ORDINANCE NO. 3448

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 8 ANIMALS AND FOWL, ARTICLE I, IN GENERAL, SECTION 8-2, DEFINITIONS; CREATING A NEW ORDINANCE AT CHAPTER 8, ANIMALS AND FOWL, ARTICLE XI, COMMERCIAL ANIMAL ESTABLISHMENTS, SECTIONS 8-200 THROUGH 8-205; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article I, In General, Section 8-2, Definitions; is hereby amended to read as follows:

Section 8-2. – Definitions.

[As used in this chapter the following words and terms shall have the meanings respectively ascribed as follows:]

Animal: Any live, vertebrate creature, domestic or wild.

Animal care facility: An animal center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue of animals in permanent homes or rescue organizations.

Animals or poultry: As specifically named herein, by whatever other name they might be called, includes every age and sex of each of the species of animals or poultry referred to herein.

Animal rescue organization: A nonprofit organization incorporated under the law of the state and which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost or displaced animals and to adopt them to good homes. “Animal rescue organization” shall not include any entity that breeds animals or sells, offers to sell or allows brokers for animals at their facility.

Animal shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Area of enclosure: That area, large or small, in which animals are confined. Residences shall be excluded in computing the area of the enclosure.
At large: Off of the premises of the owner and not under the restraint of the owner or an immediate family member, either by leash, cord, chain or otherwise; not under restraint or confined on premises.

Auctions: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

Cat: Any cat, male or female, and every other animal of feline species.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial animal breeder: A person that maintains a minimum of three (3) female dogs or three (3) female cats for the purpose of breeding and selling their offspring.

Commercial animal broker: A person that transfers a dog or cat from a breeder for resale to another person.

Commercial animal establishment: Any pet shop, grooming shop, auction or auctions, riding school or stable, zoological park, circus, performing animal exhibition, commercial animal breeder, commercial animal broker, keeper, or kennel.

Confined on the premises: That condition in which a dog is securely and physically confined and restrained on and within the premises of the owner by means of walls or fences; of such strength and size as physically to prevent the dog from leaving the premises.

Dog: Any dog, male or female, and every other animal of canine species.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Keeper: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Large animals: Horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature.

License. Permission required by law and issued by a governmental entity whether issuance is by the federal government or subdivision of the federal government, State of Oklahoma, or subdivision of the State of Oklahoma and/or the City of Midwest City. The definition of the term license shall include permit, certification, or any other term used for the granting of permission by a governmental entity to operate or perform.
Nuisance: Doing any act or omitting to perform a duty, which act or omission either
annoys, injures or endangers the comfort, repose, health or safety of others as defined by the
statutes of the state and the ordinances of the city.

Offer for sale: To sell, offer for sale, advertise for the sale of, barter, auction, give away
or otherwise dispose of a dog or cat.

Owner: The owner of an animal and also every other person having the care or custody
of, harboring, keeping or maintaining any animal.

Performing animal exhibition: Any spectacle, display, act, or event other than circuses,
in which performing animals are used.

Pet: Any animal kept for pleasure rather than utility.

Pet shop: Any person, partnership, or corporation, whether operated separately or in
connection with another business enterprise except for a licensed kennel, that buys, sells, or
boards any species of animal.

Rabies suspected animal: Any dog which shall have bitten a human being, or which shall
have been bitten by any animal suspected of having rabies or any infection associated therewith.

Ratproof: A state of being constructed so as to effectively prevent entry of rodents and
vectors.

Restraint: Any animal physically secured by a leash or lead, not to exceed six (6) feet in
length, and under the control of a responsible person or within the real property limits of its
owner.

Riding school or stable: Any place which has available for hire, boarding and/or riding
instruction, any horse, pony, donkey, mule or burro.

Sanitary: Any condition of good order and cleanliness which precludes the probability
of disease transmission.

Sell: To exchange for consideration, adopt out, barter, auction, trade, lease or otherwise
transfer.

Small animals: Rabbits, hares, guinea pigs, chickens, turkeys, guineas, geese, ducks,
hamsters, pigeons or any other animal or fowl of similar size or stature.

Veterinary hospital: Any establishment maintained and operated by a licensed
veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
Vicious animal: Defined as one not only of disposition to attack every person or animal it may meet, but it includes as well a natural fierceness or disposition to mischief, as may occasionally lead it to attack human beings or animals without provocation.

Wild animal: Any live animal, including, but not limited to, monkey (nonhuman primate), raccoon, skunk, fox, poisonous or constricting snake, leopard, panther, tiger, lion, lynx, bear, or other animal which can normally be found in the wild state or recognized by state and federal game and fish departments.

Zoological park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

Section 2. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-200, Title; is hereby enacted to read as follows:

Section 8-200. - Commercial Animal Establishments.

Article XI of Chapter 8 of the Midwest City Municipal Code shall be known as Commercial Animal Establishments.

Section 3. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-201, Licensure; is hereby enacted to read as follows:

Section 8-201. - Licensure.

A. All Commercial Animal Establishments operating within the corporate city limits of Midwest City shall be required to comply with all statutory and regulatory requirements of the federal Animal Welfare Act and obtain a license or permit pursuant to the Act.

