

CHAPTER 3

ANIMALS

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Article 1. General Provisions

Section 3-1. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings prescribed in this Section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

1. Animal. The word “animal” shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.

2. Animal Control Officer. The term “Animal Control Officer” shall mean the person(s) responsible for enforcement of the ordinances and regulations pertaining to animal control in the Town of Corn, Oklahoma. The Animal Control Officer may be a person, firm or corporation under a contractual agreement with the Town.

3. Animal Shelter or Municipal Pound. The terms “animal shelter” or “municipal pound” shall mean any premises formally designated by the Town Board of Trustees for the purpose of impounding and caring for animals held under the authority of this Chapter, regardless of whether or not said premises are within the municipality’s corporate boundaries, and regardless of whether or not said premises are under actual municipal ownership or provided for under a contractual arrangement between the Town of Corn, Oklahoma, and private owner(s).

4. At Large. The term “at large” shall mean not under “restraint,” as defined in paragraph 11 below.

5. Dangerous Birds. The term “dangerous bird” shall mean any warm-blooded, feathered vertebrate which may constitute a physical threat to human beings.

6. Harboring. The word “harboring”, when used in this Chapter, shall mean allowing any animal habitually to remain or be fed on premises.

7. Kennel. The word “kennel” shall mean any structure or place where three (3) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary boarding of more than three (3) dogs over six (6) months of age.

8. Livestock. The word “livestock” shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

9. Owner. The word “owner” shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more shall be deemed to be harboring or keeping the animal, and thereby considered to be an “owner” of said animal.

10. Pet. The word “pet” shall mean any animal kept for pleasure, rather than utility.

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11. Restraint. An animal shall be deemed to be under “restraint” if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

12. Vicious Dog or Animal. The term “vicious dog or animal” shall refer to any dog or animal which has bitten or attempted to bite any person without provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite any person or persons when not provoked. The owner or owners of such dogs or animals shall be liable to the full amount when such animal bites or injures any person while such person is in or on a place where he or she has a lawful right to be.

Reference: 4 O.S. § 42.1.

13. Wild Animal. The term “wild animal” shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include animals which may be owned by a circus or wild animal show or exhibition.

Section 3-2. Animals Running At Large – Regulation and Taxation.

The Town of Corn, Oklahoma shall regulate and prohibit animals running at large. The Board of Trustees of the Town of Corn may provide for pens, pounds, and buildings for the use of the municipality. The Board of Trustees may also regulate and provide for taxing the owners and harborers of such animals, and may authorize the extermination of animals which are found at large in violation of this Ordinance.

Reference: 11 O.S. § 22-115.

Section 3-3. Animals Not to be At Large, Except Cats.

1. It shall be unlawful and an offense for any owner to permit any animals (including chickens and other fowl) owned, harbored, or kept by him, except a cat, to be at large.

2. It shall be unlawful and an offense for any person to:

- a. Keep, own, harbor or possess any dog within the corporate limits of the Town of Corn, Oklahoma, without providing a substantial and secure pen or fenced in area in which said dog shall be confined (which pen or fenced in area shall be sufficient in size that no sanitation or health problem shall be created); or to
- b. Keep or harbor any dog in the front yard of any property; or to
- c. Place a dog on a leash which permits the dog to reach or bite any person who may be using the public thoroughfares of the Town, to reach beyond the limits of the lot or premises upon which said dog is kept and confined, or to reach any person who may be rendering necessary services to the premises where said dog may be kept, harbored or possessed.

Section 3-4. Disturbances by Animals; Public Nuisance Abatement.

1. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.

2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.

3. Abatement of such public nuisances shall be handled in accordance with the provisions of Chapter 15, this Code.

Reference: 50 O.S. §§ 2, 16.

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Section 3-5. Keeping Animals.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the Town of Corn, Oklahoma, except under those conditions and provisions herein specified. Absent such conditions and provisions for a particular type of animal, said animal type shall not be kept or harbored at any time within the corporate limits of the Town of Corn, Oklahoma herein specified. Owners of animals shall pay all fees as established by the Board of Trustees.

