

CHAPTER II. ANIMALS, CONTROL AND REGULATION

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Article 1. Animals, Fowl, Generally

- 2-101. KEEPING ANIMALS IN CITY.** No person shall have, keep or maintain within the limits of the city any poultry, farm animal or other animals, except dogs and cats, within the City limits of Arma with the exceptions designated by the City of Arma Zoning Ordinance.
- 2-102. KEEPING ANIMALS IN OFFENSIVE MANNER.** It shall be unlawful for any person to own, keep, use, or maintain any yard, pen, place, room, or building, where animals are kept, in an unsatisfactory condition or in such a manner as to become offensive or annoying to the public or to any person residing in the vicinity.
- 2-103 REGULATING DISPOSAL OF ANIMAL CARCASS.** It shall be the duty of the owner or person having the custody of any dead animal that within 24 hours after the death of such animal, to remove the carcass of the animal by means of burying such animal or have the animal cremated at a veterinary clinic. In cases in where the exceptions of the zoning ordinance apply the carcasses of the animals must be removed from the city limits within 24 hours. Any such person failing to do so shall be deemed guilty of a Class C offense.
- 2-104 REMOVAL OF ANIMAL FECES REQUIRED.** The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property and it shall be a violation of this section for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.
- 2-105 IMPOUNDING ANIMALS.** The police officers of the City or Animal Control officer shall have the right and it shall be their duty to take up and impound any domestic animal found running at large in violation of this article.
- 2-106 PROHIBITED ACTS.** It shall be unlawful for the owner or any person having the care, custody, or control of any animal to permit the same to remain or run at large within the City limits of the City of Arma. Any person violating any section of this ordinance (unless otherwise provided within this section) shall be punishable by a fine not to exceed \$500 and/or a jail sentence not to exceed 30 days

2-107 OBSTRUCTING IMPOUNDING OF ANIMAL. Any person who shall willfully obstruct, hinder or prevent the lawful impounding of any animal or who shall break open, destroy or damage the pound, enclosure or place, or any part thereof, where any animal is impounded, or take or drive or attempt to take or drive any impounded animal from such pound, enclosure or place, without first paying the fees, costs, charges and expenses provided for in this article, shall be deemed guilty of a Class A offense and, upon conviction, shall be punished by a jail sentence not to exceed one year and/or a fine not to exceed \$2,500.00.

2-108 ENTICING ANIMALS INTO CITY. Any person who shall drive or entice any animal from beyond the City limits into the City limits or aid, abet, or assist in so doing, or let any animal out of any enclosure in which it may be confined or unfasten any animal, or aid, abet, or assist in so doing, in order that such animal may be taken up and impounded, shall be deemed guilty of a Class A offense and, upon conviction, shall be punished by a jail sentence not to exceed one year and/or a fine not to exceed \$2,500.00.

Article 2. Exotic

2-201 PHROBITED POSSESSION, CONTROL, KEEPPING OR HARBORING OF CERTAIN ANIMALS

- a) *Enumeration.* It shall be unlawful to keep, harbor, own or to in any way possess or control within the corporate limits of the City any of the following animals:
- 1) All poisonous animals, which include all poisonous amphibians and reptiles;
 - 2) Apes including, but not limited to, chimpanzees, gibbons, gorillas, orangutans, and siamans;
 - 3) Baboons;
 - 4) Badgers;
 - 5) Bears;
 - 6) Bison;
 - 7) Bobcats;
 - 8) Cheetahs;
 - 9) Alligators or crocodiles;
 - 10) Constrictor snakes, six feet in length or more;
 - 11) Coyotes;
 - 12) Deer including, but not limited to, the following members of the deer family; 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 crossbreeds of any of the animals listed in this Section

- b) *Exemptions.* The prohibitions of this Section shall not apply to bona fide circuses, zoos, petting zoos, and carnivals, holders of a special events with a written permit issued by the City expressly permitting keeping, harboring, possessing or controlling certain of the above animals within the corporate city limits, or educational institutions and medical institutions accredited by the state.
- c) *Seizure and impoundment.* If a law enforcement officer or the animal control officer has probable cause to believe that an animal listed in this Section is being kept, harbored or possessed in violation of this Section and is dangerous to people or other animals, such officer may seize and impound such animal pending trial.
- d) *Removal by owner.* Any person who keeps, harbors, owns or possesses or has control of one or more of the animals listed in this Section on property annexed into the City shall remove such animal from the City within 60 days of the effective date of the ordinance annexing the property into the City.

