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~~_____ , 2011)~~

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2, CHAPTER 1, TULSA REVISED ORDINANCES, SECTION 100, DEFINITIONS, TO INCLUDE THE TERM "COMMERCIAL BREEDER"; AND SECTION 101, TO ELIMINATE HOBBYISTS FROM CERTAIN EXEMPTIONS; AMENDING SECTION 117 HOBBYIST EXEMPTION PERMIT TO ALLOW FOR INDIVIDUALS TO HAVE INTACT ANIMALS IN THE CITY OF TULSA AND PROVIDING FOR THE REQUIREMENTS THEREOF; AMENDING SECTION 118 TO PROVIDE FOR PRIVATE KENNEL EXEMPTIONS FOR LOCATIONS IN USE UNIT 15 COMPATIBLE PROPERTIES; ADDING A NEW SECTION 119 PROVIDING FOR RESCUER EXEMPTIONS AND REQUIREMENTS THEREOF; PROVIDING RESTRICTIONS ON THE NUMBER OF ANIMALS LEGALLY POSSESSED IN THE CITY; LIMITING THE LAWFUL NUMBER OF LITTERS PER HOUSEHOLD TO ONE PER CALENDAR YEAR; RENUMBERING A SECTION PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 2, Chapter 1, Section 100, Tulsa Revised Ordinances, be and the same is hereby amended to include the following definition:

"SECTION 100. DEFINITIONS

"Commercial breeder" shall mean any individual, entity, association, trust, or corporation who possesses adult intact female animals for dealing in animals for direct or indirect sale or for exchange in return for consideration;

Section 2. That Title 2, Chapter 1, Section 101A.14, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 101. OFFENSES

A. It shall be an offense under the terms of this chapter for any owner within the corporate limits of the City of Tulsa to:

...

14. Harbor, keep or possess in any one household more than a combined total of five (5) dogs and cats over the age of four (4) months; provided that no more than three (3) of such animals shall be dogs over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this paragraph so long as:

- a. Immediately prior to January 1, 1998, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and
- b. Those dogs and/or cats were licensed according to the provisions of this chapter; and
- c. The dogs and/or cats kept or possessed are the same such animals that were kept or possessed pursuant to (a) and (b) of this paragraph.

Every person violating this subparagraph 101.A.14 shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in the City Jail for a period of not exceeding thirty (30) days or by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00), excluding costs, fees and assessments, or both such fine and imprisonment.”

Section 3. That Title 2, Chapter 1, Section 117, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

“SECTION 117. HOBBYIST EXEMPTION PERMIT

A. Hobby Exemption Permit. The Director of Finance shall maintain a register of qualified hobbyist exemption permit holders. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. A fee of Twenty-five Dollars (\$25.00) will be charged for the initial permit. Each subsequent renewal shall be Ten Dollars (\$10.00).

B. Limitation on Number of Intact Animals. A holder of a hobbyist exemption permit shall not be required to comply with paragraph 101.A.17 of this chapter; provided, that the maximum number of intact animals allowed to the permittee shall not exceed five (5).

C. One Litter Per Calendar Year Limitations.

1. It shall be an offense under the terms of this chapter for any individual, entity, association, trust or corporation who possesses adult intact female dogs or cats to experience more than a single litter from among all of the adult intact female dogs or cats during any calendar year.

~~2. The single annual litter allowed herein to the holder of a hobbyist permit shall be reported by the permittee to the Director of Finance within ten (10) days following the birth of the litter.~~

D. Permit Qualifications. Any individual or organization, not a commercial breeder, as defined herein, that:

1. Is actively involved in any nationally recognized, organized animal sport or hobby for a period of at least one (1) year prior to making application for a hobbyist exemption; or

2. Participates in field trials, owns nationally recognized breeds used specifically as hunting dogs, and has held and continues to hold a current, valid state of Oklahoma hunting license for a period of at least one (1) year prior to making application for a hobbyist exemption;

3. Has not been convicted in the past ten (10) years of any offense related to illegal commercial breeding, brokering, dog fighting, a nuisance offense involving animals, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of paragraph 101A.2 of this chapter prohibiting at-large dogs and cats or Section 117C, shall qualify for a hobbyist exemption permit.

E. Application Documents. An applicant for a hobbyist exemption permit shall submit to the Director of Finance the following:

1. Certificates of completion of at least two training classes, dated within the twelve (12) months immediately preceding the date of application; or

2. A show catalog including the applicant's name as an exhibitor, and not less than two (2) superintendents' conformation receipts, dated within the twelve (12) months immediately preceding the date of application; and

3. A certificate of title(s) from a national registry for a dog or cat owned by the applicant; or

4. Proof the applicant participated in at least one field trial within the past 12 months; and

5. For an owner of hunting dogs, proof that the owner holds or is exempt from holding a current and valid state of Oklahoma hunting license.

Any activity involving the fighting or physical contact between animals or any activity otherwise illegal or dangerous to animals shall not be considered an organized sport or hobby for purposes of this section.

F. Renewal. A permit holder must reapply for the exemption permit every year.

G. **Records.** ~~If applicable, the permit holder shall keep accurate records in accordance with~~ the requirements of his associated national registry on each dog or cat owned, and on each dog or cat where ownership has been transferred. These records shall be open to the registry with which the hobbyist is affiliated.

H. **Revocation.** A permit holder shall have his hobbyist exemption permit revoked if he or she has provided false information on the application, or has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance involving animals; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of Section 117C or paragraph 101A.2 of this chapter prohibiting at-large dogs and cats.
Ord. Nos. 19038, 19143, 21979”

Section 4. That Title 2, Chapter 1, Section 118, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

“SECTION 118. PRIVATE KENNEL EXEMPTION PERMIT

A. **Private Kennel Exemption Permit.** The Director of Finance shall maintain a register of qualified Private Kennel exemption permit holders. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. A fee of One Hundred Dollars (\$100.00) will be charged for the initial permit. Each subsequent renewal shall be Fifty Dollars (\$50.00).

A holder of a Private Kennel exemption permit will be permitted to own and keep, a number of dogs and cats that would otherwise constitute an offense under paragraph 101.A.14 of this chapter.

B. **Permit Qualifications.** A permit shall be issued to any individual or organization, not a commercial breeder, as defined herein, and otherwise qualified as provided herein, located in an area properly zoned to allow kennels (Use Unit 15);

1. It shall be a requirement for all Private Kennel Permits that the applicant has not been convicted in the past ten (10) years of any offense related to: illegal commercial breeding, brokering, dog fighting, a nuisance offense involving animals, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of paragraph 101A.2 of this chapter prohibiting at-large dogs and cats.

C. **Application Documents.** An applicant for a Private Kennel exemption permit shall submit to the Director of Finance the following:

1. Documents verifying that the location of the private kennel is zoned for kennel use; and

~~2. Documents identifying the number of holding facilities, and the maximum number and type of animals the applicant will kennel; and~~

3. The applicant's name, address, phone number and such other contact information as the Director may require.

D. **Renewal.** A permit holder must reapply for the exemption permit every year.

E. **Revocation.** A permit holder shall have his Private Kennel exemption permit revoked if he or she has provided false information on the application, or has been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance involving animals; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of Section 117C or paragraph 101A.2 of this chapter prohibiting at-large dogs and cats.

Section 5. That Title 2, Chapter 1, Tulsa Revised Ordinances, be and the same is hereby amended to add a new Section 119, to read as follows:

“SECTION 119. RESCUER EXEMPTION PERMIT

A. **Rescuer Exemption Permit.** The Director of Finance shall maintain a register of qualified rescuer exemption permit holders. Application shall be submitted in writing to the Director of Finance, who shall notify the applicant of the acceptance or denial within thirty (30) days of the application date. If the exemption permit is denied, the applicant shall be notified of the reason for the denial. A fee of Twenty-five Dollars (\$25.00) will be charged for the initial permit. Each subsequent renewal shall be Ten Dollars (\$10.00).

