

Chapter 4

ANIMALS¹

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ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words and phrases, when used in this chapter, have the meanings prescribed in this section, except where the context clearly indicates a different meaning:

Animal. Any animal organism, other than a human being, including, but not limited to any, horse, mule, donkey, pony, cow, sheep, goat, swine, dog, cat, rabbit, chicken, goose, duck, turkey, ass, calf, steer, or bull, or other animal or fowl.

At large. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner of the animal, and not under the control of the owner, a member of his immediate family twelve (12) years of age or older or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.

Owner. Any person owning, harboring or keeping an animal, including 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.

Tether. The act of restraining an animal by chain, rope, or other device attached by one end to such animal by collar, or otherwise, and attached at the other end to a stake, post, trolley system or other object or device for the purpose of restraining, securing or confining such animal.

(Ord. No. 924, § 1, 3-11-08)

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

(Code 1977, § 3-1; Ord. No. 839, § 1, 5-17-94; Ord. No. 857, § 1, 11-4-97)

Sec. 4-2. Violations generally.

No person shall violate any provision of this chapter, or any reasonable order made by the health officer or chief of police pursuant hereto.

(Code 1977, § 3-31)

Sec. 4-3. Inspections; orders; complaints.

The health officer or police chief, upon complaint of any person, shall 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 deems necessary to the owner or keeper of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He or any other person may make a complaint before the municipal judge against a person for violation of any provision of this chapter or of any such reasonable order.

(Code 1977, § 3-6)

¹Cross references—Buildings and building regulations, Ch. 5; health and sanitation, Ch. 8; licenses and business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; nuisances, Ch. 12; parks and recreation, Ch. 14; streets, sidewalks and other public places, Ch. 16; taxation, Ch. 17; solid waste, §§ 18-166 *et seq.*

State law references—Animals, 40.S.; animals running at large in municipalities, etc., 11 O.S. § 22-115; injuries to animals, 21 O.S. §§ 1681 *et seq.*; rabies control, 63 O.S. § 1-508; nuisances in municipalities, 11 O.S. § 22-121; nuisances generally, 50 O.S.

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Sec. 4-4. Animals not to run at large.

(a) It shall be unlawful for any person to permit any animal, as defined in Section 4-1 of this Article, owned by, or under the control of, such person to run at large; to be picketed, staked or herded; or to be driven in or on the streets, alleys and public grounds within the corporate limits of the city.

(Code 1977, § 3-11; Ord. No. 839, § 2, 5-17-94; Ord. No. 924, § 2, 3-11-08)

(b) The provisions of Article III of this Chapter shall govern the manner in which animals are confined or restrained for the purposes of complying with this Section.

(Ord. No. 924, § 3-11-08)

Sec. 4-4.1 Certain Animals Declared a Nuisance

(a) The following animals are hereby declared to be a public nuisance:

- (1) Any animal, which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits;
- (2) Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery, and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same;
- (3) Any animal which is destroying or has habitually destroyed public property or the property of someone other than its owner;
- (4) Any animal which chases, injures or kills any person or chases, injures or kills any animal owned by another;
- (5) Vicious, rabid, or other dangerous animals.

(b) Animals which constitute a public nuisance pursuant to this Section are subject to being taken up and disposed of pursuant to the provisions of this Chapter or, if necessary in the judgment of the animal control officer or other designated city official, killed on site, or immediately upon capture.

(Ord. No. 839, § 3, 5-17-94)

Sec. 4-5. City pound; impoundment.

(a) The animal control officer or some other person designated by the city manager shall be keeper of the pound, pen, building or enclosure used and occupied for the impounding of animals; and all policemen of the city and such other persons as the city manager may appoint may take up all animals found running at large within the city contrary to the preceding section and to confine them in such pound, pen, building or other place as may be designated. The animal control officer shall provide, at the cost of the city, suitable and necessary sustenance for all animals taken up, and the cost of providing such sustenance, together with all other costs and charges growing out of the taking up, care and keeping of such animals, shall be paid to the city before the animals are released.

