

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.

1 *At large:* Off of the premises of the owner and not under the restraint of the owner or an
2 immediate family member, either by leash, cord, chain or otherwise; not under restraint or
3 confined on premises.
4

5 *Auctions:* Any place or facility where animals are regularly bought, sold, or traded,
6 except for those facilities otherwise defined in this chapter. This section does not apply to
7 individual sales of animals by owners.
8

9 *Cat:* Any cat, male or female, and every other animal of feline species.
10

11 *Circus:* A commercial variety show featuring animal acts for public entertainment.
12

13 *Commercial animal breeder:* A person that maintains a minimum of three (3) female dogs
14 or three (3) female cats for the purpose of breeding and selling their offspring.
15

16 *Commercial animal broker:* A person that transfers a dog or cat from a breeder for resale
17 to another person.
18

19 *Commercial animal establishment:* Any pet shop, grooming shop, auction or auctions,
20 riding school or stable, zoological park, circus, performing animal exhibition, commercial
21 animal breeder, commercial animal broker, keeper, or kennel.
22

23 *Confined on the premises:* That condition in which a dog is securely and physically
24 confined and restrained on and within the premises of the owner by means of walls or fences; of
25 such strength and size as physically to prevent the dog from leaving the premises.
26

27 *Dog:* Any dog, male or female, and every other animal of canine species.
28

29 *Grooming shop:* A commercial establishment where animals are bathed, clipped,
30 plucked, or otherwise groomed.
31

32 *Keeper:* Any premises wherein any person engages in the business of boarding, breeding,
33 buying, letting for hire, training for a fee, or selling dogs or cats.
34

35 *Kennel:* Any premises wherein any person engages in the business of boarding, breeding,
36 buying, letting for hire, training for a fee, or selling dogs or cats.
37

38 *Large animals:* Horses, mules, donkeys, cattle, goats, sheep or any other animal of
39 similar size or stature.
40

41 *License.* Permission required by law and issued by a governmental entity whether
42 issuance is by the federal government or subdivision of the federal government, State of
43 Oklahoma, or subdivision of the State of Oklahoma and/or the City of Midwest City. The
44 definition of the term *license* shall include permit, certification, or any other term used for the
45 granting of permission by a governmental entity to operate or perform.
46

1 *Nuisance:* Doing any act or omitting to perform a duty, which act or omission either
2 annoys, injures or endangers the comfort, repose, health or safety of others as defined by the
3 statutes of the state and the ordinances of the city.

4
5 *Offer for sale:* To sell, offer for sale, advertise for the sale of, barter, auction, give away
6 or otherwise dispose of a dog or cat.

7
8 *Owner:* The owner of an animal and also every other person having the care or custody
9 of, harboring, keeping or maintaining any animal.

10
11 *Performing animal exhibition:* Any spectacle, display, act, or event other than circuses,
12 in which performing animals are used.

13
14 *Pet:* Any animal kept for pleasure rather than utility.

15
16 *Pet shop:* Any person, partnership, or corporation, whether operated separately or in
17 connection with another business enterprise except for a licensed kennel, that buys, sells, or
18 boards any species of animal.

19
20 *Rabies suspected animal:* Any dog which shall have bitten a human being, or which shall
21 have been bitten by any animal suspected of having rabies or any infection associated therewith.

22
23 *Ratproof:* A state of being constructed so as to effectively prevent entry of rodents and
24 vectors.

25
26 *Restraint:* Any animal physically secured by a leash or lead, not to exceed six (6) feet in
27 length, and under the control of a responsible person or within the real property limits of its
28 owner.

29
30 *Riding school or stable:* Any place which has available for hire, boarding and/or riding
31 instruction, any horse, pony, donkey, mule or burro.

32
33 *Sanitary:* Any condition of good order and cleanliness which precludes the probability
34 of disease transmission.

35
36 *Sell:* To exchange for consideration, adopt out, barter, auction, trade, lease or otherwise
37 transfer.

38
39 *Small animals:* Rabbits, hares, guinea pigs, chickens, turkeys, guineas, geese, ducks,
40 hamsters, pigeons or any other animal or fowl of similar size or stature.

41
42 *Veterinary hospital:* Any establishment maintained and operated by a licensed
43 veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

44

1 *Vicious animal:* Defined as one not only of disposition to attack every person or animal
2 it may meet, but it includes as well a natural fierceness or disposition to mischief, as may
3 occasionally lead it to attack human beings or animals without provocation.

4
5 *Wild animal:* Any live animal, including, but not limited to, monkey (nonhuman
6 primate), raccoon, skunk, fox, poisonous or constricting snake, leopard, panther, tiger, lion, lynx,
7 bear, or other animal which can normally be found in the wild state or recognized by state and
8 federal game and fish departments.

9
10 *Zoological park:* Any facility, other than a pet shop or kennel, displaying or exhibiting
11 one or more species of nondomesticated animals operated by a person, partnership, corporation,
12 or government agency.

13
14 **Section 2.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
15 Article XI, Commercial Animal Establishments, Section 8-200, Title; is hereby enacted to read as
16 follows:

17
18 **Section 8-200. – Commercial Animal Establishments.**

19
20 Article XI of Chapter 8 of the Midwest City Municipal Code shall be known as Commercial
21 Animal Establishments.

22
23 **Section 3.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
24 Article XI, Commercial Animal Establishments, Section 8-201, Licensure; is hereby enacted to
25 read as follows:

26
27 **Section 8-201. – Licensure.**

28
29 A. All Commercial Animal Establishments operating within the corporate city limits
30 of Midwest City shall be required to comply with all statutory and regulatory requirements of the
31 federal Animal Welfare Act and obtain a license or permit pursuant to the Act.