B. **Permit Qualifications.** A permit shall be issued to any individual or organization, not a commercial breeder, as defined herein, if:

1. The applicant is identified and authorized to house animals by an entity recognized by the City's WIN Department as a viable non-profit animal welfare organization incorporated in the State of Oklahoma; and

2. The applicant has not been convicted in the past ten years of any offense related to: illegal commercial breeding, brokering, dog fighting, a nuisance offense involving animals, a cruelty offense or a neglect offense under applicable law, a violation of the Oklahoma Wildlife Conservation Code or regulations, or two (2) or more violations of Section 117C or paragraph 101A.2 of this chapter prohibiting at-large dogs and cats shall qualify for a rescuer exemption permit.

C. Application Documents. ~~An applicant for a rescuer exemption permit shall submit to the Director of Finance the following:~~

1. The applicant's name, address, phone number and such other contact information as the Director may require; and
2. Proof that the organization for whom the rescuer is housing animals is approved by WIN pursuant to the requirements of paragraph 109.E.7 of this chapter. The organization shall submit a list of individuals that are authorized to serve as rescuers under the organization's permit.

D. Requirements of a Rescuer. A rescuer permitted under this Chapter may harbor dogs and cats in accordance with this Chapter, provided that:

1. A rescuer located in a residential zoned area or in an area otherwise not zoned for a private kennel shall submit with the initial application for a Rescuer permit or renewal application, a petition signed by two-thirds (2/3) of the residents within a three hundred (300) foot radius of the exterior of the boundary of the property; however, in the event units of a multi-family unit complex are within said radius, the property manager of the complex may sign the petition for said units; a rescuer under this provision who receives a Rescuer permit shall be limited to five animals for his personal use and five animals for rescue purposes; and
2. A rescuer may harbor such rescued cats and dogs for no longer than one hundred twenty (120) days each while the rescuer attempts to locate the animal's home or a new home. If a rescuer must harbor an animal for longer than one hundred twenty (120) days due to its medical condition, the rescuer shall so notify the Director of Finance.

E. Revocation. A permit holder shall have their exemption permit or the right to serve as a rescuer under an organization's permit revoked if they have provided false information on their application, or have been convicted of an offense of: illegal commercial breeding; brokering; dog fighting; a nuisance involving animals; cruelty or neglect under applicable law; violation of the Oklahoma Wildlife Conservation Code or regulations; or two (2) or more violations of Section 117C or paragraph 101A.2 of this chapter prohibiting at-large dogs and cats.

Section 6. That Title 2, Chapter 1, Tulsa Revised Ordinances, be and the same is hereby amended to add a new Section 120, to read as follows:

“SECTION 120. PENALTY

Unless otherwise provided, every person violating any of the provisions of this chapter shall be guilty of an offense and upon conviction shall be punished by imprisonment in the City Jail for a

period of not exceeding ninety (90) days or by a fine of not more than SEVEN HUNDRED FIFTY DOLLARS (\$750.00), excluding costs, fees and assessments, or both such fine and imprisonment.

Section 7. TRANSITION PERIOD. All individuals or organizations with a current permit issued under Title 2, section 117, shall have ninety (90) days from the effective date of this ordinance to come into compliance with the requirements contained herein. However, any permits issued pursuant to Title 2, section 117 of the Tulsa Revised Ordinances prior to the effective date of this ordinance shall remain in force and effect and the holders thereof shall be under the same city ordinances which were in effect prior to the effective date of this ordinance until the permits expire.

Section 8. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 9. EMERGENCY CLAUSE. That the amendments hereby enacted are essential to the proper, orderly and ethical conduct of the business of the City of Tulsa by its City Officials; therefore, an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication.

ADOPTED by the Council: _____
Date

Chairman of the Council

ADOPTED as an emergency measure: _____
Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

Dewey F. Bartlett, Jr., Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

at _____.
Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney