

ORDINANCE NO. 3849

AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES, CHAPTER 5 ANIMALS, ARTICLE I, IN GENERAL; SECTION 5-21 – VENOMOUS REPTILES, WILD OR EXOTIC ANIMALS PROHIBITED; EXCEPTIONS; REPEALING ALL ORDINANCES TO THE CONTRARY; IMPLEMENTING AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

Broken Arrow Code Chapter 5, Animals, Article I, In General, Sec. 5-21. – Created, is hereby amended to read as follows:

Sec. 5-21. Venomous reptiles, wild or exotic animals prohibited; exceptions.

- (a) It shall be unlawful for any person, firm or corporation to keep, maintain, possess or have under their control within the city any venomous reptile or any other wild or exotic animal.
- (b) A wild or exotic animal shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being those mammals or those nonvenomous reptiles which are known at law as "ferae naturae." Wild or exotic animals specifically do not include animals of a species customarily used in Oklahoma as ordinary household pets, animals of a species customarily used in Oklahoma as domestic farm animals, fish confined in an aquarium, birds, nor insects.
- (c) The provisions of this section shall not apply to the following:
 - (1) Lawfully operated and located pet shops, federally approved and lawfully operated zoos, traveling temporary circuses, and veterinarians harboring such animals for purposes of providing professional medical treatment. Provided that, all animals kept pursuant to this subsection shall be confined in quarters so constructed and maintained as to prevent escape.
 - (2) Wild or exotic animals granted an exotic animal permit on an annual basis by the city council pursuant to the favorable recommendation of the animal control supervisor and a qualified veterinarian . Provided that, at least ten days prior to the meeting where the council will consider issuance of an exotic animal permit, written notice shall be mailed to all property owners located within a 300-foot radius of the applicant's residence or business advising them of consideration of the permit.
- (d) Prior to issuance of an exotic animal permit, the owner of the wild or exotic animal shall complete an application on a form approved by the city manager and in addition provide the following:
 - (1) Verification of a policy of liability insurance in an amount of not less than \$50,000.00 for personal injuries inflicted by the animal.

- (2) Certification by an animal control officer that the animal is confined in a proper enclosure. A proper enclosure shall mean fully enclosed quarters adequate to prevent escape or burrowing, and constructed in such a manner so that the physical safety or property of any person lawfully entering the premises shall not be endangered. Further, all enclosures shall meet the regulations promulgated by the Oklahoma Wildlife Commission and the United States Department of Agriculture.
- (3) Certification by a qualified veterinarian that the wild or exotic animal is being kept in conditions which are adequate to specific biological requirements necessary for the animal's health and well being, and in a habitat which is not cruel or abusive to the animal.
- (4) Certification by a qualified veterinarian that the animal is not a risk to the public or persons to be in close contact with the animal.
- (5) Certification by a qualified veterinarian that the animal is current on all required vaccinations and shots and that the animal does not currently have or will not have the propensity to contract any diseases or illness that could contaminate other animals or humans.
- (6) Verification of compliance with all federal and state requirements, including, but not limited to, a valid USDA license if the animal is removed from the premises for any reason other than for obtaining veterinary care.
- (7) Verification that the owner has not plead nolo contendere (no contest) or been found to have violated any federal, state or local laws or regulations pertaining to the transportation, neglect or welfare of animals.
- (8) Presentation of a certified radius report from an abstract company or title company identifying all property owners within a 300-foot radius of the applicant's residence or business.
- (9) Payment of an annual fee in an amount as set forth in the Manual of Fees as adopted by the Broken Arrow City Council.
- (e) Unless otherwise provided by the requirements of the exotic animal permit, all wild or exotic animals shall be prohibited from presence on any public street, sidewalk or other public property or public way, except in a fully enclosed cage or adequate structural restraint. The use of a leash, with or without a muzzle, shall not be considered an adequate restraint.
- (f) Any person, firm or corporation having the care or custody of any such animal in violation of this section shall be guilty of a class A offense. A separate and distinct offense shall be deemed committed on each day during which a violation occurs or continues. Further, any violation of the terms of the permit shall result in revocation of the permit at the discretion of the animal control supervisor with a right of appeal to the city council as well as the removal of the animal.
- (g) The provisions of this section are severable, and if any paragraph or part should be found to be invalid, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

(Code 1977, § 5-21; Ord. No. 1477, § 1, 11-2-1987; Ord. No. 3163, § I, 5-3-2011; Ord. No. 3285, § IV, 8-5-2014; Ord. No. 3849, 03-04-25)

PASSED AND APPROVED and the clause ruled upon separately this 4th day of March, 2025.

MAYOR

ATTEST:

(Seal) DEPUTY CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY