

YALE CITY CODE

Chapter 3

ANIMALS

Article 1. Definitions

Sec. 3-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning.

(1) Animal: any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl.

(2) Animal Control Officer: the person or persons employed by the City as enforcement officer or officers of this article, said person or persons to be selected by the City Manager.

(3) At Large: not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.

(4) City Animal shelter: the premises operated and maintained by the City for the purpose of impounding and caring for dogs and cats in violation of this article.

(5) Control: a dog is under control within the meaning of this article if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

(6) Exposed to Rabies: any dog or cat that has been exposed to rabies within the meaning of this article if it has been bitten by or exposed to any animal known to have been infected with rabies.

(7) Owner: any person, firm, or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal.

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(8) Vicious dog: a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks, or growls at and acts if it intended to attack or bite, or bites a persons or persons, when not unduly provoked.

Article 2. Animals and Fowl

Sec. 3-2. Animals and fowl prohibited in certain areas.

It is unlawful for any person, firm, corporation or association of individuals to allow or permit any fowl, including but not limited to chickens, turkeys, pigeons, ducks and geese, or domestic animals, including, but not limited to horses, mules, donkeys, cows, sheep and goats, within one hundred fifty feet (150) of any dwelling, house trailer, hotel, motel, grocery store, supermarket, or food service establishment.

Sec. 3-3. Enclosures.

Suitable pens or enclosures, substantially erected, shall be provided and maintained for the safekeeping of all fowl or animals kept within the corporate limits of the city. A minimum of nine hundred (900) square feet shall be enclosed for a fowl pen, and a minimum of fifteen hundred (1500) square feet per animal shall be enclosed for the keeping of any domestic animals. The City Commission of the City of Yale shall have the authority upon proper application being made to grant hardship permits, which permits shall allow the construction and maintaining of pens or enclosures of less than stated size upon the showing of hardship.

Sec. 3-4. Sanitation.

(a) All enclosures where animals or fowl are kept shall be kept clean and free from all filth at all times.

(b) All manure shall be cleaned regularly and kept in a separate receptacle, properly covered, which shall be removed at least twice a week or whenever directed by the health officer or other officials of the City of Yale.

(c) Each enclosure shall be sprayed with a suitable residual spray as often as necessary to control flies and other insects, and the premises shall be disinfected not less than once in a period of two (2) weeks.

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Sec. 3-5. Not to run at large.

(a) It is unlawful for any owner of any domestic animal or fowl to permit, allow, or suffer the animal or fowl at large in the City of Yale.

(b) For the purposes of this article, domestic animal shall be defined as any animal excluding dogs and cats.

Sec. 3-6. Article does not in any way apply to dogs and cats.

This article is not intended to, nor does it in any way, apply to dogs and cats.

Sec. 3-7. Impounding; redeeming animals.

(a) Any animal or fowl found running at large upon the streets, alleys, public places, or other private places, not under control of the owner, shall be taken up by the Animal Control Officer or any police officer of the City of Yale.

(b) Any animal or fowl so taken up shall be confined by the city.

(c) The owners, or the persons having custody of any such animal or fowl so taken, may redeem such animal or fowl by paying an impounding fee of Five Dollars (\$5.00) per day.

Sec. 3-8. Sale of unredeemed animals.

(a) When any animal or fowl is so impounded by the city for a period of ninety-six (96) hours or longer without redemption thereof by the owner, the City Manager is directed to give notice by publication one (1) time in a newspaper of general circulation within the limits of the City of Yale, setting forth therein the date of impoundment, the description of the animal or fowl impounded, the fact the same will be offered for sale at a time not less five (5) days from date of publication, and that upon sale thereof the City of Yale shall give a bill of sale to the purchasers, without warranty, and deliver possession of the animal or fowl to the purchasers.

(b) All money received from such sales shall be deposited in the general fund of the City of Yale.

Article 3. Dogs and Cats.

Sec. 3-9. Tag and collar.

Every owner is required to see that the tag issued pursuant to Section 3-10 hereof is securely fastened to the collar, choke chain or harness of every dog or cat within the City of Yale, which must be worn by the dog or cat at all times.

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Sec. 3-10. Vaccination against rabies.

(a) It shall be unlawful for any person, firm, association or corporation to own, keep or harbor any dog or cat, male or female, over the age of six (6) months of age within the corporate limits of the City of Yale, Oklahoma, unless such dog or cat has been immunized by vaccination against rabies, provided such vaccination shall be repeated each twelve (12) months after said date.

