

CHAPTER 3

ANIMALS

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Article 1. General Provisions

Section 3-1. Definitions

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

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

2. Animal Control Officer. The term “Animal Control Officer” shall mean the persons responsible for enforcement of the City of Hollis’s Ordinances and regulations pertaining to animal control in said City.

3. Animal Shelter or Municipal Pound. The terms “animal shelter” or “municipal pound” shall mean any premises formally designated by the Hollis City Council for the purpose of impounding and caring for animals held under the authority of this Chapter, regardless of whether or not said premises are within or without the municipality’s corporate boundaries, and regardless of whether or not said premises are under actual municipal ownership or provided for under a contractual arrangement between the City of Hollis and private owner(s).

4. At Large. The term “at large” shall mean not securely confined by a fence or 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 owner, by leash or otherwise, whether on the owner’s premises or not.

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

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

7. Kennel. The word “kennel” shall mean any structure or place where three (3) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time.

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

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

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

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

12. Vicious Dog or Animal. The term “vicious dog or animal” shall refer to any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons when not unduly provoked.

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

Section 3-2. Animals Not to be at Large.

1. It shall be unlawful and an offense for the owner of any animal, domestic or wild, (including dogs), to permit the same to be, run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the City of Hollis, Oklahoma.

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

- a. Keep, own, harbor or possess any dog within the corporate limits of the City of Hollis, Oklahoma, without providing a substantial and secure pen in which said dog shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved); or to
- b. Allow a dog to be placed on an adequately-sized leash so that it can reach or bite any person who may be using the public thoroughfares of the City, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said dog may be kept, harbored or possessed.

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

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

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

3. Abatement of such public nuisances shall be handled in accordance with the provisions of the “Nuisances” Chapter in this Code of Ordinances.

Section 3-4. Keeping Animals.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the City of Hollis, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

2. If no specific provisions are listed in this Code of Ordinances for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the City of Hollis, Oklahoma.

3. No swine shall be kept within the corporate limits of the City of Hollis, Oklahoma, with the exception of FFA and/or 4-H projects kept on public school property, in appropriately zoned areas.

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4. Every structure wherein any authorized animal is kept within the corporate limits of the City of Hollis, Oklahoma, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and fly tight 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.

5. The keeping or raising of bees within the corporate limits of the City of Hollis, Oklahoma, shall be permitted only in those areas Zoned for Agricultural or Large-Lot (over 2 acres) Residential uses, and in accordance with Zoning Ordinance provisions. No license or permit shall be required to keep or raise bees.

6. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall be permitted throughout the City of Hollis, Oklahoma, as long as the premises are in accordance with the provisions of Subsection 4 (above) and Municipal State Health Department requirements and standards. Additional restrictions on the raising and/or keeping of horses, sheep, cattle and chickens may be imposed by the City's Zoning Ordinance without conflicting with this Subsection.

- a. The keeping or raising of horses, sheep, cattle, chickens or similar fowl shall be permitted, as provided for above, throughout the City of Hollis, Oklahoma as long as a permit is obtained from the city clerk. Said permit shall require the payment of a \$25.00 annual fee and shall state the location (physical address) where the animals are to be kept.
- b. The permit holder shall comply with the nuisance ordinances and shall maintain the location clean, odor free, with proper drainage and no excessive noise.
- c. All school projects shall be exempt from payment of the fee so long as the supervisor (teacher or 4-H leader) certifies annually, the city the location and number of animals being kept at the location.
- d. Violation of this ordinance shall result in the payment of a fine up to \$300.00 and court costs.

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

- a. All activities associated with the raising of parakeets shall be completely enclosed and out of the public view;
- b. Premises utilized for the raising of parakeets shall be maintained in accordance with Subsection 4 (above); and
- c. All requirements of the City's Zoning Ordinance shall be met.

8. The raising or keeping of dangerous birds shall be permitted, in accordance with provisions of Section 4 (above) and the license and permit requirements outlined in Article 2 or this Chapter, as well as any applicable provisions of the City's Zoning Ordinance.

9. The raising or keeping of rodents, for any purpose, shall be permitted, in accordance with the provisions of Section 4 (above) and the license and permit requirements outlines in Article 2 of this Chapter, as well as any applicable provisions of the City's Zoning Ordinance.

10. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of Section 4 (above), as well as any applicable provisions of the City's Zoning Ordinance.

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

12. The keeping of other animals not specifically mentioned or regulated within this Chapter as pets, shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.

13. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the City of Hollis, Oklahoma, except under the conditions and provisions of the license required for such snakes, in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said City, without having met permit requirements and obtained a permit.

Section 3-5. Responsibilities of Owners.

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

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
2. Owners shall provide proper care and treatment of their animals.
3. Owners shall not abandon their animals.
4. It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the City of Hollis, Oklahoma, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this Code of Ordinances.)

Section 3-6. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to:
 - a. Pour on or apply to an animal, any drug or other thing which inflicts pain;
 - b. Treat an animal in a cruel or inhumane manner;
 - c. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner of
 - d. Poison, or expose to poison, any dog or other animal, except a noxious, non-domesticated animal.
2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Section 3-7. Turning Confined Animals At Large Unlawful.

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

Section 3-8. Pasturing in Public Areas Unlawful.

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

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Section 3-9. Rabies Control; Vaccination Requirements.

1. Any warm blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the City of Hollis, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such certificate when so requested by the Animal Control Officer shall be prima facie evidence that such animal has not been so vaccinated.

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

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

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

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

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

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

8. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency.

Section 3-10. Confining Female Dogs and Cats.

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

Section 3-11. Certain Dogs Running Loose to be Killed.

The Animal Control Officer, his designated representatives or any law enforcement officer of the City of Hollis,

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Oklahoma, shall be required to kill any dog running loose within the corporate limits of the City of Hollis, Oklahoma, which is determined by the Animal Control Officer or law enforcement officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this Chapter), without keeping said dog in the Municipal Pound for any period of time.

Section 3-12. Inspections to Enforce Chapter.

1. The Animal Control Office, his designated representatives, or any member of the City Council, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.

2. The Animal Control Officer or the City Health Board may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

3. The Animal Control Officer, or the City Health Board may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaint.

Section 3-13. Zoning Ordinance to Prevail.

In case of conflict between this Chapter and the present or any future Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail and supersede the provisions of this Chapter.

Section 3-14. Keeping VICIOUS dogs prohibited.

It shall be unlawful to keep, harbor, own or in anyway possess within the corporate limits of the city and vicious dog; provided, that vicious dogs registered wit the city within ten (10) days of notification may be kept within the city subject to the provision of this section.

1. **LEASH AND MUZZLE.** No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a lease no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type leash outside its kennel or pen, unless a person is in physical control of the leash. Such dogs my not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling devise sufficient to prevent such dog from biting persons or other animals.

2. **CONFINEMENT, GENERALLY.** All registered vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom of floor attached to the side of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. All structures erected to house vicious dogs must comply with all regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. **CONFINEMENT INDOORS.** No vicious dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

4. **SIGNS.** All owners, keepers or harborers of registered vicious dogs with the city shall, within ten (10) days of notification, display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

5. **INSURANCE.** All owners, keepers or harborers of registered vicious dogs must, within ten (10) days of notification, provide proof to the City Clerk of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any

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persons which may result from the ownership keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) day written notice is first given to the City Clerk.

6. **IDENTIFICATION PHOTOGRAPHS.** All owners, keepers or harborers of registered vicious dogs must, within ten (10) days of notification, provide to the City Clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

7. **REPORTING REQUIREMENTS.** All owners, keepers or harborers of registered vicious dogs must, within (10) days of the incident, report the following information in writing to the City Clerk as required hereinafter:

- a. The removal from the city or death of a registered vicious dog.
- b. The birth of offspring of a registered vicious dog.
- c. The new address of a registered vicious dog owner should the owner move within the corporate city limits.

8. **SALE OR TRANSFER OF OWNERSHIP PROHIBITED.** No person shall sell, barter or in any other way dispose of a vicious dog registered with the city to a person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog: provided that the registered owner of a vicious dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

9. **ANIMALS BORN OF REGISTERED DOGS.** All offspring born of vicious dogs registered with the city must be removed from the city within six (6) weeks of the birth of such animal.

10. **REGISTRATION.** All vicious dogs shall be registered by the owner with the City Clerk of the city within ten (10) days of notification. No vicious dog shall be registered by the City Clerk if the requirements of subsection d and e of this section are not complied with at the time of application. In addition to the fees required by section 3-25 of this article, the additional fee of ten dollars (\$10.00) shall be charged for each vicious dog so registered.