(b) Any animal so taken up and impounded may be sold at public auction by the chief of police at any time after the expiration of ten (10) days from the time of impounding the same. The chief or, in case of his absence or sickness, an assistant or acting chief, shall personally attend to the selling of all animals and shall give at least ten (10) days' notice of the time and place of the sale, by causing notice thereof to be posted in at least four (4) public places, which places are the courthouse, post office, city pound and police headquarters; and the notice shall be substantially in the following form:

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"POUND NOTICE"

Taken up and impounded in the City of Pauls Valley, Oklahoma, on the _____ day of _____, _____, the following described animals found running at large, contrary to the ordinances of the city, to wit: _____ . Said animals, unless redeemed, shall be sold at public auction for cash to the highest bidder at the pound, at the hour of _____ o'clock __.m. on the _____ day of _____, _____.

(Signed) _____
Chief of Police

The proceeds arising from such sales shall be paid into the city treasury.

(Code 1977, §§ 3-12-3-14)

Cross references—Administration, Ch. 2; finance, §§ 2-76 *et seq.*

(c) Any animal so taken up and impounded may be destroyed at any time after the expiration of five (5) days from the date of the posting of a pound notice as provided for herein. Said pound notice shall be posted in at least four (4) public places, which places are the courthouse, post office, city pound and police headquarters; said notice shall be substantially in the following form:

Taken up and impounded in the City of Pauls Valley, Oklahoma, on the _____ day of _____, 19____, the following described animal(s) found running at large, contrary to the ordinances of the city: _____ . Said animal(s), unless redeemed, shall be destroyed on or after the _____ day of _____, 19____.

Chief of Police or
Designated Animal Control Officer

(d) Any animal so taken up and impounded may be placed for adoption at any time after the expiration of (5) days from the date of posting of a pound notice as provided for herein. Said pound notice shall be posted in at least for (4) public places, which places are the courthouse, post office, city pound and police headquarters; said notice shall be substantially in the following form:

Taken up and impounded in the City of Pauls Valley, Oklahoma, on the _____ day of _____, 19____, the following described animal(s) found running at large, contrary to the ordinances of the city: _____ . Said animal(s), unless redeemed, shall be destroyed on or after the _____ day of _____, 19____.

Chief of Police or
Designated Animal Control Officer

A person wishing to adopt an animal pursuant to this subsection shall be responsible for the payment of the costs of care of the animal while impounded prior to receiving the animal. In addition, unless waived by the city manager for good cause, within ten (10) days of adoption of an animal, the person adopting such animal must provide the animal control officer or other designated city official with proof, from a licensed veterinarian, that said animal has been vaccinated for rabies and has been either spayed or neutered. In the event said proof is not provided within said time, the animal so adopted may be retaken by the animal control officer and/or a fine imposed on the adoptive party in an amount not to exceed \$25.00.

(e) The pound notices provided for in this Section may be combined into one notice which states that the animal described on such notice will be sold at public auction on the specified date and time or placed for adoption or destroyed on or after such date.

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(f) In the event an animal is impounded pursuant to this Chapter which bears identification of the owner of said animal (*e. g.*, identification tag, veterinary tag, city registration tag, etc.), said owner shall be personally contacted by the animal control officer or other city official, or all reasonable efforts shall be made to personally contact such owner prior to the sale, destruction, or other disposition of such animal.

(Ord. No. 839, § 4, 5-17-94)

Sec. 4-5.1 Redemption of Impounded Animals

Any owner, or person having control of and/or responsibility for an animal which has been impounded pursuant to this Chapter may redeem the impounded animal from the pound by paying to the city clerk a twenty-five dollar (\$25.00) fine for the first impoundment, a fifty dollar (\$50.00) fine for the second impoundment, a seventy-five dollar (\$75.00) fine for the third impoundment, and a one hundred dollar (\$100.00) fine for the fourth and each subsequent impoundment. Said fine shall be in addition to any costs for care of the animal assessed pursuant to Section 4-5(a) of this Chapter. Upon payment of all fines and costs, the city clerk shall provide a pound release order to be presented to the animal control officer in exchange for the impounded animal.

(Ord. No. 839, § 5, 5-17-94)

Sec. 4-6. Prohibited animals; exceptions.

