

CHAPTER II. ANIMAL CONTROL AND REGULATION

- Article 1. Dogs General
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ARTICLE 1. DOGS

2-101. **DOG LICENSING.** It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog within the corporate limits of the City of Arma without first having obtained a tag from the City Clerk and without having paid the yearly registration fee, to-wit:

- (a) Neutered male or spayed female dog, the sum of \$10.00, proof thereof to be made at time of obtaining license;
- (b) Fertile male or female dog, the sum of \$15.00.

Such registration shall expire December 31, each year and licensing shall commence January of each year. If the dog is born or brought into the City after May 1 of the calendar year, the registration fee shall be half.

It shall be the duty of the owner or person harboring a dog within the corporate limits of the City of Arma to have said dog inoculated against rabies. Persons owning or harboring a dog shall not be issued a license or tag as provided herein, unless the applicant exhibits an unexpired certificate by a licensed veterinarian showing compliance with the provisions of this section. The metal plate or tag issued by the City Clerk for the current year for such dog, shall be deemed to have been inoculated for rabies.

(Ord. 542; Code 2007)

2-102. **PENALTY.** The registration fee shall be increased \$10.00 on the first day of April each year; and an additional \$10.00 on the first day of June each year, the total registration fee including penalty shall be as follows:

- (a) After April 1st - \$20.00 on a neutered male or spayed female dog;
- (b) After April 1st - \$25.00 on a fertile male or female dog;
- (c) After June 1st - \$30.00 on a neutered male or spayed female dog;
- (d) After June 1st - \$35.00 on a fertile male or female dog;

to any person, firm or corporation who failed to register any dog; provided, that any person, firm or corporation who or which acquires a dog after the first day of April each year shall not be subject to the increased license fee as provided in this section and shall pay only the yearly fee otherwise required upon furnishing the City Clerk an affidavit showing the date on which such dogs were born or brought into the City.

(Ord. 542, Sec. 1A; Code 2007)

- 2-103. LICENSE TAX TO BE COLLECTED. Said license tax shall be paid to the City Clerk and they shall keep a record thereof and issue a receipt therefore giving the date of payment, a description of the dog and the name of the person paying such tax. On receipt of the payment of the license tax for any dog, the City Clerk shall deliver to the person paying such tax a metal plate or tag on which shall be stamped the year for which the license tax has been paid, and the number of the receipt for the license tax. The City Clerk shall authorize the Chief of Police to collect said license tax and furnish a metal tag on impounded dogs and from owners of dogs in answer to a complaint. (Ord. 542, Sec. 1B; Code 2007)
- 2-104. IMPOUNDING DOGS. Any dog owned, kept or harbored within the City on which the license tax has not been paid, or which is running at large as set out in Item G may be taken up by the Police Department, Police Chief or any police officer or animal control officer and impounded for three days following the day of impounding such dog, during which time such dog may be released if the owner thereof pays license taxes and penalties that may be due, a redemption fee of \$20.00 and the cost of keeping the dog. (Ord. 542, Sec. 1C; Code 2007)
- 2-105. COST OF IMPOUNDING DOGS. Any owner of a dog so impounded under this ordinance shall be required to pay \$2.50 per day as cost of keeping such dog as well as the license taxes, penalties and redemption fee as set forth in section 2-104. (Ord. 542, Sec. 1C; Code 2007)
- 2-106. DISPOSAL OF IMPOUNDED DOGS. (a) Any impounded dog not redeemed as hereinbefore provided shall be transported to the Southeast Kansas Humane Society or if deemed appropriate, to the designated veterinarian by either the Chief of Police or the animal control officer three days following the day said dog has been impounded. The Chief of Police may authorize the dog to be euthanized.
- (b) If after 3 days, no claim of ownership has been made of the impounded dog, and if no knowledge of the owner exists, then the City may consent to the adoption of the dog and upon payment of the adoption fee of \$25.00 plus costs of care including, but not limited to, veterinary charges and daily care, on the following conditions:
- (1) Such dog has been first surgically spayed or neutered; or
 - (2) The adopting party signs an agreement to have the dog spayed or neutered and a \$50.00 sterilization deposit with the City, pound, or animal shelter to ensure that the dog will be sterilized. The \$50.00 sterilization deposit pursuant to the agreement shall be refunded to the adopting party upon presentation be refunded to the adopting party upon presentation of a written statement signed by a licensed veterinarian that the adopted dog has been spayed or neutered;
 - (3) Current rabies vaccine is obtained;
 - (4) Current license tag obtained and fees paid.
- (Ord. 542, Sec. 1E; Code 2007)
- 2-107. IMPOUNDING OF DOGS RUNNING AT LARGE. Any dog found running at large in violation of Item G shall be impounded by the Chief of Police. Such dog may be redeemed by the owner, keeper or harbinger thereof at any time within three days following the day of impounding such dog, upon payment of a redemption fee of \$10.00 and the costs of keeping said dog. Any dog not redeemed within 72 hours

