

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS**§ 90.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRESSIVE DOG. Any dog that, in the opinion of any law enforcement officer or animal control officer of the town, or any peace officer as defined by state statute, who is demonstrating threatening or aggressive behavior by which an attack on a human or domestic animal appears immanent or probable, whether or not such attack has actually occurred, when such dog is at large.

ANIMAL. All vertebrate and invertebrate animals such as, but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild mammals, herptile (including reptiles and amphibians), fish, or birds that have been tamed, domesticated, or captivated.

ANIMAL BITE. Any penetration of the skin by the teeth or claws of an animal.

ANIMAL CONTROL OFFICER. The person or persons designated by the Chief of Police as an enforcement officer for this chapter. It includes all police officers of the town.

ANIMAL SHELTER. Any premises officially designated by the town for the purpose of impounding and caring for all animals found in violation of this chapter. Nothing herein shall be construed as a requirement for the town to operate an **ANIMAL SHELTER**.

AT LARGE. An animal or fowl which is free of physical restraint beyond the boundaries of the property of its owner or keeper

CAT. Any cat and every other animal of feline species.

CATTERY. Any premises or place where there is being maintained or harbored a total of four or more cats over six months of age, except veterinary hospitals.

CONFINED ON THE PREMISES. The condition in which a dog or cat is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences or similar devices.

DANGEROUS DOG.

(1) Any dog that:

(a) Has inflicted severe injury on a human being without provocation on public or private property;

(b) Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing, and the dog thereafter aggressively bites, attacks, or endangers the safety of humans; or

(c) Has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property.

(2) Any dog referred to herein as a vicious dog is considered to be the same as ***DANGEROUS DOG*** by this definition.

DOG. Any dog or other animal of the canine species.

HERPTILE. Any reptile or amphibian including but not limited to snakes, lizards, chelonians, crocodilians, frogs, toads, salamanders, and caecilians and other cold-blooded vertebrates excluding fish.

HUTCH. Any box, coop, or structure separated from other structures on all sides by wire, boards, or other materials, and which is designed as a separate compartment for the keeping of rabbits.

HARBORING. Any person who allows any animal to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure, or place of business or any other premises in which such person resides or controls shall be considered as ***HARBORING*** such animal.

KENNEL. Any place other than a federal, state, or municipal facility, veterinary hospital, or medical research institute where there is being maintained or harbored a total of four or more dogs, over two months of age which are kept, harbored, boarded, sheltered, or bred.

LIVESTOCK. Any cattle, horses, sheep, goats, llamas, donkeys, mules, and swine.

OWNER. Any person or group of persons possessing, keeping, harboring, having an interest in, or having custody or control of an animal or animals.

PET PLACEMENT PARTNER. An animal welfare organization or breed rescue group which has:

(1) Provided the Police Department with a cover letter accompanied by a copy of the certificate of incorporation and a copy of their bylaws. The cover letter shall address the approved animal rescue group's procedures for animal care and adoption, and a list of no less than three individuals who are authorized to sign for receipt of animals from the Police Department or designee of the Chief of Police; and

(2) Entered into an agreement with the Town Board for receipt of the animals, which requires, among other things, that animals received from the Police Department to be vaccinated and spayed/neutered prior to adoption.

POTENTIALLY DANGEROUS DOG. Any dog that:

(1) When unprovoked inflicts bites on a human either on public or private property; or

(2) When unprovoked attacks a dog which results in the death of said dog either on public or private property.

RABIES EXPOSURE. Any and all forms of exposure or suspected exposure to rabies virus or resulting from a scratch, bite, or contact with saliva, or neurological tissue and fluids of infected animals, or animals suspected of such rabies infection.

RESTRAINT. A dog or cat is under restraint within the meaning of this chapter if it is controlled by a leash not more than eight feet in length, or confined on the premises of his or her owner or keeper.

STRAY. Any animal which does not appear, upon reasonable inquiry, to have an owner.

TAGGED ANIMAL. Any animal able to be identified by visible marking, such as a metal tag, or by a microchip.

UNCONFINED DANGEROUS DOG. A dangerous dog that is not in a **PROPER ENCLOSURE OF A DANGEROUS DOG**, the latter term meaning: while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over six months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

VICIOUS ANIMAL or **DANGEROUS ANIMAL.** Any animal, other than a dog, which has on one or more occasions attacked or bitten either a human or a domestic animal.

WEBSITE.

(1) Any a set of related web pages or pages located under a single domain name, which is owned or operated by the town or its representatives.

(2) Forms of social media like Facebook, Instagram, and Twitter are all considered **WEBSITES** for the purposes of this text.

(Prior Code, § 4-101)

§ 90.002 APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to the keeping, owning, and harboring of every animal within the corporate limits of the town.

(Prior Code, § 4-102)

§ 90.003 ANIMALS AT LARGE.

(A) No owner shall permit any animal, except a cat, owned, harbored, or kept by him or her to be at large within the town.

(B) It is unlawful for any animal to be at large at any time within the town.

(1) It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large.

(2) It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or on any other public property whether federal, state, municipal, or other, or on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property. (Prior Code, § 4-103) Penalty, see § 10.99

§ 90.004 NUISANCES.

It is unlawful to allow an animal to be a nuisance or to own or harbor an animal that is determined to be a nuisance. An animal is determined to be a nuisance when:

(A) By loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the town limits;

(B) Any animal which scratches or digs into any flowerbed, garden, tilled soil, or shrubbery, and in so doing injures the flower bed, garden, tilled soil, or shrubbery;

(C) When an animal habitually prowls around or over any premises not the property of its owner to the annoyance of the owner or occupant of such premises;

(D) When an animal overturns any garbage can or vessel for waste products, or scatters the contents of such garbage can or vessel; provided, in the event that the owner, keeper, or person having control of an animal or fowl is unable to prevent the overturning of a garbage can or vessel for waste products, or scattering the contents thereof in violation of this section, it shall be the duty of such person to

properly clean up and properly dispose of the scattered contents and shall be unlawful to fail to fulfill that duty;

(E) When an animal which chases or kills any fowl or animal owned by another, or that is located upon public property, or that is located upon any common area with a neighborhood;

(F) When female dog is in season and at large; and

(G) When urinating or defecating on sidewalks, public parks, alleys, other places open to the public or on the private property of another; provided, in the event that the owner, keeper, or person having control of an animal or fowl is unable to prevent the deposit of waste material in violation of this section, it shall be the duty of such person to properly dispose of such waste material and it shall be unlawful to fail to fulfill that duty.

(Prior Code, § 4-104) Penalty, see § 10.99

§ 90.005 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in the town shall, within 24 hours after the death of such animal, remove its carcass, and failure so to do shall constitute an offense.

(Prior Code, § 4-105) Penalty, see § 10.99

§ 90.006 AUTHORITY TO INSPECT.

Any animal control officer or police officer of the town, upon complaint of any person or on his or her own initiative, shall inspect any structure or place where an animal is kept. The officer may issue any such reasonable order as he or she may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. The officer may make a complaint before the Municipal Judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

(Prior Code, § 4-106)

§ 90.007 ANIMAL SHELTER.

(A) The town, by resolution of the Board of Trustees, may establish an animal shelter which shall be under the control of the animal control supervisor who is appointed and supervised by the Chief of Police. The animal control supervisor shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The animal control supervisor also ensures compliance of the shelter facility with all applicable local, state, and federal regulations.

(B) Provided further that:

(1) The town may contract for the use of a shelter maintained by another governmental entity, or private party, approved by the Chief of Police. The owner of said animal shall be responsible for all associated reasonable costs of keeping the animal prior to the animal being released to the owner;

(2) The town may place impounded animals with a pet placement partner. A **PET PLACEMENT PARTNER** means an animal welfare organization or breed rescue group which has:

(a) Provided the Police Department with a cover letter accompanied by a copy of the certificate of incorporation and a copy of their bylaws. The cover letter shall address the approved animal rescue group's procedures for animal care and adoption, and a list of no less than three individuals who are authorized to sign for receipt of animals from the Police Department or designee of the Chief of Police; and/or

(b) Entered into an agreement with the Town Board for receipt of the animals, which requires, among other things, that animals received from the Police Department to be vaccinated and spayed/neutered prior to adoption and that the town's liability for maintaining said animal shall not extend beyond 72 hours, at which time the town may euthanize the animal. If the **PET PLACEMENT PARTNER** opts, the pet placement partner may assume full responsibility for the animal in lieu of euthanasia.

(3) In lieu of a placement with a shelter or pet placement partner, an animal control or police officer may hold an impounded animal at any veterinary hospital or licensed kennel. The owner of said animal shall be responsible for all associated reasonable costs of keeping the animal prior to the animal being released to the owner.

(4) The Board of Trustees by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

(5) Any person redeeming an impounded animal shall pay the required fees to the Town Clerk/Treasurer and present his or her receipt therefor to the person in charge of the pound or other person holding the animal on behalf of the town before the latter releases the animal.

(6) Subject to the other provisions in this chapter, an owner of an impounded animal or his or her agent may redeem the animal, prior to its sale or destruction as provided for in this chapter, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the animal control or other officer an animal should be destroyed for humane reasons, such animal may not be redeemed.

(7) If an impounded animal cannot be adopted or is not redeemed within 72 hours, the animal control supervisor or other officer of the town may have the animal destroyed.
(Prior Code, § 4-107)

§ 90.008 IMPOUNDMENT OF ANIMALS.

The animal control officer, a police officer, or such other officer or employee of the town may take into custody and impound any animal running at large or in violation of any provision of the ordinances of the town and may enter upon the premises of the owner or other private premises to take such animal into custody.

(A) A description of the animal, the date impounded, and the place of impoundment shall be kept by the Chief of Police or designee. If the owner can be identified by tag or otherwise, the officer shall send notice to the owner orally by telephone or in writing at the address on the town's registration records that unless claimed by the owner, the animal will be disposed of as provided in this chapter.

(B) As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal shall post a notice thereof on the Police Department website. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the animal prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be offered for adoption or destroyed.
(Prior Code, § 4-108)

§ 90.009 EUTHANASIA OF ANIMALS.

(A) Except for animals subject to hearing and notice procedures set forth in this chapter, all animals taken into custody as provided in this chapter may be destroyed after 72 hours by the officer or employee of the town in charge of such animal, or by the animal control officer, provided the animal is not redeemed or claimed as provided by ordinance. Vicious, dangerous, aggressive, or suspected diseased animals may be immediately euthanized or otherwise destroyed as necessary to preserve the public peace and safety.

(B) (1) All animals euthanized under the control of the town shall utilize lethal injection for the method of euthanasia, with the exception of aggressive, vicious, dangerous, injured, or suspected diseased animals found at large.

(2) Officers of the town may destroy those animals by the most prudent and humane means possible given the circumstances.
(Prior Code, § 4-109)

§ 90.010 SHELTER BREAKING PROHIBITED.

It shall be unlawful for any person to break or attempt to break open the shelter or other place of impoundment, or take or let out any animal therefrom, or to take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter.

(Prior Code, § 4-110) Penalty, see § 10.99

§ 90.011 INTERFERENCE WITH ANIMAL CONTROL.

It is an offense to, in any manner, interfere with or hinder an officer or employee in the discharge of his or her duties relating to the taking into custody and impounding of animals as provided in part or in the enforcement of any provision of this chapter.

