

ORDINANCE NO. 23-____

AN ORDINANCE PERTAINING TO ANIMALS, AMENDING SECTION 5-1-101, CREATING SECTION 5-1-105.1, AMENDING SECTIONS 5-1-106, 5-1-111, 5-1-118, 5-1-120, ARTICLE 5-1, CHAPTER 5, LAWTON CITY CODE 2015 AND AMENDING SECTION 5-5-501 AND 5-5-508, ARTICLE 5-5, CHAPTER 5, LAWTON CITY CODE 2015, BY DEFINING SERVICE ANIMAL; ESTABLISHING MANDATORY MICROCHIPPING; CLARIFYING THAT LARGE REPTILES MAY BE UNLAWFUL; ALLOWING FOR REDEMPTION PERIODS TO BE EXTENDED; EXPANDING ON SERVICE ANIMAL ALLOWANCES; CORRECTING GRAMMATICAL ERRORS; RENUMBERING AS NEEDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 5-1-101 is hereby amended to read as follows:

5-1-101 Definitions.

A. As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

23. "Health Certificate" means a document provided by a licensed veterinarian attesting to the health of the specific dog or cat and will include a description of the animal, its age, sex, breed, and if the animal is of sufficient age, a record of any vaccinations for canine distemper, adenovirus ~~parainfluenza~~, ~~parainfluenza~~-parvovirus, coronavirus, and ~~leptospirosis~~, ~~leptospirosis~~, and for cats, feline rhinotracheitis, and ~~panleukopenia~~. ~~panleucopenia~~.

44. "Service Animal" means a dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The Americans with Disabilities Act (ADA) rules that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are purely for emotional support, are not service animals.

~~45.~~44. "Severe injury" means any physical injury that reasonably results in hospitalization or medical treatment.

~~46.~~45. "Small animals" means rabbits, hares, chinchillas, turkeys, fowl, pigeons, (except homing pigeons) miniature pigs, as further defined herein, for household pets, or any other animal of similar size or stature; for the purpose of this definition, miniature pig has a maximum weight of one hundred twenty-five (125) pounds and a maximum height of twenty-two (22) inches as established by the American Miniature Pig Association (AMPA);

~~47.46.~~ "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;

~~48.47.~~ "Special handler's license" authorizes the license holder to have four (4) or more but less than eight (8) dogs or cats or a combination thereof where such dogs or cats or combination thereof are sheltered, fed and watered in or on the premises, property or residence of the person who has such a license;

~~49.48.~~ "Transfer" means to convey or change the ownership of an animal from one (1) person to another with or without the exchange of money or other consideration;

~~50.49.~~ "Trap-neuter-return/TNR" means a nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, eartipped, and then returned to the location where they were originally trapped;

~~51.50.~~ "Unaltered" means any cat or dog over the age of six (6) months which has not been neutered or spayed.

~~52.51.~~ "Vaccination" means an injection administered by a licensed veterinarian using a United States Department of Agriculture approved rabies vaccine administered at the proper time interval(s) for the age of the animal as prescribed by the manufacturer of the vaccine administered.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

Section 2. Section 5-1-105.1 is hereby created to read as follows:

5-1-105.1 Mandatory Microchipping.

The provisions of this section are designed to reduce the number of unclaimed animals and thereby decrease the number of animals euthanized each year.

A. No person shall own or keep any dog or cat over the age of six (6) months that has not been implanted with a microchip by a licensed veterinarian, unless exempt as provided in subsection B.

B. The following dogs and cats are exempt from the mandatory microchipping provision:

1. Dogs documented as having been appropriately trained and being used by public law enforcement agencies for law enforcement activities.

2. Dogs documented as having been appropriately trained and being used by search and rescue agencies for search and rescue activities.

3. Dogs or cats held at the city animal shelter.

C. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of up to one hundred dollars (\$100.00) and will be ordered by the court to comply with the mandatory microchipping requirements of this section or face additional citation(s); provided however, any person cited for a violation of this section shall have his or her citation dismissed, excluding court cost, if compliance with mandatory microchipping is provided within fourteen (14) calendar days of the date of initial appearance.

