

## ANIMAL REGULATIONS

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#### ANIMAL REGULATIONS

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#### SECTION 4-101 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 a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, pig, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;
  - a. Fowls, as referred to above, are to be understood as being chickens, guineas, geese, ducks, and pigeons.
  - b. Small animals are to be considered as being rabbits, hares, guinea pigs, chinchillas, turkeys, fowls, hamster, pigeons (except homing pigeons), and any other animal of similar size and stature.
  - c. Large animals are all other animals.
2. "At large means not securely confined by a fence on other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the otherwise, whether on the owner's premises or not;

3. "Owner" means any person, firm or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and

4. "Vicious dog" means a dog which has bitten or attempted to bite any person without undue provocation, or which attacks, or barks, or growls at and acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked.

5. "Temporary" means one week unless extended by the Board of Trustees of four (4) weeks per year. (Added 2/19/98)

6. "Service dog" means a dog used to guide the blind or visually impaired and identified by its distinctive harness. A dog used by the hearing impaired and physically impaired which may be identified by its backpack with its mission printed on the pack. (Added 2/19/98)

7. "Kennel" means any place other than a federal, state or municipal facility, veterinary hospital or medical research institute, where more than four dogs and/or more than four cats beyond the age of six months are kept, harbored, boarded, sheltered or bred.

8. "Animal shelter" means any nonprofit, private or publicly-owned and/or operated facility where stray or unwanted animals are held.

State Law Reference: Town authority to regulate animals, 11 O.S. Section 22-115.

SECTION 4-102 KEEPING IN ANNOYING MANNER

The keeping of, or permitting the keeping of, any livestock, animals within the corporate limits of the town in such a manner that it annoys or bothers or persons, by barking, howling, or otherwise, or disturbs the peace and quiet of is unlawful. (Amended 1988, 1994)

SECTION 4-103 ANIMAL A NUISANCE.

A. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the limits of the Town of Porter. Any animal which scratches or digs into any flower bed, garden, tilled soil or shrubbery and in doing so injures the same, or which habitually prowls around and over any premises not the property of its owner, to the annoyance of the owners or occupants of such premises, or which over turns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases or kills any fowl or animal owned by another is also declared a nuisance. A female dog or cat in season and at large is a nuisance. (Amended 1998)

B. Nuisance dog is further defined to mean any dog that:

1. Engages in any behavior that requires a defensive action by any person to prevent

bodily injury; or

2. When unprovoked chases or approaches a person, including a person on bicycle, in an apparent attitude of attack: or

3. Is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or

4. Is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person; or \*

5. Engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.

6. "Potentially dangerous dog" means any that: When unprovoked inflicts bites on a human either on public or private property, or when unprovoked kills or severely injures a domestic animal either on public or private property.

7. "Dangerous dog" means any dog that: Has inflicted severe injury on a human being without provocation on public or private property, has been previously found to be potentially dangerous, the owner has received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or has been previously found to be potentially dangerous, the owner having received notices of such by the animal control authority in writing and the dog thereafter kills or severely injures a domestic animal.

C. It is unlawful to own or harbor an animal which is determined to be a nuisance.  
( Amended 1998)

D. It is unlawful to keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor or unsanitary conditions becomes offensive to a reasonable and prudent person of ordinary sensibilities, or which constitutes a health hazard as determined by the animal control officer.

A police officer, law enforcement officer, deputy or animal control officer of the town, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a "nuisance", "potentially dangerous" or "dangerous" dog by filing a complaint with the municipal court clerk. Upon the issuance of summons and notice to the owner, and upon conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and if finding the dog is a "nuisance," "dangerous" or "potentially dangerous", may order any or all of the following:

a. The payment of court costs and fines in the maximum allowed by law;

b. The installation of fencing, restraints or enclosures in such a manner to provide the degree of protection warranted by the danger presented;

c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;

d. The removal of the dog from the city limits.

e. The confiscation and/or destruction of the dog.

Any alleged violation of this ordinance is subject to the general penalty provisions of the ordinances of the Town of Porter, as well as the specific penalty provision set forth herein. Each separate day of violation shall constitute a separate offense.

