



MEMORANDUM

Council Agenda
Item No. XI.A.
7/5/2017

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Councilmembers Stonecipher, McAtee and Pettis.

Ordinance on final hearing, relating to Animals, amending Chapter 8 of the Oklahoma City Municipal Code, 2010, Section 8-16, Animal Welfare officers authorized to enforce ordinances dealing with animals, Section 8-38, Animals running at-large prohibited, exceptions; Section 8-39, Confinement of dogs required; Section 8-56, Fees and charges authorized; Section 8-57, Reclamation of impounded animals, no release without payment of penalties, court costs, fees and charges, exceptions; Section 8-131, Definitions; Section 8-132, Menacing behavior by dogs prohibited; repealing Section 8-133, Dangerous animals prohibited; amending Section 8-146, Superintendent to investigate complaints, file report, and maintain records; Section 8-148, Confinement; Section 8-150, Hearing and adjudication; Section 8-151, Restriction guidelines for maintaining a dangerous animal; Section 8-152, Violations; Section 8-153, Impoundment upon subsequent incident; Section 8-154, Penalty; and amending Chapter 60 of the Oklahoma City Municipal Code, 2010, Title 8, by creating Section 60-8-1 to provide a fee for animal registration. Councilmembers Stonecipher, McAtee and Pettis, Jr.

Purpose

To heighten the ability of Animal Welfare staff to provide for the safety of area residents by enhancing the process for the regulation of menacing and dangerous dogs found running at large, and providing for enhanced penalties to be imposed upon the owners of these dogs upon conviction in the Municipal Court. The ordinances also clarify the requirements for reclaiming an impounded animal, including registration, spay/neuter and micro-chipping.

Background

In April of this year, two dogs running at large, and believed to be menacing and dangerous allegedly caused the death of an Oklahoma City resident and her small dog. Existing ordinances had specific enclosure requirements pertaining to dangerous dogs, but there was no requirement to register the dogs. The proposed ordinance amendments enhance the ability of the Animal Welfare Division to impound and maintain specific records on animals believed to be menacing or dangerous, and to impose certain conditions related to registration and proper enclosure for the animals upon the owners of these animals that will promote the safety and welfare of all citizens. The ordinances also extend to the municipal court an ability to impose certain requirements and guidelines to menacing animals as well as dangerous ones.

The ordinances impose a requirement for the spaying or neutering of all

impounded dogs before they are allowed to be released. The ordinance exempts, upon satisfactory proof provided by the owner at the time an animal is to be reclaimed that the animal is of pure breed status as verified by the American Kennel Club or similar entity. These ordinances specifically describe “menacing behavior” in a manner that is specific, and does not include barking or being at large. Under the ordinance, an animal can be menacing if it destroys property, i.e., a fence, in an attempt to get to a human or domesticated animal. An animal can be considered menacing whether it is on or off its property.

The ordinance extends the list of court-ordered requirements for animal confinement or enclosure, as well as muzzle, restraint, signs, proof of death, and notification of change of address or ownership to include menacing animals as well as dangerous animals.

The owners of animals running at large will be required to register the animal and pay a registration fee prior to reclaiming an impounded animal. Menacing or dangerous dogs are required to be registered annually, for as long as the owner maintains possession of it. Information related to transfer of ownership, or change of address is also required to be provided to the Animal Welfare Division.

Prior to being reclaimed by their owner, all impounded animals will be micro-chipped and spayed or neutered, unless the animal meets an exception in the Code, such as AKC registration of the dog. The owner must also provide proof of an adequate enclosure, in good repair, before the animal can be released.

The Class “b” penalty, which is an enhanced penalty that includes a larger fine and provides for jail time, is being proposed as an enhanced penalty for violations of Article III of Chapter 8, which pertains to Menacing Behavior by Dogs and Dangerous Animals.

An animal impounded because the owner has been charged with cruelty to the animal or with failure to provide humane care and treatment for the animal may be transferred to a foster facility approved by the Animal Welfare Superintendent until such time as the court has decided the case or the charges against the owner of the animal are declined or dismissed.

Revenue	\$12 per registration to be deposited in the General Fund – General Operations – Animal Shelter Charges (001 – 0001 – 42250001)
Cost	Unknown cost. Staff anticipates an increased workload based on required field investigations by the Animal Welfare Officer staff and an increased number of spayed/ neutered surgical procedures by the existing Veterinarian staff. There will also be an additional \$15,000 cost to purchase the microchips needed to microchip animals that are being reclaimed.
Review	Municipal Counselor’s Office and Development Services

Recommendation: Ordinance be adopted.

Attachment