

Animals

PART 4

ANIMALS

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ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey or other animal or fowl;

2. "At large" means:

a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or

b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash not more than six (6) feet in length if off the premises of the owner;

3. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and

4. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.

5. "Animal Control Officer" or "Health Officer" shall mean such person designated by the Board of Trustees to serve in that capacity. In the event no person is serving in that capacity, the Chief of Police or any police officer employed by the Town of Inola may perform the duties imposed upon the "Animal Control Officer" or "Health Officer".

SECTION 4-102 ANIMALS NOT TO BE AT LARGE.

A. These sections only apply to areas within Inola town limits not zoned as agriculture or previously zoned as agriculture prior to this ordinance being certified and signed into law. No individual shall permit any animal, including fowl, dogs and cats, owned, harbored or kept by said individual to be at large within the town. It is unlawful for any animal as provided in this section to be at large at any time within the town. Individuals may place live traps on property which they own to catch any dog or cat that is at large on their property. Any property owner who wishes to set a live trap to catch dogs or cats that are at large, must register each trap

with the Inola town clerk prior to setting any traps. The Inola town clerk will provide a tag with a registration number for each trap.

All traps set to catch dogs or cats that are at large must be checked once every day and a tag must be affixed to the trap on which the owner of the trap must write the Inola town registration number, date and time the trap was set and write the date and time on the tag each time it is checked. Dogs or cats caught in a live trap must be turned over to the Inola Police within 8 hours of being caught in any live trap on any weekday or Saturday and within 12 hours if caught on a Sunday.

Dogs and cats caught in live traps may not be harmed, abused or in any way mistreated. Owners of animals, dogs or cats that are at large are financially responsible for any damage or destruction caused by said animal. Owners of animals, dogs and or cats that are caught at large are responsible to pay all fines and cost associated with catching, holding, treating, vaccinating and if required spay or neutering of said animals. Dogs and or cats caught at large and found not to be properly registered, immunized and tagged with the town, will be registered, tagged and vaccinated and if required spayed or neutered at the owner's expense prior to being returned to the owner.

B. Individuals may keep one Pot Belly pig as a pet, but the same requirements pertain to these animals as to other domestic animals maintained as pets.

C. All Oklahoma Department of Wildlife regulations established by the Oklahoma Department of Wildlife are hereby incorporated. In the event any provisions of the Ordinances of the Town of Inola conflict with the Wildlife Regulations, the Wildlife Regulations shall prevail.

SECTION 4-103 **TURNING ANIMALS AT LARGE UNLAWFUL.**

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance to turn the animal at large, or in any manner to turn the animal at large.

SECTION 4-104 **PASTURING IN PUBLIC AREAS ILLEGAL.**

It is unlawful for any person to take, confine or pasture any animal on any public property, federal, state, town or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property. The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept or maintained on Inola school property. All rules and regulations relating to animals kept or maintained on Inola school property shall be established and enforced by the Inola School Board and Superintendent.

SECTION 4-105 **ANIMALS WHICH DISTURB PROHIBITED.**

It is unlawful for any person to keep or harbor within the town any dog or other animal who by barking, howling or otherwise, disturbs the peace and quiet of any person. The keeping of such an animal is hereby declared a nuisance.

SECTION 4-106 SWINE NOT TO BE KEPT WITHIN CITY.

It is unlawful for any person being the owner of, or having the care, custody, or control thereof, to keep or allow to be kept any hogs, shoats, goats, sheep, poultry, rabbits or pigs at any time in any enclosure within the town, or any lot therein, or running at large within the town. Individuals may keep one rabbit as a pet or keep poultry or rabbits, which are shown in competitions. Poultry may also be kept for private use as a meat source or for eggs, but not for resale or as a business. No more than 10 chickens or other poultry may be kept to include no more than one male or rooster. If the area is zoned as agriculture or was previously zoned as agriculture prior to this Ordinance being signed and certified into law, this ordinance does not apply.

Individuals must pay a one-time registration fee of \$5.00 for every male or female rabbit and \$5.00 for each poultry / fowl more than 6 months of age unless the animals are kept in an area zoned as agriculture or which was previously zoned as agriculture prior to this Ordinance being signed and certified into law.

The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept or maintained on Inola school property. All rules and regulations relating to animals kept or maintained on Inola school property shall be established and enforced by the Inola School Board and Superintendent.

SECTION 4-107 BUILDINGS FOR ANIMALS. LOCATION.

A. Every building wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes shall be kept within the town, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

C. No building, dog kennel, chicken coop, dovecote, rabbit warren, yard, place or establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner of the premises upon which such animal is kept.

SECTION 4-108 MANURE.

Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

SECTION 4-109 TO BE KEPT CLEAN.

Every place or building wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

SECTION 4-110 HEALTH OFFICER TO INSPECT.

The health officer or police chief, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

SECTION 4-111 ANIMAL REGISTRATION, TAG.

A. A one-time fee of \$15.00 for every male or female dog and or cat more than 6 months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the town boundaries. In addition, a one-time fee of \$5.00 is hereby levied for every rabbit or fowl or other animal kept or harbored within the town boundaries.

B. The fee shall not apply to a dog or cat temporarily brought and kept within the town, nor a dog brought therein to participate in a dog or cat show, nor to a **“seeing eye dog”** **“Service dog”** or any dog used in any official capacity such as a **Police Dog, Drug Dog** etc nor to dog or cat being kept in a kennel or pet shop for sale, or any animals brought onto school property in connection with the school AG program.

C. The owner shall pay such fee to the town clerk the time of registration.

D. Before the clerk accepts any money offered in payment of the fee for a dog or cat or issues a license for it, the person offering the fee shall present to the clerk the certificate of a veterinarian or other person legally authorized to immunize dogs and cats, showing that the dog or cat has been immunized against rabies during the calendar year (that is since the 31st day of last December).

E. The owner of any domestic animal, fowl, dog or cat shall register the animal with the Town of Inola and pay a registration fee. The individual shall provide the Town Clerk the name and address of the owner, the name, breed, color, and sex of the animal, fowl, dog or cat, and such other reasonable information as the clerk request. In addition, the owner should provide

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the Town Clerk a photograph of the animal to assist in finding the animal in the event of escape. Provided, this section shall not apply to areas zoned as agriculture or previously zoned as agriculture prior to the date this Ordinance was certified and signed into law,

F. The Town Clerk thereupon shall deliver an original receipt to the fee payer and direct them to the Inola Police Department or designated individual responsible for issuing the tag. An appropriate tag will be issued and such a tag shall constitute a license for the dog or cat and must be placed on the collar of the dog or cat. For fowl and other animals, a tag will be issued and must remain in the possession of the owner as a license for the animal or fowl.

G. Any animal, fowl, dog or cat found at large within the boundaries of the Town of Inola and not registered will be impounded by the city. If the dog or cat is claimed by the owner, the owner must register the dog or cat, pay for the dog or cat to be immunized or provide documentation proving the animal, fowl, dog or cat has been immunized as described herein. The owner will also be required to pay a fine of not less than \$50.00 per animal, fowl, dog or cat found to be at large that is not registered.

H. Due to the proliferation of cats within Inola town limits, all cats found at large within Inola city limits will be impounded. If the cat is not registered, the cat will be disposed of within 72 hours of being picked up (unless claimed by the Owner as set forth above).

I. If an animal, fowl, cat or dog is found to be at large and it has been properly registered, the owner will be contacted immediately and the dog or cat will be returned to the owner with no fine for the first three incidents. The owner will not receive a fine if it is determined and proved that the animal, fowl, dog or cat was at large at no fault of the owner. If the owner intentionally allowed the animal, fowl, dog or cat to be at large, the owner will receive the appropriate fine as described previously in item G.

J. It is illegal to feed wild or stray / feral animals other than deer, birds and squirrels within the boundaries of the Town of Inola. It is also illegal to feed stray domestic animals within the boundaries of the Town of Inola. Individuals who violate this ordinance shall receive a fine of \$50.00 for each offense and \$50.00 per animal fine regardless if the animals are on private or public property.

K. Any city employee may catch and impound any dog or cat that is at large and not registered within the limits of the Town of Inola. If the dog or cat is on private property and not confined behind a fence, secured by a restraint or by use of an electric non visible fence and shock collar, the town employee may impound the dog or cat, but the employee may not go onto private property to catch the animal unless the owner of the property has permanently vacated, abandoned or it is a vacant lot or the dog or cat is determined to be a threat to life or property or if the life of the dog or cat is threatened. If the dog or cat is registered and has a tag, the employee is required to return the dog or cat to the address on the tag and if they cannot make contact with anyone at the address on the tag, the employee is next to call the phone number on the tag. If, after taking the first two steps, the employee has not been able to contact the owner, the dog or cat it is to be taken to the town pound. A note is to be left at the address with

information regarding the dog or cat and where it can be picked up at as well as a contact phone number.

L. No dog or other animal may be placed on any type of restraint on or near a utility meter or secured to a utility meter in such a way as to restrict city employees from performing their jobs. If a dog or other animal is fenced or restrained to or near a utility meter and the presence of the dog or animal inhibits or prevents a town employee from reading a meter or performing their duties, the Town of Inola will notify the occupant of the home or building that is responsible for the utility bill of the situation and need to correct the situation within 24 hours of receipt of the notice. If, after 72 hours of receipt of notice, the individual has not corrected the situation, the Town will issue a fine of \$100.00 which will be added to the utility bill for the subject property.

SECTION 4-112 TAG TO BE PLACED ON DOG OR CAT COLLAR, LOST TAG.

A. The owner shall cause the tag received from the police department to be affixed to the collar of the dog or cat upon which the fee has been paid so that the tag can be easily seen by officers of the municipality; and the owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost or stolen before the end of the year for which it was issued, the owner may secure another for the dog by applying to the clerk, presenting to him or her the original receipt, and paying to him or her a fee of five (\$5.00) dollars.

SECTION 4-113 TAGS: COUNTERFEITING, PLACING ON OTHER DOG OR CAT.

A. No person shall counterfeit or attempt to counterfeit, any tag issued for a dog or cat as provided in this chapter, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued.

SECTION 4-114 NUISANCE, WILD, EXOTIC, VICIOUS OR DANGEROUS ANIMALS.

(I) NUISANCE ANIMALS:

A. Conditions Constituting A Nuisance: The following conditions are hereby declared to be a nuisance:

1. Barking: Any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;

2. Scavenging: Any dog or other animal which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Chasing: Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidates joggers, pedestrians or children.

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4. **Animal Feces:** Any dog or other animal which defecates on public or private property not owned by the animal's owner or keeper of the animal. The nuisance may be abated by the owner or person in charge of said animal by removing the feces and placing same in a proper waste container.

5. **Nuisance Wildlife:** State regulations govern the control of certain nuisance wildlife complaints. See OAC 800:25-37 of the Department of Wildlife Conservation Regulations. Pursuant to those regulations, complaints regarding badger, beaver, jackrabbit, cottontail rabbit, fox squirrel, gray squirrel, red fox, gray fox, mink, muskrat, nutria, opossum, raccoon, striped skunk and weasel may only be handled by a person holding a Nuisance Wildlife Control Operator's Permit. If the Town's Animal Control Officer does not hold such permit, the Complaint should be directed to the Wildlife Department.

Pursuant to those regulations, the following nuisance animals may be handled by the Animal Control Officer without the necessity of a Nuisance Wildlife Control Operator's Permit: armadillo, bats, coyote, English (house) sparrow, European starling, feral pigeon, flying squirrel, gopher, porcupine, ground squirrel, mole sp., mice sp., rats, reptiles and woodchuck.

Complaints regarding Big game (deer, elk, turkey, bear, etc.) must be directed to the Oklahoma Wildlife Department.

B. **Complaint:** Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the city, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

(II) DANGEROUS OR VICIOUS ANIMALS:

A. Vicious Dogs:

1. **Harboring Unlawful:** It is unlawful for any person to keep, maintain and harbor within the corporate limits of the city any vicious animal of the canine family, including dogs, coyotes, wolves or any other animal belonging to the canine family.

2. **Defined:** A "vicious animal" means a vicious dog as defined herein.

3. **Self-Defense:** A person may kill a dog in self-defense or in defense of another person or animal when the dog, without undue provocation, bites him or the other person or animal, or attacks or attempts to bite or attack him or the other person or animal in such a manner

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that an ordinarily prudent person would be led to believe that the person or animal toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

4. Penalty: Any person violating the provisions of this subsection, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day a "vicious dog", as herein defined, is kept, maintained or allowed by any person within the corporate limits of the city shall constitute a separate offense.

B. Complaint; Proceedings: Any dog or other animal alleged to be vicious or dangerous may be proceeded against in the municipal court, after a complaint has been duly filed therein by any person having knowledge thereof. If the court shall find that, at such time:

1. The dog or other animal has attacked a person or other animal; and

a. The person or other animal so attacked was not at the time trespassing upon the property of the owner or person having control of such dog or other animal; or

b. That the person or other animal so attacked was not provoking or teasing such dog or other animal; or

2. The dog or other animal is of such vicious and fierce disposition as to attack human beings or other animals without provocation, then the court shall have the authority to order such dog or other animal kept muzzled or that such dog or other animal be kept within a sufficient enclosure and/or that the owner procure liability insurance for the animal in the amount of \$100,000.00. If such dog or other animal has bitten or attacked a human being or other animal on other occasions, the court may order that it be delivered to the animal control officer for disposal or destruction.

If the Court orders the owner to comply with any of the provisions set forth herein and the owner fails to comply within fifteen (15) days or such other reasonable time established by the Court, the Court may issue a fine in accordance with Section 1-108 of the Code and/or order that the animal be delivered to the Animal Control Officer for disposal or destruction.

(III) WILD, EXOTIC OR DANGEROUS ANIMALS:

A. Defined: For the purpose of this section, a "wild, exotic or dangerous animal" means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys and other like animals.

B. Harboring Unlawful: It is unlawful to keep or harbor any wild, exotic or dangerous animal within the city limits as a pet or for display, or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section.

C. Exceptions: This section shall not be construed to apply to zoological parks or zoos, performing animal exhibitions or circuses licensed by the city.

D. Permit Requirements: If the owner of a wild, exotic or dangerous animal can establish to the police department's satisfaction that an animal ordinarily considered as wild, dangerous or exotic is not dangerous to people or other animals, that the animal is healthy, safe and tame as a pet and that harboring the animal would not violate any laws of the State of Oklahoma or the United States of America, then the city clerk may issue a permit to the owner to keep such animal in the city limits. The permit shall be renewed annually. The fee shall be set by the Board of Trustees and the Board may also require the owner to provide proof of liability insurance in the amount of \$100,000.00 covering the animal. For any animal so permitted as provided in this subsection, the owner agrees to accept full responsibility for the actions and behavior of such animal. The establishment of whether such animal is healthy, safe and tame as a pet shall be the responsibility of the owner of the animal by submitting written evidence to the police department. No permit shall be granted by the city clerk unless written approval by the police department to the evidence submitted by the owner is submitted to the city clerk in advance. In considering any request for such permit, the Chief or the Board may seek guidance from the Oklahoma Department of Wildlife.

E. Temporary Permits: The city may issue temporary permits for keeping, care and protection of an infant animal native to this area which has been deemed to be homeless. The city shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival. In considering any request for a temporary permit, the Chief or the Board may seek guidance from the Oklahoma Department of Wildlife.

SECTION 4-115 LEASHING ANIMALS, WHEN.