(a) No person shall keep or maintain, or permit to be kept or maintained, within the city, any bulls, stallions, male goats, rams, jacks, swine or other animal that may be dangerous to human life. A violation of this subsection is declared to be a public nuisance.

(b) It shall be lawful to bring any animal prohibited in subsection (a) into the corporate limits of the city for the purpose of selling it at public or private sale, for not more than eight (8) hours, and only then after having obtained a permit from the city clerk.

(c) The city manager shall investigate the proposed location where said animal is to be kept for sale, and approve said proposed location, before the clerk shall issue a permit.

(d) An animal prohibited in subsection (a) may be transported through the city in the normal flow of traffic, without a permit.

(Code 1977, §§ 3-2-3-4)

Sec. 4-7. Non-prohibited animals.

(a) It shall be lawful to keep and maintain any cow, gelding, filly, mare or sheep, or other non-prohibited animal, regardless of size or weight, within the city pursuant to this section.

(b) Each non-prohibited animal shall be securely enclosed within an area of at least five thousand (5,000) square feet, with the lot fence being at least fifteen (15) feet from any adjoining residence.

(c) Each person desiring to keep any non-prohibited animal shall obtain a permit from the city clerk designating the number of animals desired to be kept, the number of square feet of the area where the animals are to be kept and the location where said animals are to be kept.

(d) A duly licensed and practicing veterinarian, after having obtained an annual permit, may pursue his profession within the city, to include the keeping of animals upon his premises for treatment; provided that said animals are kept in holding pens properly constructed for handling and treating injured, sick and/or diseased animals, which pens shall be approved by the city manager.

(e) The holders of permits, including veterinarians, shall keep their enclosed area in a sanitary condition, free from any offensive odors, health hazards or nuisances.

(Code 1977, § 3-5)

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Sec. 4-8. Coops and warrens.

(a) No domestic poultry coop or rabbit warren, pigeon coop or other enclosure where fowls or animals are kept shall be maintained closer than fifty (50) feet from any dwelling, hotel, restaurant, food store, building used for educational, religious or hospital purposes, or residence other than that occupied by the owner or occupant of premises on which said animals or fowls are kept.

(b) No owner shall keep more than twelve (12) domestic fowls or rabbits at one time.

(c) Each domestic poultry coop shall be enclosed in an area of at least two hundred (200) square feet.

Sec. 4-9. Construction, maintenance, sanitation of buildings for animals.

(a) Every building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

(b) Every such building, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boardinghouse, 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, of 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 such premises except in such receptacle.

(Code 1977, § 3-7)

Sec. 4-10. Indecent exhibition of animals.

It shall be unlawful for any person to permit animals of the opposite sex to have sexual intercourse in any place, except an enclosed place entirely out of the public view.

(Code 1977, § 3-8)

Cross reference—Offenses—miscellaneous, Ch. 13.

Sec. 4-11. Noise.

No person shall keep or harbor within the city any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person or persons.

(Code 1977, § 3-9)

Cross reference—Certain public nuisances enumerated, § 12-5.

Sec. 4-12. Rabid animals generally.

Any person owning, harboring or keeping a dog, cat or other domestic pet which in the preceding ten (10) days has bitten any person shall, upon receipt of any notice by the health officer of a county health department or his designated representative, or the chief of police, place such animal in confinement under the supervision of a licensed veterinarian for ten (10) days from the date the person was bitten. In special circumstances the health officer, or his specifically designated representative, may require the immediate euthanasia of a specified animal and perform tests for diagnosis of rabies. "Special circumstances" shall be defined as those situations involving severe bites by unimmunized animals. In this context, "severe" is defined as bites upon the head, face, neck or upper extremities, deep lacerations or multiple bite wounds.

(Code 1977, § 3-10)

Sec. 4-12.1 Feeding of Feral Animal Prohibit; Definition; Penalty.

(a) The feeding of feral animals within the limits of the City is prohibited except as provided herein.