(Prior Code, § 4-111) Penalty, see § 10.99

§ 90.012 FAILURE TO APPEAR.

If a person fails to appear in response to a citation issued pursuant this chapter, a warrant for his or her arrest may be issued. Any person who willfully fails to appear in response to a citation is guilty of an offense.

(Prior Code, § 4-112) Penalty, see § 10.99

§ 90.013 DUTY UPON STRIKING ANIMAL OR FOWL.

Every person who strikes any animal or fowl with a vehicle and injures or kills such animal or fowl shall notify the Police Department immediately after the occurrence and shall give the time and place of the injury or death, a description of the animal or fowl, and the name and address of the person making the report. Drivers of emergency vehicles shall notify the Police Department at the earliest convenient time.

(Prior Code, § 4-113)

§ 90.014 FOUND ANIMALS.

Any person who takes in a stray animal which he or she does not own shall report possession of such animal to the Police Department within 24 hours, providing his or her name, address, and telephone number, a true and complete description of the animal, and the circumstances under which the animal came into his or her possession.

(Prior Code, § 4-114)

§ 90.015 EXCEPTIONS.

Police service dogs, and dogs of search and rescue organizations, while on duty, shall be exempt from the provisions of this chapter, provided such dogs are under supervision.
(Prior Code, § 4-115)

§ 90.016 ZONING ORDINANCE SUPERSEDES.

Should any portion of this chapter be found to be in conflict with the zoning ordinance of the town, then the zoning ordinance shall supersede this chapter and the requirements of the zoning ordinance shall prevail and be applicable.
(Prior Code, § 4-116)

DOGS AND CATS

§ 90.030 RABIES VACCINATION REQUIRED.

(A) All dogs and cats four months of age and older that are owned, kept, possessed, or harbored within the town shall be vaccinated against rabies by or under the direct supervision of a licensed veterinarian, and the vaccine to be used shall be the rabies vaccines listed in the most recent “Compendium of Animal Rabies Control” as published by the Centers for Disease Control.

(B) Rabies vaccine shall be recognized for the duration of the vaccine used, for example, vaccines with a labeled duration of one year, two years, or three years will be recognized for one year, two years, or three years, respectively.

(C) A rabies vaccination need not be obtained for a nonresident dog or cat which is currently vaccinated for rabies by a licensed veterinarian or which is visiting in the town and is in the custody of its owner for a period of 30 days or less, or when a veterinarian licensed in the state certifies in writing that it would be detrimental to the animal’s health to be vaccinated and places the animal on a health hold. If a veterinarian releases the animal from the health hold, the animal shall be vaccinated within ten days of release.

(D) On demand of any officer of the town or other authorized official, the owner or keeper of any dog or cat must present a completed and signed vaccination certificate for the animal that includes the type and duration of the vaccine administered.
(Prior Code, § 4-201)

§ 90.031 DOGS AT LARGE.

(A) No person shall permit any dog to run at large anywhere out-of-doors in the town, unless said dog is on a leash.

(B) If on a leash, said leash must be held by a person capable of controlling the dog, and leaving an unattended dog fastened to a leash shall not be deemed to comply with the requirements of this section.

(C) Subject to § 90.032, this section shall apply to all public places and to all private property.
(Prior Code, § 4-202) Penalty, see § 10.99

§ 90.032 FENCING REQUIRED.

If a dog is left unattended out-of-doors, it must be contained in a yard with a fence adequate to prevent the dog from leaving the yard, and adequate to prevent another dog or a child from entering that yard.

(Prior Code, § 4-203)

§ 90.033 ID TAG REQUIRED.

(A) All dogs within the town are required to wear a collar with a tag affixed indicating the name, current address, and current phone number of the dog owner.

(B) It is unlawful to keep or harbor a dog without an identification tag affixed to the collar and the dog wearing the collar. Proof of rabies vaccination must also be attached to the collar.

(Prior Code, § 4-205) Penalty, see § 10.99

LIVESTOCK**§ 90.045 ZONING REQUIREMENTS.**

It is unlawful to keep or harbor cows, sheep, goats, cattle, horses, and other livestock of any kind within the town limits unless they are kept upon land that is appropriately zoned for agricultural use.

(Prior Code, § 4-301) Penalty, see § 10.99

§ 90.046 SPECIFIC ENCLOSURES REQUIRED.

It is unlawful for anyone to keep cows, sheep, goats, cattle, or other livestock of any kind, except horses, within the limits of the town unless they are kept within an enclosure or fence, and provided the enclosure has at least one acre for each five animals kept, or 8,700 square feet for each animal kept. (Prior Code, § 4-302) Penalty, see § 10.99

§ 90.047 ENCLOSURE DISTANCE FROM DWELLING.

Any enclosure containing animals shall be located so that no part shall be any closer than 100 feet to dwelling quarters of any person other than the owner or custodian of such animals or from any other occupied building. (Prior Code, § 4-303)

§ 90.048 BARNs AND STABLES.

(A) No person shall construct or maintain any barn, stable, shed, or other enclosure or covering for housing or keeping livestock, unless the stable, shed, enclosure, or covering is located at the farthest possible practicable point from the public street adjoining and nearest thereto, and is not closer than 100 feet to any residence, church, school building, or other structure occupied by humans.

(B) Provided, however, that this section shall not apply to veterinary hospitals or medical research institutes. (Prior Code, § 4-304) Penalty, see § 10.99

§ 90.049 HERDING PROHIBITED.

No person may drive or herd any livestock through the streets or public areas of the town, except by permission of the Town Manager. (Prior Code, § 4-305)

§ 90.050 GRAZING PROHIBITED.

No person shall permit the livestock to enter or graze upon any public or private park, or upon any premises other than those belonging to the owner of the livestock, without the consent or permission of the person lawfully in possession thereof. (Prior Code, § 4-306) Penalty, see § 10.99

§ 90.051 HORSES.

It is unlawful for anyone to keep a horse within the limits of the town unless:

(A) The horse is kept within an enclosure or fence with at least one acre (43,560 square feet) available. This section should not be construed to prevent the existence of runs or pens upon the required acre, but does require a minimum of one full fenced acre for all such fences and pens to be contained within;

(B) No more than two horses are kept per each acre of land; and

(C) Any enclosure containing a horse or horses that is located upon a tract of land less than five acres in size shall be located so that no part shall be any closer than 100 feet to dwelling quarters of any person or any other inhabited or occupied structure other than the owner or custodian of such animals. (Prior Code, § 4-307) Penalty, see § 10.99

§ 90.052 SWINE PROHIBITED.

It is unlawful to keep swine within the town limits unless kept on property of ten acres or more which is properly zoned for agricultural purposes. (Prior Code, § 4-308) Penalty, see § 10.99

§ 90.053 NOTICE OF VIOLATION.

(A) Any person keeping livestock within the town limits or any person keeping horses within the town limits in violation of this chapter shall be first entitled to one three-day notice to remove the animal from the town limits.

(B) Any violation of this section thereafter shall be deemed an offense. Each and every violation or omission of a required act and each and every day of a continued violation after one three-day notice period shall be deemed a separate offense. A person is not entitled to any notice for additional offenses after the first notice shall have been given. (Prior Code, § 4-309)

§ 90.054 FEEDLOTS AND STOCKYARDS PROHIBITED.

It is unlawful to establish, operate, or maintain a commercial feedlot operation or commercial stockyards within the town limits. (Prior Code, § 4-310) Penalty, see § 10.99

RABBITS

§ 90.065 RABBITS PERMITTED.

The raising of rabbits by a private individual for his or her personal use and consumption is permitted within the town limits, if:

(A) The land upon which the rabbits are kept is appropriately zoned for agricultural use;

(B) The keeper maintains proper hutches and other facilities for the care and containment of the animals while they are in his or her possession;

(C) The keeper maintains proper sanitary conditions as required by town ordinances;

(D) The animals are not allowed to roam at large;

(E) Odors or noises from such keeping do not constitute a nuisance; and

(F) Rabbit hutches are located at least 100 feet from any residence or occupied structure other than that of the owner of the hutches.

(Prior Code, § 4-401)

§ 90.066 RABBIT HUTCHES.

Any person having more than two rabbits shall utilize rabbit hutches and the following requirements apply.

(A) Each hutch shall be of sufficient size to accommodate a mature rabbit.

(B) The roof of the hutch and the area over the hutch shall be sufficiently wide to protect the hutch and the area surrounding the hutch from manure, drops of moisture, and other refuse.

(C) Hutches shall be constructed so that they can be cleaned easily.

(D) Each hutch shall have wired openings in the front and back.

(E) All rabbit hutches shall be constructed to provide ample ventilation through, under, and over the hutches.

(Prior Code, § 4-402)

§ 90.067 SANITARY REQUIREMENTS.

Any person having more than two rabbits shall comply with the following requirements.

(A) Each rabbit hutch and all other buildings and spaces in, around, and near the hutches shall be kept clean and sanitary, and:

(1) Each hutch shall be sterilized with disinfectant at least once each week;

(2) Each hutch shall be swept and cleaned at least once every 48 hours and manure and other refuse shall be disposed of at least twice each week; and

(3) No manure or other hutch waste shall be burned or disposed of in a manner that causes annoying odors to be conveyed to persons in the vicinity of the hutches.

(B) Dead rabbits must be immediately removed from in or near the hutch area and disposed of in an appropriate manner.

(C) When rabbits are butchered, the offal and other waste parts must be immediately disposed of in an appropriate manner. The offal and other waste parts must not, however, be disposed of by burning or in any manner which causes annoying odors to persons in the area.

(Prior Code, § 4-403) Penalty, see § 10.99

§ 90.068 CARE AND FEEDING.

Enough and only enough feed shall be supplied each day for the daily needs of each rabbit. Any waste feed shall be removed each day. Feed shall be placed in containers which are separated from the other parts of the hutch. All feed and water containers shall be kept clean. Surplus feed shall be stored in a place separated entirely from the hutches by solid dividing walls. The place of storage shall be constructed so that the feed does not spill upon the ground or into the hutches.

(Prior Code, § 4-404)

§ 90.069 INSPECTIONS.

Any officer of the town may enter and inspect any place where rabbits are kept to determine whether the rabbits are being kept in compliance with the provisions of this subchapter. An inspection may be made as often as the officer deems necessary. For the purposes of this section, the officer shall have the right to enter and inspect during all reasonable hours.

(Prior Code, § 4-405)

§ 90.070 EXCEPTIONS.

The provisions of this subchapter shall not apply to persons who keep two or fewer pet rabbits.
(Prior Code, § 4-406)

FOWL

§ 90.085 KEEPING OF FOWL PERMITTED.

(A) The keeping of fowl within the town limits upon any land that is appropriately zoned for agricultural use is permitted in accordance with the provisions of this subchapter.

(B) It shall be unlawful to violate any provision of this subchapter.
(Prior Code, § 4-501) Penalty, see § 10.99

§ 90.086 DISTANCE FROM STRUCTURES REQUIRED.

Any fowl kept in the town limits must be maintained and kept no less than 100 feet from any residence, school, church, or business other than the residence of the owner.
(Prior Code, § 4-502)

§ 90.087 AT LARGE.

(A) Fowl shall not be allowed to run at large in the town.

