

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 1754

By: (Sykes), (Easley) and
Garrison of the Senate

6 and

7 Liebmann of the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to cities and towns; providing
11 certain dog kennel restrictions; providing for
12 enforcement; providing exceptions; providing for
13 codification; and declaring an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 22-115.1 of Title 11, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Upon the effective date of this act, no dog kennel shall be
19 located within two thousand five hundred (2,500) feet of a public or
20 private school or licensed day care facility in a municipality
21 having a population of more than three hundred thousand (300,000).
22 Provided, this prohibition shall not apply to a dog kennel that was
23 lawfully in operation and in full compliance with all licensing,
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1 permitting and zoning requirements applicable to said kennel prior
2 to the effective date of this act.

3 B. Upon the effective date of this act, no public officer or
4 employee shall issue any type of license, permit, approval or
5 consent for a dog kennel to be located within two thousand five
6 hundred (2,500) feet of a public or private school or licensed day
7 care facility in a municipality having a population of more than
8 three hundred thousand (300,000).

9 C. Applications for a dog kennel license or for any
10 governmental permit, approval or consent needed to authorize the
11 lawful operation of a dog kennel that are pending on the effective
12 date of this act shall be subject to the prohibitions set forth in
13 subsections A and B of this section.

14 D. The provisions of subsections A and B of this section may be
15 enforced by any public officer within whose jurisdiction a
16 noncompliant dog kennel is located or by any other person aggrieved
17 in any way by noncompliance with said provisions. Enforcement
18 action may include a civil suit for an injunction filed in the
19 district court in the county where a noncompliant dog kennel is
20 located.

21 E. Any municipality is hereby authorized to enact an ordinance
22 consistent with the provisions of this section and to enforce said
23 ordinance by prosecution of violations in the municipal court, as
24 provided by law.

1 F. For the purposes of this section, the term "dog kennel"
2 means any place other than a federal, state or municipal facility,
3 veterinary hospital or medical research institute, where more than
4 four dogs beyond the age of six (6) months are kept, harbored,
5 boarded, sheltered or bred.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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