

TOWN OF SLAUGHTERVILLE CODE OF ORDINANCES - PART 4
CHAPTER 1

ANIMAL REGULATIONS

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Cross Reference: See also §13-119, Zoning Miscellaneous Provisions.

§ 4-101 CITATION, AUTHORITY AND JURISDICTION.

This ordinance and these regulations shall hereafter be known, cited, and referred to as "Animal Regulations of the Town of Slaughterville, Oklahoma." These regulations govern the specific and general regulations regarding animal treatment, care and containment; including standards for placement, construction and modification of facilities for housing animals and operations of kennels within the jurisdictional area of the Town of Slaughterville; and, have been prepared, adopted, and enacted by the Board of Trustees in and for the Town of Slaughterville in accordance with and pursuant to the authority granted by Title 4 O.S. §30.1 et. seq., Title 4 O.S. §30.15, and Title 11 O.S. 22-115 (and all subsequent amendments thereto). [Ord. No. 92, 3/20/12]

§ 4-102 PURPOSE.

The purpose of this ordinance is to establish general guidelines for the humane care, treatment, placement, construction, and modification of facilities to house animals, in order to protect the health, safety, and welfare of the public within the town. Specifically, the purposes of this ordinance are:

- A. To provide for the proper care and treatment of animals;
- B. To provide regulations for keeping and maintaining animals in the town;
- C. To provide rules and regulations regarding license for kennels; and
- D. To provide specific standards for construction, maintenance and modifications of kennel facilities. [Ord. No. 92, 3/20/12]

§ 4-103 PROPER CARE AND TREATMENT OF ANIMALS.

All animals kept within the town shall be properly cared for and treated humanely. Each person who harbors or owns an animal shall provide for the animal's basic needs of shelter, food, water, and exercise. Each person who harbors or owns an animal shall also provide for the animal's vaccinations in accordance with State laws and regulations.

A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of such animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property, as established and set forth by Title 4 O.S. §41 et.seq.

B. It is unlawful for any person to:

1. Willfully or maliciously kill, injure, maim, disfigure, torture, beat with a stick, chain, club or any other object, mutilate, burn or scald with any substance, overdrive or overload an animal. Nothing herein shall negate a landowner's right to defend themselves or another person against an animal that threatens health and safety, or the lawful killing of animals;

2. To fail or refuse to provide for, or neglect any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter from all elements;

3. To carry any animal in or upon any vehicle in a cruel or inhumane manner or otherwise cruelly treat any animal;

4. To make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin of significance to public health as allowed by the health department, appropriate state or federal agency(ies), or town officials; or

5. to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals, fowl or birds are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal; or to keep a house, pit, or other place used for fights between animals, birds or fowl. [Ord. No. 92, 3/20/12]

§ 4-104 DEFINITIONS.

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

“Animals at Large” shall mean not being on their own property, or within five (5) feet from their owner or keeper.

“Cat” shall mean a mammal that is wholly or partly of the species felis domesticus.

“Code Enforcement Officer” or “Inspector” shall mean the person or the board who is responsible for the administration or enforcement of these regulations.

“Commercial Pet Breeders” shall mean those breeders who are licensed by the State of Oklahoma and meet all requirements of state law pertaining to breeders as set forth in Title 4 O.S. §30.1 et.seq.

“Dog” shall mean a mammal that is wholly or partly of the species *canis familiaris*.

“Facility” shall mean the premises used by a person for keeping, housing, or breeding animals. The term includes all buildings, property and confinement areas in a single location used to conduct such activity.

“Kennel” shall mean any use of premises, whether for profit, compensation or non-profit, for the purposes of boarding, breeding or selling dogs, cats, or other pets, consisting of six (6) animals or more of the same species, but not including those which are offspring born on the premises which are twelve (12) weeks or younger in age.

“Kennel Licensee” shall mean a person who received, or is seeking a license to operate a kennel from the Town of Slaughterville.

“Kitten” means a cat less than twelve (12) weeks old.