#### SECTION 4-104 ANIMALS NOT TO BE AT LARGE

A. No owner shall permit any animal (including a dog, cat, or livestock) owned, harbored or kept by them to be at large within the Town of Porter. It is unlawful for any animal to be at large at any time with the Town of Porter. Any authorized employee of the Town shall take into custody any animal running at large in violation of the provisions of this section. (Amended 1988, 1994, 1998)

B. It is unlawful for any person to open any enclosure in which an animal is confined as required by ordinance so as to turn the animal at large (Amended 1998)

C. It is unlawful for the owner to fail to keep any female dog or cat which is in season confined and under constraint. (Amended 1998)

D. It is unlawful to keep livestock within the limits of the Town of Porter, except upon a permit granted after approval of the Town of Board of Trustees.

#### SECTION 4-105 IMPOUNDMENT AND SALE OF ANIMALS RUNNING AT LARGE

A. It is the duty of the Chief of Police or any of the Police officers or animal control officer of the Town of Porter to take into their possession any animal that may be in violation of this chapter running at large upon the streets, curbing, alleys, public places or trespassing upon the land of any person within the corporate limits of the Town, and impound such animal. An animal impounded by virtue of this chapter shall be released to the owner of person entitled to the possession thereof upon payment of the cost of feeding such animal a sum as set by the Town Board of Trustees.

B. If the owner or person entitled to the possession of any animal impounded under this chapter does not procure the release of such animal within forty-eight (48) hours after impoundment, the Chief of Police shall post a description of the animal in the Town Clerk's office, which shall give the color, sex and description of the animal impounded and shall state that the animal will be sold, or otherwise disposed of, unless it is released from impoundment on a date not less than five (5) days from the date the notice or description is posted in the Clerk's office. Any days that the shelter is closed to the public shall not be included in the five (5) day period.

C. If the owner or person entitled to the possession of any animal impounded under this section is known to any Police officer or animal control officer. He shall notify known owner in writing on the first offense, no other warning will be issued, that the animal will be destroyed or disposed of unless the owner or other person releases such animal from impoundment. If owner fails to secure release of said animal, the animal shall be presented for adoption and the adoptee shall thereafter have complete ownership of such animal.

D. Proceeds of the sale of animals sold under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the office of the Town Clerk and placed to the credit of the general fund.

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E. Any authorized officer may enter on the premises of the owner or other private premises to take an animal into custody which is in violation of this chapter. (Amended 1998, 2006)

F. Any authorized officer or employee of the Town may enter on the premises of the owner or other private premises to take an animal into custody which is in violation of this chapter. (Amended 1988, 1994, 1998)

SECTION 4-106 REGISTRATION AND TAGGING OF DOGS

A. The Board of Trustees of the Town of Porter requires that every person owning, keeping or harboring within the Town any dog six (6) months of age or older to cause such dog to be registered with the Town Clerk, by giving the Clerk a description of the dog, including its name, breed and sex, and the owner's and/or keeper's name and address within thirty (30) days after such dog reaches the age of six (6) months or after the dog is brought into the town, and or before the first of May of each year thereafter. The Town Clerk shall receipt and furnish the applicant a duplicate thereof which duplicate receipt shall contain a description of the dog. The Clerk shall also issue an appropriate tag to the applicant. The tag shall constitute a license for the dog.

B. The owner and/or keeper shall cause the tag received from the Town Clerk to be affixed to the collar of the dog, so that the tag can easily be seen by officers of the Town. The owner and/or keeper shall see that the tag is worn by the dog at all times.

C. In case the tag is lost the owner and/or keeper may secure another tag by applying to the Town Clerk and showing the Clerk the original receipt.

D. The registration and tagging as provided for in this chapter shall not apply to a dog temporarily brought and kept with the town, nor to a dog brought within the Town to participate in a dog show or organized coon hunt, nor to a service dog, when such dog is actually being used to aid the impaired in going from place to place. (This section amended 1988, 1994 and 1998)

SECTION 4-107 THIS SECTION REPEALED IN 1998

SECTION 4-108 THIS SECTION REPEALED IN 1998

#### SECTION 4-109 RABIES VACCINATION

It is the duty of the owner, keeper, or harbinger of every dog or cat in the Town, once each calendar year before the first day of May thereof and, in the case of a pup or kitten, before it is (6) months old, to cause such dog or cat to be vaccinated against rabies by a licensed veterinarian, secure a certificate of vaccination. No tag shall be issued for the keeping of any dog or cat until a certificate of such vaccination for the current year is exhibited to the Town Clerk. Provided that, the owner, of a dog or cat may have the dog or cat vaccinated against rabies by a veterinarian on a tri-annual basis, so long as the veterinarian certifies that the vaccination was performed with a three-year vaccine and the owner maintains the vaccination in current statuses. If a dog or cat is impounded by the Chief of Police, Police officer, or animal control officer of the town, and the impounded animal does not have a current rabies vaccination, the person owning, keeping or harboring the animal will be charged for the cost of the rabies vaccination and will be given a receipt to be taken to the veterinarian contracted by the Town to have the rabies vaccination administered. The owner, keeper, or harbinger will have forty-eight (48) hours after release from impounded to have said animal vaccinated for rabies by a licensed veterinarian and proof of the vaccination brought to the Town Clerk to be recorder or the animal shall be impounded until such proof is acquired. (Amended 1988, 1994, 2006)

#### SECTION 4-110 CRUELTY TO ANIMALS

A. It is unlawful for any person willfully and maliciously to pour on, or apply to, any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to them or in their custody on a cruel or inhumane manner. (Admended 1988, 1994, 1998)

1. It is unlawful for any person to deposit within the limits of the Town of Porter any animal or animals with the intention of abandoning same.
2. It is unlawful to carry out inhumane treatment against any animal. Inhumane treatment is hereby defined to include, but is not limited to the following:
  - a. Any physical punishment inconsistent with the health of such animal.
  - b. Lack of food or water for more than a twenty-four hour period.
  - c. Knowing permitting obvious nutritional deficiencies or other evident health problems involving an animal.
  - d. Improper use of any collar or harness or fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or to cause choking to such animal.
  - e. Depriving an animal of adequate shelter.
  - f. Inhumane killing or attempting to kill any animal; and
  - g. Leaving an animal in a locked vehicle without adequate ventilation.

B. Upon conviction of a violation of this section for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal not to release such animal in inhumane conditions to an animal control officer or Chief of Police for disposition. (Amended 1988)

SECTION 4-111 POISONING ANIMAL

It is unlawful for a person willfully to poison any dog or other animal. It is unlawful knowingly to expose poison so that the same may be taken by such an animal. (Amended 1988, 1994)

SECTION 4-112 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals or fowl, or between animals and humans; or to encourage one animal or fowl to attack, pursue, or any another animal or fowl, except a noxious no domesticated animal, or to keep a house, pit, or other place used for fights between animals or fowl. Amended 1988, 1994, 1998)

SECTION 4-113 DOGS MUZZLED AND CATS CONFINED.

A. When the health officer determines and certifies that a dog, a cat, or other animals in the town is or was infected with rabies and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution. (Amended 1988, 1994)

SECTION 4-114 VICIOUS ANIMAL MAY BE KILLED.

Any person may kill an animal in self-defense or in the defense of another when said animal without undue provocation threatens harm to them or another or attempts to attach said person or another than an ordinarily prudent person would be led to believe that harm is imminent. (Amended 1988, 1994, 2006)

SECTION 4-115 ANIMAL THAT BITES TO BE REPORTED AND CONFINED.

Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the Town shall immediately report such incident to the Chief of Police of the Town. Such animal shall immediately be confined at the veterinary clinic chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine. The cost of confinement, as well as any reasonable and necessary medical or veterinarian expenses incurred by the Town of Porter shall be borne by the owner or keeper of the animal, if they are known. (Amended 1988, 1994, 1998)



SECTION 4-116     RABID ANIMALS

Any animal suspected of being rabid or of having been bitten by a rabid animal will be confined by order of the health officer or Police Chief to determine whether the animal is rabid. If the person has been bitten or if there is good reason to believe that person has been otherwise infected by such animal, the health officer or Police Chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. All expenses incurred in confining the animal, as provided in this section, as well as any reasonable medical or veterinarian expenses incurred by the Town of Porter, as well as the person who was bitten or infected, will be borne by the owner or keeper of the animal, if they are known.

