

ORDINANCE NO. 2603

CONSIDER AND ACT UPON AN ORDINANCE AMENDING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE ~~I~~ III, DIVISION 1, SECTION ~~10-22~~ 96, DEFINITIONS; SECTION ~~10-23~~ 97, PERMITTED NUMBER OF DOMESTIC FOWL; SECTION ~~10-24~~ 98, ENCLOSURE REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, that:

SECTION 1: Chapter 10, Article ~~I~~ III, Division I, Section ~~10-22~~ 96 to ~~10-24~~ 98 of the McAlester Code of Ordinances “Domestic Fowl” is hereby amended to read as follows:

Sec. ~~10-22~~ 96. Definitions. Unless specified, the term:

- (1) Domestic Fowl shall mean chickens, ducks, ~~geese~~, turkeys, pigeons, quail, pheasants, and other domestic or game birds raised and/or maintained in confinement within the City of McAlester.

Sec. ~~10-23~~ 97. Permitted Number of Domestic Fowl.

- (1) No person shall own, keep, harbor, or maintain more than ten (10) domestic fowl within the City of McAlester.
- (2) All roosters, ~~and~~ peacocks, and geese are prohibited within the City of McAlester.
- (3) Individuals currently owning, keeping, harboring, or maintaining more than the permitted number of domestic fowl, or any roosters, ~~or~~ peacocks, or geese shall not be granted a new permit upon expiration without compliance of this Section.

Sec. ~~10-24~~ 98. Enclosure Requirements.

- (1) Domestic fowl shall be kept within a designated enclosure which shall be located in the rear or backyard of the property.
- (2) Enclosures shall be predator resistant and any open wall or windows shall be designed and screened to prevent access by predators.
- (3) Enclosures shall have a suitable run attached and all areas of the enclosure should be easily accessible for proper cleaning and to prevent odor and build-up of food or bedding. Enclosures shall be located in areas that are not susceptible to stormwater run-off onto neighboring properties.
- (4) All areas where domestic fowl are present shall be cleaned to prevent an accumulation of food, fecal matter, bedding or nesting material so as to prevent a nuisance or unsanitary condition due to odor, vermin, debris or decay. All waste not composted shall be properly bagged and placed in garbage containers.
- (5) From dusk until dawn, domestic fowl shall be kept within the enclosure. During the other hours of the day, domestic fowl shall have access to a run and an enclosure.
- (6) Any electrical or heat sources shall comply with the City Building Code.

SECTION 2: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3: SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA ON THIS 13th DAY OF June, 2017.

CITY OF MCALESTER, OKLAHOMA,
A Municipal Corporation

ATTEST:

By _____
John Browne, Mayor

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of _____, 2017.

By _____
William J. Ervin, City Attorney