

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2637

By: Denney

7 COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.
9 2011, Section 22-115.1, which relates to dog kennel
10 restrictions; modifying location restrictions to make
11 applicable to commercial pet breeders and animal
12 shelters; defining term; and providing an effective
13 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, no
17 ~~dog kennel~~ commercial pet breeder or animal shelter shall be located
18 within two thousand five hundred (2,500) feet of a public or private
19 school or licensed day care facility in a municipality having a
20 population of more than three hundred thousand (300,000). Provided,
21 this prohibition shall not apply to a ~~dog kennel~~ commercial pet
22 breeder or animal shelter that was lawfully in operation and in full
23 compliance with all licensing, permitting and zoning requirements
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1 applicable to said ~~kenne~~ commercial pet breeder or animal shelter
2 prior to the effective date of this act.

3 B. Upon the effective date of this act, ~~no public officer or~~
4 ~~employee~~ the Oklahoma Department of Agriculture, Food, and Forestry
5 shall not issue any type of license, permit, approval or consent for
6 a ~~dog-kennel~~ commercial pet breeder or animal shelter to be located
7 within two thousand five hundred (2,500) feet of a public or private
8 school or licensed day care facility in a municipality having a
9 population of more than three hundred thousand (300,000).

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

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

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

5 F. For the purposes of this section, the term "~~dog kennel~~"
6 ~~means any place other than a federal, state or municipal facility,~~
7 ~~veterinary hospital or medical research institute, where more than~~
8 ~~four dogs beyond the age of six (6) months are kept, harbored,~~
9 ~~boarded, sheltered or bred~~ "commercial pet breeder" shall have the
10 same meaning as given in paragraph 7 of Section 30.2 of Title 4 of
11 the Oklahoma Statutes.

12 SECTION 2. This act shall become effective November 1, 2014.

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