(B) Domestic ducks and geese found or maintained upon common areas and public waterways are exempted.
(Prior Code, § 4-503)

§ 90.088 SANITARY REQUIREMENTS.

The area in which any fowl are maintained shall be kept clean and free from excess excreta, waste materials, dirt, and trash to minimize disease hazards and to reduce odors.
(Prior Code, § 4-504)

§ 90.089 PEN REQUIRED.

All fowl kept upon private property within the town must be penned. Domestic ducks and geese found or maintained upon common areas and public waterways are exempted.
(Prior Code, § 4-505)

§ 90.090 NUMBER OF FOWL REGULATED.

The number of fowl kept upon any property within the town shall not exceed three fowl for every 5,000 square feet of property.
(Prior Code, § 4-506)

§ 90.091 EXCEPTION.

This section does not apply to caged songbirds and exotic birds kept indoors when the keeping of such is otherwise permitted by law. Domestic ducks and geese found or maintained upon common areas and public waterways are exempted.
(Prior Code, § 4-507)

WILD ANIMALS**§ 90.105 WILD ANIMAL DEFINED.**

For the purpose of this section, the term ***WILD ANIMAL*** means an animal which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, coyotes, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.
(Prior Code, § 4-601)

§ 90.106 KEEPING OF WILD ANIMALS PROHIBITED.

It is unlawful to keep or harbor any wild animal in the town limits. This section shall not apply to such animals kept for exhibition purposes only by recognized circuses, zoos, and educational institutions.
(Prior Code, § 4-602) Penalty, see § 10.99

§ 90.107 POISONOUS HERPTILES PROHIBITED.

It shall be unlawful for any person to keep or allow to be kept on his or her property any vicious or poisonous herptiles within the town. This section shall not apply to any veterinary hospital, zoo, ranch, or other place where such animals are adequately cared for with due regard for public health and safety.

(Prior Code, § 4-603) Penalty, see § 10.99

§ 90.108 SKUNKS.

It shall be unlawful for anyone to de-scent a skunk for the purpose of domesticating it or to keep or harbor a skunk within the town limits.

(Prior Code, § 4-604) Penalty, see § 10.99

§ 90.109 SONG BIRDS PROTECTED.

It shall be unlawful for any person to willfully kill any song bird or to molest or rob the nest of any fowl other than chickens or domesticated ducks.

(Prior Code, § 4-605) Penalty, see § 10.99

§ 90.110 NON-HUMAN PRIMATES.

NON-HUMAN PRIMATE shall mean any animal that is a member of the order Primata except human beings. The keeping of non-human primates within town limits is unlawful, except within a zoo, circus, or licensed research facility.

(Prior Code, § 4-606) Penalty, see § 10.99

VICIOUS AND DANGEROUS ANIMALS**§ 90.125 DECLARATION OF ANIMAL AS VICIOUS OR DANGEROUS.**

A Judge of the Municipal Court, upon the presentment of a verified complaint by an animal control officer, law enforcement officer, or the Town Attorney, shall determine whether reasonable cause exists to believe that an animal or dog being kept at a specified location within the town is a potentially dangerous dog, dangerous dog, or vicious or dangerous animal, as defined by town ordinance. If the Municipal Judge determines that probable cause exists, the Judge shall issue an order of the Municipal

Court declaring the animal a dangerous dog, potentially dangerous dog, or vicious or dangerous animal, and requiring a notice of judgment to be served on the person(s) owning, possessing, keeping, and/or harboring said dog or animal. Those who own, possess, keep, and/or harbor such dogs or animals will be required to comply with all conditions pertaining to a dangerous dog, potentially dangerous dog, or vicious or dangerous animal. It shall be unlawful for any person to own, possess, keep, or harbor a dangerous dog, potentially dangerous dog, or vicious or dangerous animal within the limits of the town contrary to the order of the Municipal Judge or contrary to any of the provisions of this subchapter. (Prior Code, § 4-701) Penalty, see § 10.99

§ 90.126 DUTY UPON COMPLAINT.

(A) When an animal control officer, police officer, or Town Attorney intends to or actually files a complaint with the Municipal Court requesting an animal or dog be declared a dangerous dog, potentially dangerous dog, or vicious or dangerous animal, the officer shall serve the person or persons who either owns, possesses, keeps, and/or harbors the animal or dog with a written notice; provided, however, that notice to one of the aforementioned classes of persons shall be deemed notice to all.

(B) The notice shall include the date and time of issue, the date and time the matter is to be heard in Municipal Court, and the required duties of the owner or keeper until such time the matter is heard. It is unlawful to fail to adhere to the required duties after notice has been served. Those duties shall be:

(1) The animal or dog shall be kept indoors;

(2) The animal or dog shall be kept in a secure fenced enclosure with locked gates that is sufficient to prevent the animal or dog from being at large and to prevent access to the animal or dog by small children or other animals;

(3) To prevent at all times the animal or dog from being at large; and

(4) To muzzle and to be in constant attendance and supervision of the animal or dog whenever the animal or dog is not in a fenced enclosure or indoors.
(Prior Code, § 4-702)

§ 90.127 COST OF ACTION.

The person owning, keeping, or harboring an animal or dog for which a complaint has been filed before the Municipal Court to declare such animal a vicious animal, or such dog a dangerous or vicious dog shall pay, upon the hearing of the matter before the Municipal Court, Court costs of \$50 if the animal or dog is actually declared to be a vicious animal or a dangerous or potentially dangerous dog. (Prior Code, § 4-703)

§ 90.128 DISMISSAL OF ACTION.

(A) If the person owning, keeping, or harboring an animal or dog for which a complaint has been filed before the Municipal Court to declare such animal a vicious animal, or such dog a dangerous or potentially dangerous dog either:

(1) Voluntarily and permanently removes the animal or dog from the corporate town limits;
or

(2) Voluntarily has the animal euthanized by or under the supervision of a veterinarian licensed in the state, and provides proof to the Court that such animal has been removed or euthanized, the Court shall dismiss the action without cost.

(B) It shall be unlawful to forge or falsify proof of euthanasia, to be deceptive in declaring the animal or dog has been removed from town limits, or to return the animal or dog to the corporate limits after declaring to the Court such animal has been permanently removed.

(Prior Code, § 4-704) Penalty, see § 10.99

§ 90.129 LIMITATIONS ON DECLARATION.

No animal or dog may be deemed to be a dangerous dog, potentially dangerous dog, or vicious or dangerous animal, when:

(A) Aggressive behavior, injury, or damage is as a result of a person who was teasing, tormenting, abusing, or assaulting the animal or dog;

(B) Aggressive behavior, injury, or damage was brought about by person who was breaking and entering into any domestic residence or other property or attempting to break and enter into any domestic residence or other property, or attempting to cause harm to an owner, possessor, keeper, or one who is harboring the animal; and

(C) A police service dog, while on duty, which becomes aggressive, or inflicts injury or damage due to law enforcement action or activity while such animal is under the control or supervision.

(Prior Code, § 4-705)

§ 90.130 VICIOUS OR DANGEROUS ANIMALS UNLAWFUL.

(A) It shall be unlawful to own, possess, keep, and/or harbor an animal declared to be a vicious animal or dangerous animal within the corporate limits of the town.

(B) Each day such an animal is kept within the town shall be deemed to be a separate violation.
(Prior Code, § 4-706) Penalty, see § 10.99

§ 90.131 DANGEROUS OR POTENTIALLY DANGEROUS DOGS UNLAWFUL WITHOUT PERMIT.

(A) It shall be unlawful to own, possess, keep, or harbor a dangerous or potentially dangerous dog within the town limits unless the person who owns, possesses, keeps, or harbors the dangerous or potentially dangerous dog obtains an annual permit from the town. The following shall apply.

(1) The applicant must have the premises upon which the dangerous or potentially dangerous animal or dog is to be harbored or kept inspected by the Chief of Police or designee to ensure such premises meets the requirements of this subchapter.

(2) The applicant must present a copy of a policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 O.S. in the amount of not less than \$50,000 insuring the owner for any personal injuries inflicted by the dangerous or potentially dangerous dog.

(3) Pays an annual fee of \$10 to the town for such permit.

(B) It shall be unlawful to fail to maintain the liability insurance or bond outlined required in this section at any time a dangerous dog is owned, harbored, or kept in the corporate limits of the town.
(Prior Code, § 4-707) Penalty, see § 10.99

§ 90.132 POTENTIALLY DANGEROUS DOG PERMIT REQUIREMENTS; REVOCATION.

(A) It is unlawful for one who harbors, owns, possesses, or keeps a potentially dangerous dog to permit the dog to be unconfined or otherwise fail to meet the requirements as set forth by this section, and to this end and after obtaining the proper permit for a potentially dangerous dog such person or persons shall:

(1) Keep the dog indoors or in a fenced enclosure;

(2) Prevent the dog from being at large in the town;

(3) Place and maintain a "BEWARE OF DOG" warning sign upon each gate or entrance into the fenced enclosure where such animal is kept and to place such sign on each side of the fenced enclosure without a gate that faces a public street, private street, or alleyway;

(4) To prevent the dog from having any kind of unsupervised access to children and small animals;

(5) To maintain all fenced enclosures in a state of repair that prevents the dog from running at large, and prevents entrance by small children and other animals;

(6) To maintain a lock upon all gates and entrances to the fenced enclosure sufficient to prevent access by small children or animals;

(7) To muzzle and be in direct control of the dog anytime the dog is not indoors or within a fenced enclosure;

(8) To notify the Police Department when moving the place where the dog is kept from one location to another in the town and having any new location inspected by the Chief of Police or designee to ensure such premises meets the requirements of this section prior to actually moving, harboring, or keeping the dog at the new location; and

(9) To notify the Police Department any time the dog gets loose and is running at large.
(Prior Code, § 4-708)

(B) (1) The Chief of Police or designee may revoke a potentially dangerous dog permit when:

(a) The dog is found at large two or more times in any 12-month period;

(b) For failure to meet any of the requirements of division (A) above two or more times within any 12-month period;

(c) Failure to maintain liability insurance or bond as required in § 90.131; or

(d) The dog, without provocation, attacks or bites any person or animal.

(2) It shall be unlawful to own, possess, harbor, or keep a potentially dangerous dog within the corporate town limits after a permit has been revoked. Each day a potentially dangerous dog is owned, harbored, possessed, or kept within the town after the revocation of a permit shall be considered a separate violation.

(3) The person who owns, possesses, keeps, or harbors the dog may appeal the revocation by making written application to the Municipal Court and appearing on the next scheduled Court date; however, the dog must be removed from the corporate town limits pending the appeal.
(Prior Code, § 4-709)

§ 90.133 IMPOUNDMENT OF POTENTIALLY DANGEROUS DOGS.

(A) A potentially dangerous dog may be impounded at the owner's expense within the corporate limits of the town anytime the dog is found to be at large. A potentially dangerous dog may also be impounded at the owner's expense from the place where the potentially dangerous dog is harbored or kept, when:

(1) The fenced enclosure for the dog is found to be in a state of disrepair or damage so that the potentially dangerous dog could be at large, and/or small children and animals could access the place where the dog is kept;

(2) The permit has been revoked and the person who owns, possesses, keeps, or harbors the potentially dangerous dog does not remove the dog from the corporate limits of the town within 24 hours of such revocation;

(3) A person pending hearing on a potentially dangerous dog declaration fails to adhere to the requirements of § 90.126; and/or

(4) The potentially dangerous dog, without provocation, attacks or bites any person or animal.

