

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 152

By: Loveless

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5
6 AS INTRODUCED

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

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

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

17 Section 22-115.1. A. Upon ~~the effective date of this act~~ June
18 4, 2008, no ~~dog kennel~~ commercial pet breeder shall be located
19 within two thousand five hundred (2,500) feet of a public or private
20 school or licensed day care facility in a municipality having a
21 population of more than three hundred thousand (300,000). Provided,
22 this prohibition shall not apply to a ~~dog kennel~~ commercial pet
23 breeder that was lawfully in operation and in full compliance with
24 all licensing, permitting, and zoning requirements applicable to

1 ~~said kennel~~ the commercial pet breeder prior to ~~the effective date~~
2 ~~of this act~~ June 4, 2008.

3 B. Upon ~~the effective date of this act~~ June 4, 2008, no public
4 officer or employee shall issue any type of license, permit,
5 approval or consent for a ~~dog kennel~~ commercial pet breeder to be
6 located within two thousand five hundred (2,500) feet of a public or
7 private school or licensed day care facility in a municipality
8 having a population of more than three hundred thousand (300,000).

9 C. Applications for a ~~dog kennel~~ commercial pet breeder license
10 or for any governmental permit, approval or consent needed to
11 authorize the lawful operation of a ~~dog kennel~~ commercial pet
12 breeder that are pending on ~~the effective date of this act~~ June 4,
13 2008, shall be subject to the prohibitions set forth in subsections
14 A and B of this section.

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

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

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.

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