“Nuisance” means offensive odor, excessive waste, excessive noise, contamination, irritation, pain, annoyance, harmful or any other matter that is considered offensive to an individual or the general public.

“Owner” shall mean any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated, tamed, or feral 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.

“Person” shall mean any individual, association, trust, corporation, limited liability company, partnership, or other entity.

“Puppy” means a dog less than twelve (12) weeks old.

“Substantially Improve” shall mean any repair or change, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure.

“Town” shall mean the Town of Slaughterville, Cleveland County, Oklahoma.

“Veterinarian” shall mean any person currently licensed to practice veterinary medicine in Oklahoma. [Ord. No. 92, 3/20/12]

§ 4-105 CONTAINMENT OF ANIMALS.

Animals may be raised or kept, provided:

- A. the animals are not running at large as defined herein;
- B. no nuisance or health hazard is created;
- C. the activity is in compliance with all related ordinances of the Town of Slaughterville, Oklahoma; and
- D. All animals which are running at large, *as defined herein*, may be impounded and sold to discharge any costs and penalties established by the town and the expense of impounding, keeping or sale of such animals. The town may also provide for the erection of pens, pounds, and buildings for use by the town, within or without the municipal limits, and appoint and compensate keepers thereof, and establish and enforce such rules and regulations governing the pens, pounds or buildings. The town may further regulate and provide for the taxing of owners and harborers of dogs and authorize the killing of dogs which are found at large in violation of any ordinance regulating the same. [Ord. No. 92, 3/20/12, state law reference: 11 O.S. §22-115.]

§ 4-106 ZONING REQUIREMENTS AND SETBACKS.

- A. Animal raising, animal zoos, animal care facilities, animal sanctuaries, kennels, and all other activities relating to animals shall be located in only those areas and zoning districts as identified in §§13-124, et.seq., 13-130 et.seq., and 13-168(5) Zoning.
- B. There shall be a limitation of cats and dogs in residential zoned districts, R-1, R-2, R-3 and RL-1 to a total of four (4) of both combined species, per residentially zoned parcel or tract of land.
- C. There shall be a limitation of cats and dogs in zoning districts, AR-1, AR-2, C-1, C-2, I-1, I-2, IN-1 and M-1 to a total of eight (8) with no more than five (5) of any one species.
- D. It shall be unlawful for any person to own six (6) or more cats, or six (6) or more dogs without applying for, and obtaining a kennel license from the town as required by this ordinance. Kennels are only allowed in zoning districts AR-1 and AR-2 as a use permitted on review.
- E. There shall be a limitation of grazing livestock in residential zoned districts, R-1, R-2, R-3 and RL-1:
 - 1. In residential zoned districts, all livestock including but not limited to, horses, cattle, and llamas, shall be limited to one (1) animal per penned acre.
 - 2. In residential zoned districts, goats and sheep shall be limited to five (5) animals per penned acre.

3. The above limitations are mutually exclusive; one (1) large animal cannot also be held on one (1) acre that also houses sheep, goats or swine.

4. In residential zoned districts, chickens (or singular size poultry such as guinea-fowl) shall be limited to twenty (20) per penned acre and turkeys (or similar size poultry such as peacocks) to five (5) per penned acre, unless other livestock are also raised on that acre.

5. Ten (10) chickens or other small poultry or (2) turkeys or geese or other poultry of similar size may be housed on one (1) acre that also houses one (1) large animal, or one (1) swine, or five (5) or fewer goats or sheep.

6. In the event offspring are born to any of the above animals the owner may keep the offspring until sixty (60) days past weaning age. This rule cannot be violated even in short-term except by boarding animals for an overnight period of time. This regulation shall not be interpreted to supersede more restrictive regulations found in covenants or restrictions in a homeowner's association.

F. In residential zoned districts, swine shall be limited to one (1) per acre.

G. Side and rear setbacks for kennel facilities shall be a minimum of 100 feet; front setbacks shall be those established in §13 Zoning. [Ord. No. 92, 3/20/12]

§ 4-107 KENNEL LICENSING REQUIREMENTS.