may be disposed of as provided in section 2-106 hereof. In addition, a current tag and rabies vaccine must be obtained or proof thereof provided before the animal will be released. (Ord. 542, Sec. 1F; Code 2007)

- 2-108. DOGS RUNNING AT LARGE. It shall be unlawful for the owner, keeper or harbinger of any dogs to permit said dog off of the premises of such owner, keeper or harbinger, unless such dog is accompanied by a responsible person or under that person's immediate control. (Ord. 542, Sec. 1G; Code 2007)
- 2-109. DISPOSITION OF TAXES, FEES AND PENALTIES. All license taxes, fees and penalties shall be paid into the City Treasury. (Ord. 542, Sec. 1H; Code 2007)
- 2-110. BARKING DOGS. No person shall own, keep or harbor any dog which by loud, frequent and habitual barking, howling or yelping shall annoy or disturb any neighborhood or person in the City. (Ord. 542, Sec. 1I; Code 2007)
- 2-111. KEEPING AND HARBORING DOGS; DEFINED. Any person who shall allow any dog to habitually remain or to lodge or to be fed within his home, store, yard, enclosure or place shall be deemed and considered as keeping and harboring said dog within the meaning of this code. (Ord. 542, Sec. 1J; Code 2007)
- 2-112. PENALTY. Any person violating any of the provisions of this ordinance shall be deemed guilty of an unclassified misdemeanor and, upon conviction, shall be fined in any sum not exceeding five hundred (\$500.00) dollars and sentenced to not more than 30 days in jail, or both. (Ord. 542, Sec. 1K; Code 2007)

ARTICLE 2. PIT BULL DOGS

- 2-201. **ANIMALS; KEEPING PROHIBITED.** It shall be unlawful to keep, harbor, or own or in any way possess within the corporate limits of the City of Arma, Kansas:
- (a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including, but not limited to, non-human primates, raccoons, skunks, foxes and wild and exotic cats).
 - (b) Any animal having poisonous bites.
 - (c) Any pit bull dog; provided, that pit bull dogs registered with the City on the date of Publication of Ordinance #504 may be kept within the City subject to the standards and requirements set forth in Section II, Item B of this ordinance. "Pit bull dog" is defined to mean:
 - (1) The Staffordshire bull terrier of dog;
 - (2) The American pit bull terrier of dog;
 - (3) The American Stafforshire terrier breed of dog;
 - (4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; or a combination of any of these breeds. (Ord. 542, Sec. 2A; Code 2007)
- 2-202. **KEEPING OF REGISTERED PIT BULLS.** The provisions of section 2-102 of this ordinance are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Arma, Kansas as of adoption and publication of Ordinance #54. The keeping of such dogs, however, shall be subject to the following standards:
- (a) Leash and Muzzle: No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - (b) Confinement: All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (c) Confinement Indoors: No pit bull dog may be kept on a porch or patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Signs: All owners, keepers or harborers of registered pit bull dogs within the City shall within 10 days of the effective date of Ordinance #504 display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(f) Insurance: all owners, keepers or harborers of registered pit bull dogs must within 10 days of the effective date of Ordinance #504 provide proof to the Arma City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is given to the Arma City Clerk.