The above shall not apply to any dog or cat over the age of six (6) months which is brought into the City of Yale for which the owners, keeper, or harborer can furnish a certificate from a duly licensed veterinarian showing that such dog or cat has been vaccinated within a period of twelve (12) months.

(b) Such vaccination shall be performed by or under the supervision of a graduate veterinarian, licensed to practice veterinary medicine within the State of Oklahoma.

(c) Upon payment of the veterinarian's fee, the veterinarian shall deliver to the owner, keeper or harborer of each dog or cat vaccinated a metallic or plastic tag showing that the said dog or cat has been vaccinated.

(d) Any person, firm or corporation, owning, keeping or harboring any dog or cat which has not been vaccinated as herein provided, within the City of Yale, Oklahoma, shall be guilty of an offense and punished accordingly.

Sec. 3-11 Dog tax, registration tag:

A tax of Five Dollars (\$5.00) per year for every dog, is hereby levied upon the owner of any such dog kept or harbored within the City of Yale. The tax shall not apply to a dog only temporarily brought or kept within the city, nor to a "seeing eye" dog or a "therapy dog" when such a dog is actually being used by a blind person in going from place to place, or by any person using such dog pursuant to directions from a physician, nor to dogs kept in kennels or pet shops for sale, nor to pets under six months of age. The owner shall pay such tax to the City Clerk for every calendar year before the first day of July thereof, or upon acquiring after said day any dog within the city upon which the tax has not been paid for the year in which acquired, or upon bringing after said day a dog into the city. Before the City Clerk accepts any money offered in payment of the tax for a dog, the person offering the tax shall present to the City Clerk the tag of a veterinarian showing that the dog has been immunized against rabies during the calendar year.

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Sec. 3-12. Confinement of certain dogs.

(a) The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of the building or enclosure unless the dog is securely muzzled.

(b) Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the dog cannot come in contact with a male dog except for breeding purposes. In which event, such dogs shall be in some enclosure place entirely out of public view.

Sec. 3-13. Control.

The owner shall keep his dog under control at all times and shall not permit the dog to be at large or off the property or premises of the owner, unless under the control of a competent person.

Sec. 3-14. Impoundment.

(a) Any dog or cat found running at large in the City of Yale, Oklahoma shall be immediately impounded.

(b) Immediately upon impounding any dog or cat, the Animal Control Officer shall make every reasonable effort to notify the owner of the dog or cat so impounded, and inform the owner of the dog or cat so impounded, and inform the owner of the conditions whereby he may regain custody of the dog or cat.

(c) Further, any dog or cat so impounded shall be kept for a minimum of three (3) days. After the expiration of the three (3) day detention period, should the owner not reclaim such dog or cat, the Animal Control Officer may humanely destroy, or as set forth in Section 3-15(b) hereof, sell and transfer title to any dog or cat impounded under this section and not redeemed by its owner. The Animal Control Officer may transfer title to any dog or cat held by the city at its animal shelter to a competent person after the legal detention period herein referred to as expired and the dog or cat has not been claimed by its owner. In the event of such transfer of title, it is expressly understood that the new owner shall pay for each such animal's food until it shall be removed from the city animal shelter. Removal of any dog or cat from the city animal shelter under the provisions hereof shall be prima facie evidence that said dog or cat is owned by the person so removing it.

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Sec. 3-15. Redemption of impounded dogs and cats, sale of dogs and cats.

(a) The owner shall be entitled to resume possession of an impounded dog or cat impounded hereunder, upon compliance with the vaccination provisions of this article and the payment of impoundment fees as set forth in Section 3-16 hereof.

(b) Any dog or cat impounded under Section 3-14 of this article and not reclaimed by its owners within three (3) days, exclusive of Sundays and legal holidays, may be sold by the Animal Control Officer for the amount of the impoundment fees against such dog or cat to any person deemed to be a responsible or suitable owner who will agree to comply with the provisions of this article and such other regulations as may be fixed by the City of Yale, Oklahoma.

Sec. 3-16. Impoundment fees.

Any dog or cat impounded hereunder may be reclaimed as herein provided upon payment by the owner to the City of Yale of an impounding fee in the following amounts:

First impoundment within a one year period -	\$5.00 per day
Second impoundment within one year period -	\$10.00 per day
Third impoundment within a one year period -	\$20.00 per day
Fourth impoundment within a one year period -	\$50.00 per day
Fifth impoundment within a one year period -	\$100.00 per day
All impoundments thereafter within a one year period -	\$500.00 per impoundment.

