

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1453

By: McAffrey

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6 AS INTRODUCED

7 An Act relating to cities and towns; amending Section
8 1, Chapter 433, O.S.L. 2008 (11 O.S. Supp. 2008,
9 Section 22-115.1), which relates to dog kennel
restrictions; modifying exceptions; and declaring an
emergency.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 433, O.S.L.
14 2008 (11 O.S. Supp. 2008, Section 22-115.1), is amended to read as
15 follows:

16 Section 22-115.1 A. Upon the effective date of this act, no
17 dog kennel shall be located within two thousand five hundred (2,500)
18 feet of a public or private school or licensed day care facility in
19 a municipality having a population of more than three hundred
20 thousand (300,000). Provided, this prohibition shall not apply to a
21 dog kennel that was lawfully in operation and in full compliance
22 with all licensing, permitting and zoning requirements applicable to
23 said kennel prior to the effective date of this act.

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

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

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

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

23 F. For the purposes of this section, the term "dog kennel"
24 means any place other than a federal, state or municipal facility,

1 veterinary hospital ~~or~~, medical research institute or a business
2 established for the primary purpose of grooming pets, where more
3 than four dogs beyond the age of six (6) months are kept, harbored,
4 boarded, sheltered or bred.

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

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