11. **IRREBUTTABLE PRESUMPTIONS.** There shall be an irrebuttable presumption that any dog registered with the city as a vicious dog, is, in fact, a dog subject to the requirements of this section. It will be the duty of the Animal Control Officer, Chief of Police, or a Law Enforcement Officer to determine if a dog is subject to the requirements for this section and to make notification to the owner, keeper, or harborer of a vicious dog.

12. **FAILRE TO COMPLY.** It shall be unlawful for the owner, keeper or harborer of a vicious dog registered with the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not more than five hundred dollars (\$500.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the municipal jail for a period not to exceed sixty (60) days. In the event the violation shall involve a registered vicious dog, the court order the registration for the subject vicious dog revoked and the animal removed from the city. Should the defendant owner refuse to remove the animal from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. If the owner shall continue to refuse to remove the animal from the city, the municipal court judge shall issue any other orders necessary to carry out the intent of this section. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.

Sections 3-15 through 3-24. (Reserved for future use.)

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Article 2. License and Permit Requirements

Section 3-25. Licenses and Tags for Dogs.

1. No person, without first obtaining a written license from the City Clerk, shall own, keep, harbor or have custody of any dog over six (6) months of age.
2. No license shall be required for animals temporarily brought and kept within the City or for “seeing-eye” dogs, when such dogs are actually used to aid blind persons.
3. Licenses shall be issued only upon presentation of proof of current vaccination for rabies, as required by this Chapter.
4. The owner of the dog shall, at the time of paying the license fee, register the dog by giving the City Clerk the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information as said City Clerk may request.
5. The City Clerk shall deliver an appropriate tag for the dog, in addition to the written receipt; the tag shall constitute the license.
6. The owner shall cause the tag received from the City Clerk to be affixed to the collar or harness of the dog upon which the license fee has been paid and the owner shall see that the tag is so worn at all times.
7. Dog license tags shall not be transferable, from one (1) dog to another, and no refunds shall be made for any dog license fee because of the death of the dog or the owner's departure from the City.
8. No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog, as provided in this Chapter.
9. A tax of two dollars (\$2.00) per year for every male or spayed female dog more than six (6) months of age, is hereby levied upon the owner of any such dog kept or harbored within the City of Hollis, Oklahoma.
10. All license fees shall be paid to the City Treasurer, and shall be due not later than the 1st day of July of each year, or within one (1) week after bringing such an animal into the City after such date.
11. In the event of loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog by presenting the original receipt and the sum of one dollar (\$1.00) to the City Treasurer.

Section 3-26. Licenses for Poisonous Snakes.

1. No person shall keep, buy, or otherwise acquire from another, any poisonous snake within the City of Hollis, Oklahoma, without first having obtained from the City Clerk a license to keep, purchase or otherwise acquire such poisonous snake.
2. Said license shall not be issued by the City Clerk until the applicant therefore has made satisfactory showing to the City Clerk that he has ample and sufficient equipment to safely keep and confine any poisonous snake to be kept or acquired by him in the City.
3. To cover the costs of issuing such license, the necessary investigations preliminary to issuing such license and a part of policing (by seeing that any poisonous snakes so acquired by the licenses are safely kept and confined), the license shall pay to the City Treasurer, upon issuance of such license, a license fee of one hundred dollars (\$100.00); the license, so issued, shall be valid for a term of one (1) year.

Section 3-27. Licenses for Wild Circus Animals.

1. All wild animals owned by individuals, circus or traveling animal show, shall not be permitted within the

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corporate limits of the City of Hollis, Oklahoma, unless the owner or person in charge of said circus or show, or his designated representative, has first obtained a license for said animals from the City Clerk.

2. Said license shall be issued by the City Clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

3. To cover issuance and enforcement costs, the applicant shall pay a fee of twenty dollars (\$20.00) to the City Treasurer; the written receipt may constitute the license.

4. Said license, so issued, shall be valid for a term of one (1) month.

Section 3-28. Licenses for Dangerous Birds.

1. No person shall keep, raise or bring into the City of Hollis, Oklahoma, any bird which may be defined as a "dangerous bird", without first having obtained a license to handle said bird from the City Clerk.

2. Said license shall be issued by the City Clerk only after the applicant has provided a written, signed statement outlining the safeguards he has provided to protect the public health, safety and welfare.

3. The fee for said license shall be five dollars (\$5.00).

4. Said license, so issued, shall be valid for a period of one (1) year.

Section 3-29. Permits for Rodents.

1. No person shall keep, raise or bring into the City of Hollis, Oklahoma, any rodent(s), without first having a permit from the City Clerk.