Sec. 3-17. Rabies Control.

(a) Pursuant to the authority contained in Title 63, Section 1-508 et. seq., the purpose of these sections is to protect the public health by establishing uniform rules for the prevention and control of zoonotic diseases in the State of Oklahoma.

(b) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise

Animal Control Officer: the Animal Control Officer or any police officer of the City of Yale, Oklahoma.

Animal: any warm-blooded animal.

Cat: any *Felis catus*.

City: the City of Yale, Oklahoma.

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Currently vaccinated: properly immunized by a licensed veterinarian with a vaccine licensed and approved by the United States Department of Agriculture for use in that animal species, or meeting conditions specified in OAC 310:599-3-9. Vaccine must have been given at appropriate time interval(s) for the age of the animal and type of vaccine administered.

Department: the Oklahoma State Department of Health.

Department designee: an employee of the Oklahoma State Department of Health, or a county health department, who is acting within their scope of rabies control authority designated through the Commissioner of Health.

Dog: any *Canis familiaris*, excluding hybrids.

Domestic animal: means a companion animal including dogs, cats, and ferrets; an equine animal; or a livestock animal.

Euthanize: the humane killing of an animal generally performed by a veterinarian, or personnel at an animal control facility under the indirect supervision of a veterinarian.

Exposure to rabies: a bite or physical contact with the saliva or other potentially infectious tissues from an animal confirmed or suspected of being infected with rabies.

First party ownership: a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling- sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same.

Hybrid: an offspring of two animals of different species.

Quarantine: physical confinement of an animal during a specified time period when the animal is monitored for the development of disease. During this time period, the animal is prevented from having contact with other animals, and human contact is limited to as few caretakers as possible.

Rabies: an acute viral disease of humans and warm-blooded animals that affects the central nervous system and is usually fatal.

Recognized zoological park: any member of the American Association of Zoological Parks.

Wild animal: an animal considered as wildlife; any animal not normally adapted to live in intimate association with humans nor raised for consumption by humans.

Zoonotic disease: means a disease that is transmissible from animals to humans under natural conditions.

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(c) Any person or entity owning, harboring, or keeping a dog or cat which in the preceding ten days has bitten any person, shall upon notification animal control authority or police officer or designated department designee, place the animal at owner's, person harboring or animal's keeper's expense in quarantine under the supervision of a licensed veterinarian for a period of ten days from the date the person was bitten. Failure to surrender any animal immediately after demand for quarantine or rabies testing by an animal control officer, police officer or department designee shall be deemed in violation of this article. The impoundment and observation of the dog, cat, or ferret shall be conducted at the veterinarian's facility. Boarding kennels shall not be considered proper confinement facilities. Unvaccinated animals shall be vaccinated against rabies on the final day of the ten-day observation period prior to discharge from the veterinarian's supervision. The veterinarian shall notify animal control of the disposition of the said animal. Exceptions to this rule include the following circumstances:

- (1) Dogs, cats, or ferrets involved in a first party ownership may be allowed to be securely confined and closely observed at the owner's home for a ten-day home quarantine period immediately following the bite. The term "first party ownership" means a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling-sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same. The term "home observation or quarantine" means quarantine of an animal allowed at the animal owner's property, where one of the following acceptable methods of confinement for a dog are used:
 - a. Complete indoor housing;
 - b. Caging or kenneling in an enclosure with a securely latch door;
 - c. Yard confinement with perimeter fencing that the dog is unable to climb over or dig under and has never done so in the past.

Acceptable methods for confinement for a cat or ferret are:

- a. Complete indoor housing; or
- b. Caging in an enclosure that prevents escape.

The animal's needs for ambient temperature control, water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method.