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- (b) As used in this Ordinance, a “feral animal” shall be any animal roaming at large as defined by 4-1 of this Chapter which:
- (1) If a dog or cat,
 - i. bears no tag required by Section 4-28 of this Chapter and otherwise meets the definition of “feral” as set forth in subsection (c) of this Section; or
 - ii. appears, in the best judgment of the animal control officer, or any other police officer or other city personnel charged with enforcement of this Ordinance, (i) to not be the property of any person, and (ii) otherwise meets the definition of “feral” as set forth in subsection (c) of this Section; and
 - iii. creates a public nuisance as set forth in Section 4-4.1 of this Chapter; or
 - (2) If not a dog or cat,
 - i. appears, in the best judgment of the animal control officer, or any other police officer or other city personnel charged with enforcement of this Ordinance, (i) to not be property of any person (ii) otherwise meets the definition of “feral” as set forth in subsection (c) of this Section; and
 - ii. creates a public nuisance as set forth in Section 4-4.1 of this Chapter.
- (c) As used in this Ordinance “feral” shall mean “undomesticated or wild, or having reverted to a wild state.”
- (d) Violations of this Section shall be considered an offence and shall be punishable by a fine of not more than two hundred dollars (\$200.00) per occurrence. Each violation hereof shall be considered a separate offence punishable by separate fine for each such offence.
- (e) Nothing herein shall prohibit City officials from engaging in or authorizing any person or organization to engage in a program designed to re-locate feral animal or to otherwise address a problem created by feral animals. Persons or organizations wishing to engage in such programs must obtain authorization from the Animal Control Officer or other City official designed to approve such programs prior to commencing such program.

(Ord. No. 960, § 1-3, 7-12-16)

~~Cross reference—Health and sanitation, Ch. 8.~~

~~State law reference—Rabies control, 63 O.S. § 1-508.~~

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4-13. Enforcement.

Any person violating any provision of this Article shall be guilty of an offense, and upon conviction, shall be subject to the imposition of a fine of up to the maximum dollar amount allowed by law to be imposed by a municipality. Each separate violation of this Article shall constitute a separate offense. Each day on which a continuing violation of this Article persists shall constitute a separate offense.

Sec. 4-14 Provisions Cumulative.

The provisions of this Article are cumulative with and supplemental to all other provisions of the Code.

(Ord. No. 924, § 3, 3-11-08)

Secs. 4-15-4.25. Reserved.

ARTICLE II. DOGS AND CATS²

Sec. 4-26. Vicious dogs and cats; report of attacks; disposition of rabid dogs.

(a) It shall be unlawful for any person to own, keep or harbor a fierce or vicious dog or cat, or to permit such animal to run at large.

(b) Any person who has been bitten, scratched or otherwise attacked by such animal, whether licensed or not, shall report the same to the chief of police or any other officer of the city, including the city clerk. It is the duty of the clerk, immediately upon such report of complaint, to notify the county health officer and chief of police and to proceed as provided under section 4-12 and any applicable state laws. In the event the animal is determined by the licensed veterinarian to be so afflicted with rabies, it shall then become the immediate duty of the clerk to advise the person who was bitten, scratched or otherwise attacked by the rabid animal, so that such person may procure immediate medical assistance.

(c) The city clerk shall direct the animal control officer to immediately destroy the rabid animal and to notify the owner thereof of such destruction and the reason therefor.

(Code 1977, § 3-22; Ord. No. 839, 5-27-94)

State law references—Liability for personal injury by dog, 4 O.S. §§ 42.1 *et seq.*; rabies control, 63 O.S. § 1-508.

Sec. 4-27. Vaccination.

The owner of a dog or cat shall have such dog or cat vaccinated against rabies by a veterinarian or other authorized person, before such dog or cat is four (4) months old, and at least every twelve (12) months thereafter. Provided that, a three-year rabies vaccine given upon the second and later booster, if so stated on the tag required by this Section, shall be sufficient to comply with this provision. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination, and a current rabies vaccination tag to be worn by the vaccinated dog or cat, which shall state thereon the date of the current vaccine, and the length of effectiveness of such vaccine.