Section 3. Section 5-1-106 is hereby amended to read as follows:

5-1-106 Breeding/Advertising/Transfer (BAT) Permit.

Owners who wish to breed their dog or cat and meet the requirements of the Breeding/Advertising/ Transfer (BAT) permit as outlined in part C of this section may apply for such permit through the animal welfare division. The holder of a BAT permit is authorized to breed, sell, trade, advertise, receive for any compensation, give away or transfer ownership of no more than one (1) litter per licensed animal, per household, per year.

C. Breeding/Advertising/Transfer (BAT) permit requirements:

1. Each adult dog or cat must be currently registered with a "B" license and have a microchip implanted, with the exception of persons applying for a BAT permit who live outside the city limits of Lawton.
2. Applicant shall furnish the city with a copy of the current rabies vaccination certificate issued by a licensed veterinarian for said dog or cat.
3. Applicant shall furnish the city with a copy of a health certificate issued by a licensed veterinarian attesting to the good health of each dog or cat, with the document no older than one year of the application date.
4. Applicant shall also furnish the city with the following information:
 - a. Owners' name
 - b. Address
 - c. Phone number
 - d. Date of birth
 - e. Social security number
 - f. Picture I.D.

D. Dogs and cats; Advertising requirements. No person within the City limits shall publish or advertise to City of Lawton residents the availability of any cat or dog unless the publication or advertisement includes: the animal's "B" license number, microchip number, if over six (6) months of age (unless advertiser lives out of town), and the BAT permit number, provided, however that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters. The BAT permit number and microchip number must be displayed at all times during the duration of any advertising of said animal(s). The BAT permit number and microchip number must be included in all advertisements, to include but not limited to flyers, newspaper announcements, and clearly posted in all pet stores on the holding pen of said animal(s).

E. The BAT permit shall be obtained at the animal welfare division for a fee as outlined in the fee schedule and shall be issued or renewed only if the city determines that all conditions have been met. All applications for a BAT permit are subject to an inspection by an animal welfare officer prior to issuance of the permit.

F. The owner shall furnish copies ~~a copy~~ of the BAT permit number, ~~and a copy of the health certificate, and a vaccination record~~ and microchip number if over six (6) months of age to each buyer or new owner of an animal at time of sale, transfer, trade, or other compensation or free giveaway as required, as proof and assurance that the animal was legally bred and is of good health. The immunization of all dogs and cats, puppies and kittens is required prior to the advertisement, sale, transfer, trade or other compensation or free giveaway of the animal. Dogs and puppies will be immunized against canine distemper, adeno-virus parainfluenza, ~~parainfluenza~~, parvovirus, coronavirus and leptospirosis. ~~leptospirosis~~. Cats and kittens will be immunized against feline rhinotracheitis, and panleukopenia ~~panleucopenia~~.

Section 4. Section 5-1-111 is hereby amended to read as follows:

5-1-111 Keeping of wild or exotic animals.

A. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, or which has not been deemed by the Oklahoma State Department of Health to have an established rabies quarantine period, including, but not limited to, lions, tigers, leopards, panthers, wolves, foxes, lynxes, or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, prairie dogs, bats, and like animals.

B. It is unlawful to keep or harbor any wild or exotic animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section, and as may be licensed by the state wildlife department pertaining to wildlife rehabilitators.

C. It is unlawful to keep, harbor or possess large reptiles, such as snakes or lizards that are capable of exceeding forty (40) pounds at an adult age on any lot, premises or in any structure.

~~D.~~ This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, educational or medical institutions.

Section 5. 5-1-117 is hereby amended to read as follows:

5-1-117 Impoundment -Records-Disposition of animals-Adoption – Licensing of dogs and cats.

A. Any dog or cat or other small animal found running at large may be impounded in the animal shelter. Any animal not redeemed by the owner or keeper before the expiration of

seventy-two (72) hours, exclusive of Sundays, Mondays and city holidays, shall become the property of the city and may be disposed of at the discretion of the city.