It shall be unlawful for any person or owner to operate a kennel without first paying the appropriate fee and receiving a license issued from the town.

A. Requirements for licensing kennels:

1. Ownership. All persons who are in compliance with the ordinances for the town, as well as all other federal, state and local regulations may make application to obtain a license to operate a kennel. If the applicant is an entity, it must be an Oklahoma entity in good standing or an entity licensed to do business in Oklahoma and in good standing and either have a contract to lease the premises or own the premises where the kennel is licensed and located.

2. Inspections. Each applicant must allow inspections by the town to ensure proper compliance with the ordinances of the town as well as all laws of all federal, state and local agencies.

3. Application Process: Both an initial application and annual renewal applications shall be made to the town on a timely basis.

4. General: Any person or property owner desiring to construct, establish, remodel, or substantially improve an existing kennel shall first make application, pay the necessary fees, and obtain a license.

5. Separate applications must be made for each individual and separate kennel or operating location that is requested.

B. Contents of applications.

1. Initial application. All persons applying for a kennel license shall submit to the town a completed, signed application providing or attaching the following information and documents, respectively:

- a) the current name, previous name, if any, and alias, if any, of the applicant, including any name under which the applicant is doing, has done, or will do business;
- b) the address of the physical location, the mailing address, if different, and the telephone number of the applicant;
- c) if the applicant is an entity:
 - 1) the name and address of the owners who own 10% or more of the interest in the entity;
 - 2) a description of the entity form of the applicant, and a statement of whether the applicant is an Oklahoma entity or a foreign entity registered to do business in Oklahoma;
 - 3) a certificate that the entity is in good standing issued by the Oklahoma Secretary of State and filing number;
 - 4) the name and address of the managers of the applicant and of the managers of all owners of the manager, if the manager is an entity; and
 - 5) the applicant shall state or provide a copy of the following:
 - i) the state and date of incorporation or formation;
 - ii) the name and address of the registered agent or agent appointed to receive service of process; and
 - iii) the name, address, and title of each officer, director, general partner, managing member; and employee with managerial authority.
- d) Copies of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other documents relating to the corporation shall be available upon request of the town;
- e) If the applicant is a sole proprietorship or a general partnership doing business under a trade name, the trade name registration filed with the Oklahoma Secretary of State;

- f) The number of the applicant's driver's license or other government issued government identification, or if the applicant is an entity, the applicant's tax identification number;
- g) A copy of the Oklahoma sales tax permit issued by the Oklahoma Tax Commission and the sales tax identification number, if sales are going to be conducted on the premises. If sales of product are not anticipated, then a sworn affidavit from the applicant indicating that sales are not going to be made from the kennel;
- h) State whether the applicant or any individual required to be disclosed under this section, has ever been convicted of, or entered a plea of guilty or no contest, to any felony, or any crime involving animal cruelty, abuse, or neglect, and whether the applicant has been convicted of violating the act with respect to each crime, the applicant shall state:
 - 1) the crime and degree, if applicable, of which the applicant was convicted;
 - 2) the date of the conviction or plea;
 - 3) the Court having jurisdiction over the crime; and
 - 4) the Probation officer's name, address, and telephone number, if applicable.
- i) State whether the applicant or any individual required to be disclosed under this section has received any adverse ruling from any court of competent jurisdiction or any administrative tribunal involving honesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence in a matter related to commercial pet breeding, or cruelty to animals including the case number and the name of the court or administrative body in which it was filed;
- j) A statement indicating whether the applicant, or any individual required to be disclosed under this section, has ever had an application for a license, registration, certificate, or endorsement related to pet breeding or animal care denied or rejected by any state or federal licensing authority in Oklahoma or another state, and provide the following:
 - 1) type of Application;
 - 2) reason for the suspension or revocation;
 - 3) date of denial or rejection; and
 - 4) name and address of the state licensing authority that denied or rejected the application.

