

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 152

By: Loveless of the Senate

and

Denney of the House

COMMITTEE SUBSTITUTE

An Act relating to the location of commercial pet breeder operations in municipalities; amending 11 O.S. 2011, Section 22-115.1, which relates to Oklahoma Municipal Code; modifying category; restricting location of commercial pet breeders near schools and day care facilities; 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~~
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

1 that was lawfully in operation and in full compliance with all
2 licensing, permitting, and zoning requirements applicable to ~~said~~
3 ~~kennel~~ the commercial pet breeder prior to the effective date of
4 this act.

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

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

17 D. The provisions of subsections A and B of this section may be
18 enforced by any public officer within whose jurisdiction a
19 noncompliant ~~dog kennel~~ commercial pet breeder is located or by any
20 other person aggrieved in any way by noncompliance with ~~said~~ the
21 provisions. Enforcement action may include a civil suit for an
22 injunction filed in the district court in the county where a
23 noncompliant ~~dog kennel~~ commercial pet breeder is located.
24

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

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

12 SECTION 2. This act shall become effective November 1, 2015.

13
14 55-1-1411 QD 2/18/2016 3:55:20 PM
15
16
17
18
19
20
21
22
23
24