When requested by any proper official, meter reader, police officer, sanitation worker, or other person whose duty is to enter onto private property, an owner shall leash or otherwise confine any and all dogs to prevent harm to the person making a lawful entry on owner's private property.

SECTION 4-116 KENNELS, LICENSING, COMMERCIAL KENNELS PROHIBITED.

A. No person shall own, possess, keep or harbor or allow to be kept or harbored more than three (3) dogs or three (3) cats, four (4) months or older, within the Town limits of the Town of Inola. This provision shall not require any person presently owning or harboring more than three (3) dogs or three (3) cats, four (4) months or older, to give away, sell or otherwise lawfully dispose of any of their dogs or cats. However, said person shall not be allowed to acquire additional dogs or cats or replace any dogs or cats above the limitations set forth herein.

B. No person may operate a kennel within the town limits for pecuniary gain or as a commercial business.

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DOG AND CAT VACCINATION AND HEALTH

SECTION 4-120 DOGS AND CATS TO BE VACCINATED.

The owner or keeper of any dog or cat of six (6) months of age or older within the town limits shall have the dog or cat vaccinated against rabies by a licensed veterinarian every calendar year, before the first day of May thereof. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal disc with sufficient information thereon that the vaccination certificate covering the animal may be readily traced.

SECTION 4-121 VICIOUS DOG MAY BE KILLED.

Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

SECTION 4-122 DOGS MUZZLED AND CATS CONFINED.

A. When the health officer determines and certifies that a dog, cat or other animal in the town or within five (5) miles of the town is or was infected with rabies and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof.

SECTION 4-123 RABIES CONTROL AND PROCEDURES.

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the chief of police or the animal control officer and shall thereupon be securely quarantined at the town animal shelter or a veterinary hospital, all at the owners expense, for a period of ten (10) days, and shall not be released from such quarantine except by permission of the health officer of the town and a licensed veterinarian hospital chosen by the owner if the owner agrees to pay for the quarantine in advance. Failure of the owner to quarantine his animal will make him guilty of an offense.

B. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the animal shelter.

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C. The owner, upon demand by an employee empowered to enforce this chapter, shall forthwith surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expenses for which shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies.

D. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

E. When one or both reports give a positive diagnosis of rabies, the health officer of the town may recommend a town-wide quarantine for a period of six (6) months, and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine no animal shall be taken or shipped from the town without written permission of the health officer of the town or the animal control officer.

F. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

G. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

H. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove same from the town limits without written permission from the health officer of the town or the animal control officer.

I. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

J. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

K. No person shall fail or refuse to surrender any animal, for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

L. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

M. It is the duty of every licensed veterinarian to report to the town animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

ARTICLE C

ANIMAL SHELTER

SECTION 4-130 ANIMAL SHELTER ESTABLISHED.

A town animal shelter is hereby established. It shall be under the immediate control of the animal control officer or of such other person as may be officially designated. The person in charge of the shelter pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The town may contract with another agency for the use of a shelter maintained by the agency

SECTION 4-131 ANIMALS TO BE IMPOUNDED, ENTRY ON PROPERTY.

The animal control officer, a police officer, or such other officer or employee of the town as the town board of trustees may authorize shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the town. In taking an animal into custody under authority of this article, the animal control officer or other officer or employee may enter into private property to gain custody of the animal.

SECTION 4-132 IMPOUNDMENT, DESCRIPTION, NOTICE, DISPOSITION.

A. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If a dog is licensed, he shall enter the name and address of the owner and the number of the license tag.

B. Not later than forty-eight (48) hours after impounding any animal, the town shall call the owner, if known, or mail notice at the address shown on town records, if any, to notify them of the provisions of this code

C. It is the duty of the animal control officer to keep all animals impounded for a period of seventy-two (72) hours. All inquiries concerning lost or impounded animals shall be directed to the animal control officer, and after an animal has been destroyed, the animal control officer shall be required to dispose of the animal.