- e) *Penalties.* Any person violating or permitting the violation of any provision of this Section, unless otherwise provided shall, upon conviction in municipal court, be guilty of a Class C offense. 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. In addition to such penalties, any person who violates this Section 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 Section.

2-202

DANGEROUS ANIMALS AND REPTILES.

- a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Confined means (occurs) when the dangerous animal or reptile is kept securely confined indoors or in a pen, kennel or structure that has secure sides, a secure top attached to the sides or the sides must be embedded in the ground no less than two feet, with the entrance or gate securely locked or, latched. All such structures must comply with all zoning and building ordinances and regulations of the City and shall be adequately lighted, ventilated, and kept in a clean and sanitary condition.

Dangerous animal or reptile means any animal or reptile with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; provided, however, that no animal shall be deemed dangerous solely because it bites, attacks or menaces a trespasser on the property of the person who owns, keeps, harbors or possesses the animal.

Unconfined means (occurs) when the dangerous animal or reptile is not kept securely confined indoors and is thereby allowed to exit the building on its own volition or not kept outdoors and confined within a securely enclosed and locked pen, kennel or structure; provided, however, that a domestic animal may be exercised or walked if it is muzzled and restrained by a leash no longer than four feet in length which is in the physical control of a person of suitable age and discretion and may be transported if it is securely confined within a motor vehicle.

- b) *Possession prohibited.* It shall be unlawful for any owner, keeper, harbinger or possessor of a dangerous animal or reptile to allow such animal or reptile to be either confined or unconfined within the City limits.
- c) *Impounding.* If a law enforcement officer or the animal control officer has probable cause to believe that a dangerous animal or reptile is being kept, harbored or cared for in violation of this Section, such officer may petition the municipal court to order the seizure and impoundment of such animal or reptile pending trial.

- d) *Penalties.* Any person violating or permitting the violation of any provision of this Section shall, upon conviction, be guilty of a Class C offense. Further, the court may order the animal or reptile to be destroyed by the animal control officer or removed from the City. Should the defendant refuse to remove the animal or reptile from the City, the municipal court judge shall find the defendant in contempt and order the immediate confiscation, impoundment, and destruction of the animal or reptile. In addition to such penalties, any person who violates this Section 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 Section.

Article 3. Dogs

2-301. DEFINITIONS. For the purposes herein, the following words and phrases shall have the meaning set opposite them:

- a) "Dog" shall mean all members of the *canis familiaris*, male or female, six (6) months of age or older.
- b) "Own" shall mean and include own, or keep, or harbor or shelter, or manage, or possess, or to have a part interest in any dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which minor owner is a member shall be deemed the owner of such dog for the purpose of this article and under this article shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household such minor owner shall himself be directly subject to the provisions of this article.
- c) "Owner" shall mean one who owns, his employee or agent, or other competent person into whose charge the actual owner has committed his dog's care or control, whether for a fee or otherwise.
- d) "Household" shall mean those members of a family living in the same dwelling unit.
- e) "At Large". Any dog shall be deemed to be at large when it is off the premises occupied by the owner's household as their abode and when not accompanied by its owner.
- f) "Vicious Dog" shall mean any dog which is fierce, dangerous, mean or uncontrollable; or one which has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.
- g) "Person" shall mean any individual, firm, association, partnership or corporation.

- h) "Enforcing Officer" shall include his deputy, delegate, alternate or appointee.
- i) "Competent Person" shall mean any human being who is capable of controlling the dog in question and to whose command the dog is obedient.

2-302

KEEPING AND HARBORING. 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 such dog within the meaning of this article.

2-303

LICENSE; RABIES INOCULATION

- a) It shall be unlawful for any person to own, keep or harbor any dog within the corporate limits of the City without first having obtained a dog tag from the City and without having paid the yearly registration fee:

- 1) Neutered male or spayed female dog the sum of \$10.00.
- 2) Fertile male or female dog the sum of \$15.00.