(Amended 1988,1994,1998)

SECTION 4-117     KENNELS

A.     Generally.

1.     *Exemptions.* All federal, state and municipal facilities shall be exempt from the provisions of this Section 4-117.
2.     *Inspections.* Kennels and animal shelters are subject to inspection at any time by animal control, code inspectors, building inspectors, police, or State or County Health Department officials.

B.     Animal Shelters and Kennel Licenses

1.     *License required.* It shall be unlawful for any person to operate an animal shelter or a kennel without first procuring a license for such operation from the Town. It shall be a condition of the issuance of any license that animal control, code inspectors, building inspectors, police, and State or County Health Department officials shall be permitted to inspect all animals and the premises where animals are kept at any time; and, if permission for such inspection is refused, it shall be the basis for denial of a license to the refusing owner. If the applicant has withheld or falsified any information on the application, a license shall not be issued. No person who has been convicted of cruelty to animals shall be issued a license to operate a kennel or animal shelter.
2.     *Exemptions.* All veterinary hospitals and nonprofit benevolent organizations dedicated to the care and protection of animals for humanitarian purposes shall be exempt from the payment of the animal shelter or kennel license fees unless the particular veterinary hospital or nonprofit benevolent organization maintains stud animal or maintains five or more animals for breeding purposes.

3. *Fee.* A person required to procure a license under this Section shall pay a license fee to the City. A fee is hereby levied for the licensing of animal shelters and kennels in the amounts of \$25.

4. *Revocation of License.* A license may be revoked if the person holding the license refuses or fails to comply with this Section or any law governing the protection and keeping of animals. Any person whose license is revoked shall, within 10 days thereafter, humanely dispose of all animals owned, kept or harbored by such person; and no part of the license fee shall be refunded.

5. *Penalties.* In addition to any other penalties prescribed by ordinance, the City may revoke or suspend an animal shelter or kennel license for any violation of these regulations pursuant to the provisions of Section 4-117.

C. Animal Shelter and Kennel Requirements

1. Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served or stored and from any living and/or sleeping areas of animal shelter or kennel personnel.

2. Physical facilities of animal shelters and kennels.

a. *Interior building surfaces.* Interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

b. *Electric power.* Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of Chapter 18 of this Code.

c. *Water.* Adequate potable water shall be provided. Back flow preventers shall be installed on any threaded faucets.

d. *Heating.* Indoor housing for domestic animals shall be sufficiently heated when necessary to protect pet animals from cold, and to provide for their health and comfort. The ambient temperature shall be made consistent with the requirements of the particular species.

e. *Ventilation.* Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

f. *Lighting.* Adequate lighting must be provided a minimum of eight hours per day. Such lighting shall provide a minimum of 25-foot candles of illumination for 30 inches above

floor level and must be uniformly distributed. Enclosures must be positioned to protect animals from excessive illumination.

- g. *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from animal housing facilities. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, waste water shall be disposed of by connection to a sanitary sewer or any approved sewage disposal system.

### 3. Primary Enclosure Standards

- a. *Generally.* All enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them and to prevent vermin from entering. They shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to clean food and water.
- b. *Flooring.* The floors of the enclosures shall be constructed to prevent injury to animals' feet and legs. Enclosures for dogs and cats may have wire flooring provided, however, that (1) the wire is of adequate gauge to prevent sagging under the weight of the animals and (2) the wire mesh is small enough to prevent their feet from falling through the mesh.
- c. *Space requirements.* Enclosures must be constructed to provide sufficient space to allow each animal to exercise normal postural movements.
- d. *Additional requirement for cats.* A receptacle containing sufficient clean litter shall be provided to contain organic wastes.
- e. *Exercise areas.* One run must be provided for every 18 primary enclosures. The run must be of sufficient size to allow an animal to break into a run. At least two exercise periods per day of 20 minutes each shall be provided.