(B) Nothing in this section prohibits the immediate impoundment or destruction of an animal when necessary for the protection of the public, property, an animal, or any person.
(Prior Code, § 4-710)

§ 90.134 DANGEROUS DOGS UNLAWFUL WITHOUT PERMIT.

(A) It shall be unlawful to own, possess, keep, or harbor a dangerous dog within the town limits unless the person who owns or harbors the dangerous dog obtains an annual permit from the town, and in such event the following shall apply.

(1) The applicant must have the premises upon which the dangerous dog is to be harbored or kept inspected by the Chief of Police or designee to ensure such premises meets the requirement of this subchapter.

(2) The applicant must present a copy of a policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 O.S. in the amount of not less than \$50,000 insuring the owner for any personal injuries inflicted by the dangerous dog.

(3) The applicant must pay an annual fee of \$10 to the town for such permit.

(B) It shall be unlawful to fail to maintain the liability insurance or bond required in this section at any time a dangerous dog is owned, possessed, harbored, or kept in the corporate limits of the town. (Prior Code, § 4-711) Penalty, see § 10.99

§ 90.135 DANGEROUS DOG PERMIT REQUIREMENTS; REVOCATION.

(A) It is unlawful for one who harbors, owns, possesses, or keeps a dangerous dog to permit the dog to be unconfined or otherwise fail to meet requirements as set forth by this section, and to this end and after obtaining the proper permit for a dangerous dog such person or persons shall:

(1) Keep the dangerous dog indoors, or in a ***PROPER ENCLOSURE OF A DANGEROUS DOG*** said term meaning that, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over six months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog. In addition, such fenced enclosure must be contained within a separate perimeter fenced area such as a yard fence, and shall be situated so that the fenced enclosure is at least five feet from the perimeter or yard fence;

(2) Prevent the dangerous dog from being at large in the town;

(3) Place and maintain a "BEWARE OF DOG" warning sign upon the gate to the fenced enclosure containing the dangerous dog, and upon each gate or entrance into perimeter or yard fence where such dog is kept and to place such sign on each side of the perimeter or yard fence without a gate that faces a public street, private street, or alleyway;

(4) To prevent the dangerous dog from having any kind of unsupervised access to children and small animals;

(5) To maintain all fenced enclosures and perimeter fences in a state of repair that prevents the dangerous dog from running at large, and prevents entrance by small children and other animals;

(6) To maintain a lock upon all gates and entrances to the fenced enclosure and perimeter fence sufficient to prevent access by small children or animals;

(7) To muzzle and be in direct supervision and control of the dangerous dog anytime the dog is not indoors or within a fenced enclosure;

(8) To notify the Police Department when moving the place where the dog is kept from one location to another in the town and having any new location inspected by the Chief of Police or designee

to ensure such premises meets the requirements of this section prior to actually moving, harboring, or keeping the dog at the new location;

(9) To maintain the dog in a crate or similar device anytime the dog is transported; and

(10) To notify the Police Department any time the dog gets loose and is running at large.
(Prior Code, § 4-712)

(B) (1) The Chief of Police or designee may revoke a dangerous dog permit when:

(a) The dangerous dog is found at large;

(b) For failure to meet any of the requirements of division (A) above two or more times within any 12-month period;

(c) Fail to maintain liability insurance or bond as required in § 90.134; or

(d) The dog, without provocation, attacks or bites any person or animal.

(2) It shall be unlawful to own, possess, harbor, or keep a dangerous dog within the corporate town limits after a permit has been revoked. Each day a dangerous dog is owned, possessed, harbored, or kept within the town after the revocation of a permit shall be considered a separate violation.

(3) The person who owns, possesses, keeps, or harbors the dangerous dog may appeal the revocation by making written application to the Municipal Court and appearing on the next scheduled Court date; however, the dangerous dog must be removed from the corporate town limits pending the appeal.

(Prior Code, § 4-713) Penalty, see § 10.99

§ 90.136 IMPOUNDMENT OF DANGEROUS DOG.

(A) A dangerous dog may be impounded at the owner's expense within the corporate limits of the town anytime the dog is found to be at large. A dangerous dog may also be impounded at the owner's expense from the place where the dog is harbored or kept when:

(1) The fenced enclosure or perimeter fence containing the dog is found to be in a state of disrepair or damage so that the dog could get out and be at large, and/or small children or animals could access the place where the dog is kept;

(2) The permit has been revoked and the person who owns, possesses, keeps, or harbors the dog does not immediately remove the dog from the corporate limits of the town;

(3) A person, pending hearing on a dangerous dog declaration, fails to adhere to the requirements of § 90.126; and

(4) The dog, without provocation, attacks or bites any person or animal.

(B) Nothing in this section prohibits the immediate impoundment or destruction of any animal when necessary for the protection of the public property and animal, or any person.

(Prior Code, § 4-714)

§ 90.137 INSPECTIONS.

The location upon which any vicious or dangerous dog is kept is subject to inspection at any time by any police or animal control officer of the town for the purpose of ensuring the dog is being restrained as required by this section.

(Prior Code, § 4-715)

ADOPTIONS

§ 90.150 SPAYING, NEUTERING REQUIRED.

No unclaimed dogs and cats from the town shall be let for permanent adoption by the shelter, a pet placement partner, or any other person who receives such dogs and cats on behalf of the town, without the spaying or neutering of the animal prior to the animal being placed or adopted into a permanent home.

(Prior Code, § 4-801) Penalty, see § 10.99

§ 90.151 ADOPTION FEES.

(A) Persons adopting a dog or cat shall pay a fee at the time of adoption to cover the cost and expense of spaying or neutering the adopted animal.

(B) The amount of such fee shall be as established by the Town Board of Trustees.

(Prior Code, § 4-802)

§ 90.152 ADOPTION FOR RESEARCH PROHIBITED.

No live animal in the custody of the town, a pet placement partner, or any other person who receives such dogs and cats on behalf of the town shall be made available for scientific research or for other scientific purposes.

(Prior Code, § 4-803) Penalty, see § 10.99

PROPER CARE**§ 90.165 PROPER CARE REQUIRED.**

The proper care and treatment of all animals possessed, kept, or harbored within the town is required. It is unlawful for any person to maltreat, neglect, or improperly confine any animal.

(Prior Code, § 4-901) Penalty, see § 10.99

Statutory reference:

Cruelty to animals, see 21 O.S. § 1685

§ 90.166 FEEDING AND CARE.

It shall be unlawful for any person to fail to properly care and feed any animal owned, possessed, harbored, or kept within the corporate limits of the town, and to this end the following regulations shall apply:

(A) (1) Food shall be free from contamination and of sufficient quantity and nutritive value to maintain animals in good health.

(2) Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(3) All food receptacles shall be kept clean and sanitary.

(B) (1) Potable water shall be provided as often as necessary for the health and comfort of each animal. Frequency of watering shall consider age, species, condition, size, and type of animal.

(2) Animals shall be watered as required by applicable local, state, and federal laws. All water receptacles shall be kept clean and sanitary.

(Prior Code, § 4-902) Penalty, see § 10.99

§ 90.167 SHELTERS AND ENCLOSURES.

It shall be unlawful to provide inadequate shelter or enclosures for any animal owned, possessed, kept, or harbored within the town. The following regulations will apply.

(A) Enclosures for animals shall be constructed and maintained to provide sufficient space for each animal, and shall be sufficient for each animal to make normal postural and social adjustments and to provide each animal with adequate freedom of movement to maintain good physical condition.

(B) Indoor facilities for the keeping of animals shall be sufficiently heated, cooled, and ventilated as to protect the animals from extremes of temperature and to provide for their health and to prevent their discomfort. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning.

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

(D) A shelter for a dog or cat shall consist of a moisture proof and wind proof structure of suitable size to accommodate the animal and to allow retention of body heat. It shall be made of durable material, and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat.

(E) A shelter for livestock shall be at least a two-sided roofed structure made of durable material. (Prior Code, § 4-903) Penalty, see § 10.99

§ 90.168 ANIMALS WITHOUT PROPER CARE.

(A) Whenever an officer of the town finds that any animal is without proper care, he or she may impound the animal for protective care.

(B) In the event of sickness or injury of the animal, and upon the advice of a licensed veterinarian, the officer may take appropriate action to prevent undue pain and suffering.

(C) This shall include the option of immediate humane destruction of the animal.

(D) Persons from whom animals have been impounded for the purposes of protective care shall not be eligible for redemption of the animals.

(Prior Code, § 4-904)

§ 90.169 POISONING PROHIBITED.

(A) It shall be unlawful for any person, intentionally or neglectfully, by any means to make accessible to any animal any harmful or poisonous substance.

(B) It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin.

(Prior Code, § 4-905) Penalty, see § 10.99

§ 90.170 DAMAGING, HOBBLING PROHIBITED.

It shall be unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to the animal.

(Prior Code, § 4-906) Penalty, see § 10.99

§ 90.171 FIGHTING CONTESTS.

It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, contest, or fight in which any animal (the term *ANIMALS* as defined above, which includes, without limitation, dogs, or fowl) is used for the purpose of fighting, injuring, killing, maiming, or destroying any other animal.

(Prior Code, § 4-907) Penalty, see § 10.99

§ 90.172 ANIMALS IN VEHICLES.

It shall be unlawful for any person to leave any animal in any standing or parked vehicle without providing for adequate ventilation and/or where such vehicle is subject to developing excessive hot or cold temperatures to the potential detriment of the animal.

(Prior Code, § 4-908) Penalty, see § 10.99

§ 90.173 EXCEPTIONS.

The provisions of this section shall not be construed as preventing or restricting law enforcement officers, animal control officers, or any other person from killing animals when lawfully entitled to do so.

(Prior Code, § 4-909)

SANITATION REQUIREMENTS**§ 90.185 CLEANING OF SHELTERS AND ENCLOSURES.**

To minimize disease hazards and to reduce odors from shelters, enclosures, and other places where animals are kept, it shall be unlawful to fail to remove excess excreta, waste materials, dirt, and trash from the shelters or enclosures of animals.

(Prior Code, § 4-1001) Penalty, see § 10.99

§ 90.186 SEALED WASTE CONTAINER REQUIRED.

Excreta, waste materials, dirt, and other materials subject to odors shall be stored in a sealed container. It shall be unlawful to allow excreta and waste materials to accumulate on a property to the point that offensive odors become an annoyance to others.

(Prior Code, § 4-1002) Penalty, see § 10.99

§ 90.187 NUISANCE ODORS.

(A) It shall be considered a nuisance for odors associated with animals, animal excreta, and animal waste materials where same disturbs any person or neighborhood.

(B) The keeping or maintaining of any place where such nuisance exists is unlawful.

(Prior Code, § 4-1003) Penalty, see § 10.99

§ 90.188 DISEASED ANIMALS.

(A) (1) It shall be unlawful own, possess, keep, or harbor an animal which is inflicted with any dangerous, communicable, or incurable disease, or which is in a painfully crippled condition. All such animals shall be humanely destroyed or delivered for medical attention.

(2) This section shall not be construed to include veterinary hospitals or animals under active veterinarian care with due regard for public health and safety.

