

ORDINANCE NO. 23-\_\_

AN ORDINANCE PERTAINING TO ANIMALS, SECTION 5-1-120, ARTICLE 5-1, CHAPTER 5, LAWTON CITY CODE 2015, BY ESTABLISHING THAT DOGS ARE NOT TO BE LEFT OUTDOORS AND UNATTENDED FOR A PERIOD EXCEEDING ONE-HALF HOUR WHEN THE TEMPERATURE IS BELOW 32 DEGREES FARENHEIT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

A. Dogs, cats and other small animals kept as house pets within the city limits shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

B. No person shall willfully or maliciously:

1. Torture, cruelly beat or treat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to himself or to another;
2. Deprive any animal of food, drink or shelter;.
3. Confine an animal in any structure or vehicle under circumstances that place the animal in such conditions as may endanger the health or well-being of the animal, including but not limited to dangerous or extreme temperatures, lack of ventilation, strangulation, or lack of food or water.
4. Restrain an animal in the back of a truck or trailer bed without a vehicle restraint designed specifically for the purpose of safely securing the animal in the middle of the back of a truck or trailer bed.
5. Unjustly administer any poison or noxious drug or substance to any animal;
6. Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner, keeper or another person; or
7. Cause any other person to do any of the above acts.
8. Attach any object around the neck or shoulder of any dog other than a leash or collar.
9. Abandon or cause to be abandoned any animal.

C. If an animal is found by the animal welfare officer to be in one of the above-described conditions, the officer may issue a citation to the offender or shall issue a notice to the offender warning him that if the animal's condition is not improved a citation will be issued. If the animal welfare officer determines that an animal's life is in immediate danger or has been

abandoned, or an animal is dead, the animal welfare officer may enter upon the premises of the owner, keeper or other private premises or into a locked or unlocked vehicle and take such animal into custody once it has been established that the owner or occupant of the premises or vehicle is not present or cannot be located. If the animal welfare officer determines that an animal's life is in immediate danger or it has been abandoned or is dead, and the animal is in a locked residence or other structure and the owner is not present, the animal welfare officer may, upon a showing of such circumstances, obtain an order from the municipal court authorizing entry into said residence or structure for the limited purpose of rescuing and seizing the animal. The animal welfare officer will leave a notice for the owner or keeper advising why the animal was seized and where the animal was taken. Seizure of an animal will be accompanied by issuance of a citation(s) when there is probable cause to believe the seizure of the animal was necessary as a result of commission of an offense. Any expenses and property damage associated with city personnel rescuing an animal from a vehicle, residence or other structure shall be the responsibility of the person creating the conditions requiring rescue or seizure of the animal.

D. Owners and keepers of dogs, cats, and other small animals shall provide food, shelter, and medical attention to such animals, including, but not limited to, the following:

1. Sufficient wholesome food that is nutritious for the species;
2. Fresh, potable drinking water;
3. Medical attention to relieve such animals from suffering;
4. Provide shade from the sun; and
5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. The shelter provisions will apply in situations where animals are left outdoors longer than two (2) hours per day.

However, when the temperature is below 32 degrees Fahrenheit in Lawton, Oklahoma, no dog shall be outdoors and unattended for a period of one-half hour or longer. A dog will be considered "outdoors" regardless of access to an outdoor shelter, unless the shelter has an independent source of heat that is safe for use in outdoor shelters and does not pose a danger to the animal.

E. In addition to the forgoing provisions of this section, it shall be unlawful for any person to willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or to cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food,

drink, shelter, or veterinary care to prevent suffering; or willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. Any peace officer or animal welfare officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefore shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

F. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's or keeper's property or on the property of the dog owner's or keeper's landlord, unless authorized by an animal welfare officer or the animal welfare supervisor.

G. No person shall permit a dog owned by such person or under the custody of such person to be off that person's property or leased premises unless such dog is restrained by a leash. Such leash shall be used to control the dog or to prevent the dog from running at large.

H. Any owner, keeper or property owner allowing tenants to have dogs on their premises, must provide an adequate enclosed space for exercise based on a dimension of at least one hundred (100) square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner, keeper or property owner shall provide an enclosure or run for such dogs meeting the one hundred (100) square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

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 any handicapped person.

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

**Section 2. Severability Clause.** If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of 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 3. Effective Date:** The provisions of this ordinance shall become effective thirty (30) days after the date of the ordinance's passage.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYN BLAZEK-SCHERLER, CITY CLERK

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

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TIMOTHY WILSON, ACTING CITY ATTORNEY

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AN ORDINANCE PERTAINING TO ANIMALS, SECTION 5-1-120, ARTICLE 5-1, CHAPTER 5, LAWTON CITY CODE 2015, BY ESTABLISHING THAT DOGS ARE NOT TO BE LEFT OUTDOORS AND UNATTENDED FOR A PERIOD EXCEEDING ONE-HALF HOUR WHEN THE TEMPERATURE IS BELOW 32 DEGREES FARENHEIT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

**BRIEF GIST**

This ordinance establishes that dogs are not to be left outdoors and unattended for a period exceeding one-half hour when the temperature is below 32 degrees Fahrenheit in Lawton, Oklahoma.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this \_\_\_\_ day of \_\_\_\_\_, 2023.)