

1 **SENATE FLOOR VERSION**

2 February 16, 2015

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 152

By: Loveless of the Senate

and

6 Denney of the House

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9 An Act relating to the location of commercial pet
10 breeder operations in municipalities; amending 11
11 O.S. 2011, Section 22-115.1, which relates to
12 Oklahoma Municipal Code; modifying category;
13 restricting location of commercial pet breeders near
14 schools and day care facilities; defining term; and
15 providing an effective date.

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

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

19 Section 22-115.1. A. ~~Upon the effective date of this act, no~~
20 No dog kennel commercial pet breeder shall be located within two
21 thousand five hundred (2,500) feet of a public or private school or
22 licensed day care facility in a municipality having a population of
23 more than three hundred thousand (300,000). Provided, this
24 prohibition shall not apply to a ~~dog kennel~~ commercial pet breeder
that was lawfully in operation and in full compliance with all

1 licensing, permitting, and zoning requirements applicable to ~~said~~
2 ~~kennel~~ the commercial pet breeder prior to the effective date of
3 this act.

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

10 C. Applications for a ~~dog kennel~~ commercial pet breeder license
11 or for any governmental permit, approval or consent needed to
12 authorize the lawful operation of a ~~dog kennel~~ commercial pet
13 breeder that are pending on the effective date of this act shall be
14 subject to the prohibitions set forth in subsections A and B of this
15 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 is located or by any
19 other person aggrieved in any way by noncompliance with ~~said~~ the
20 provisions. Enforcement action may include a civil suit for an
21 injunction filed in the district court in the county where a
22 noncompliant ~~dog kennel~~ commercial pet breeder is located.

23 E. Any municipality is hereby authorized to enact an ordinance
24 consistent with the provisions of this section and to enforce ~~said~~

1 the ordinance by prosecution of violations in the municipal court,
2 as provided by law.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
12 February 16, 2015 - DO PASS AS AMENDED
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