(B) No owner, possessor, keeper, or harbinger in control of any animal, who knows the animal to have or to have been exposed to any contagious or infectious disease transmittable to humans, shall dispose of the animal to another person without a full disclosure of this knowledge, to that person, or allow the animal to run at large or come in contact with other animals.

(Prior Code, § 4-1004) Penalty, see § 10.99

RABIES CONTROL**§ 90.200 RE-IMMUNIZATION REQUIRED ON EXPOSURE.**

Any effectively immunized animal which is suspected of having been exposed to rabies and which is in compliance with the provisions of this subchapter shall be immediately re-immunized and confined for observation for symptoms of rabies for a period of not less than 90 days.

(Prior Code, § 4-1101)

§ 90.201 EXPOSED NON-IMMUNIZED ANIMALS.

(A) (1) Any animal which has not been effectively immunized against rabies and which is suspected of having been exposed to rabies shall be euthanized immediately; however, as an alternative, the non-immunized rabies-exposed animal may be strictly quarantined at a veterinary hospital or clinic at the owner's expense, and observed for any symptoms of rabies for a period of six months from the date of the suspected exposure.

(2) The quarantined animal shall be immunized against rabies at least 30 days prior to its release.

(3) Animals impounded for rabies observation may not be released by the veterinarian until authorized by the Police Department.

(B) Any non-immunized animal which has been exposed to a wild skunk, bat, or carnivore or which is suspected of having been exposed to a wild skunk, bat, or carnivore shall be considered exposed to rabies and shall be dealt with pursuant to the provisions of this subchapter, unless such skunk, bat, or carnivore is available for laboratory study.

(Prior Code, § 4-1102)

§ 90.202 ANIMALS SUSPECTED OF HAVING RABIES.

Any animal which has bitten or is suspected of having bitten any person, or which has been exposed to or is suspected of having been exposed to rabies, shall be subject to the appropriate provisions of the State Health Department regulations and all applicable requirements of law.

(Prior Code, § 4-1103)

ANIMAL BITE INVESTIGATION

§ 90.215 DUTY TO REPORT.

Any person owning, harboring, or keeping an animal that bites a person and any person bitten by an animal must report that occurrence to the Police Department as soon as practical.

(Prior Code, § 4-1201)

§ 90.216 REPORT TO HEALTH DEPARTMENT REQUIRED.

Upon receiving a report that a person has been bitten by an animal, an officer of the town shall investigate and shall submit a written report detailing the circumstances of the incident to the County Health Department.

(Prior Code, § 4-1202)

§ 90.217 OBSERVATION REQUIRED.

(A) The investigating officer or designee shall provide verbal notice to the person owning, possessing, keeping, or harboring the animal which states that confinement and observation of the animal biting another person is required.

(B) Upon receiving the notice, the person owning, possessing, harboring, or keeping the animal which in the preceding ten days has bitten or is suspected of having bitten any person shall have the animal immediately placed in confinement for rabies observation.

(C) (1) Confinement and observation as required by this section shall be effected by placing the animal under the supervision of a licensed veterinarian for a period of ten days from the date the person was bitten. If, however, the person owning, possessing, keeping, or harboring the suspect animal is a responsible individual and is capable of providing the confinement and observation required, and if the animal is in compliance with the provisions of this subchapter pertaining to rabies vaccinations and licensing, such person may, at the discretion of the officer, be allowed to keep the suspect animal securely penned for the ten-day observation period.

(2) Such person must immediately advise the Police Department of any changes occurring in the condition of the animal and, if no changes are reported within the ten-day observation period, the investigating officer shall make responsible inquiry regarding the suspect animal's condition.

(D) In the event of the suspect animal's death or illness, the person so designated as responsible for the animal shall immediately notify the Police Department and make arrangements for the removal and shipment of the animal's head to the laboratory of the State Department of Environmental Quality for examination.

(E) In all cases, if the owner of the animal cannot produce proof of rabies vaccination, the animal must be confined with a licensed veterinarian.

(F) In the event the person who owns, possesses, harbors, or keeps the animal cannot be located or notified, or in the event the person who owns, possesses, harbors, or keeps the animal specified in this division (F) refuses, fails, or neglects to place the animal in confinement as required by this section after notice to do so has been given, an officer shall seize and impound the animal and place it in confinement for the required observation period at the owner's expense. It shall be unlawful to refuse or fail to confine an animal for observation that has bitten any person. The Police Department shall thereafter notify the owner or keeper of the animal of the seizure, impoundment, and confinement. If, subsequent to the seizure and impoundment of the animal by the animal control officer, the owner or keeper of the animal cannot be located or notified and if the animal remains unclaimed at the expiration of the confinement period, the town may dispose of the animal pursuant to the provisions of this chapter concerning the disposition of unclaimed, impounded animals.

(Prior Code, § 4-1203)

§ 90.218 EUTHANASIA.

In special circumstances, an officer of the town may order the euthanasia of an animal and may perform or order the performance of tests for the diagnosis of rabies at the owner's expense. For purposes of this section, *SPECIAL CIRCUMSTANCES* shall be defined as those situations involving severe animal bites upon the head, face, neck, or upper extremities, or deep lacerations, or multiple animal bite wounds inflicted by unimmunized animals.

(Prior Code, § 4-1204)

SERVICE DOGS

§ 90.230 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PHYSICALLY DISABLED PERSON. Any person who has a physical impairment which severely and permanently restricts mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair, or who is blind or deaf.

SERVICE DOG. Any dog individually trained to the physically disabled person's requirements.

SIGNAL DOG. A type of service dog and means any dog trained to alert a deaf person, or person whose hearing is impaired, to intruders or sounds.
(Prior Code, § 4-1301)

§ 90.231 SERVICE DOGS PERMITTED.

Any blind, deaf, or physically disabled person who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within the town or any dog trainer from a recognized training center when in the act of training guide, signal, or service dogs shall be entitled to have with him or her a guide, signal, or service dog specially trained or being trained for that purpose, without being required to pay an additional charge therefor.
(Prior Code, § 4-1302)

§ 90.232 DENYING ENTRANCE UNLAWFUL.

(A) A blind, deaf, or physically disabled person and his or her guide, signal, or service dog or a dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be denied admittance to or refused access to any of the following because of such dog: any street, highway, sidewalk, walkway, any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation, hotel, motel, or other place of lodging, public building maintained by any unit or subdivision of government, building to which the general public is invited, college dormitory and other educational facility, restaurant or other place where food is offered for sale to the public, or any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the state.

(B) Such blind, deaf, or physically disabled person or dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be required to pay any additional charges for his or her guide, signal, or service dog, but shall be liable for any damage done to the premises by said dog.
(Prior Code, § 4-1303)

§ 90.233 ORANGE COLLAR REQUIRED.

A service dog used by a deaf person shall be required to wear an orange identifying collar.
(Prior Code, § 4-1304)

KENNEL AND CATTERIES**§ 90.245 PERMITS.**

It shall be unlawful for any person to operate a kennel or cattery without first procuring a license from the town to operate the kennel or cattery. Each day an unlicensed kennel or cattery is in operation is considered to be a separate violation. All veterinary hospitals shall be exempt from the payment of kennel license fees.

(Prior Code, § 4-1401) Penalty, see § 10.99

§ 90.246 PERMIT FEES.

The fee for the issuance of a kennel or cattery permit shall be established by resolution of the Town Board of Trustees.

(Prior Code, § 4-1402)

§ 90.247 INSPECTION REQUIRED.

Prior to the issuance of a permit, the kennel or cattery site shall be inspected to ensure compliance with the proper care and sanitary requirements contained herein and that such facilities are so designed to prohibit animals from being at large within the town.

(Prior Code, § 4-1403)

§ 90.248 VACCINATION REQUIRED.

All dogs and cats kept in kennels or catteries, whether owned or boarded, that are four months of age or older shall be vaccinated.

(Prior Code, § 4-1404)

§ 90.249 REQUIRED RECORDS.

(A) A written record shall be kept by the kennel or cattery operator which shall include the following information:

(1) A record of proof of vaccination for every animal kept over four months of age showing the date each dog or cat was vaccinated, the type and duration of the vaccine administered to the dog or cat,

along with the name and phone number of the veterinarian administering the vaccine or the name and phone number of the veterinarian who directly supervised the administration of the vaccine;

(2) A description of every dog or cat kept, at a minimum to include the animal's breed, age, sex, and color; and

(3) Whether the dog or cat is boarded or owned by the kennel.

(B) This record shall be available for inspection by any officer of the town upon demand during normal business hours. Failure to keep required records is unlawful, and can be cause for the revocation of the kennel or cattery license.

(Prior Code, § 4-1405) Penalty, see § 10.99

§ 90.250 REVOCATION OF LICENSE.

The town may revoke a kennel or cattery license for allowing animals to run at large, violation of ordinances pertaining to the proper care of animals, violation of ordinances pertaining to the sanitation of animals, violation of kennel and cattery regulations, or when the operation of the kennel or cattery amounts to a public nuisance.

(Prior Code, § 4-1406)

§ 90.251 KENNEL AND CATTERY REGULATIONS.

All kennels and catteries shall adhere to the following regulations.

(A) Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served, or stored.

(B) Interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

(C) Adequate potable water and food shall be provided. Back flow preventers shall be installed on any threaded faucets.

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

(E) All buildings and facilities must comply with building codes and regulations.

(F) All enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to prevent vermin from entering. They shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to clean food and water.

(G) The floors of the enclosures shall be constructed to prevent injury to animals' feet and legs. Enclosures for dogs and cats may have wire flooring provided, however, that:

- (1) The wire is of adequate gauge to prevent sagging under the weight of the animals; and
- (2) The wire mesh is small enough to prevent their feet from falling through the mesh.

(H) Enclosures must be constructed to provide sufficient space to allow each animal to exercise normal postural movements.

(I) At least one run must be available in every licensed kennel. One run must be provided for every 15 primary enclosures. The run must be of sufficient size to allow an animal to break into a run. At least two exercise periods per day of 20 minutes each shall be provided.

(K) Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors.

(L) Cages shall be cleaned as often as may be necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

(M) Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

(N) Animal and food wastes, bedding, dead animals, debris, and other organic wastes must be disposed of in order that vermin infestation, odors, disease hazards, and nuisances are minimized.

(O) The kennel or cattery premises shall be kept clean, in good repair, and free of trash.

(P) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be maintained.

(Q) Supplies of food and bedding shall be stored off the floor in waterproof closed containers and adequately protected against infestation or contamination by vermin.

(R) Animals that die at the facility shall be stored and disposed of in a manner that will not cause a disease hazard or nuisance

(S) All animals shall be fed at least once a day and shall be provided potable water at all times except when under special veterinary care. The food and water shall be free from contamination, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Refrigeration shall be provided for perishable food.

(T) Food and water containers shall be accessible to the animal and located to minimize contamination by excreta. These containers shall be cleaned daily. Self-feeders and self-waterers may be used if cleaned regularly.

(U) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes

(V) Any animal exhibiting a vicious disposition shall be housed individually in an enclosure which is inaccessible to other animals or children.

(W) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(X) Boarded animals shall not be housed in the same primary enclosure with those from another household unless the owners have been informed of and have consented to that arrangement.

(Y) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.

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

(AA) Animals shall be observed daily for signs of disease. An animal suspected of having an infectious disease shall be physically separated from other animals until the condition is determined to be non-infectious.