- k) A statement indicating whether any agency has ever revoked or suspended a license, registration, certificate, or endorsement of the applicant or any individual required to be disclosed under this section. For each instance, the applicant shall state:
 - 1) the reason for the suspension or revocation;
 - 2) the date of the suspension or revocation; and
 - 3) the name and address of the state licensing authority that suspended or revoked the license.
- l) A statement indicating whether the applicant, or any individual required to be disclosed under this section, has ever surrendered a license, registration, certificate, or endorsement to any state or federal licensing authority, whether located in Oklahoma or elsewhere;
- m) Proof of worker's compensation insurance if there are employees, showing that the applicant is in compliance with Oklahoma Worker's Compensation Laws, if applicable;
- n) Affidavit of lawful presence in the United States of America, as provided under Title 56 O.S. Supp. 2007 §71;
- o) One original signed under penalty of perjury attesting to the true and correct statements provided in the application;
- p) State the maximum number of animals proposed to be kept, or housed by the applicant and provide a brief description of the applicant's operation;
- q) The date of commencement of operations at that location;
- r) Whether they are a commercial animal or pet breeder and if so, whether they are properly licensed within the State of Oklahoma;
- s) A statement regarding overall purpose of the facility to house the animals, and whether the owner intends to breed animals for sale; whether the intent is to have an indoor kennel, or an outdoor kennel, or a combination;
- t) Plans and designs which are drawn to scale and which reflect a proposed layout of the entire facility, including setbacks, proposed runs, utilities, sanitary waste disposal systems, location of hot and cold running water, showers and sinks, proper ventilation, location of windows, location of heaters, fans, and air conditioning units and other types of temperature controls, the floor type, and the exact location of all indoor facilities, and/or outdoor facilities;

- u) A verification and signature of the applicant and owner of the property verifying the truth and accuracy of the information contained in the application and allowing the town inspector or agents of the town entry into the licensee's premises for the purpose of determining compliance with the ordinance as well as laws and regulations of the state; and
- v) Any other relevant information required by the town.

2. Annual renewal applications. In a renewal application, the kennel licensees shall disclose to the town any changes to the information provided in the initial application or the previous renewal application. If there has been any change to the information contained in any document that the kennel licensee submitted to the town as part of the initial application or the most recent renewal application, the kennel operator shall submit to the town an updated version of such document. Kennel licensees shall submit renewal applications annually and pay the renewal application and inspection fee no later than 60 days before the expiration date of the licensee's kennel license. [Ord. No. 92, 3/20/12]

§ 4-108 CONSIDERATION OF APPLICATIONS.

A. Town staff will review applications for completeness and will inspect the premises. Town staff will evaluate every complete application and the premises for full compliance. If the application and kennel site meet the requirements, then the application shall be approved. If the application is denied, then reasons for the denial shall be provided.

B. Incomplete applications. If an application is deemed to be incomplete, then the town shall notify the applicant regarding the deficiencies. The applicant may submit additional information within 30 days to supplement and complete the application, or such additional period of time as deemed necessary by town staff. Applications which are not supplemented and remain incomplete after a six (6) month period shall be deemed denied. Applicants must re-file any application and pay the appropriate fees if they desire to be reconsidered for a kennel license. All fees paid shall be non-transferrable and non-refundable.

C. Withdrawn applications. If an applicant requests that the applicant's application be withdrawn from consideration, the town staff will reject the application. In such case, the applicant must submit a new and complete application and pay the appropriate fee if the applicant desires further consideration. All fees paid shall be non-transferrable and non-refundable.

D. Grounds for denial, suspension, or revocation of a license. The town may cancel or revoke a kennel license or refuse to issue an original license or renew a license:

- 1. For any felony conviction by the applicant, or if the applicant is an entity, any felony conviction by any director, shareholder, member, or partner of the applicant;
- 2. For any misdemeanor conviction in any court involving animal cruelty by any individual required to be disclosed under the initial application or renewal application;

3. If the applicant has held or applied for a license pursuant to the Animal Welfare Act set forth in Title 4 O.S. §30.1 et. seq., and the license was suspended or revoked, or the application was refused due to the improper care of animals;

