

1 **SENATE FLOOR VERSION**

2 February 23, 2012

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1323

By: Holt of the Senate

and

6 Grau of the House

7
8
9 An Act relating to dog kennels; amending 11 O.S.
10 2011, Section 22-115.1, which relates to location of
11 certain dog kennels; modifying certain restriction;
12 and providing an effective date.

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

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

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

1 B. ~~Upon the effective date of this act~~ On or after November 1,
2 2012, no public officer or employee shall issue any type of license,
3 permit, approval or consent for a dog kennel to be located within
4 ~~two thousand five hundred (2,500)~~ five hundred (500) feet of a
5 public or private school or licensed day care facility in a
6 municipality having a population of more than three hundred thousand
7 (300,000).

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

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

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

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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. This act shall become effective November 1, 2012.

7 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-13-12
8 - DO PASS, As Amended and Coauthored.

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