excluding costs, fees and assessments or both such fine and imprisonment.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 6. - DANGEROUS DOGS

Section 600. - Definitions.

- 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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

- A. **Certificate of registration for certain dogs required.** It is unlawful 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) shall be remitted to the Director of Finance for the certificate of registration.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 602. - Muzzle and restraint of certain dogs.

It is unlawful 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 603. - 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 604. - Confiscation of a dangerous dog.

Any dangerous dog shall be immediately confiscated by WIN or the Chief of Police 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, euthanized pursuant to procedures provided in Section 109 of this title.

(Ord. Nos. 19038, 19143, 19424; Ord. No. 21979, § 1, 12-18-2008)

Section 605. - 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 606. - 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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 607. - 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.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 7. - REPTILES

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 Hundred Dollars (\$1,200.00), excluding costs, fees and assessments or both such fine and imprisonment.

(Ord. Nos. 19038, 19143, 19571; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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.

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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).

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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 Boomsnake); Thelotornis kirklandi (African bird eating snake); and Boiga dendrophilia (the Mangrove snake).

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

Section 705. - Zoo excluded.

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

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)

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), excluding costs, fees and assessments or both such fine and imprisonment.

(Ord. No. 19571; Ord. No. 21979, § 1, 12-18-2008)

CHAPTER 8. - PENALTY

Section 800. - Penalty.

Unless otherwise provided, every person violating any of the provisions of this title shall be guilty of an offense and, upon conviction, thereof shall be punished by imprisonment in the City jail for a period of not more than ninety (90) days and/or by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments provided that no violation of any provision of Chapter 4 shall carry a fine of less than One Hundred Dollars (\$100.00).

(Ord. Nos. 19038, 19143; Ord. No. 21979, § 1, 12-18-2008)