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- (2) Dogs, cats, and ferrets meeting the criteria of currently vaccinated against rabies, and not inflicting a severe injury, can be placed in home quarantine, as described in subsection (c)(1) of this section, until the end of a ten-day period from the bite. If there are any changes in health or condition of an animal in a home quarantine, or if the animal dies, the person caring for that animal must take the animal directly to their veterinarian and report the change to the animal control division. A certification of animal health obtained after examination of a licensed veterinarian on the tenth day will be required and presented to animal control within two days of the end of the quarantine period. Approval for home quarantine will be determined by the animal control division officer, police officer, or department designee.
- (3) Animals in service to the blind or hearing impaired, and search and rescue dogs or other animals used for police enforcement duties shall be exempt from quarantine when a bite exposure occurs and proper record of immunization against rabies is presented. A certification of animal health obtained after an examination by a licensed veterinarian at the end of ten days may be required by the department.
- (4) Stray or unwanted dogs, cats, or ferrets that have bitten any person may either be quarantined for ten days at a veterinary facility or recognized quarantine facility or euthanized and the brain tissue submitted to the state department of health laboratory for rabies testing. Upon successful completion of the ten-day period, a stray animal may be placed for adoption by the animal control division's authority. At the end of the ten-day period, the animal control officer shall notify the person bitten by such animal of the disposition and/or the laboratory test results.
 - (d) If, within the impoundment period provided herein, said animal dies or exhibits symptoms or indications of rabies, it shall be examined by a veterinarian for clinical diagnosis and then properly destroyed by a licensed veterinarian. The suspect's head or the head of any rabies-suspected animal which dies shall be submitted to the state health department laboratory for confirmation of diagnosis. In this event, the animal control officer shall immediately in writing notify the person bitten of said diagnosis.

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(e) When an examination report gives a positive diagnosis of rabies, the city health officer may recommend to the City Manager a citywide quarantine for a period of 30 days; and upon the invoking of such quarantine by the City Manager, no animal shall be taken into the streets except under leash and complete control of a competent adult during such period of quarantine. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional period.

(f) In the case of a dog, cat or ferret known to have been bitten or scratched by a rabid animal, said dog, cat or ferret shall be euthanized immediately either by a veterinarian of the owner's choice or by an animal control office. If the owner of such dog, cat or ferret is unwilling to have such dog, cat or ferret destroyed, then, at the expense of the owner, any such unvaccinated dog, cat or ferret shall be placed in strict quarantine and observed for a period of six months under the supervision of a licensed veterinarian. The exposed animal shall be immediately vaccinated against rabies upon entry into quarantine and then given booster vaccinations at the third and eighth week of the quarantine period. Animals less than 16 weeks of age at the time of entry into quarantine could be required by the veterinarian to receive a booster vaccine in addition to the protocol set forth in this section. Any dog, cat, or ferret which is currently vaccinated against rabies and is exposed to a rabid animal shall be revaccinated immediately and isolated and confined by the owner for a period of at least 45 days.

(g) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove the same from the city limits without written permission from the Animal Control Officer. The Animal Control officer shall be notified immediately of any suspected rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human.

(h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control Officer.

(i) The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

Sec. 3-18. Offenses.

It is unlawful for any person to:

- 1) Unlawfully remove the license tag without the owner's consent;

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- 2) Own, possess, keep, or harbor any dog which by loud and frequent howling, yelping, or other noises, causes annoyances or disturbance to any of the citizens of the city;
- 3) Allow the yard, pen, or other confine where a dog is kept to become filthy or unsanitary;
- 4) Interfere with, hinder, or molest the Animal Control Officer in the performance of any duty of such agent, or seek to release any dog or cat in the custody of the Animal Control Officer except as herein provided;
- 5) Use for any dog a license, receipt, or license tag issued for another dog or cat;
- 6) Fail or refuse to deliver to the Animal Control Officer of the City of Yale or any person properly designated by Board of Commissioners upon demand, any unlicensed dog, vicious dog, a dog suspected of rabies or found off the premises of owner and not under leash or under the control of a competent person; OR
- 7) Abandon or desert any dog or cat or permit a cat or dog to become a stray.

Sec. 3-19. Investigation, Destruction of Vicious Dogs.

For the purpose of discharging the duties imposed by this article and to enforce its provisions, the Animal Control Officer or any police officer with probable cause to believe that an ordinance violation is occurring, is empowered to enter on premises upon which a dog or cat is kept or harbored and to demand the exhibition by the owner of the tag or receipt for such dog or cat. It is further provided that the Animal Control Officer may enter the premises where any dog is kept in a reportedly cruel or inhumane manner and demand to examine such dog and take possession of such dog when, in his opinion, the dog requires humane treatment.

Sec. 3-20. Records.

(a) It is the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all dogs and cats coming into his custody.

(b) It is the duty of the City Clerk to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City of Yale.

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Sec. 3-21. Unlawful Removal.

No person shall take from or attempt to take from the Yale Animal Shelter, or from any animal shelter property, any animal located therein without first paying the fees prescribed by this Chapter, and meeting the vaccination requirements contained herein.