### 4. Sanitation

- a. *Cleaning of animal enclosures.* Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. Cages shall be cleaned as often as may be necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer.

Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

- b. *Equipment cleaning.* Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical

sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

- c. *Waste disposal.* Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of in a manner that ensures that vermin infestation, odors, disease hazards and nuisances are minimized.
- d. *Property generally.* The kennel property shall be kept clean, in good repair, and free of trash.
- e. *Pest control.* An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be maintained.
- f. *Storage of food and supplies.* Supplies of food and bedding shall be:
  - i. stored either off the floor or in waterproof closed containers; and
  - ii. adequately protected against infestation or contamination by vermin.
- g. *Dead animals.* Animals that die at the facility shall be stored and disposed of in a manner that will not cause a disease hazard or nuisance.

## 5. Food and Water

- a. All animals shall be fed at least once a day and shall be provided potable water at all times except when under special veterinary care. The food and water shall be free from contamination, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Refrigeration shall be provided for perishable food.
- b. Food and water containers shall be accessible to the animal and located to minimize contamination by excreta. These containers shall be cleaned daily. Self-feeders and self-waterers may be used if cleaned daily.

## 6. Classification and Separation of Animals

- a. Animals housed in the same enclosure shall be maintained in compatible groups, with the following additional restrictions:
  - i. *Females.* Females in heat shall not be housed in the same primary enclosure with males, except for breeding purposes.

- ii. *Aggressive animals.* Any aggressive animal shall be housed individually in an enclosure.
- iii. *Puppies or kittens.* Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.
- iv. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
- v. Boarded animals shall not be housed in the same primary enclosure with those from another household unless the owners have been informed of and consented to that arrangement.

## 7. Disposal of Animals

Animals shall be euthanized and disposed of in accordance with State law.

### D. Disease Control in Animal Shelters and Kennels

1. Dogs and cats kept in animal shelters or kennels shall be vaccinated against rabies in accordance with the provisions of Section 4-109 of this Chapter.

#### 2. Diseased Animals

a. Animals under quarantine or treatment for a communicable disease shall be physically separated from other susceptible animals to minimize dissemination of disease. Such quarantine area should have a separate ventilation system.

b. *Observation and separation.* Animals shall be observed daily for signs of disease. An animal suspected of having an infectious disease shall be physically separated from other animals until the condition is determined to be noninfectious.

c. *Humane care.* Sick or injured animals shall be provided with access to veterinary care.

d. *Quarantine.* In breeding kennels, the Health Department may require laboratory testing of a suitable number of animals or specimens to determine if such animals are disease free. The costs of the laboratory tests shall be the responsibility of the licensee. Quarantine will be lifted only through written release by the Health Department when it is determined a health risk no longer exists.

E. Location of Animal Shelter and Kennels

1. Kennels and animal shelters must:

- a. be properly zoned as Agricultural, General Commercial, Light Industrial or Moderate Industrial;
- b. be conducted no nearer than forty (40) feet to the boundary of an adjoining property regardless of the zoning classification; c. be located on a property no smaller than five (5) acres;
- d. comply with required fence screening;
- e. have their principal entrances and exit on an arterial street; and
- f. be constructed and operated so that sounds therefrom are not audible in any adjoining residential, office or commercial district.

2. Accessory uses may include confinement facilities for animals, parking, and storage areas.

3. No burning of refuse or dead animals shall be permitted and all drainage shall be away from adjoining properties.

F. Additional Requirements for Commercial Breeders

1. For the purposes of this section, the term "commercial pet breeder" shall have the same meaning as given in Section 30.2 of Title 4 of the Oklahoma Statutes.

2. In addition to the above requirements applicable to kennels and animal shelters, commercial pet breeders shall comply with 4 Okl. St. Chapters IA and 2.

3. As required by 11 Okl. St. \*22-115.1, no commercial pet breeder shall be located within two thousand five hundred (2,500) feet of a public or private school or licensed day care facility.

SECTION 4-118 BUILDINGS, STRUCTURE AND LOCATION

A. Every stable or building wherein any animal is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every stable or building, if located within two hundred (200) feet of any tenement or 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 water-tight and fly-tight receptacle for manure, such size as to hold all accumulations 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 such premises except in such receptacle.