(Code 1977, § 3-15; Ord. No. 806, § 1, 10-2-90; Ord. No. 839, § 6, 5-17-94; Ord. No. 924, § 4, 3-11-08)

Sec. 4-28. Dog or cat tax; tag; registration; rabies vaccination prerequisite; liability insurance required after determination of Vicious Dog.

(a) It shall be unlawful for any person to own, harbor or keep any dog or cat four (4) months or more of age, within the corporate limits of the city, unless such person registers such animal with the city clerk and purchases a

²Cross reference—Health and sanitation, Ch. 8.

State law references—Dogs, 4 O.S. §§ 41 *et seq.*; rabies control, 63 O.S. § 1-508; municipal dog tax, 11 O.S. § 22-115.

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dog or cat tag, for an amount determined by the council. Said tag shall either be attached to the registered animal's collar or be produced by the owner of the animal upon demand by any city official authorized to enforce this Chapter.

(b) Each dog or cat tag issued pursuant to this Section shall be issued for a period of one (1) year, and shall be renewed by the Owner annually on or before the anniversary of its most recent issuance or renewal. Failure to renew as required will result in the addition of a late penalty in an amount to be determined by the council. Provided that, if the due date for such renewal falls on a date in which the city administrative offices are not open, then such due date shall be the immediately-following date on which city administrative offices are open.

(c) The clerk shall issue a receipt for such tag and such receipt shall show the name of the person who owns, harbors or keeps the dog or cat, the amount paid, the number, description and kind paid for and whether male or female; the clerk shall preserve a copy of each receipt issued. A record book shall also be kept showing the dog or cat tag number, the owner of the tagged dog, the address of such owner and the breed or description of the tagged dog or cat. The clerk shall issue a dog tax metal tag inscribed as follows: "No. _____, Pauls Valley Dog/Cat Tag, 19__."

(d) It shall be an offense for the owner or keeper of any dog or cat to permit such animal to run at large. The provisions of §§ 4-31, *et seq.* And Section 4-5.1 hereof shall apply to dogs or cats found running at large.

(e) It shall also be an offense for any such person to permit any such animal to wear any other dog or cat tag than the identical one issued to him or her by the clerk for the current year.

(f) It shall also be an offense to remove any city tag or vaccination tag from a dog or cat.

(g) No dog or cat subject to being registered under this article shall be so registered except upon the owner of such animal presenting a certificate, dated not more than sixty (60) days previously, signed by a duly licensed veterinarian, certifying that such animal has been vaccinated for rabies.

(h) The Owner of any dog that has been determined to be a Vicious Dog as defined by Section 4.1 of this Chapter shall, after such determination, maintain a policy of liability insurance covering personal injuries caused by such dog in an amount of at least \$100,000 per occurrence. For purposes of this provision, a dog shall be considered determined to be a Vicious Dog after such time as any law enforcement agency shall have cited the Owner of such dog for harboring, keeping or maintaining a vicious dog pursuant to any local or state ordinance or statute, or any other applicable law, including, but not limited to any of the provisions of this Chapter or any provision of Title 4 of the Oklahoma Statutes as the same are currently enacted or hereafter may be amended.

(Code 1977, §§ 3-16, 3-17; Ord. No. 806, § 2, 10-2-90; Ord. No. 839, § 6, 5-17-94; Ord. No. 924, § 4, 3-11-08)

Cross reference—Taxation, Ch. 17.

Sec. 4-29. Duplicate tags; use of voided tag.

The city clerk may issue duplicate dog or cat tags to any person who has previously registered his dog or cat, when the dog or cat tag has been lost. When this is done, the clerk shall void the old tag number. If such voided tag is found upon a different animal than the one for which such tag was originally issued, the owner of such animal wearing the voided tag shall be guilty of a misdemeanor.

(Code 1977, § 3-21; Ord. No. 839, § 6, 5-17-94)

Sec. 4-30. Nuisance.

All animals not vaccinated and registered with the city clerk under this article are declared to be public nuisances and a detriment and menace to the public health, peace and safety of the inhabitants of the city.

(Code 1977, § 3-17)

Cross reference—Nuisances, Ch. 12.

State law references—Nuisances in municipalities, 11 O.S. § 22-121; nuisances generally, 50 O.S.