B. All Commercial Animal Establishments operating within the corporate city limits of Midwest City shall be required to comply with all statutory and regulatory requirements of the state Commercial Pet Breeders and Animal Shelter Licensing Act and obtain a license or permit pursuant to the Act.

C. In addition to the licenses or permits obtained pursuant to the federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act, all Commercial Animal Establishments operating within the corporate city limits of Midwest City, required to obtain a federal license pursuant to the Animal Welfare Act or state license pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act, shall be required to file an application and to obtain a license to operate from the City of Midwest City. The license shall be in effect
from the date of issuance until January 31st of the following year. The information required in an
application shall include but not be limited to:

1. Name of the Commercial Animal Establishment;
2. Address of the Commercial Animal Establishment;
3. Operation location of the Commercial Animal Establishment, if different from the address;
4. Phone number of the Commercial Animal Establishment;
5. E-Mail address(es) of the Commercial Animal Establishment;
6. Web site(s) for the Commercial Animal Establishment;
7. Hours of operation of the Commercial Animal Establishment;
8. Registration and/or incorporation information filed with the Oklahoma Secretary of State for the Commercial Animal Establishment;
9. Types and breeds of animals that are offered for sale or to sell at the Commercial Animal Establishment;
10. Number of animals annually to be offered for sale or to sell at the Commercial Animal Establishment;
11. Description of the housing to the provided for the animals at the Commercial Animal Establishment;
12. Description of how medical care will be provided for the animals at the Commercial Animal Establishment;
13. Description of the non-medical care provided for the animals at the Commercial Animal Establishment;
14. Description of animal waste disposal procedures for the Commercial Animal Establishment;
15. A copy of the Commercial Animal Establishment’s licenses under the federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act; and
16. Payment of a one-hundred dollar ($100.00) application fee.

D. The license from the City of Midwest City may by renewed prior to expiration beginning on January 1st of the following year upon application for renewal of the license by the Commercial Animal Establishment with the submission of:

1. A renewal application fee of one-hundred dollars ($100.00);
2. Submissions of the Commercial Animal Establishment’s licenses under the federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act; and
3. Statement of any changes or amendments from the original application or any previous renewal.
E. All federal and state licenses or permits and City of Midwest City license shall be prominently displayed by the Commercial Animal Establishment so to be easily viewed by the public and any official of the City of Midwest City.

Section 4. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-202, Compliance; is hereby enacted to read as follows:

Section 8-202. – Compliance.

All Commercial Animal Establishments shall comply with all terms and conditions of their federal Animal Welfare Act, the Commercial Pet Breeders and Animal Shelter Licensing Act, and City of Midwest City license, which shall include all information provided in the application.

Section 5. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-203, Inspections; is hereby enacted to read as follows:

Section 8-203. – Inspections.

A. Officials of the City of Midwest City shall have the authority to enter the operational premises of a Commercial Animal Establishment to inspect for compliance with any City of Midwest City requirement during normal operational hours of the Commercial Animal Establishment.

B. If any Commercial Animal Establishment or any representative of a Commercial Animal Establishment denies an official from the City of Midwest City access to conduct an inspection pursuant to the terms of this section, the City of Midwest City may seek a Court Order to authorize the inspection. Any such denial of access shall be deemed a violation of the permit issued by the City of Midwest City and the City of Midwest City may revoke any permit issued.

C. If officials from the City of Midwest City, find during an inspection that the health, safety or welfare of any animals in a Commercial Animal Establishment are endangered or in immediate danger, such finding may be reported to the Oklahoma Department of Agriculture, Food and Forestry and the City officials may work with representatives from the Oklahoma Department of Agriculture, Food and Forestry to obtain any Court Order to seize the animals as provided for in Title 4 of the Oklahoma Statutes, Section 30.13.

Section 6. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-204, Restrictions on Pet Shops, Grooming Shops and Auctions; is hereby enacted to read as follows:

Section 8-204. – Restrictions on Pet Shops, Grooming Shops and Auctions.
No pet shop, grooming shop or auctions shall sell or offer to sell any animal from a Commercial Animal Establishment, except for the sale or offer to sell animals from an Animal Care Facility or an Animal Rescue Organization.

Section 7. A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl, Article XI, Commercial Animal Establishments, Section 8-205, Penalties; is hereby enacted to read as follows:

Section 8-205. – Penalties.

A. Any person, business or organization found to be in violation of any term or requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of Midwest City may be penalized up to two hundred and fifty dollars ($250.00) per day, per violation.

B. Any person, business or organization found to be in violation of any term or requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of Midwest City more than three (3) times in any one-year time frame may be penalized up to five hundred dollars ($500.00) per day, per violation.

C. Any person, business or organization found to be in violation of any term or requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of Midwest City more than six (6) times in any one-year time frame may be penalized up to seven hundred and fifty dollars ($750.00) per day, per violation.

Section 8. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this 27th day of July, 2021.

THE CITY OF MIDWEST CITY, OKLAHOMA

[Signature]
Acting Mayor, Pat Byrne.
ATTEST:

Sara Hancock
SARA HANCOCK, City Clerk

Approved as to form and legality this 19th day of July, 2021.

Donald D. Maisch
DONALD D. MAISCH, City Attorney