Article 4. Pound, Establishment, Operation

Sec. 3-22. Pound established.

A pound is hereby authorized under the jurisdiction of the Chief of Police. It shall be under the immediate control of a pound man or of such other person as may be officially designated.

(a) Animals maintained in pens, cages or runs for periods exceeding twenty-four (24) hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.

(b) Indoor housing shall be provided for in all pet shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.

(c) Sufficient lighting shall be provided by either artificial or natural means.

(d) Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animal's health.

(e) The person in charge of the pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The governing body may make arrangements for a private person to keep the pound for the city.

Sec. 3-23. Animals to be impounded.

(a) The pound man, Police Chief, other policeman, and such other officer or employee as the City Commission may authorize, shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the City of Yale and may enter upon the premises of the owner or other private premises to take such animal into custody. If such person with reasonable effort cannot catch a vicious, diseased, or threatening dog or cat, illegally at large, then such person may kill the dog or cat, either on or off private premises.

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(b) Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. The City Commission, by motion or resolution, may provide for the payment of rewards to private persons who present such animals at the pound, when an appropriation exists for that purpose.

(c) Animals which are taken into custody as provided in this chapter, may be destroyed in a humane manner by the officer or employee in charge of such animal or by the pound man, or be otherwise disposed of, provided that no animal so impounded shall be destroyed until after the expiration of three (3) days from the date of first impoundment unless said animal is suspected of having rabies as defined in Section 3-17 hereof.

Sec. 3-24. Breaking Pound, etc.

No unauthorized person shall break, or attempt to break open the pound, or take or let out any animal therefrom, or take or attempt to take from any officer or employee of the municipality any animal taken into custody as provided by ordinance, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided by ordinance.

Sec 3-25. Fees of impounding, etc.

(a) The fees for impounding and keeping an animal, to be paid upon redemption, shall be the same as those set by Section 3-16 hereof, plus the cost of vaccination if necessary.

(b) Any person redeeming an impounded animal shall pay the fees to the Animal Control Officer and present his receipt therefore to the person in charge of the pound before the latter releases the animal.

Sec. 3-26. Owner may redeem.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirement which may be prescribed by ordinance.

Article 5. Cruelty to Animals

Sec. 3-27. Cruelty to animals.

It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal; or to overdrive, overload, drive when

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overloaded, overwork, torture, torment, deprive of necessary sustenance or water, cruelly beat, mutilate or kill any animal; or cause or procure an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented or deprived of necessary sustenance or water, cruelly beaten, mutilated, or killed; or to not provide an animal adequate shelter and protection from the weather; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

Sec. 3-28. Poisoning animals.

It is unlawful for a person willfully to poison any dog or other animal except a noxious, nondomesticated animal; or knowingly to expose poison so that the same may be taken by such an animal.

Sec. 3-29. Encouraging, animals to fight, etc.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue, or annoy another animal except a noxious, nondomesticated animal; or to keep a house, pit or other place used for fights between animals.

Article 6. Kennels

Sec. 3-30. Definitions.

As used in this article, the following terms mean:

- (1) City Clerk: The City Clerk of the City of Yale, Oklahoma, or his duly authorized representative.
- (2) Chief of Police: The chief of the police department of the City of Yale, Oklahoma, or his duly authorized representative.
- (3) Kennel: Any lot or premises on which four (4) or more dogs more than six (6) months of age are kept.

Sec. 3-31. Permits generally.

(a) The City Commission hereby declares it to be conducive to the promotion of the health and general welfare of the inhabitants of the City to require a professional animal permit to operate a kennel, or pet shelter and to impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, or pet shelter. State law reference, Title 11, Section 22-115, et. seq.

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(b) Persons operating kennels, or animal shelters shall obtain a professional animal permit from the City Clerk.

(c) When a professional animal permit is applied for, an inspection of the kennel or shelter shall be conducted by the Chief of Police or his designate, to determine compliance with this chapter. If inspection reveals that this chapter and other appliance laws, ordinances and regulations are met, a professional animal permit will be issued. Professional animal permittees who keep their animals confined shall, at the option of the permittee, be exempt from the animal license requirements of this chapter, and will not be issued any license tags unless the required animal license fee is paid.

(d) Permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel or pet shelter.

(e) A permit holder shall notify the City Clerk of any change in his operations which may affect the status of his permit and shall keep the City Clerk appraised of any change in name or location of his business.