SECTION 4-133 BREAKING POUND.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-134 FEES FOR IMPOUNDING

A. The town board by motion or resolution shall determine the fees to be charged for impounding and keeping animals.

B. Any person redeeming an impounded animal shall pay the required fees to the town clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

SECTION 4-135 RECLAMATION OF IMPOUNDED ANIMALS.

Reclamation of impounded animals may be made as provided in this section. The party desiring to reclaim an animal shall present to the animal control officer or other employee, who may be designated by the town board of trustees proof of ownership, and proof that any dog or cat is currently vaccinated for rabies or return proof of vaccination within three (3) days after the date the animal is released. The party desiring to reclaim any animal shall pay the applicable pound fee and show evidence to the animal control officer that the fee has been paid. The animal control officer shall thereupon release the reclaimed animal to the party. Any person violating any provision of this section or failing to return proof of vaccination as provided herein shall, upon conviction, be punished as provided in Section 1-108 of this code.

SECTION 4-136 DISPOSITION, SALE OF IMPOUNDED ANIMALS.

A. At the end of the period prescribed in this article, animals that have not been redeemed by the owner thereof shall be offered for sale/adoption through the Town of Inola as set forth below, transferred to a third party animal rescue facility to be offered for adoption or destroyed in a humane manner. The decision as to the manner of disposal may be made by the Animal Control Officer. Any transfer to a third party animal rescue facility shall be conditioned upon the requirement that the animal be spayed or neutered as a condition of adoption. In the event of such transfer, the Board may waive the requirement of payment of all or a portion of the impounding fee or request that the facility procure payment of all or a portion of the fee from the adopting party.

B. The sales herein provided for shall be conducted by the person in charge of the animal shelter or such other persons as may be designated by the town board of trustees. Such sales shall be for cash to the highest bidder, but the animals shall not be sold in any event for less than that sum required to cover the impounding fee, board bill, vaccination, and license fees where applicable. If there is no bid, or an insufficient amount is bid as herein provided, the person in charge of the pound shall destroy such animal, unless he believes it to be for the best

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interests of the town to retain the animal and offer it for sale again. The proceeds of the sale, less the vaccination fees which shall be paid to the person administering the vaccination, shall be forthwith delivered to the town clerk.

C. The purchaser of an animal at a sale held as provided herein, shall acquire absolute title to the animal purchased.

D. An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this Chapter. However, when in the judgment of the Animal Control Officer or Chief of Police, an animal should be destroyed for humane reasons, such animal may not be redeemed.

E. Spaying or Neutering:

1. Required; Exceptions: No dog or cat may be released from the animal control shelter for sale/adoption unless the animal has been spayed or neutered, unless:

a. The animal is being reclaimed by its rightful owner; or

b. The adopting party signs a sterilization agreement, as set forth below, to have the animal spayed or neutered and places a twenty dollar (\$20.00) deposit with the City Clerk to ensure the spaying or neutering of the animal; or

c. The animal is being released to a third party animal rescue facility to be offered for adoption and the facility requires spaying/neutering as a condition of adoption.

2. When an animal is released to an adopting party (which shall mean and refer to a person purchasing the animal as set forth herein) subject to the posting of a twenty dollar (\$20.00) deposit and the signing of an agreement to have the animal spayed or neutered, such person shall provide a certificate of proof to the City Clerk within thirty (30) days of the release of such animal to the adopting party, signed by a licensed veterinarian stating that the animal has been spayed or neutered, together with proof of a current rabies vaccination and appropriate license.

3. If the spaying or neutering of the animal within the thirty (30) day period would jeopardize the life or health of the animal, the adopting party shall return to the City Clerk a certificate signed by a licensed veterinarian stating that such spaying or neutering would jeopardize the life or health of the animal. In such cases the adopting party shall be granted an additional thirty (30) day period in which to have the animal spayed or neutered. Further extensions may be granted upon additional veterinary certificates stating their necessity.

4. If the adopting party does not return the certificate of spaying or neutering within the thirty (30) day period or periods of extension, the funds deposited shall be forfeited to the City.