C. No person shall build, erect or construct any stable, barn chicken coop, dovecote, rabbit warren, cow shed, veterinary hospital, yard or other enclosure or covering for the housing or keeping of domestic animals, or for the purpose of treating diseased domestic animals closer than forty (40) feet to any tenement or 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.

D. It is unlawful for any person to keep, own, maintain, use or have under his control or in his possession any rabbits, large animal or fowl within forty (40) feet, to be measured in the most direct line of any dwelling or any place of business. Any cow, horse or goat stable must be located at the rear of the lot.

E. Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors

F. Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits

G. The health officer or police chief, upon complaint of any person, may inspect any structure or place where an animal is kept, and may do so on his own initiative. He 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. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order; but this shall not abridge the right of others to make such complaint. (Amended

1988, 1994)

SECTION 4-119 REPEALED 2006

SECTION 4-120 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS APPLICATION.

A. For the purpose of this section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which normally can be found in the wild state, with or without mean or vicious propensities.

B. It is unlawful to keep or harbor any wild, exotic or dangerous animal in the Town of Porter as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in Subsection E of this section.

C. It is unlawful to keep or harbor any poisonous snake, reptile or spider in the Town of Porter as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in Subsection E of this section.

D. It is unlawful to release or cause to be released any wild, exotic or dangerous animal or poisonous snake, reptile or spider into the limits of the Town of Porter.

E. This section does not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos and educational institutions. The term "temporary periods of time" as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year. Extensions of time may only be granted by the Board of Trustees in one week increments, not to exceed a total of four weeks per year. (This section amended 1998)

SECTION 4-121 PENALTY

Any person, firm or corporation who violates any provision of this chapter, or who violates, refuses or neglects to carry out any reasonable order made by the health officer or Town Police Chief pursuant to this chapter shall upon conviction thereof be punished as provided in Section 1-108 of this code.

The following fees are to be administratively charges to and collected from owners of dogs impounded for running at large:

|        |            |  |
|--------|------------|--|
| First  | Occurrence | Warning  |
| Second | Occurrence | \$40.00 plus \$10.00 per day                           |
| Third  | Occurrence | \$80.00 plus \$10.00 per day                           |
| Fourth | Occurrence | \$160.00 plus \$10.00 per day/court appearance require |

The assessments set forth in the foregoing provision are cumulative with and not in alternative to other provisions of law applicable to violation of municipal ordinances, specifically, but not limited to, Section 1-108 of the Code of Ordinances of the Town of Porter, Oklahoma.



ANIMALS

CHAPTER 2

KEEPING OF CERTAIN ANIMALS WITHIN CITY LIMITS

- Section 4-201      Certain animals defined.  
Section 4-202      Space requirements.

SECTION 4-201 CERTAIN ANIMALS DEFINED

A. It is unlawful for any person to keep swine, cattle, horse, mule, goat, sheep, livestock, or exotic animals, to include Vietnamese Pot Bellied Pigs, within the city, except in the following circumstances:

1. No more than three (3) dogs and three (3) cats may be kept in any household within the Town of Porter, Oklahoma.

2. Large animals can be kept within the city limits if certain space requirements are met. These requirements are as follows:

SECTION 4-203 SPACE REQUIREMENTS.

A. A minimum of 38,000 contiguous square feet for each animal, excluding the area designated house and yard.

B. The area designated yard must be fenced to separate it from the area for keeping animals.

C. The perimeter of the animal lot will be fenced 15 feet from the property line if the property abuts an adjoining property. If the property adjoins the street, the normal set back will be observed. If the property abuts the alley, the fence at the alley will be considered adequate with no set back required.

D. The barn or structure for the storage of feed will be considered as part the area for the animal only if that structure is inside the fenced area for the animal.

E. Animal odors will be considered grounds for the council to require owner of said animal to take necessary action to remove odor or remove animal.

The keeping or maintaining, or permitting to be kept or maintained, any of the animals listed in Subsection A hereof within the city in violation of this section is hereby declared to be a public nuisance. (This section added in 2002)