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Sec. 4-31. Certain dogs and cats to be captured, trapped, impounded, sold, placed for adoption or killed.

All dogs and cats not registered as required by this article, and all dogs and cats found running at large are subject to being captured, trapped, impounded, sold, placed for adoption, or killed by the animal control officer or any policeman of the city.

(Code 1977, §3-18; Ord. No. 806, § 3, 10-2-90; Ord. No. 839, § 6, 5-17-94)

Sec. 4-32. Capture, Impoundment, Sale, Placement for Adoption, or Destruction of Dogs or Cats; Redemption.

The capture, impoundment, sale, placement for adoption, and destruction of dogs or cats pursuant to the provisions of this Article shall be governed by the provisions of Section 4-5 of this Chapter. Animals taken up pursuant to this Article may be redeemed in accordance with the provisions of Section 4-5.1 of this Chapter.

(Code 1977, §§ 3-19, 3-20; Ord. No. 806, § 4, 10-2-90; Ord. 839, § 6, 5-17-94)

Cross reference—City manager, § 2-5.

State law reference—Destruction of certain animals, 4 O.S. § 508, 11 O.S. § 22-115.

4-33. Enforcement.

Any person violating any provision of this Article shall be guilty of an offense, and upon conviction, shall be subject to the imposition of a fine of up to the maximum dollar amount allowed by law to be imposed by a municipality. Each separate violation of this Article shall constitute a separate offense. Each day on which a continuing violation of this Article persists shall constitute a separate offense.

Sec. 4-34 Provisions Cumulative.

The provisions of this Article are cumulative with and supplemental to all other provisions of the Code.

(Ord. No. 924, § 5, 3-11-08)

Secs. 4-35–4-39 Reserved.

ARTICLE III. CARE AND TREATMENT OF ANIMALS.

Sec. 4-40. Cruelty to Animals.

No person shall mistreat or improperly care for or confine any animal. It shall be an offense for any person to knowingly, willfully or maliciously:

(a) Deposit any animal within the corporate limits of the City or on any property over which the City has jurisdiction with the intention of abandoning the same.

(b) Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal.

(c) Tether an animal, as defined in Section 4-1 of this Chapter, as the sole or primary means of securing, confining or restraining such animal, whether on the Owner's property or not. It shall be considered a violation of this Section if an animal is tethered for a period exceeding two (2) consecutive hours within any twenty-four- (24-) hour period.

(d) Otherwise treat an animal in a cruel or inhumane manner.

(Ord. 857, § 2, 11-4-97; Ord. No. 924, § 6, 3-11-08)

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Sec. 4-41. Care for Animals.

The owner, custodian or person keeping or undertaking to care for any animal within the jurisdiction of the City shall comply with the following:

(a) Food shall be free from contamination and of sufficient quantity and nutritive value to maintain animals in good health. Animals shall be fed at least once a day except as directed by veterinary treatment or other professionally-accepted practices. All food receptacles shall be kept clean and sanitary.

(b) Potable water shall be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall take into consideration the age, species, condition, size and type of animal. All water receptacles shall be kept clean and sanitary.

(c) Enclosures for animals shall be constructed and maintained to provide sufficient space for each animal considering such animal's age, species, condition, size and type. Enclosures shall provide adequate space for animals to maintain good physical condition.

(d) Natural or artificial shelters appropriate to the local climactic conditions for the particular species of animal shall be provided for all animals kept outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water.

(e) Outdoor shelters for dogs or cats shall consist of a moisture-resistant and wind-resistant structure of suitable size to accommodate the animal, but in no event less than one hundred square feet, and to allow retention of body heat. It shall be made of durable material, and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat. Such enclosures shall be fully closed on four sides and on the top, with the side materials extended sufficiently below the ground so as to prevent the animal from digging out under the enclosure. The top of such enclosure shall be adequately covered so as to provide adequate shade and protection from the elements for the enclosed animal.

(f) Dogs or cats confined within a fenced yards must have space for exercise of not less than one hundred square feet. Such fencing shall be designed so as to keep the intended dog or cat restrained within its boundaries, and shall be well maintained and kept in good repair.