B. The animal welfare officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color and sex of the animal and whether or not it is licensed, and the date and time of impoundment. If the animal is licensed or if the owner or keeper is known, the officer shall enter the name and address of the owner or keeper, or the city license, microchip number, or rabies tag number as may be shown on the impoundment records. If the owner or keeper is known or can be determined from city records or identification attached to the animal, the animal welfare division will attempt to telephone the owner or keeper, or post written notice at the address shown on city records to be that of the owner or keeper, to notify the owner or keeper that unless redeemed in accordance with this code within seventy-two (72) hours after impoundment, Sundays, Mondays and city holidays excluded, the animal will be destroyed or otherwise disposed of at the discretion of the city. Attempts to contact the owner or keeper will be recorded on the reverse of the impoundment record.

C. At the end of the redemption period prescribed in this section, animals that have not been redeemed by the owner or keeper thereof may be destroyed, adopted or otherwise disposed of at the discretion of the city. Should it be determined that the owner of the impounded animal is experiencing a situation that prohibits reclaiming the animal within the specified redemption period, the redemption period may be extended at the discretion of the Animal Welfare Superintendent. If in the judgment of the animal welfare personnel an animal has been well maintained, the animal may be retained for an additional seventy-two (72) hours for the purpose of adoption or transferred to an animal adoption agency or National Breed Rescue Organization.

D. Before any dog or cat is released for adoption from the city's animal shelter, such dog or cat shall be issued a license and microchip implant, as provided for in this chapter, if such dog or cat has not previously been licensed or implanted with a microchip.

E. No animal may be adopted from the animal shelter by any employee of the shelter for any reason, nor may any employee of the shelter adopt, give away or sell any animal from the shelter except in accordance with the provisions of this chapter.

F. There is hereby established a grace period of seven (7) days beginning on the day of adoption and ending at the close of business on the seventh day thereafter, during which period an animal adopted from the city's animal shelter may be returned to the animal shelter for a refund of the adoption fee, microchip implant deposit, spay/neuter deposit, vaccination deposit and license fee or, at the option of the adopting party, a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

Section 6. Section 5-1-118 is hereby amended to read as follows:

Section 5-1-118 Redemption of impounded animals – Licensing of dogs and cats.

A. Except as hereinafter provided, a licensed, microchipped, and vaccinated animal impounded under the provisions of this chapter may be redeemed by the owner or keeper upon payment of

the impoundment fee as provided in the fee schedule and the animal shelter boarding fee. The owner or keeper has seventy-two (72) hours after impoundment, Sundays, Mondays and city holidays excluded, to redeem the animal. If the owner or keeper has not made arrangements to redeem the animal within this period, the animal becomes the property of the city and may be disposed of at the discretion of the city. Should it be determined that the owner of the impounded animal is experiencing a situation that prohibits reclaiming the animal within the specified redemption period, the redemption period may be extended at the discretion of the Animal Welfare Superintendent.

B. No animal impounded due to abandonment or public nuisance or in order to protect the health or safety of the animal shall be eligible for redemption by the owner unless the owner demonstrates to the satisfaction of the animal welfare division that another party was responsible for the conditions leading to impoundment or that the conditions leading to impoundment have been corrected and upon payment of the impoundment fee as provided in the fee schedule and the animal shelter boarding fee.

C. No unlicensed dog or cat may be released from impoundment to its owner or keeper until such dog or cat is issued a license, as provided in this chapter, and after payment of the fee as provided in the fee schedule.

D. No unvaccinated animal may be released from impoundment unless payment of the fee as provided in the fee schedule has been made and the owner or keeper signs an agreement to have the animal vaccinated against rabies within two (2) weeks of release, or from the time the animal reaches the age of six (6) months, by a licensed veterinarian and return documented proof of such to the animal welfare division on or before the contract compliance date. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of this chapter. The owner or keeper shall also be required to deposit funds with the animal shelter to ensure the animal is vaccinated. The amount of the deposit shall be set in the fee schedule, and will be refunded to the owner upon presentation of the documented proof on or before the contract compliance date.