2. No swine shall be kept within the corporate limits of the Town of Corn, Oklahoma.

3. Every structure wherein any authorized animal is kept within the corporate limits of the Town of Corn, Oklahoma, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and flytight receptacle for manure or such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on the premises except in such receptacle.

4. In locations where animals are confined by fence, said fence shall be of sufficient construction to ensure that the animal(s) shall not escape. Where horses, sheep or cattle are kept in fenced in property, the property shall provide a minimum of 1,500 square feet per each animal; provided, however, that the number of animals so kept shall not exceed a total of three (3).

Reference: 4 O.S. § 154.

5. The keeping or raising of bees within the corporate limits of the Town of Corn, Oklahoma, shall be permitted only on Large-Lots (over 2 acres).

6. The keeping or raising of chickens (or similar fowl), shall be permitted throughout the Town of Corn, Oklahoma, as long as the premises are in accordance with the provisions of subsections 3 and 4 (above) and State and County Health Department requirements and standards.

7. The raising of parakeets and/or other small birds or similar fowl shall be permitted within the Town of Corn, Oklahoma, without license or permit requirements, subject to the following provisions:

- a. All activities associated with the raising of such fowl shall be completely enclosed and out of the public view;
- b. Premises used for the raising of such fowl shall be maintained in accordance with subsections 3 and 4 (above).

8. The raising or keeping of dangerous birds shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter.

9. The raising or keeping of rodents, for any purpose, shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter.

10. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of subsections 3 and 4 (above).

11. The keeping or raising of any wild animals shall be prohibited within the Town of Corn, Oklahoma, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of Article 2 of this Chapter are met and a permit obtained.

12. The keeping of pets or other animals not specifically mentioned or regulated within this Chapter, shall be subject only to

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such generally applicable provisions requiring the maintenance of sanitary conditions and the avoidance of a nuisance.

13. No venomous snakes may be kept within the corporate limits of the Town of Corn, Oklahoma, except under the conditions and provisions of the license required for such snakes in section 3-26 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said Town, without having met permit requirements and obtained a permit.

Section 3-6. Responsibilities of Owners.

In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
2. Owners shall provide proper care and treatment of their animals.
3. Owners shall not abandon their animals.

Reference: 21 O.S. § 1691.

Section 3-7. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to overdrive, overload, 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 or shelter; or who shall cause, procure or permit same; or who shall 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.

Reference: 21 O.S. § 1685.

2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Reference: 21 O.S. § 1682, 1683.

Section 3-8. Turning Confined Animals at Large Unlawful.

It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by Ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large.

Section 3-9. Pasturing in Public Areas Unlawful.

It shall be unlawful for any person to stake, confine or pasture any animal on any public property (Federal, State, municipal or other), or on any railroad right-of-way, without the consent of the proper authorities.

Section 3-10. Rabies Control; Vaccination Requirements.

1. Any warm blooded animal, capable of transmitting the rabies virus, maintained or harbored at any time in the Town of Corn, Oklahoma, shall be vaccinated against rabies with an approved vaccine, either live or inactivated (killed virus).
 - a. Live virus vaccine can only be sold to and administered by a licensed veterinarian. Veterinarians shall be required to keep a record of the type and/or brand of the rabies vaccine administered to each animal for a period of three years.
 - b. Inactivated (killed virus) vaccine may be administered by persons who are not licensed veterinarians. The individual who administers the vaccine must keep a record for three years which includes: name and

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address of the owner of the animal, date of vaccination, brand name of vaccine used, lot serial number of vaccine used, person or firm from whom purchased, their address and date of purchase; expiration date of vaccine used; and the name, address, and telephone number (if any) of the individual administering the vaccine.

Reference: 1983 Rabies Prevention Guidelines, OSDH.