(g) Identification Photographs: All owners, keepers or harborers of registered pit bull dogs must provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(h) Report Requirements: All owners, keepers or harborers of registered pit bull dogs must within 10 days of the incident, report the following information in writing to the Arma City Clerk as required hereinafter:

- (1) The removal of the City or death of a registered pit bull; or
- (2) The birth of offspring of a registered pit bull; or
- (3) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(i) Sale of Transfer of Ownership Prohibited: No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(j) Animals Born of Registered Dogs: All offspring born of pit bull dogs registered within the City must removed from the City within six weeks of the birth of such animal.

(k) Irrebuttable Presumptions: There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section II, Item A of this ordinance is in fact a dog subject to the requirements of this ordinance.

(Ord. 542, Sec. B1:B10; Code 2007)

2-203.

FAILURE TO COMPLY. It shall be unlawful for the owner, keeper, or harborer of a pit bull dog registered with the City of Arma, Kansas, to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.
(Ord. 542, Sec. B11; Code 2007)

2-204.

VIOLATIONS AND PENALTIES. Any person violating or permitting the violation of any provision of this article shall upon conviction in Municipal Court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance. The Municipal Judge may further order the destruction of the animal. (Ord. 542, Sec. B12; Code 2007)

SECTION 3. ANIMAL CONTROL

2-301.

DEFINITIONS. For the purpose of this chapter, the following words and phrases shall mean:

(a) Animals - means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees, or birds that have been tamed, domesticated or captivated.

(b) Animal Shelter - means the facility or facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals under the authority of this or other ordinances of the City of Arma or state law.

(c) At Large - means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at large.

(d) Bite - means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(e) Cat - means any of the species felis catus, regardless of sex.

(f) Dangerous or Vicious Animals - means any animal deemed to be dangerous or vicious as set out in this chapter.

(g) Dog - means any member of the species canis familiaris, regardless of sex.

(h) Fowl - means all animals that are included in the zoological class aves, which shall include, but not be limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.

(i) Harbor - means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(j) Immediate Control - means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(j) Livestock - includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(k) Own - means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this ordinance, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this ordinance.

(l) Owner - means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (12) above.

(Ord. 542, Sec. 3A; Code 2007)

2-302.

NUISANCE; ANIMAL ACTIVITIES PROHIBITED. It shall be unlawful for the owner of any animal to keep or maintain such animal in the City so as to constitute a nuisance. For the purpose of this Item, nuisance is defined as any animal which:

(a) Molests or interferes with persons in the public right-of-way;

- (b) Attacks or injures persons, or other domestic animals;
- (c) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;
- (d) Scatters refuse that is bagged or otherwise contained;
- (e) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

If a summons is issued charges violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath. (Ord. 542, Sec. 3B; Code 2007)

2-303. **VICIOUS ANIMALS; PROHIBITED.** It shall be unlawful for any person to keep, possess or harbor a vicious animal within the City. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the animal control officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal. (Ord. 542, Sec. 3C; Code 2007)

2-304. **SAME; DEFINED.** For purposes of this chapter, a vicious animal shall include.

- (a) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (b) Any animal which attacks a human being or domestic animal without provocation;
- (c) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or
- (d) Any animal which is urged by its owner or harbinger to attack, or whose owner or harbinger threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(Ord. 542, Sec. 3C; Code 2007)

2-305. **SAME; COMPLAINT.** Whenever a complaint is filed in the municipal court, through the Police Department against the owner of an animal alleging that such animal is vicious and in violation of this section, the municipal judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the municipal judge shall consider the following:

- (a) The seriousness of the attack or bite;
- (b) Past history of attacks or bites;
- (c) Likelihood of attacks or bites in the future;
- (d) The condition and circumstances under which the animal is kept or confined; and
- (e) Other factors which may reasonably relate to the determination of whether or not he animal is vicious.