(BB) Sick or injured animals shall be provided with veterinary care.

(CC) Animals with obvious signs of disease or injury, or of a vicious nature shall not be sold or transferred.

(DD) In breeding kennels, an animal control or police officer may require laboratory testing of a suitable number of animals or specimens to determine if such animals are disease free. The costs of the

laboratory tests shall be the responsibility of the licensee. In the event disease is found, the kennel may be quarantined and a prohibition against the sale or transfer of animals enacted. The quarantine will be lifted only through written release by the Police Department if it is determined that a health risk no longer exists; determinations of disease and quarantine may be appealed by the kennel to the Municipal Court.

(EE) Places that currently exist, for which the adoption of this subchapter creates the need for a permit, shall have until July 31, 2009 to gain compliance and obtain a permit.
(Prior Code, § 4-1407)

§ 90.252 EXCEPTION.

Federal, state, and municipal facilities shall be exempt from the provisions of this subchapter.
(Prior Code, § 4-1408)

§ 90.253 COMMERCIAL ZONING REQUIRED.

All kennels and catteries operated within the town limits must be upon land with the appropriate commercial zoning for the operation of a kennel or cattery.
(Prior Code, § 4-1409)

CHAPTER 91: HEALTH AND SANITATION; NUISANCES

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HEALTH AND SANITATION

§ 91.001 ENFORCEMENT OF HEALTH ORDINANCES.

(A) As used in this chapter, ***HEALTH OFFICER*** shall mean the Director of the County Health Department or his or her authorized agent, and the Town Police Chief.

(B) It is the intent of the town to delegate the enforcement of its health ordinances, but that any such enforcement decisions shall be subject to review by the Town Board upon appeal.
(Prior Code, § 8-501) (Ord. 2012-05, passed 9-11-2012)

§ 91.002 OBSTRUCTING HEALTH OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any Health Officer or physician charged with the enforcement of the health laws of this town.
(Prior Code, § 8-502) Penalty, see § 91.999

§ 91.003 QUARANTINE; VIOLATIONS.

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule, or regulation of the Board of Health or any officer charged with enforcement of such order, direction, prohibition, rule, or regulation.

(Prior Code, § 8-503)

§ 91.004 FOOD REGULATIONS.*(A) Food service; regulations.*

(1) (a) The latest edition of the “Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments” is hereby adopted and incorporated in this code by reference.

(b) At least one copy of the rules and regulations shall be on file in the office of the Town Clerk/Treasurer.

(c) The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.

(2) Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in § 10.99. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

(Prior Code, § 8-201)

(B) Milk ordinance adopted.

(1) Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors.

(2) At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16, and 17 of the abridged ordinance, as amended in 2019, shall be replaced, respectively, by division (C) below and division (A) above.

(Prior Code, § 8-202)

(C) *Grade requirements.* Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided, that in an emergency, milk which is ungraded or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled “ungraded.”

(Prior Code, § 8-203)

Penalty, see § 91.999

Statutory reference:

Manufacture of milk, see 2 O.S. §§ 7-401 et seq.

State food regulations, see 63 O.S. §§ 1-1101 et seq. and 1-1118

State laws regulating milk standards, see 63 O.S. §§ 7-401 et seq.

NUISANCES

§ 91.015 NUISANCE DEFINED; PUBLIC AND PRIVATE NUISANCES.

(A) *Definitions.*

(1) A ***NUISANCE*** is unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

(a) Annoys, injures, or endangers the comfort, repose, health, or safety of others;

(b) Offends decency;

(c) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal, or basin, or any public park, square, street, or other public property; or

(d) In any way renders other persons insecure in life or in the use of property.

(2) A ***PUBLIC NUISANCE*** is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

(3) Every nuisance not included in (A)(2) above is a ***PRIVATE NUISANCE***.

(Prior Code, § 8-301)

(B) *Certain public nuisances in the town defined.*

(1) In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

(a) The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

(b) The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinance of the town;

(c) The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold, or distributed;

(d) The keeping of a place where persons gamble, whether by cards, slot machines, punchboards, or otherwise;

(e) The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;

(f) The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;

(g) The public exposure of a person having a contagious disease;

(h) The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;

(i) Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

(j) Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

(k) Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;

(l) Any building or structure which is dangerous to the public health or safety because of damage, decay, or other condition;

(m) Any pit, hole, or other thing which is so constructed, formed, conditioned, or situated as to endanger the public safety;

(n) Any fire or explosion hazard which endangers the public safety;

(o) Any occupation or activity which endangers the public peace, health, morals, safety, or welfare; or

(p) Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district.

(2) The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

(Prior Code, § 8-307)

Statutory reference:

Nuisances defined, municipal powers to abate, see 50 O.S. §§ 1 et seq.

§ 91.016 PERSONS RESPONSIBLE.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

(Prior Code, § 8-302)

§ 91.017 TIME DOES NOT LEGALIZE.

The passage of time does not confer legality upon a public nuisance that constitutes a tangible impediment to public rights.

§ 91.018 REMEDIES.

(A) *Remedies against public nuisances.* The remedies against a public nuisance are:

(1) Prosecution on complaint before the Municipal Court;

- (2) Prosecution on information or indictment before another appropriate court;
- (3) Civil action; or
- (4) Abatement:
 - (a) By person injured as provided in 50 O.S. § 12; or
 - (b) By the town in accordance with law or ordinance.

(Prior Code, § 8-304)

(B) *Remedies against private nuisances.* The remedies against a private nuisance are:

- (1) Civil action; or
- (2) Abatement:
 - (a) By person injured as provided in 50 O.S. §§ 14 and 15; or
 - (b) By the town in accordance with law or ordinance.

(Prior Code, § 8-305)

§ 91.019 POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.

(A) As provided in 50 O.S. § 16, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits.

(B) Whenever it is practical to do so, the town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him or her to be heard, if this can be done.

(Prior Code, § 8-306)

§ 91.020 ABATEMENT BY SUIT IN DISTRICT COURT.

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the District Court of the county where the nuisance is located, as provided in 50 O.S. § 17.

(Prior Code, § 8-309)

§ 91.021 NUISANCE UNLAWFUL.

It is unlawful for any person, including but not limited to any owner, leasee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his or her control within the town.

(Prior Code, § 8-310) Penalty, see § 91.999

§ 91.022 HEALTH NUISANCES; ABATEMENT.

(A) Pursuant to authority granted by 63 O.S. § 1-1011, the Health Officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his or her own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the Health Officer or by a police officer or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.

(B) (1) If the order is not complied with, the Health Officer may cause the order to be executed and complied with and the cost thereof shall be certified to the Town Clerk/Treasurer, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he or she is a user of water from the town water system or such other utility service.

(2) The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself.

(3) If such owner or occupant is not a user of any town utility service, such cost, after certification to the Town Clerk/Treasurer, may be collected in any manner in which any other debt due the town may be collected.

(Prior Code, § 8-311)

§ 91.023 PROCEDURE CUMULATIVE.

The various procedures for abating nuisances prescribed by this subchapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

(Prior Code, § 8-312)

§ 91.024 JAKE-BRAKING.

(A) It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used or operated, within the town any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual, or explosive noise from such vehicle, or otherwise engage in what is known as “jake-braking.” However, it is an affirmative defense to a violation of this section that motor-braking was used on an emergency basis to avoid damage to property or a personal injury.

(B) Enforcement of this section shall be delayed until signs have been posted on all major roadways entering or bypassing the town. Said signs shall be posted on or near said roadways stating in language similar to:

NO JAKE-BRAKING BY ORDER OF ORDINANCE NO. 2020-04 UNLESS FOR EMERGENCY PURPOSES

(Ord. 2020-04, passed 6-9-2020) Penalty, see § 91.999

WEEDS AND TRASH**§ 91.035 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.**

It is unlawful for any owner or occupant of any lot, tract, or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand, or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

(Prior Code, § 8-101) Penalty, see § 91.999

Statutory reference:

Cleaning, mowing property, municipal powers, see 11 O.S. § 22-111

§ 91.036 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER. The owner of record as shown by the most current tax rolls of the County Treasurer.

TRASH. Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded, or abandoned.

WEEDS.

(1) Includes, but is not limited to, poison ivy, poison oak, or poison sumac and all vegetation at any stage of maturity which:

(a) Exceeds 12 inches in height, except healthy trees, shrubs, or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit, and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

(b) Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

(c) Harbors rodents or vermin;

(d) Gives off unpleasant or noxious odors;

(e) Constitutes a fire or traffic hazard; or

(f) Is dead or diseased.

(2) The term **WEED** does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.
(Prior Code, § 8-102)

§ 91.037 REPORTS OF ACCUMULATION OF GRASS, WEEDS, OR TRASH ON PROPERTY.

Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the town, shall report the condition to the Town Clerk/Treasurer if, as a result of the accumulation or growth, the premises appear to be:

(A) Detrimental to the health, benefit, and welfare of the public and the community;

(B) A hazard to traffic;

(C) A fire hazard to property; or

(D) Any two or more of these conditions.

(Prior Code, § 8-103)

Statutory reference:

Cleaning and mowing of property, procedures and powers, see 11 O.S. § 22-111

§ 91.038 RECEIPT OF REPORT, HEARING, OR NOTICE.

(A) Upon receiving the report provided for in § 91.037, or upon receipt of equivalent information from any reliable source, the Town Clerk/Treasurer shall give written notice of the provisions of this section and that premises are in violation of § 91.035 by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten days prior to the date of a hearing by the Board of Trustees or before it takes action.

(B) At least ten days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the Town Board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the Board determines that any of the conditions specified in § 91.037 exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed, or destroyed unless within ten days from the date of receipt of the notice or date of publication the owner either:

(1) Cuts, removes, or destroys the trash or weeds in accordance with the notice; or

(2) Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his or her right to a hearing.

(Prior Code, § 8-104)

§ 91.039 RIGHT OF ENTRY, WORK DONE BY EMPLOYEES OR CONTRACT.

(A) Upon finding that the condition of the property constitutes a detriment or hazard as specified in § 91.037, and that the property would be benefited by the removal of such conditions, the agents of the town are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.

(B) The work ordered to be performed under § 91.038 may be done by the employees of this town under supervision of the town, or it may be let by contract in the manner for letting other contracts.

(Prior Code, § 8-105)

§ 91.040 DETERMINATION AND ASSESSMENT OF COSTS.

Upon the completion of the work ordered to be performed under § 91.039, the Town Clerk/Treasurer shall report the cost thereof to the Town Board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of 5% of direct actual costs. The Board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The Board shall direct the Town Clerk/Treasurer to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.
(Prior Code, § 8-106)

§ 91.041 LIEN ON PROPERTY.

(A) If the costs of the work performed under this subchapter are not paid within 30 days from the date of mailing the notice prescribed by § 91.040 hereof, the Town Clerk/Treasurer shall forward a certified statement of the amount of the costs to the treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the County Treasurer in the manner prescribed by the law of this state.

(B) The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid.

(C) At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and interest thereon.

(D) Upon receiving payment, if any, the Town Clerk/Treasurer shall forward to the County Treasurer a notice of such payment and directing discharge of the lien.
(Prior Code, § 8-107)

§ 91.042 BOARD MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.

(A) The Town Board may designate an administrative officer to carry out the duties of the Town Board in §§ 91.035 through 91.041. The property owner shall have a right of appeal to the Town Board from any order of the administrative officer.