E. No dog or cat may be released from impoundment unless a microchip deposit has been made, as set forth in the fee schedule, and the owner or keeper signs a release agreement to have the dog or cat microchipped within two (2) weeks of release or within two (2) weeks following the dog or cat reaching six (6) months of age. Microchipping is to be performed by a licensed veterinarian and documentation is to be provided to the Animal Welfare Division on or before the agreement compliance date. Failure to comply with the agreement shall be unlawful and may result in the issuance of a citation for violation of the provisions of this chapter.

~~F.~~ The owner or keeper of an unaltered dog or cat impounded under the provisions of this chapter may redeem their pet upon payment of the required fees as provided in the fee schedule. The owner or keeper shall also be required to deposit funds with the animal shelter in an amount equal to the sterilization deposit as established in the fee schedule. The deposit will be refunded to the owner upon presentation of a written statement signed by a licensed veterinarian that the animal has been neutered or spayed. The statement must be presented within fourteen (14) days from the redemption date in order to receive the refund. If the dog or cat has been impounded for a third time within a twenty-four (24) month period, the animal may not be released from the animal shelter unless the owner or keeper signs an agreement, in addition to making the deposit, to have the animal neutered or spayed within two (2) weeks of release. If the animal is less than

six (6) months old at the time of redemption, the statement must be presented within fourteen (14) days from the date the animal attains the age of six (6) months. Failure to comply with the agreement shall be unlawful, and may result in the issuance of a citation for violation of the provisions of the chapter.

G.F. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an unaltered dog or cat may be jeopardized by surgery, the animal welfare superintendent shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating the necessity for such extensions.

H.G. The vaccination, microchipping and sterilization deposits required above will be retained by the city, and a refund of the deposits will be made upon presentation of a written statement signed by a licensed veterinarian that the animal has been vaccinated, microchipped and/or neutered or spayed. If the animal has not been vaccinated, microchipped and/or altered within the time specified in the release agreement, the deposits will be forfeited to the city. Deposits forfeited to the city shall be placed in a separate account, which shall be an interest bearing account if feasible, and such forfeited funds shall be used for promoting programs which educate the public on the need for vaccinating and altering animals, and responsible pet ownership.

I.H. In addition to forfeited vaccination, microchipping and sterilization deposits, twenty-five percent (25%) of all impoundment and boarding fees required to be paid to redeem impounded animals shall be deposited into the same account established in the preceding paragraph to promote the same programs.

Section 7. Section 5-1-120 is hereby amended to read as follows:

Section 5-1-120 Keeping of Animals; Mistreatment; Service Dogs.

I. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service dog or any other service animal that is used for the benefit of an individual with a disability. ~~any handicapped person.~~

J. No person shall willfully interfere with the lawful performance of any service dog used for the benefit of any ~~handicapped~~ disabled person.

K. No person shall encourage, permit, or allow a dog owned or kept by such person to fight, injure, disable or kill a service dog used for the benefit of any ~~handicapped~~ disabled person, or to interfere with a service dog in any place where the service dog resides or is performing. For purposes of this subsection, when a person informs the owner or keeper of a dog that the dog is a threat and requests the owner or keeper to control or contain the dog and the owner or keeper disregards the request, the owner or keeper shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service dog.

L. Service animals shall be allowed to accompany individuals with disabilities in areas where the public is allowed to go. A service animal must be under the control of its handler. When it

is not obvious what service an animal provides, only limited inquiries are allowed. One may inquire if the service animal is required due to a disability and ask what specific task the animal is trained to perform. Providing comfort and/or emotional support does not qualify as performing a specific task under the Americans with Disabilities Act (ADA).

Section 8. Section 5-5-501 is hereby amended to read as follows:

Section 5-5-501 License for dogs and cats.

A. Except as specifically provided for herein, it shall be unlawful for any person to own, possess, keep or have under his control more than a total of three (3) dogs or cats, including any combination thereof, over six (6) months of age. The owner of every dog or cat shall, obtain a license for each such animal from the Animal Welfare Division.

1. An "A" license will be issued for a dog or cat that has been spayed or neutered and microchipped, provided the owner or keeper presents a rabies vaccination certificate issued by a licensed veterinarian indicating a valid current rabies vaccination, a certification that the animal has been altered and microchipped, and upon the payment of required license fees as provided in the fee schedule, and any additional information deemed necessary by the Animal Welfare Division at the time of registration.