32
33 B. All Commercial Animal Establishments operating within the corporate city limits
34 of Midwest City shall be required to comply with all statutory and regulatory requirements of the
35 state Commercial Pet Breeders and Animal Shelter Licensing Act and obtain a license or permit
36 pursuant to the Act.

37
38 C. In addition to the licenses or permits obtained pursuant to the federal Animal
39 Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act, all Commercial
40 Animal Establishments operating within the corporate city limits of Midwest City, required to
41 obtain a federal license pursuant to the Animal Welfare Act or state license pursuant to the
42 Commercial Pet Breeders and Animal Shelter Licensing Act, shall be required to file an application
43 and to obtain a license to operate from the City of Midwest City. The license shall be in effect

1 from the date of issuance until January 31st of the following year. The information required in an
2 application shall include but not be limited to:

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

31
32 D. The license from the City of Midwest City may be renewed prior to expiration
33 beginning on January 1st of the following year upon application for renewal of the license by the
34 Commercial Animal Establishment with the submission of:

- 35
- 36 1. A renewal application fee of one-hundred dollars (\$100.00);
- 37 2. Submissions of the Commercial Animal Establishment's licenses under the
38 federal Animal Welfare Act and the Commercial Pet Breeders and Animal Shelter Licensing Act;
39 and
- 40 3. Statement of any changes or amendments from the original application or
41 any previous renewal.
- 42

1 E. All federal and state licenses or permits and City of Midwest City license shall be
2 prominently displayed by the Commercial Animal Establishment so to be easily viewed by the
3 public and any official of the City of Midwest City.

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

8
9 **Section 8-202. – Compliance.**

10
11 All Commercial Animal Establishments shall comply with all terms and conditions of their
12 federal Animal Welfare Act, the Commercial Pet Breeders and Animal Shelter Licensing Act, and
13 City of Midwest City license, which shall include all information provided in the application.

14
15 **Section 5.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
16 Article XI, Commercial Animal Establishments, Section 8-203, Inspections; is hereby enacted to
17 read as follows:

18
19 **Section 8-203. – Inspections.**

20
21 A. Officials of the City of Midwest City shall have the authority to enter the
22 operational premises of a Commercial Animal Establishment to inspect for compliance with any
23 City of Midwest City requirement during normal operational hours of the Commercial Animal
24 Establishment.

25
26 B. If any Commercial Animal Establishment or any representative of a Commercial
27 Animal Establishment denies an official from the City of Midwest City access to conduct an
28 inspection pursuant to the terms of this section, the City of Midwest City may seek a Court Order
29 to authorize the inspection. Any such denial of access shall be deemed a violation of the permit
30 issued by the City of Midwest City and the City of Midwest City may revoke any permit issued.

31
32 C. If officials from the City of Midwest City, find during an inspection that the health,
33 safety or welfare of any animals in a Commercial Animal Establishment are endangered or in
34 immediate danger, such finding may be reported to the Oklahoma Department of Agriculture, Food
35 and Forestry and the City officials may work with representatives from the Oklahoma Department
36 of Agriculture, Food and Forestry to obtain any Court Order to seize the animals as provided for
37 in Title 4 of the Oklahoma Statutes, Section 30.13.

38
39 **Section 6.** A new ordinance in the Midwest City Municipal Code, Chapter 8 Animals and Fowl,
40 Article XI, Commercial Animal Establishments, Section 8-204, Restrictions on Pet Shops,
41 Grooming Shops and Auctions; is hereby enacted to read as follows:

42
43 **Section 8-204. – Restrictions on Pet Shops, Grooming Shops and Auctions.**

1 No pet shop, grooming shop or auctions shall sell or offer to sell any animal from a
2 Commercial Animal Establishment, except for the sale or offer to sell animals from an Animal
3 Care Facility or an Animal Rescue Organization.
4

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

9 **Section 8-205. – Penalties.**

10
11 A. Any person, business or organization found to be in violation of any term or
12 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
13 Midwest City may be penalized up to two hundred and fifty dollars (\$250.00) per day, per
14 violation.
15

16 B. Any person, business or organization found to be in violation of any term or
17 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
18 Midwest City more than three (3) times in any one-year time frame may be penalized up to five
19 hundred dollars (\$500.00) per day, per violation.
20

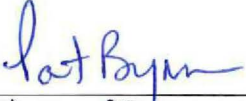
21 C. Any person, business or organization found to be in violation of any term or
22 requirement of the provisions of Article XI of Chapter 8 of the City Ordinances of the City of
23 Midwest City more than six (6) times in any one-year time frame may be penalized up to seven
24 hundred and fifty dollars (\$750.00) per day, per violation.
25

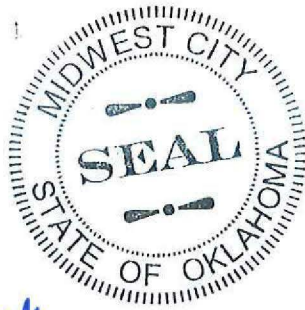
26 **Section 8.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
27 repealed.
28

29 **Section 9.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
30 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
31 of the ordinance.
32
33

34 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
35 Oklahoma, this 27 day of July, 2021.
36
37

38 **THE CITY OF MIDWEST CITY, OKLAHOMA**

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40 
41 _____
42 Acting Mayor, Pat Byrne
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1 ATTEST:

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3

4

Sara Hancock

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SARA HANCOCK, City Clerk

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Approved as to form and legality this 29th day of July, 2021.

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Donald D. Maisch
DONALD D. MAISCH, City Attorney