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5. Funds forfeited under these provisions shall be placed in a separate account which shall be an interest bearing account. The funds of the account shall be allocated to programs which directly promote, subsidize or otherwise involve animal control.

6. Upon the return of a certificate signed by a licensed veterinarian stating that the animal has been spayed or neutered and furnishing proof that the animal has a current rabies vaccination and license, the funds deposited with the City shall be refunded to the adopting party

7. The sterilization agreement to be used by the Town shall be in the following form:

STERILIZATION AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of _____, 20___ by and between the Town of Inola, Rogers County, State of Oklahoma and _____ (name of adopting party), _____ (address and telephone number of the adopting party).

In consideration of the releasing of said animal, and in further consideration of the mutual obligations herein, the Town of Inola releases the following animal to the adopting party: _____ (describe animal).

1. The Town of Inola agrees to release the above listed animal into the care of the adopting party and refund the adopting party's spaying/neutering deposit upon the following conditions:

A. The animal is sterilized by a licensed veterinarian within thirty days of the above date; and

B. A written statement signed by the veterinarian performing the sterilization is provided to the Town Clerk.

2. The adopting party accepts the above listed animal and agrees to comply with the requirements set forth herein.

3. This agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

Clerk of the Town of Inola

Adopting Party

SECTIONS 4-137 REQUIREMENT FOR KEEPING CATTLE AND HORSES.

A. It shall be and is hereby declared to be unlawful for any person to keep or maintain or permit or suffer to be kept or maintained a horse or any animal of the equine species or cow or any animal of the bovine species upon any property or premises within the corporate limits of the Town of Inola, Oklahoma, unless the following conditions and requirements are maintained:

1. The enclosure in which such animal is kept is maintained in a sanitary condition and not offensive or dangerous to the public health; and
2. The enclosure in which any such animal is kept shall not be less than twenty-five thousand (25,000) square feet in area for one such animal including the space covered by a barn or shed. For each additional animal at least fifteen thousand (15,000) square feet of additional enclosure shall be provided; and
3. The enclosure where such animal is kept shall not be at its nearest point closer than fifty (50) feet to any building used or occupied for human habitation, and any barn or shed in such enclosure shall not be closer than seventy-five (75) feet at its nearest point to any building used or occupied for human habitation.
4. All horses or any animal of the equine species or cow or any animal of the bovine species that are kept or maintained within the boundaries of the Town of Inola, not zoned as agriculture and areas that were not previously zoned as agriculture prior to being annexed or prior to this Ordinance be certified and signed, must be registered with the Town of Inola by giving the clerk the name and address of the owner, the name, breed, color, and sex of the animal and such other reasonable information as the clerk request. The owner of the animal must also provide proof of all required vaccinations and sign a statement indicating the animal is in good health and agree to random and periodic inspections by the Inola Town Code Enforcement Officer.
5. The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept, maintained or housed on Inola school property and nothing in this section shall apply to animals located on School property.

SECTION 4-138 NUISANCE.

A. The keeping of a horse or any animal in the equine species or a cow or any animal of the bovine species or any other animal in violation of the terms of this article is hereby declared to be a nuisance against the public health of the Town of Inola, and such nuisance shall be subject to abatement as provided by law or ordinance for abatement of health nuisance.

ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS.

It is unlawful for any person to willfully, maliciously or knowingly treat an animal, bird or fowl in a cruel or inhumane manner; or to knowingly neglect an animal, bird or fowl belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-141 POISONING ANIMALS.

It is unlawful for a person willfully to poison any dog or other animal except a noxious, non domesticated animal; or knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-142 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, non domesticated animal; or to keep a house, pit or other place used for fights between animals.

ARTICLE E

ZONING ORDINANCE TO PREVAIL

SECTION 4-150 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.

ARTICLE F

PENALTIES

SECTION 4-160 PENALTY.

Any person who violates any ordinance or provision of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by the animal control officer or any police officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in this chapter; if a specific penalty is not set forth herein, the penalty shall be as set forth in section 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.

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CHAPTER 2

(RESERVED)