(B) Such appeal shall be taken by filing written notice of appeal with the Town Clerk/Treasurer within ten days after the administrative hearing.
(Prior Code, § 8-108)

§ 91.043 DEPOSITING RUBBISH.

It is unlawful for any person to throw, place, or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush, or any other refuse or waste matter in any street, avenue, alley, or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town. (Prior Code, § 8-109) Penalty, see § 91.999

§ 91.044 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this town shall, within 24 hours after the death of such animal, remove its carcass. Failure to do so shall constitute a misdemeanor. (Prior Code, § 8-110) Penalty, see § 91.999

§ 91.045 LITTERING.

(A) ***LITTERING*** is defined as throwing any trash, refuse, waste paper, tin can, bottles, or any other object or substance whatever upon the public streets, alleys, roadways, and sidewalks of the town or upon any real property owned or occupied by another.

(B) It is unlawful for any person to litter.
(Prior Code, § 8-111) Penalty, see § 91.999

§ 91.046 LITTERING FROM AUTOMOBILES.

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys, and roadways of the town any litter, trash, waste paper, tin cans, or any other substance or refuse whatsoever.
(Prior Code, § 8-112) Penalty, see § 91.999

§ 91.047 LITTER NOT TO ACCUMULATE ON PROPERTY.

(A) It is unlawful for any person, firm, or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans, or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

(B) It is unlawful for any person, firm, or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans, or any other used or

disposed of objects to be carried from the occupied premises, either by the wind, elements, or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

(Prior Code, § 8-113) Penalty, see § 91.999

JUNKED, WRECKED MOTOR VEHICLES

§ 91.060 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the town in places other than authorized junk yards or other areas authorized by the Town Board and which tend to do any one or more of the following:

- (A) Impede traffic in the streets;
- (B) Reduce the value of private property;
- (C) Create fire hazards;
- (D) Extend and aggravate urban blight; or

(E) Result in a serious hazard to the public health, safety, comfort, convenience, and welfare of the residents of the town, are hereby declared to be a nuisance.

(Prior Code, § 8-401)

Statutory reference:

Grounds for removal of vehicles on state highways, see 47 O.S. § 955

Removal of abandoned vehicles on private property, see 47 O.S. § 954A

§ 91.061 DEFINITIONS.

For the purpose of this subchapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

JUNK MOTOR VEHICLE. Any motor vehicle, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, and trailers.

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.

PRIVATE PROPERTY. Any real property within the town which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.
(Prior Code, § 8-402)

§ 91.062 STORING, PARKING, OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES PROHIBITED AND DECLARED NUISANCE; EXCEPTIONS.

(A) No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle or vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of ten days.

(B) The presence of an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public offense and misdemeanor.

(C) Any such vehicle on private property shall be removed by the town or its agent after at least ten days' notice is given by posting notice on the vehicle and any other notice required by law. Any such vehicle on public property shall be removed by the town or its agent in accordance with Ch. 70. The costs of removal and storage shall be charged to the owner of the vehicle and constitute a lien against the vehicle,

(D) This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held, stored, or parked in connection with a business enterprise lawfully licensed by the town and on property operated in the appropriate business zone, pursuant to zoning laws of the town, nor shall this section apply to a town owned vehicle in an appropriate storage place maintained in a lawful place by the town.
(Prior Code, § 8-403)

UNSAFE AND DILAPIDATED BUILDINGS**§ 91.075 REMOVAL, ABATEMENT; NOTICE, PROCEDURES; LIEN.**

The governing body may cause dilapidated buildings within the town's municipal limits to be torn down and removed in accordance with the provisions of this section.

(A) At least ten days' notice that a building is to be torn down or removed shall be given to the property owner before the governing body holds a hearing. A copy of the notice shall be posted on the property, and mailed to the property owner at the address shown by the County Treasurer's current year's tax rolls. Notice shall also be mailed to any mortgagee at the mortgagee's last known address as shown by the County Clerk's records. The governing body shall obtain a mailing receipt from the postal service that indicates the mailing date and each recipient's name and address. However, if neither the property owner nor mortgagee can be located, notice may be given by posting a copy of it on the property, or by publication as defined in 11 O.S. § 1-102. This notice may be published once not less than ten days prior to any hearing or action by the governing body pursuant to the provisions of this section.

(B) A hearing shall be held by the governing body to determine if the property is dilapidated and has become detrimental to the general public's health, safety, or welfare, or if the property creates a fire hazard that is dangerous to other property.

(C) Upon finding that the property's condition constitutes a detriment or hazard and that removal of the detrimental or hazardous conditions would benefit the property, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall set reasonable dates for the work to begin and end. The Town Clerk/Treasurer shall immediately file a notice of dilapidation and lien with the County Clerk's office describing the property, the findings of the governing body at the hearing, and stating the town claims a lien on the property for the destruction and removal costs and that the costs are the personal obligation of the property owner from the date of filing of the notice. The agents of the town are granted the right of entry on the property for the performance of the necessary duties as a governmental function if the work is not performed by the property owner within dates set by the governing body.

(D) The governing body shall determine the actual cost to dismantle and remove the dilapidated building, including other necessary expenses such as the costs to notify and mail. The Town Clerk/Treasurer shall forward a statement of the actual cost and a demand for payment by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgagee at the address described in division (A) above. The governing body shall obtain a mailing receipt from the postal service that indicates the date of mailing and each recipient's name and address. The cost to the property owner shall not exceed the actual cost required to dismantle and remove the building. If the work is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(E) (1) If payment is received within six months from the date the cost statement is mailed to the property owner, the Town Clerk/Treasurer shall file a release of lien. If not, the Town Clerk/Treasurer shall send a certified cost statement to the County Treasurer. Once certified to the County Treasurer, payment may only be made to the County Treasurer except as otherwise provided in this section. The cost shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until paid, the cost and any interest thereon shall be the property owner's personal obligation from the date the notice of dilapidation and lien is filed with the County Clerk. In addition, the cost and any interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. The lien shall be coequal with the lien of ad valorem taxes, other taxes, and special assessments, and shall be prior and superior to all other liens against the property. The lien shall continue until the costs are fully paid. The County Treasurer shall collect a fee of \$5 for each parcel of property encumbered. The fee shall be deposited to the credit of the General Fund of the county. If the County Treasurer and the governing body agree that the County Treasurer is unable to collect the assessment, the town may pursue any civil remedy for collection of the amount owing and any interest thereon including an action in personam against the property owner and an action in rem against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section.

(2) Upon receiving payment from civil remedies, the Town Clerk/Treasurer shall forward to the County Treasurer a notice of the payment and shall direct discharge of the lien.

(F) The governing body may designate, by ordinance, an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have a right to appeal to the governing body from any order of the administrative officer or administrative body. This appeal shall be taken by filing written notice of appeal with the Town Clerk/Treasurer within ten days after the administrative order is rendered.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DILAPIDATED BUILDING.

(a) A structure that lacks necessary repairs or is otherwise in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

(b) A structure that is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public.

(c) A structure that the governing body or administrative officer of the governing body determines to be an unsecured building, as defined by § 91.076, more than three times within any 12-month period.

(d) A structure that has been boarded and secured, as defined by § 91.076, for more than 36 consecutive months.

(e) A structure declared by the governing body to constitute a public nuisance.

GOVERNING BODY. The Town Board of Trustees.

PROPERTY OWNER. The owner of record as shown by the most current tax rolls of the County Treasurer.

(H) Nothing in this section shall prevent the governing body from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

(I) The officers, employees, or agents of the town shall not be liable for any drainages or loss of property arising from the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

(J) The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

(Ord. 2017-01, passed 1-10-2017)

§ 91.076 SECURING, BOARDING DILAPIDATED BUILDINGS.

(A) After a building has been declared dilapidated, as provided in § 91.075, but before the work of tearing it down and removing it begins, the governing body may authorize the building to be boarded and secured. However, if the building is vacant and unfit for human occupancy, the governing body may authorize the structure to be demolished pursuant to § 91.075.

(B) The governing body may cause the premises on which an unsecured building is located to be cleared of trash and weeds in accordance with the provisions of § 91.039 of the town code ordinances.

(C) (1) The governing body may cause an unsecured building to be boarded and secured as follows.

(a) Before the governing body orders action, at least ten days' notice that the building is to be boarded and secured shall be given by mail to its property owners and mortgagees as provided in § 91.075. The governing body shall obtain a mailing receipt from the postal service that indicates the mailing date and each recipient's name and address. A copy of the notice shall also be posted on the property. However, if neither its owner nor mortgagee can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. § 1-102. This notice shall be published once, not less than ten days prior to any hearing or action by the governing body pursuant

to the provisions of this section. If the governing body anticipates summary abatement of a nuisance in accordance with the provisions of division (C)(1)(i) below, the notice shall state that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to notice may be summarily boarded and secured by the governing body, that the cost of the boarding and securing shall be charged against the owner, and that a lien may be imposed on the property to secure payment for the cost, all without further prior notice to the property owner or mortgagee.

(b) The property's owner may give written consent to the governing body authorizing the building to be boarded and secured and the payment of any costs incurred. By giving consent, the owner waives any right to a hearing by the governing body.

(c) If the property owner does not give written consent, the governing body may hold a hearing to determine whether boarding and securing the building would benefit the general public's health, safety, or welfare. This hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of the building held pursuant to the provisions of § 91.038. In making its determination, the governing body shall apply the following standard: the governing body may order the boarding and securing of the building when it would make the building less available for transient occupation, decrease a fire hazard created by the building, or cause the building to be less of an attractive nuisance to children. Upon making the required determination, the governing body may order the building to be boarded and secured.

(d) After the governing body orders the building to be boarded and secured, the Town Clerk/Treasurer shall immediately file a notice of lien with the County Clerk describing the property, stating the findings of the governing body at the hearing at which the building was determined to be unsecured, and stating that the town claims a lien on the property for the costs of boarding and securing the building and that the costs are the personal obligation of the property owner from the date of filing the notice.

(e) Pursuant to the governing body's order, the agents of the town are granted the right of entry on the property for the performance of the work to board and secure it and for the performance of all necessary duties as a governmental function of the town.

(f) After an unsecured building has been boarded and secured, the governing body shall determine the actual cost of the work and any other necessary expenses such as the cost to notify and mail. The Town Clerk/Treasurer shall send a statement of the actual costs to board and secure the building and a demand for payment by mail to any property owners and mortgagees as provided in § 91.075. The governing body shall obtain a mailing receipt from the postal service that indicates the mailing date and name and address of each recipient. If the governing body boards and secures any building, the cost to the property owner shall not exceed the actual cost required to perform the work. If the work is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(g) 1. If payment is received within six months from the date the cost statement is mailed to the property owner, the Town Clerk/Treasurer shall file a release of lien. If not, the Town Clerk/Treasurer shall send a certified cost statement to the County Treasurer. Once certified to the County Treasurer, payment may only be made to the County Treasurer except as otherwise provided in this section. The cost shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until paid, the cost and any interest thereon shall be the property owner's personal obligation from the date the notice of dilapidation and lien is filed with the County Clerk. In addition, the cost and any interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. The lien shall be coequal with the lien of ad valorem taxes, other taxes and special assessments, and shall be prior and superior to all other liens against the property. The lien shall continue until the costs are fully paid. The County Treasurer shall collect a fee of \$5 for each parcel of property encumbered. The fee shall be deposited to the credit of the General Fund of the county.