Such registration shall expire December 31 of each year.

- b) It shall be the duty of the owner or person harboring a dog within the corporate limits of the City to have such dog inoculated against rabies. Persons owning or harboring a dog shall not be issued a license or dog tag as provided in this Section, 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 for the current year for such dog, as provided by subsection (d) of this Section, shall be deemed to have been inoculated for rabies.

- c) Penalties.

- 1) The registration fee shall be increased by an amount established by ordinance on March 1 each year, the total registration fee, including penalty, to be as follows:

- a. \$20.00 on a neutered male or spayed female dog; and
- b. \$25.00 on a fertile male or female dog.

- 2) The registration fee shall be increased an additional amount as established by ordinance on June 1 each year, the total registration fee including penalty to be as follows:

- a. \$30.00 on a neutered male or spayed female dog; and

- b. \$35.00 on a fertile male or female dog, to any person who has failed to register any dog; provided, however, that any person who acquires a dog after March 1 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 an affidavit showing the date on which such dogs were born or brought into the City.
- d) Such license tax shall be paid to the City and the City 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 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 shall authorize the law enforcement or animal control officer to collect such license tax and furnish a metal tag on impounded dogs and from owners of dogs in answer to a complaint.

2-304 EXCEPTIONS TO REGISTRATION; REQUIREMENTS FOR VISITING DOGS.

The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than thirty (30) days. However, such dogs shall be kept under restraint by the owner thereof at all times.

2-305 IMPOUNDMENT.

- a) **IMPOUNDING DOGS.** Any dog owned kept or harbored within City on which the license tax has not been paid, or which is running at large as set out in section 2-301 (e) may be taken up by any animal control officer or any police officer and impounded for three days following the day of impoundment, during which time the dog may be released to its rightful owner if all licenses taxes, and impoundment fee is paid according to the following schedules:
 - 1) First offense; All license fees and a \$15.00 redemption fee plus a \$2.50/day housing fee
 - 2) Second Offense; All license fees and a \$20.00 redemption fee plus a \$2.50/day housing fee
 - 3) Third Offense; All license fees and a \$30.00 redemption fee plus a \$2.50/day housing fee, with a notice to appear in court to hear charges brought up against you.
- b) After the third offense the dog will be confiscated until a court date has been scheduled and held where the judge may or may not grant possession of the dog back to the owner. If the judge does grant possession of the dog back to the owner all fines and court cost set by the judge along with a redemption fee of \$40.00 plus \$2.50 per day for housing must be paid by the owner before the release of the dog.

c) **DISPOSAL OF IMPOUNDED DOGS.** All dogs not claimed after the third day of impoundment shall be disposed of in the following manner;

1. The City may adopt the dog out to a new owner.
 - a. If the dog is not spayed or neutered this must be done before any adoption will be allowed and paid for by the new owners.
 - b. An adoption form shall be filled out by the new owners stating their name, address, city, state
 - c. If they live in Arma, all licenses must be paid for.
2. If the City has not adopted said animal within a two week period, the city shall then take the dog to the Southeast Kansas Humane Society.
3. If the Southeast Kansas Humane society refuses the dog then the doge shall be taken to the local veterinary to be euthanized and disposed of.

2-306 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.

2-307 DOG FIGHTING. It shall be unlawful for any person by design or otherwise, to set any dog to fight, or cause any dog to attack any other dog or animal, or aid or abet or encourage any dog to attack or chase any human being not engaged in malicious or criminal acts; or being the owner, knowingly to permit such dog to fight without endeavoring to prevent the same.

2-308 KEEPING VICIOUS DOGS PROHIBITED. It shall be unlawful for any person to keep any vicious dog within the corporate limits of the city.

2-309 PERMITTING DAMAGE TO PERSONS OR PROPERTY BY AN ANIMAL. It shall be unlawful for any person having the custody of any animal to permit such animal to injure or damage, while in such custody, the person or property of another.

2-310 TETHERING OF DOGS.

- 1) No dog owner shall permit more than two dogs to be tethered in their yard at any given time.
- 2) Tethers shall be no shorter than ten feet (10') in length.
- 3) All tethers shall be so installed so that the dog shall have the freedom to walk around without the chance of getting tangled up or choking itself.