(g) To the extent permitted to be maintained within the corporate limits of the City, outdoor shelters for livestock shall be at least two-sided, roofed structures made of durable material.

(h) All shelters and enclosures shall receive necessary cleaning to remove excreta, waste materials, dirt and trash to minimize disease hazards and to reduce odors.

(i) All female dogs or cats which are in season shall be, during such period, confined or housed in a building or other secure enclosure designed to minimize the attraction of male dogs or cats.

(Ord. 857, § 2, 11-4-97; Ord. No. 924, § 6, 3-11-08)

Sec. 4-42. Inspection and Enforcement.

(a) The premises upon or in which any animal is kept shall be subject to inspection by the animal control officer or any of his representatives, at reasonable times and in a reasonable manner, for the purpose of enforcing this Article. Whenever such officer finds that any animal is being kept or treated in a manner inconsistent with the provisions of this Article, he may impound the animal for protective care. In the event of sickness or injury of the animal and upon the advice of a licensed veterinarian, the animal control officer may take appropriate action to prevent undue pain and suffering. This shall include the option of immediate humane euthanasia of the animal.

(b) Any person violating any provision of this Article shall be guilty of an offense, and upon conviction, shall be subject to the imposition of a fine of up to the maximum dollar amount allowed by law to be imposed by a municipality. Each separate violation of this Article shall constitute a separate offense. Each day on which a continuing violation of this Article persists shall constitute a separate offense.

(Ord. No. 857, § 2, 11-4-97)

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Sec. 4-43 Provisions Cumulative.

The provisions of this Article are cumulative with and supplemental to all other provisions of the Code.

(Ord. No. 857, 11-4-97)

Secs. 4-44-4-49. Reserved.

ARTICLE IV. KENNELS

Sec. 4-50. Kennel defined.

As used in this Article, *kennel* shall mean any place other than a veterinary hospital or medical research institute, where for (4) or more of any combination of dogs and cats, beyond the age of six months are kept, harbored, boarded, or sheltered, whether done for compensation or not.

(Ord. 857, § 3, 11-4-97)

Sec. 4-51. License Required.

No person shall own, maintain or operate a kennel within the corporate limits of the City unless such kennel is licensed as hereinafter provided.

(a) Application for such license shall be made to the City Clerk and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located.

(b) The kennel license fee shall be thirty-five dollars (\$35.00) per year. The kennel license shall be exhibited or posted in a prominent place on the kennel premises. Each animal kept in a kennel shall also be required to have all other tags, licenses, etc., as required by this Chapter or by other local, state or federal law.

(c) Licenses shall be issued for a period of one (1) year beginning on the first day of July of each year. Licenses may be issued starting thirty (30) days before July 1 and for thirty(30) days thereafter, or at such time as a new kennel seeks to become operational. The license fees for new kennels shall be prorated for partial years as needed to adjust the license period to the schedule provided for in this paragraph.

(d) A kennel owner or operator must show proof of rabies vaccination and of purchase of all other tags, licenses, etc., as required by this Chapter, or other local, state or federal law, when applying for a license.

(e) Care of animals in a kennel shall comply with the provisions of Article III of this Chapter.

(f) Kennels shall be maintained in accordance with the guidelines of the Humane Society of the United States, as now or hereinafter promulgated.

(Ord. No. 857, § 3, 11-4-97)

Sec. 4-52. Inspection and Enforcement.

(a) The premises upon which any kennel is maintained shall be subject to inspection by the animal control officer or any of his representatives, at reasonable times and in a reasonable manner, for the purpose of enforcing this Article.

(b) Any person violating any provision of this Article shall be guilty of an offense, and upon conviction, shall be subject to the imposition of a fine of up to the maximum dollar amount

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allowed by law to be imposed by a municipality. Each separate violation of this Article shall constitute a separate offense. Each day on which a continuing violation of this article persists shall constitute a separate offense.

(Ord. No. 857, § 3, 11-4-97)

Sec. 4-53. Provisions Cumulative.

The provisions of this Article are cumulative with and supplemental to all other sections of this Code.

(Ord. No. 857, § 3, 11-4-97)