2. If the County Treasurer and the governing body agree that the County Treasurer is unable to collect the assessment, the town may pursue any civil remedy for collection of the amount owing and any interest thereon including an action in personam against the property owner and an action in rem against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment from civil remedies, the Town Clerk/Treasurer shall forward to the County Treasurer a notice of the payment and shall direct discharge of the lien.

(h) The governing body may designate, by ordinance, an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have a right to appeal to the governing body from any order of the administrative officer or administrative body. This appeal shall be taken by filing written notice of appeal with the Town Clerk/Treasurer within ten days after the administrative order is rendered.

(i) If the governing body causes a structure within the town municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgagee. The governing body shall notify the property owner or mortgagee of each summary boarding and securing and the related costs. The notice shall state that the property owner may request an appeal with the Town Clerk/Treasurer within ten days after the mailing of the notice. The notice and hearing shall be as provided for in division (C)(1)(a) above. Unless otherwise determined at the hearing, the costs of boarding and securing shall be determined and collected as provided for in divisions (C)(1)(f) and (C)(1)(g) above.

(j) The governing body may determine that a building is unsecured and order that it be boarded and secured in the manner provided for in this section even though the building has not been declared by the governing body to be dilapidated.

(2) For the purpose of this division (C), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARDING AND SECURING or **BOARDED AND SECURED**. The closing, boarding, or locking of any or all exterior openings so as to prevent entry into the structure.

GOVERNING BODY. The Town Board of Trustees.

UNFIT FOR HUMAN OCCUPANCY. A structure that is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

UNSECURED BUILDING. Any structure that is not occupied by a legal or equitable owner of it, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatch-ways, unlocked basement or cellar hatchways, or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

(D) The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

(Ord. 2017-01, passed 1-10-2017)

§ 91.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates any provision of §§ 91.001 through 91.003, or any law or code adopted by reference in this chapter, is guilty of an offense, and upon conviction thereof, shall be punished as provided in § 10.99. In addition thereto, such person may be enjoined from continuing such violations.

(Prior Code, § 8-504)

(C) Any person who violates any of the provisions of § 91.004 is guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in § 10.99

(Prior Code, § 8-204)

(D) Any person, firm or corporation violating § 91.024 shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding \$250 for each offense.

(E) Any person, firm, or corporation found violating any provision of §§ 91.035 through 91.047 shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in § 10.99. (Prior Code, § 8-114)

(F) Any person who violates any provision of §§ 91.060 through 91.062, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, is guilty of an offense and, upon conviction thereof, shall be punished as provided in § 10.99. Each day upon which any such violation continues shall constitute a separate offense.

(Prior Code, § 8-404)

(Ord. 2020-04, passed 6-9-2020)

CHAPTER 92: STREETS AND SIDEWALKS

Section

- 92.01 Trees and shrubbery to be trimmed
- 92.02 Injuring trees and shrubbery
- 92.03 Obstructing sidewalks, parkways, streets, and alleys with merchandise
- 92.04 Obstructing unduly sidewalks and streets
- 92.05 Depositing trash upon streets or sidewalks
- 92.06 Playing on streets
- 92.07 Washing vehicles on streets
- 92.08 Water and mud draining from vehicle onto street
- 92.09 Water from filling stations and other businesses
- 92.10 Owner or occupant not to permit sidewalk to become a hazard
- 92.11 Street not to be obstructed so as to interfere with drainage

- 92.99 Penalty

§ 92.01 TREES AND SHRUBBERY TO BE TRIMMED.

(A) The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet above the roadway of a street or alley, nor lower than eight feet above the sidewalk.

(B) Any owner or occupant who shall fail, refuse, or neglect to trim trees and shrubbery as provided in division (A) above, after receiving five days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the the owner or occupant shall fail, refuse, or neglect to trim the trees or shrubbery, after the expiration of the five days' notice, shall be a separate offense.

(Prior Code, § 14-101) Penalty, see § 92.99

§ 92.02 INJURING TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided, that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (Prior Code, § 14-102) Penalty, see § 92.99

§ 92.03 OBSTRUCTING SIDEWALKS, PARKWAYS, STREETS, AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm, or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets, and alleys of the town any goods, wares, articles, of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade. (Prior Code, § 14-103) Penalty, see § 92.99

§ 92.04 OBSTRUCTING UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm, or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon. (Prior Code, § 14-104) Penalty, see § 92.99

§ 92.05 DEPOSITING TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person, firm, or corporation to deposit, throw, or sweep into or upon the streets, alleys, parking, or sidewalks of the town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes, or other refuse of any kind. (Prior Code, § 14-105) Penalty, see § 92.99

§ 92.06 PLAYING ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance. (Prior Code, § 14-106) Penalty, see § 92.99

§ 92.07 WASHING VEHICLES ON STREETS.

The washing of an automobile or other vehicle in any street of the town is hereby prohibited.
(Prior Code, § 14-107) Penalty, see § 92.99

§ 92.08 WATER AND MUD DRAINING FROM VEHICLE ONTO STREET.

No automobile or other vehicle shall be washed at any place within the town where the water, dirt, mud, or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk of the town.
(Prior Code, § 14-108) Penalty, see § 92.99

§ 92.09 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease, or other fluid to flow or drain into, upon, over, or across any sidewalk, parking, street, alley, or other public way.
(Prior Code, § 14-109) Penalty, see § 92.99

§ 92.10 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.
(Prior Code, § 14-110) Penalty, see § 92.99

§ 92.11 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.
(Prior Code, § 14-111) Penalty, see § 92.99

§ 92.99 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and, upon conviction thereof, shall be punished as provided in § 10.99.
(Prior Code, § 14-112)

CHAPTER 93: PARKS AND RECREATION

Section

93.01 Board of Trustees to make rules for recreational facilities and parks

93.02 Fees to be determined

93.99 Penalty

§ 93.01 BOARD OF TRUSTEES TO MAKE RULES FOR RECREATIONAL FACILITIES AND PARKS.

The Board of Trustees shall promulgate, invoke, create, amend, and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town.

(Prior Code, § 11-101) Penalty, see § 93.99

§ 93.02 FEES TO BE DETERMINED.

The town shall provide, by rules, from time to time, the fees charged for any such park or recreational privileges on any property or facility for recreational purposes owned or operated by the town.

(Prior Code, § 11-102)

§ 93.99 PENALTY.

It is unlawful for any person to use any of the park or recreational facilities, without having complied with the rules and regulations promulgated by the Board of Trustees in connection therewith. Anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in § 10.99.

(Prior Code, § 11-103)

CHAPTER 94: FAIR HOUSING

Section

- 94.01 Policy
- 94.02 Definitions
- 94.03 Unlawful practice
- 94.04 Discrimination in the sale or rental of housing
- 94.05 Discrimination in the financing of housing
- 94.06 Discrimination in the provision of brokerage services
- 94.07 Exemption
- 94.08 Administration
- 94.09 Education and conciliation
- 94.10 Enforcement
- 94.11 Investigations; subpoenas giving of evidence
- 94.12 Enforcement by private persons
- 94.13 Interference, coercion, or intimidation
- 94.14 Prevention of intimidation in fair housing cases

§ 94.01 POLICY.

It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town.

(Prior Code, § 2-601) (Res. 98-04, passed 9-8-1998)

§ 94.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 94.04 through 94.06.

DWELLING. Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

FAMILIAL STATUS.

(1) One or more individuals (who have not attained the age of 18 years) being domiciled with:

(a) A parent or another person having legal custody of such individual or individuals; or

(b) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

(2) The protections afforded against discrimination on the basis of ***FAMILIAL STATUS*** shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual.

HANDICAP. With respect to a person:

(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) A record of having such an impairment; or

(3) Being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

HOUSING ACCOMMODATION. Building, structure, or portion thereof which is used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together, or vacant land available for the construction of a ***HOUSING ACCOMMODATION***.

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Prior Code, § 2-602) (Res. 98-04, passed 9-8-1998)

§ 94.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below and § 94.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

(A) All dwellings except as exempted by division (B) below;

(B) Nothing in § 94.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division (B) shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented: without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and without the publication, posting, or mailing, alter notice of any advertisement of written notice in § 94.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Prior Code, § 2-603) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 94.03 and except as exempted by §§ 94.03(B) and 94.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, handicap, familial status, sex, color, religion, or national origin;

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin;

(C) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, handicap, familial status, sex, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination;

(D) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; and/or

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, handicap, familial status, sex, color, religion, or national origin.

(Prior Code, § 2-604) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building, and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, handicap, familial status, sex, color, religion, or national origin of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope of effectiveness of the exception contained in § 94.03(B).

(Prior Code, § 2-605) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, handicap, familial status, sex, religion, or national origin.

(Prior Code, § 2-606) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, handicap, familial status, sex, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Prior Code, § 2-607) (Res. 98-04, passed 9-8-1998)

§ 94.08 ADMINISTRATION.

(A) The authority and responsibility for administering this act shall be in the chief executive officer of the town.

(B) The chief executive officer may delegate any of these functions, duties, and powers to employees of the county or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his or her hearing examiners to other hearing examiners or to other officers of the county, to boards of officers or to himself or herself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief executive officer to further such purposes.

(Prior Code, § 2-608) (Res. 98-04, passed 9-8-1998)

§ 94.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He or she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his or her suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(Prior Code, § 2-609) (Res. 98-04, passed 9-8-1998)

§ 94.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he or she intends to resolve it. If the chief executive officer decides to resolve the complaints he or she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him or her and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his or her answer at any time. Both complaints and answers shall be verified.

(C) If, within 30 days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

(D) If the chief executive officer has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter, commence a civil action in any

appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the Court finds that discriminatory housing practice has occurred or is about to occur, the Court may enjoin the respondent from engaging in such practice order, such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.

(Prior Code, § 2-610) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.11 INVESTIGATIONS; SUBPOENAS GIVING OF EVIDENCE.

(A) In conducting investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony of statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his or her access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

(B) Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer himself or herself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his or her request.

(C) Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him or her.

(D) Within five days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he or she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the Municipal or State Court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(F) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his or her power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to chief executive officer pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(G) The district attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter.

(Prior Code, § 2-611) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 94.03 through 94.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the Court shall continue such civil case brought pursuant to this section or § 94.10(D) from time to time before bringing it to trial if the Court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in Court; and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provision of this chapter shall be affected.

(B) The Court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the said plaintiff in the opinion of the Court is not financially able to assume said attorney fees.

(Prior Code, § 2-612) (Res. 98-04, passed 9-8-1998)

§ 94.13 INTERFERENCE, COERCION, OR INTIMIDATION.

(A) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 94.03, 94.04, and 94.06.

(B) This section may be enforced by appropriate civil action.
(Prior Code, § 2-613) (Res. 98-04, passed 9-8-1998) Penalty, see § 10.99

§ 94.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiation for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(B) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, handicap, familial status, sex, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate.

(C) Any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, handicap, familial status, sex, color, religion, or national origin, in any of the activities, services, organization, or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate; shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Prior Code, § 2-615) (Res. 98-04, passed 9-8-1998)