(f) Persons in charge of a kennel or shelter shall be responsible for complying with this chapter. There shall be kept at each kennel or pet shelter a record of all animals received and of their final disposition.

(g) The professional animal permit shall expire June 30 of each calendar year and shall be renewed by August 1 of the following year. New professional animal permits, but not a renewal, shall be issued with professional animal permit fees prorated on a semiannual basis.

(h) The annual fee for a kennel permit shall be Two Hundred Fifty and No/ 100 Dollars (\$250.00).

(i) None of the permit fees provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a permit fee is believed by a licensee or applicant for license to place an undue burden upon interstate commerce, he may apply to the City Commission of the City of Yale for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within three (3) months after payment of the prescribed permit fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume, or estimated gross value, of business and such other information as the City Commission may deem necessary in order to determine the extent, if any, or such undue burden on such interstate

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commerce. The City Commission shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which they shall determine, whether the fee fixed by this article is unreasonable, unfair or discriminatory as to applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.

Sec. 3-32. Specifications and maintenance of facilities.

(a) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. Interior floors shall be smooth, of easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(b) Animals maintained in pens, cages or runs for periods exceeding twenty-four (24) hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.

(c) Indoor housing shall be provided for in all pet shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.

(d) Sufficient lighting shall be provided by either artificial or natural means.

(e) Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animal's health.

(f) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(g) Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purpose; and any vicious or quarantined animals shall be removed and caged by themselves.

(h) Except where indicated for health or welfare, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.

(i) Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper

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veterinary care. Any person operating or employed at a kennel or shelter who observes an animal which he/she suspects of being rabid shall at once notify the Animal Control Officer and segregate such animal for a period of ten (10) days unless such animal is examined and released by written statement of a veterinarian and then only at the discretion of the Animal Control Officer.

Sec. 3-33. Inspections Generally.

The Animal Control Officer or his duly appointed agent shall be permitted to enter, at any reasonable time, any kennel or pet shelter for the purpose of making inspections to determine compliance with this chapter. The Animal Control Officer shall make as many inspections and reinspections as are necessary for the enforcement of this chapter.

Sec. 3-34. Permit violations, suspensions and revocations generally.

(a) If the Animal Control Officer makes an inspection of a kennel or pet shelter and discovers a violation of this chapter, he shall notify the permit holder or operator of such violation by means of a written notice. The notice shall:

- (1) Set forth the specific violations found.
- (2) Establish a specific and reasonable period of time for the correction of the violations found.
- (3) State that failure to comply with any notice issued in accordance with this chapter may result in immediate suspension of the permit.
- (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Animal Control Officer within five (5) days.

(b) Notices provided for under this section shall be deemed to have been properly served when the original of the notice has been delivered personally to the permit holder or person in charge or such notice has been sent by registered or certified mail, return receipt requested, to the last-known address of the permit holder. A copy of such notice shall be filed with the records of the Animal Control Officer.

(c) Permits may be suspended temporarily by the Chief of Police for failure of the holder to comply with the requirements of this chapter or of other applicable laws, ordinances or regulations. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing that

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the permit is, upon service of notice, immediately suspended and that a opportunity for a hearing will be provided if a written request for a hearing is filed with the Chief of Police by the permit holder. Notwithstanding the other provisions of this chapter, when the Animal Control Officer finds unsanitary or other conditions in the operation of a kennel grooming parlor, pet shop-or shelter which, in his judgment constitutes a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator, citing such condition and specifying the corrective action to be taken. If deemed necessary by the Chief of Police, such notice shall state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom an order is issued shall comply immediately therewith.

(d) For serious or repeated violations of any of the requirements of this chapter, or for interference with the Animal Control Officer in the performance of his/her duties, the professional animal permit may be permanently revoked after an opportunity for a hearing has been provided by the Chief of Police. Prior to such action, the Animal Control Officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Chief of Police by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Sec. 3-35. Violation, Penalty.

(a) It is unlawful for any person, firm or corporation to violate, neglect or refuse to comply with any regulation, requirement or provision contained within this chapter.

(b) Each act or omission in violation of any provision hereof shall be deemed a separate violation of such provision and for each calendar day during which any violation continues, a separate violation shall be deemed to have been committed.

(c) Any person, firm or corporation who violates, neglects or refuses to comply with any regulations, requirement or provision of Chapter Three (3) of the Yale City Code is hereby deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) excluding costs. For purposes hereof each day said violation continues may be determined as a separate offense hereunder.