ENGROSSED HOUSE
BILL NO. 2637 By: Denney of the House

and

Loveless of the Senate

An Act relating to cities and towns; amending 11 O.S. 2011, Section 22-115.1, which relates to dog kennel restrictions; modifying location restrictions to make applicable to commercial pet breeders; defining term; 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, no ~~dog kennel~~ commercial pet breeder shall be located within two thousand five hundred (2,500) 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~~ commercial pet breeder that was lawfully in operation and in full compliance with all licensing, permitting and zoning requirements applicable to said ~~kennel~~ commercial pet breeder prior to the effective date of this act.

B. Upon the effective date of this act, ~~no public officer or employee~~ the Oklahoma Department of Agriculture, Food, and Forestry shall not issue any type of license, permit, approval or consent for a ~~dog kennel~~ commercial pet breeder to be located within two thousand five hundred (2,500) 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~~ commercial pet breeder license or for any governmental permit, approval or consent needed to authorize the lawful operation of a ~~dog kennel~~ commercial pet breeder that are pending on the effective date of this act 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~~ commercial pet breeder is located or by any other person aggrieved in any way by noncompliance with said provisions. Enforcement action may include a civil suit for an injunction filed in the district court in the county where a noncompliant ~~dog kennel~~ commercial pet breeder is located.

E. Any municipality is hereby authorized to enact an ordinance consistent with the provisions of this section and to enforce said 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~~ "commercial pet breeder" shall have the same meaning as given in paragraph 7 of Section 30.2 of Title 4 of the Oklahoma Statutes.

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

Passed the House of Representatives the 3rd day of March, 2014.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2014.

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Presiding Officer of the Senate