- c. A certification of rabies inoculation must accompany all applications for permits for keeping of animals; certification shall be made by veterinarian or by observation by police officer or Animal Control Officer. (Ref.: 92-1)

2. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement. Quarantined animals shall be under the supervision of a licensed veterinarian for a period of ten (10) days.

Reference: 63 O.S. § 1-508; 1983 Rabies Prevention Guidelines, OSDH.

3. When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian or other designated person, shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper health officer of any reports of human contact.

4. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the Town Board of Trustees a town-wide quarantine, upon the invoking of such quarantine by the Town Board of Trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the Town of Corn, Oklahoma, without written permission of the Animal Control Officer.

5. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be destroyed forthwith; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, shall be held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

6. No person shall remove from the Town of Corn, Oklahoma, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

7. It shall be the duty of every person owning or harboring any dog or cat which is six (6) months old or older within the corporate limits of the Town of Corn, Oklahoma, to obtain a rabies vaccination certificate from a graduate licensed veterinarian, or agent authorized by the Town Board, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

8. Failure to abide by the municipal vaccination requirements within fifteen (15) days of establishing residency within the Town of Corn, Oklahoma, shall be unlawful.

Section 3-11. Confining Female Dogs and Cats.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such animal cannot come into contact with another animal, except for planned breeding.

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Section 3-12. Certain Dogs Running Loose to be Killed.

The Animal Control Officer, his designated representatives or any law enforcement officer of the Town of Corn, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the Town of Corn, Oklahoma, which is determined by the Animal Control Officer or law enforcement officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash, without keeping said dog in the Municipal Pound for any period of time.

Reference: 11 O.S. § 22-115.

Section 3-13. Pet Shops and Kennels. Private Boarding Kennels.

1. It shall be unlawful for any person or persons to maintain a pet shop or kennel within the corporate limits of the Town of Corn.

Section 3-14. Inspections to Enforce Chapter.

1. The local or county health officer, or any member of the Town Board of Trustees, upon complaint of any person or on his own initiative, shall inspect, or cause to be inspected, any structure or place wherein an animal is kept.

2. The local or county health officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

3. The local or county health officer may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

Section 3-15. Zoning Ordinance to Prevail.

In case of conflict between this Chapter and any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this Chapter.

Section 3-16. Vicious Dogs and Animals.

1. It shall be unlawful and an offense for any owner as herein defined, within the corporate limits of the Town of Corn, to harbor, keep or have possession of any vicious dog or animal as herein defined.

2. It shall be the duty of the Animal Control Officer, Chief of Police or person authorized by them, to seize and impound any dog or animal by him found to be vicious, and in such an event to cause proceedings to be instituted in the Municipal Court against the owner of said dog or animal for violation of this section. If such seized and impounded dog or animal shall have bitten a human being one or more times before such seizure or impounding, then and in that event, the procedure set out in Section 3-10 herein shall apply, provided that said procedure shall be subject to the ultimate decision of the Municipal Court. In any event, if the Court shall fail to find that the dog or animal so seized and impounded is a vicious dog or animal, then the Court shall order, and it shall be the duty of the Chief of Police to cause the surrender and return of said dog or animal to the owner thereof, but in the event that such dog or animal is found by the Court to be a vicious dog or animal, the Court shall order the Chief of Police or person designated by him to destroy said vicious dog immediately.

Sections 3-17 through 3-24. (Reserved for future use.)

Article 2. License and Permit Requirements

Sections 3-25 through 34. (Reserved for future use.)

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Article 3. Municipal Pound

Section 3-35 through 3-44. (Reserved for future use.)

Article 4. Penalty

Section 3-45. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, or who violates or neglects to carry out any reasonable order made by any County Health Officer, Sheriff or any member of the Town Board of Trustees or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-20 of this Code. Each day upon which a violation continues shall be deemed a separate offense. In addition to any fine or imprisonment, licenses issued under this chapter may be revoked.