The municipal judge shall order the impoundment, the muzzling in accordance with subitem (4) and/or the confinement of the animal accused of being in violation of this section in a manner and location that will insure that it is no threat to persns or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible, or if prior court orders to

restrain such animal have gone unheeded, the municipal judge may order the animal immediately destroyed.
(Ord. 542, Sec. 3C; Code 2007)

- 2-306. VICIOUS DOGS TO BE MUZZLED. It shall be the duty of every owner, keeper or harbinger of any dog in the City, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the City, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the City limits contrary to this section shall be guilty of a violation of this ordinance. (Ord. 542, Sec. 3C; Code 2007)
- 2-307. SAME; IMMEDIATE DESTRUCTION. Nothing in this ordinance shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner. (Ord. 542, Sec. 3C; Code 2007)
- 2-308. SAME; RELEASE OF. If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The municipal judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section. (Ord. 542, Sec. 3C; Code 2007)
- 2-309. SAME; RUNNING AT LARGE. It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the City. Any animal or fowl at large shall be impounded.
(Ord. 542, Sec. 3C; Code 2007)
- 2-310. SAME; PENALTIES. Any person who shall neglect or refuse to comply with or shall violate or attempt to violate any of the provisions of this ordinance, shall be deemed guilty of an unclassified misdemeanor, constituting a separate offense for each and every day or portion thereof during which such violation is committed, continued, permitted or attempted, and upon conviction thereof, shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) and a jail sentence of up to 30 days, or both.
The imposition of the penalties herein prescribed shall not preclude the City, or any other interested person, from instituting injunction, mandamus or other appropriate action or proceeding authorized by law to prevent, correct or abate violation.
(Ord. 542, Sec. 3C; Code 2007)

2-311.

STERILIZATION AND VACCINATION OF ADOPTED ANIMAL. (a) No dog or cat may be released for adoption from any pound or animal shelter, as defined by K.S.A. 47-1701 and amendments thereto, or from any duly incorporated humane society, unless:

(1) Such dog or cat has been first surgically spayed or neutered;

(2) The adopting party signs an agreement to have the dog or cat spayed or neutered and a \$50.00 sterilization deposit with the City, pound, or animal shelter to ensure that the dog or cat will be sterilized. The \$50.00 sterilization deposit pursuant to the agreement shall be refunded to the adopting party upon presentation of a written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered;

(3) Current rabies vaccine is obtained; and

(4) Current license tag obtained and fees paid.

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound, animal shelter or humane society unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas State University, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program as part of the curriculum under the direct supervision of a licensed veterinarian who is a faculty member at the Kansas State University veterinary medical center. The spay or neuter program shall only be conducted at the surgery clinic at the Kansas State University medical center in Manhattan, Kansas. No pound, animal shelter or humane society shall designate the veterinarian which a person must use, or a list which a person must select a veterinarian, to spay or neuter a dog or cat adopted by such person from such pound, animal shelter or society, nor shall such pound, animal shelter or society in any way penalize a person for such person's selection of a veterinarian to spay or neuter a dog or cat adopted from pound, animal shelter or society.

(c) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner.

(Ord. 542, Sec. 4; Code 2007)

ARTICLE 4. OTHER ANIMALS

2-401.

EXOTIC ANIMALS. (a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocodilians, 30 inches in length or more.
- (10) Constrictor snakes, six feet in length or more.
- (11) Coyotes.
- (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Game cocks and other fighting birds.
- (15) Hippopotami.
- (16) Hyenas.
- (17) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys.
- (22) Pumas; also known as cougars, mountain lions and panthers.
- (23) Raccoons.
- (24) Rhinoceroses.
- (25) Skunks.
- (26) Tigers.
- (27) Wolves.
- (28) Opossums;
- (29) Monitor lizards;
- (30) Pronghorns;
- (31) Mountain Goats;
- (32) Civets and ringtails
- (33) Kangaroos;
- (34) Dingos;
- (35) Zebras;
- (36) Tasmanian Devils;
- (37) Llamas;
- (38) Camels;

- (39) Giraffes;
- (40) Ocelots;
- (41) Wolverines;
- (42) Armadillos;
- (43) Gila Monsters;
- (44) Vultures and other birds of prey;
- (45) Animals which are hybrids or cross-breeds of any of the animals

listed in this Ordinance.

