STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1323 By: Holt

COMMITTEE SUBSTITUTE

An Act relating to dog kennels; amending 11 O.S. 2011, Section 22-115.1, which relates to location of certain dog kennels; modifying certain restriction; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-115.1, is amended to read as follows:

Section 22-115.1. A. ~~Upon the effective date of this act~~ On or after November 1, 2012, no dog kennel shall be located within ~~two thousand five hundred (2,500)~~ five hundred (500) feet of a public or private school or licensed day care facility in a municipality having a population of more than three hundred thousand (300,000). Provided, this prohibition shall not apply to a dog kennel that was lawfully in operation and in full compliance with all licensing, permitting and zoning requirements applicable to ~~said~~ the kennel prior to ~~the effective date of this act~~ November 1, 2012.

B. ~~Upon the effective date of this act~~ On or after November 1, 2012, no public officer or employee shall issue any type of license, permit, approval or consent for a dog kennel to be located within ~~two thousand five hundred (2,500)~~ five hundred (500) feet of a public or private school or licensed day care facility in a municipality having a population of more than three hundred thousand (300,000).

C. Applications for a dog kennel license or for any governmental permit, approval or consent needed to authorize the lawful operation of a dog kennel that are pending on ~~the effective date of this act~~ November 1, 2012, shall be subject to the prohibitions set forth in subsections A and B of this section.

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

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

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

SECTION 2. This act shall become effective November 1, 2012.

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