2. In order to protect the public health, safety and welfare, no permits shall be issued for raising more than one (1) rodent on a single premise, unless the City Council has first met with the applicant and assured themselves that no potential problems will be created. Permits will be issued by the City Clerk for individual rodents, kept and/or raised as pets, upon submission of a written, signed application.

3. The fee for a permit to keep one (1) rodent only shall be one dollar (\$1.00); the fee for permits for keeping and/or raising more than one (1) rodent, shall be fifty dollars (\$50.00).

4. In both cases (Subsection 3, above), permits shall be valid for a period of one (1) year.

Section 3-30. License Requirements for Kennels; Pet Shops.

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

2. 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; said kennel must be in compliance with any applicable portions of any present or future Zoning Ordinance adopted by the City of Hollis, Oklahoma.

3. The annual kennel license fee shall be set by the city council and such license shall be exhibited in a conspicuous place on the premises.

4. Licenses shall be issued for a period of one (1) year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) day before July 1, and for thirty (3) days thereafter.

5. A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a license.

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6. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any present or future Zoning Ordinance. Non-conforming kennels shall be deemed a public nuisance.

7. No kennel or other establishment wherein animals are kept shall be maintained 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.

8. Pet shops shall be subject to the same requirements for licensing as kennels; in addition, any other requirements of this Code of Ordinances or of the City's Zoning Ordinance which may involve specific animals sold in a pet shop, shall also be included in those regulations applicable to pet shops.

Sections 3-31 through 3-39. (Reserved for future use.)

Article 3. Municipal Pound

Section 3-40. Municipal Pound Authorized.

1. The City Council is hereby authorized to establish a Municipal Pound, under the jurisdiction of the Chief of Police or the Animal Control Officer (who shall be appointed or removed by the City Manager). He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

2. The Municipal Pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the City of Hollis, Oklahoma.

Section 3-41. Impoundment of Animals.

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the City), to take into custody and impound any animal running at large in violation of the provisions of this Chapter.

2. The Animal Control Officer shall also proceed to impound any dog that is running at large within the corporate limits of the City of Hollis, Oklahoma, that is not confined with a secure and suitable-sized leash (as provided in this Chapter), regardless of whether or not the owner may have a permit, the dog has been vaccinated and the dog bears a tag.

3. The Animal Control Officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this Code of Ordinances.

4. Any person appearing at the Municipal Pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned to him, upon the payment of the charges due, as authorized by the provisions of this Chapter.

5. Animals which are of no apparent value, taken into custody as provided in this Chapter, shall be destroyed in a humane manner by the Animal Control Officer, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded at least five (5) days. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable license fees and expenses incurred in the dog's detention.

6. Should any licensed institution request of the Animal Control Officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animals shall have been impounded for at least five (5) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

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7. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the municipal official or employee responsible for impounding animals.

Section 3-42. Fees for Impounding and Keeping.

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by Resolution of the City Council.

2. All fees shall be paid to the City Treasurer. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer before the animal shall be released.

Section 3-43. Claiming of Impounded Animals.

1. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this Chapter.

2. Any person claiming an unlicensed dog shall pay the required license fee to the City Clerk, secure a tag and present the receipt therefore and a tag to the Animal Control Officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the Animal Control Officer shall require adequate evidence of proper licensing before the animal's release.

Section 3-44. Sale of Impounded Animals of Value.

1. As soon as practicable after any animal of apparent value has been impounded, the Animal Control Officer or the Chief of Police shall thereupon post a conspicuously-visible notice thereof at the City Hall. Such notice shall describe the animal, notify the owner to pay the charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless the animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

2. Sales provided herein shall be for cash to the highest bidder; the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a five dollar (\$5.00) fee to reimburse the City of Hollis, Oklahoma, for sale expense, and shall be conducted by, or under the direction of, the Chief of Police. If there is no bid, the Chief of Police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the City Hall if he believes that a bid would be made at a later time; otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the Animal Control Officer, as provided in this Chapter.

3. A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

4. The Chief of Police shall pay to the City Treasurer all money received from the sale of impounded animals on the day it is received or on the next day upon which the Office of said City Treasurer is open for business.

5. The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of five dollars (\$5.00) to reimburse the City of Hollis, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the City Council, the City Treasurer shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the City.

Sections 3-45 through 3-54. (Reserved for future use.)

ANIMALS

Article 4. Penalty

Section 3-55. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-34 of this Code. Each day upon which a violation continues shall be deemed a separate offense.