The "A" license will be valid for the term of the animal's current rabies vaccination certificate at the time of application. An "A" license may be renewed by the owner through Animal Welfare Division consistent with the term of the most recently issued rabies vaccination certificate. A renewal fee will apply for an "A" license if the animal's rabies vaccination certificate expired prior to seeking renewal.

2. An annual "B" license will be issued for a dog or cat that is intact (has not been spayed or neutered), provided the owner or keeper presents a rabies vaccination certificate issued by a licensed veterinarian indicating a valid current rabies vaccination, proof of microchip implant and upon payment of required license fees as provided in the fee schedule, and any additional information deemed necessary by the Animal Welfare Division at the time of registration.

The "B" license will be valid for one (1) year or the term of the animal's rabies vaccination certificate if less than one (1) year, at which time the owner or keeper must renew the "B" license and provide proof of current rabies vaccination for the one (1) year renewal term, and upon payment of renewal fees as specified in the fee schedule.

All currently valid "B" licenses issued prior to April 10, 2007 will be exempt from the renewal fees only, provided the "B" license remains valid by timely renewal. Should the owner or keeper allow the "B" license to expire, the owner or keeper will be subject to any and all fees and renewal fees associated with a "B" license thereafter.

Section 9. Section 5-5-508 is hereby amended to read as follows:

Section 5-5-508 Use of revenues collected from fees and animal related citations.

A. The revenues collected for the licensing and microchipping of dogs and cats, administrative costs and adoptions shall be specifically expended for the physical improvements to the facilities of the city's animal welfare division, for the cost of administration and enforcement of this chapter, and costs associated with public education programs and activities (Fund 42).

B. The revenues collected as fees for the breeding, advertising and transfer (BAT) of unaltered animals, trapping, impoundment, boarding and redemption of animals shall be used for general municipal purposes of the city and to provide refunds to adopting parties upon prior presentation of written certification by a licensed veterinarian that an adopted animal is in poor health or in the case of "No Questions Asked Returns" as outlined in Section 5-117 of this code (Fund 18).

C. One-Hundred percent (100%) of all revenues collected from citations issued under the provisions of Sections 5-~~15~~-105, 5-~~15~~-106, and 5-~~15~~-112 shall be deposited into the same account established in subsection A of this section and shall be specifically expended for the physical improvements to the facilities of the city's animal welfare division, for the cost of administration and enforcement of this chapter, and costs associated with public education programs and activities.

Section 10. Codification. Section 5-1-105.1 shall be codified in Article 5-1, Chapter 5, Lawton City Code, 2015.

Section 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 12. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____day of _____, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2023.

TIMOTHY WILSON, ACTING CITY ATTORNEY

ORDINANCE NO. 23-____

AN ORDINANCE PERTAINING TO ANIMALS, AMENDING SECTION 5-1-101, CREATING SECTION 5-1-105.1, AMENDING SECTIONS 5-1-106, 5-1-111, 5-1-118, 5-1-120, ARTICLE 5-1, CHAPTER 5, LAWTON CITY CODE 2015 AND AMENDING SECTION 5-5-501 AND 5-5-508, ARTICLE 5-5, CHAPTER 5, LAWTON CITY CODE 2015, BY DEFINING SERVICE ANIMAL; ESTABLISHING MANDATORY MICROCHIPPING; CLARIFYING THAT LARGE REPTILES MAY BE UNLAWFUL; ALLOWING FOR REDEMPTION PERIODS TO BE EXTENDED; EXPANDING ON SERVICE ANIMAL ALLOWANCES; CORRECTING GRAMMATICAL ERRORS; RENUMBERING AS NEEDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance defines service animal and specifies service animals may be allowed to accompany individuals with a disability where the general public is allowed to go; establishes mandatory microchipping for cats and dogs; establishes that reptiles capable of exceeding 40 (forty) pounds may be unlawful; allows redemption periods to be extended at the discretion of the Animal Welfare Superintendent; corrects grammatical errors and renumbers as needed.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of_____, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2023.)