4) All dogs tethered outside shall have plenty of water and shade available.

2-311 CONFINEMENT DURING HEAT. An unspayed female dog shall be kept securely confined in an enclosed place while in heat.

2-312 CRUELTY TO DOGS UNLAWFUL. It shall be unlawful for any person to neglect, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill a dog or cause or procure the same within the corporate limits of the city.

2-313 CONFINEMENT OF RABIES SUSPECTS.

(a) Any dog which is suspected of having rabies, or any dog which has bitten a human being and has thereby caused a laceration of the skin of such human being, shall be seized and confined in a veterinary hospital for a period of fourteen (14) days; provided, however, the period of confinement may be shortened at the discretion of the veterinarian in charge of said hospital.

(b) Any dog bitten by a known rabid animal shall be seized and confined in a veterinary hospital, as provided in sub-part (a) of this section.

(c) All expenses incurred during the period of confinement in a veterinary hospital for the purposes of this section shall be borne by the owner of the dog. If any dog so impounded is not claimed by the owner within the fourteen (14) day period, then the veterinarian shall transfer the said dog to the impounding facility of the city where such dog shall be disposed of according to the provisions of Section 2-305(c) hereof.

2-314 KILLING AUTHORIZED. The enforcing officer shall be authorized to kill any dog which is impractical or impossible to catch or capture or which is endangering any person or persons or property.

2-315 Penalty.

Any violations of this ordinance not otherwise defined shall be a Class C offense punished by a jail sentence not to exceed 30 days and/or a fine not to exceed \$500.00.

Article 4. Pit Bull Dogs

2-401 DEFINITIONS

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Pit bulls means:

- 1) The bull terrier breed of dog;
- 2) Staffordshire bull terrier breed of dog;
- 3) The American pit bull terrier breed of dog;
- 4) The American Staffordshire terrier breed of dog;
- 5) Dogs of mixed breed or of other breeds than listed in this definition which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; and
- 6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

2-402 VIOLATIONS & PENALTIES

Any person violating or permitting the violation of any provision of this division shall, upon conviction, be guilty of an offense. The court may order 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 in contempt and order the immediate confiscation and impoundment of the animal. In addition to such penalties, any person who violates this division 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 division.

2-403 FAILURE TO COMPLY.

It shall be unlawful for the owner, keeper, harbinger or possessor of a pit bull dog within the City to fail to comply with the provisions of this division. Any dog found to be the subject of a violation of this division 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.

2-404 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 defined is in fact a dog subject to the requirements of this division

2-405 KEEPING, HARBORING, OWNING OR POSSESSION UNLAWFUL.

The following standards and requirements shall apply to pit bull dogs located within the City limits upon the effective date of the ordinance from which this division is derived.

- 1) *Registration.* Within ten days of the effective date of this Section each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the City Clerk.
- 2) *Leash and muzzle.* No person shall permit a 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 of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, building or structures. 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.
- 3) *Confinement.* All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in subsection (2) of this Section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure, and the structure must have a secure 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 ordinances and regulations of the City and shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- 4) *Confinement indoors.* No pit bull dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- 5) *Signs.* All owners, keepers, harborers, or possessors of pit bull dogs within the City shall within ten days of the effective date of this Section 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.
- 6) *Insurances.* All owners, keepers, harborers or possessors of pit bull dogs must within 20 days of the effective date of this Section provide proof to the City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any persons which may result from the owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the City Clerk.
- 7) *Identification photographs.* All owners, keepers, possessors or harborers of pit bull dogs must within 20 days of the effective date of this Section provide to the City Clerk two color photographs of the dog clearly showing the color and approximate size of the animal.

8) *Reporting requirements.* All owners, keepers, possessors, or harborers of pit bull dogs must, within ten days of the incident, report the following information in writing to the City Clerk as required

- a. The removal from the City or death of a pit bull dog;
- b. The birth of offspring of a pit bull dog;
- c. The new address of a pit bull dog owner should the owner move within the corporate City limits.

2-406 SALE OR TRANSFER OF OWNERSHIP

No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided, however, that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

2-407 ANIMALS BORN OF REGISTERED DOGS

All offspring born of pit bull dogs within the City must be removed from the City within six weeks of the birth of such animal.