4. For failing to renew the annual license;

5. If the application contained false or misleading information;

6. If the application is incomplete or improperly completed and the applicant fails to provide a properly completed application after receiving notice from the town;

7. If the applicant fails to pay the annual license application fee in a timely manner;

8. If the applicant fails to comply with all of the ordinances adopted by the town, or any state or federal law; and/or

9. If the applicant fails to provide any other information as required by the town.

E. If a license is denied or revoked, the applicant or licensee may not re-apply for a license for a period of six (6) months after the date of the notice of denial or revocation. In order to obtain a license, the applicant must submit an initial license application, and pay the application fee, and any other outstanding fees. The applicant shall also appear before the code enforcement officer or their designee, and respond to town staff inquiries regarding the correction of the previous violations and to any other reasonable inquiries from the town. [Ord. No. 92, 3/20/12]

§ 4-109 LICENSE CERTIFICATE.

A. Once an application is approved, the town shall issue a license to operate a kennel to the applicant. The certificate will identify the licensee by name, address, and license number, show the effective date, show the expiration date, and acknowledge the licensee's right to act as a kennel in the Town of Slaughterville.

B. Licensees shall prominently display the original license certificate or a certified copy of the license certificate at the licensee's place of business.

C. A kennel license is not transferable from one person to another, or from one location to another. In case of the sale, lease, or relocation to a new facility of the kennel, the license will be immediately revoked on the effective date of the lease, sale, or relocation. A prospective buyer must obtain his own kennel license prior to finalizing the sale. The person that will operate the facility after the sale, lease, or relocation shall obtain a kennel license prior to the effective date of the lease, sale or relocation. A licensed kennel, owner, or operator who sells or leases his or her operation shall notify the town of the sale or lease in writing no later than 10 calendar days after the effective date. In the case of a change of location, the town shall not issue a license until the new location has been inspected and determined by the town to be in compliance with the town's ordinances.

D. Changes of information. The licensee shall update all information submitted in previous licensing applications to disclose all information required in this ordinance and in the application regarding the address, telephone number, managers, members, general partners, or employees with managerial control, as disclosed in licensing applications. [Ord. No. 92, 3/20/12]

§ 4-110 STANDARDS FOR THE HUMANE HANDLING, CARE, AND TREATMENT OF DOGS AND CATS.

A. Housing facilities, general. Facilities and operating standards.

1. Structure and construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

2. Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices. Kennel facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering.

3. Surfaces:

a) General requirements: The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

- 1) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and
- 2) Be free of jagged edges or sharp points that might injure the animals.

b) Maintenance and replacement of surfaces: All surfaces must be maintained on a regular basis. Surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

c) Cleaning: Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with §14-110(I) to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient

frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in §14-110(I) for primary enclosures.

4. Water and electric power. The housing facility must have reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with this ordinance. The housing facility must provide adequate running hot and cold potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

5. Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in secured cabinets in the animal areas.

6. Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Waste material must not be disposed of or stored in any manner that would create a nuisance to neighbors. Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas must be leak proof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

7. Washrooms and sinks. Washing facilities such as washrooms, basins, sinks, or showers must be provided for animal caretakers and must be readily accessible.

B. Indoor housing facilities.

1. Heating, cooling, and temperature. Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50°F (10°C). The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions.

2. Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85°F (29.5°C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with generally accepted professional and husbandry practices.

3. Lighting. Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular daily lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

4. Interior surfaces. The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

5. Exercise. All indoor housing facilities shall have a dog run available for dogs to exercise. The run shall be no less than 10 feet long and 36 inches wide for dogs up to 45 pounds and at least 48 inches wide for dogs over 45 pounds.

C. Outdoor housing facilities.

1. Restrictions. The following categories of dogs or cats must not be kept in outdoor facilities, unless that practice is specifically approved by a generally accepted professional and husbandry practices:

- a) dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
- b) breeds of dogs or cats that cannot tolerate the relevant temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates);
- c) sick, infirm, aged or young dogs or cats; and

- d) when their acclimation status is unknown, dogs and cats must not be kept in outdoor facilities when the ambient temperature is less than 50°F (10°C).