(Ord. 523, Sec. 1; Code 2007)

2-402. EXCEPTIONS. The prohibitions of this section shall not apply to bona fide circuses and carnivals, educational institutions and medical institutions accredited by the State of Kansas, full time instructors at any university or to students and/or assistants at any university conducting experiments with or using for laboratory or research purposes, any of the above-listed animals, while under the direct supervision of a full-time instructor of an university accredited by the State of Kansas if:

- (1) Their location conforms to the provisions of the zoning ordinance of the City;
- (2) All such animals and their quarters are kept in a clean and sanitary condition and so maintained so to eliminate objectionable odors, and;
- (3) The animals are maintained in quarters so constructed as to prevent their escape.

(4) The prohibitions of this section shall not apply to animals defined by K.S.A. 47-1001, and acts amendatory and supplemental thereto, as "livestock".

(Ord. 523, Secs. 2:3; Code 2007)

2-403. IMPOUNDMENT. If a law enforcement officer or the Animal Control Officer has probable cause to believe that an animal listed in 2-301, is being kept, harbored or possessed in violation of this Ordinance and is dangerous to people or other animals, said officer may seize and impound said animal pending trial.

(Ord. 523, Sec. 4; Code 2007)

2-404. PENALTIES. Any person violating or permitting the violation of any provision of this Ordinance, shall upon conviction in Municipal Court, be fined a sum not less than \$250.00 and not more than \$1,000.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County Jail for a period not to exceed thirty (30) days. Further, the Court shall order the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge shall find the defendant in contempt and order the immediate confiscation, impoundment, and disposition of the animal. Each day that the violation occurs or continues may be deemed a separate offense. In addition to foregoing penalties, any person who violates this ordinance shall pay all expenses, including sums for shelter, food, handling, veterinary care, and expert testimony, which are necessitated by the person's failure to abide by the provisions of this article. (Ord. 523, Sec. 7; Code 2007)

2-405. LARGE ANIMALS; PROHIBITION. No large animals as defined in this section will be permitted in the city limits of the City of Arma. (Ord. 546, Sec. 3; Code 2007)

- 2-406. SAME; DEFINITION. Large animals will be defined as any animal excluding dogs and cats including, but not limited to: cows, bulls, cattle, sheep, goats, horses, burros, mules, ostriches, emus, llamas, exotic animals of any kind. (Ord. 546; Code 2007)
- 2-407 ANIMAL RESTRICTIONS. A large animal already within the city limits of the City of Arma as of September 7, 2004 will be exempt for this act and may be retained within the city so long as a minimum of 1 acre per animal (each offspring shall be considered a separate large animal) is allowed, adequate and acceptable fencing sufficient to retain the animal within the confines of the acreage and kept at all times in good repair. (Ord. 546, Sec. 4; Code 2007)
- 2-408. REMOVAL. Once the large animal is removed from the property, no property shall be exempted under the "grandfather clause" and the property shall be barred from having large animals thereon. (Ord. 546, Sec. 4; Code 2007)
- 2-409. TRANSFER OF PROPERTY. Any change in the title to real estate shall be deemed a transfer of property as to render the property subject to this act prohibiting large animals on that real estate. The use of the land for land animals shall belong only to the record title owner of real estate on the date of adoption of this act. The right to have large animals on real estate within the City of Arma shall not pass with the land transfer, but shall terminate and thereafter use of the land for large animals shall be contrary to this ordinance. (Ord. 546, Sec. 4; Code 2007)
- 2-410. SAME; PENALTY. The penalty for violating this provision of the section shall be punishment by a fine not to exceed \$2,500.00 and/or up to 1 year in the county jail. (Ord. 546, Sec. 5; Code 2007)