2. Shelter from the elements. Outdoor facilities for dogs or cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must contain a roof, four sides, and a floor, and must:

- a) provide the dogs and cats with adequate protection and shelter from the cold and heat;
- b) provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- c) be provided with a wind break and rain break at the entrance; and
- d) contain clean, dry, bedding material if the ambient temperature is below 50°F (10°C). Additional clean, dry bedding is required when the temperature is 35°F (1.7°C) or lower.

3. Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cans, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities, including houses, dens, etc. that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

4. Exercise. All outdoor housing facilities shall have a dog run available for dogs to exercise. The run shall be no less than 10 feet long and 36 inches wide for dogs up to 45 pounds and at least 48 inches wide for dogs over 45 pounds.

D. Mobile or traveling housing facilities. The requirements set forth in indoor housing facilities set forth in §4-110(B) shall be fully met regarding the following:

- 1. heating, cooling, and temperature;
- 2. ventilation; and
- 3. lighting.

E. Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements:

1. General requirements.
 - a) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.
 - b) Primary enclosures must be constructed and maintained so that they:
 - 1) have no sharp points or edges that could injure the dogs and cats;
 - 2) protect the dogs and cats from injury;
 - 3) contain the dogs and cats securely;
 - 4) keep other animals from entering the enclosure;
 - 5) enable the dogs and cats to remain dry and clean;
 - 6) provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;
 - 7) provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;
 - 8) provide all the dogs and cats with easy and convenient access to clean food and water;
 - 9) enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized or be replaceable when worn or soiled;
 - 10) have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;
 - 11) provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
 - 12) if the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge). The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.
2. Additional requirements for cats.
 - a) Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:

- 1) each primary enclosure housing cats must be at least 24 in. high (60.96 cm);
 - 2) cats up to and including 8.8 lbs (4 kg) must be provided with at least; three (3) square feet with no less than one and one-half (1½) on one side;
 - 3) cats over 8.8 lbs (4 kg) must be provided with at least; four (4) square feet; with no less than two (2) feet on one side;
 - 4) each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing kitten is equivalent to less than 5 percent of the minimum requirement for the queen, such housing must be approved by the town's code enforcement officer; and
 - 5) the minimum floor space required by this section is exclusive of any food or water pans. The litter pan may not be considered part of the floor space.
- b) **Compatibility.** All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult non-conditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters may not be housed in the same primary enclosure with other adult cats, and kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.
- c) **Litter.** In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.
- d) **Resting surfaces.** Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized, or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will not be counted as part of the floor space.
3. **Additional requirements for dogs:**
- a) **Space.**
- 1) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then

divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet. No side shall be smaller than the length of the dog plus 6 inches.

- 2) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by a veterinarian. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the town's code enforcement officer or attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by a licensed veterinarian.
 - 3) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each dog must be able to stand in a comfortable normal position.
- b) **Compatibility.** All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 4 adult non-conditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.
 - c) **Dogs in mobile or traveling shows or acts.** Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of this ordinance. When the show or act is not traveling, the dogs must be placed in primary enclosures that meet the minimum requirements of this section.
 - d) **Prohibited means of primary enclosure.** Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from the town.
- F. **Compatible grouping.** Dogs and cats that are housed in the same primary enclosure must be compatible, with the following restrictions:
1. females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

2. any dog or cat exhibiting a vicious or overly aggressive disposition must be housed separately;

3. puppies or kittens 4 months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies;

4. dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

5. dogs and cats that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by a licensed veterinarian. When an entire group or room of dogs and cats is known to have or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

G. Feeding.

1. Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

2. Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized. If the food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with §14-110(I). Measures must be taken to ensure that there is no molding, deterioration, or caking of feed.

H. Watering. If potable water is not continually available to the dogs and cats, it must be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by an attending veterinarian. Water receptacles must be kept clean and sanitized, in accordance with §14-110(I) and before being used to water a different dog or cat or social grouping of dogs or cats.

I. Cleaning, sanitization, housekeeping, and pest control.

1. Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated

with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease, hazards, pests, insects and odors.

2. Sanitization of primary enclosures and food and water receptacles.
 - a) Used primary enclosures and food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or social grouping of dogs or cats.
 - b) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph c below, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.
 - c) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:
 - 1) live steam under pressure;
 - 2) washing with hot water (at least 180°F) and soap or detergent, as with a mechanical cage washer; or
 - 3) washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.
 - d) Pens, runs, and outdoor housing areas using material that cannot be sanitized such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

3. Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

4. Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

J. Caretakers. Each person subject to these regulations who maintains animals must have enough caretakers to carry out the level of husbandry practices and care required herein. The caretakers who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of animals to supervise others. The owner of the facility must be certain that all caretakers can perform to these standards. [Ord. No. 92, 3/20/12]

§ 4-111 NUISANCE.

It shall be unlawful for any person, owner, lessee or others to create, maintain, or allow a nuisance to remain on premises under his or her control within the Town of Slaughterville. The town board of trustees has the power to determine what is and what shall constitute a nuisance within the town limits for the protection of the public health, parks, streams, public ways, water supply and the environment, as fully set forth in this ordinance. Any nuisance shall be abated pursuant to the terms of the zoning ordinance, or as otherwise allowed by law. In the event a nuisance lawsuit is initiated, then the town shall recover all attorney fees and costs involved in such action. [Ord. No. 92, 3/20/12]

§4-112 ADMINISTRATION AND ENFORCEMENT.

These regulations shall be enforced by the code enforcement officer/inspector, or a designated representative acting at the direction of the town board of trustees, who shall review all applications for kennel license and the premises for compliance with federal, state and town laws. The code enforcement officer has the right to go onto a citizen's premises for the purpose of inspecting the property to be able to determine compliance with the town's ordinances. In the event there is a violation of the terms of this ordinance, the town may seek any relief accorded by the law of the State of Oklahoma or any other relief set forth in this ordinance. The provisions of this ordinance may be enforced by any affected person through injunctive proceedings in any court of competent jurisdiction. For the purposes of this Section, the word "person" shall include, but not be limited to, the Town of Slaughterville and/or a private citizen. In the event a lawsuit is filed, attorney fees, court costs, and all other costs to the town shall be recovered. [Ord. No. 92, 3/20/12]

§ 4-113 VIOLATIONS AND PENALTIES.

A. Any person who violates any provision of this ordinance shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established by state law. Each day upon which such violation continues shall be deemed a separate offense.

B. In case any building, structure or land is constructed, altered, converted, maintained or used in violation of this ordinance, the Town of Slaughterville, Oklahoma, in addition to other remedies available, may institute any proper action or proceedings to prevent such unlawful activities, in order to restrain, correct or abate such violation. Nothing contained herein shall prevent the Town of Slaughterville from filing suit against the owner, operator, or licensee for violations of the provisions of this ordinance and seeking injunction, abatement of a nuisance or removal of the non-conformity or any other appropriate relief as may be granted by the district

court. In the event a lawsuit is initiated, the Town of Slaughterville shall be entitled to all fines, attorney fees and costs incurred in the said lawsuit, which shall include the costs of bringing the action, service of process, expert fees, the costs associated with the code enforcement officer, and any and all other costs which have been incurred.

C. The cost of removing or abating any non-conformity or nuisance may be collected by any other legal means available.

D. In cases where it is deemed impractical summarily to abate the nuisance, the Town of Slaughterville may bring suit in the district court. All costs of bringing the suit, which shall include attorney fees, service of process fees, expert fees, all costs associated with abating the non-conformity or nuisance, fines, costs associated with the code enforcement officer, and all other costs shall be assessed against the property as provided herein.

E. Any violation of this ordinance shall result in the Town of Slaughterville requesting and recouping from the violator all costs associated with the enforcement of this ordinance, including but not limited to all attorney fees, court costs and all other costs associated with the code enforcement officer's time and expenses. [Ord. No. 92, 3/20/12]

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