

Section 1. Chapter 126 of the Smithfield Code of ordinances entitled “Animals” is hereby repealed in its entirety and replaced with a new chapter 126 entitled “Animals”.

Article I General Provisions

§ 126-1 **Definitions.**

As used in this Chapter the following terms mean:

ABANDONMENT

The relinquishment of all right, title, claim, or relinquishment of possession of an animal with the intention of not reclaiming it or resuming its ownership or possession.

ADEQUATE FOOD

The provision at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a sanitized receptacle, dish, or container.

ADEQUATE SHELTER

Access a structure that is the proper size for the dog, impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the entrance. This includes but is not limited to a dog house, barn, garage, shed or other structure sufficient to protect the animal from wind, rain, snow, or sun that has adequate bedding to protect against cold and dampness.

ADEQUATE WATER

A constant access to a supply of clean, fresh, potable water provided in a sanitary manner.

ADOPT

When an adopting party voluntarily acquires and assumes responsibility for a dog or a cat from the animal shelter.

ADOPTING PARTY

Any person who enters into a contract acquiring a dog or cat from the animal shelter.

AGGRESSIVE DOG

- (1) Any dog which makes (or poses) a threat of harmful behavior directed at a person or domestic animal. This includes, but is not limited to, such behavior as snarling, growling, snapping, nipping biting, and lunging.
- (2) Any dog which is deemed to be a potential threat to public safety, due to aggressive behavior observed by the animal control officer.

AMBIENT TEMPERATURE

The temperature surrounding the animal.

ATTENDANT

A person 16 years or older who brings a dog to the dog park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the outdoor facility.

ATTRACTANT

Any substance which could reasonably be expected to attract, or does attract, coyotes or other non-

domesticated animals, including, but not limited to, garbage, food products, pet food, carcasses, feed, grain.

ANIMAL CONTROL OFFICER or ANIMAL CONTROL WARDEN

Any person employed, contracted, or appointed by the Town of Smithfield for the purpose of aiding in the enforcement of this article or any law or ordinance relating to the licensing of dogs, control of dogs, or seizure and impoundment of dogs and includes any state or municipal peace officer, animal control officer, animal control warden whose duties in whole or in part include assignments which involve the seizure or taking into custody of any dog.

ANIMAL SHELTER

Any premises designated by action of the Town Council for the purpose of impounding and caring for animals found running at large in violation of this article.

AT LARGE

Any animal shall be deemed to be at large when off the property of its owner and not under leash control of a competent person.

BREEDER

A person engaged in the propagation of purebred or crossbred dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, American Field Stud Book, or other breed or kennel club, or a registered cat breed association, or for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

EXPOSED TO RABIES

An animal has been exposed to rabies within the meaning of this article if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

DISABILITY

Has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990," 42 U.S.C. Sec. 12101 et seq., as amended.

DISPOSED

To create a final disposition of an animal to include, returned to owner, adoption, transferred to a licensed releasing agency, or humanely euthanized.

DOG PARK

An enclosed-fence facility designated by the Town of Smithfield for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

FEEDING

- (1) To give food to, or the act of giving sustenance or nourishment to,
- (2) The leaving of food of any kind where it is accessible to coyotes or other non-domesticated animals.

FOOD

Any nutritious substance that animals eat or drink in order to maintain life and growth, for the context of article VI, all substances consumed by humans or animals for nourishment except grass and other vegetation, growing crops, and food that is canned or stored in sealed or closable containers

HOBBY BREEDER

Those persons whose regular occupation is not the breeding and raising of dogs or cats and whose method of sale is at retail only. A hobby breeder shall not exceed selling 20 dogs or cats, or three litters, whichever is greater, in a single calendar year. Any person who sells at retail a number in excess of these limits or who sells any number of pets commercially shall be considered a breeder.

KENNEL

Any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs, or other animals commonly referred to as domesticated pets.

MEMBERSHIP CARD

A membership card is necessary for entry and use of the Smithfield Dog Park. The membership card can be obtained through the Town Clerk's Office.

MINIMUM CARE

Care sufficient to preserve the health and well-being of an animal and, except for emergency circumstances beyond the reasonable control of the owner and/or guardian, includes, but is not limited to, the requirements set forth in section § 126-16 .

MINIMUM VETERINARY CARE

Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

NEUTER

To surgically render a male dog or cat unable to reproduce.

OWNER

Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs, or other animal or animals.

PROVOCATION

The act of provoking. Something that provokes, especially by inciting, instigating, angering, or irritating.

RESTRAINT

A dog is under restraint within the meaning of this article when such dog is restrained, and controlled by a leash; and/or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

SERVICE DOG

Has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990," 42 U.S.C. Sec. 12101 et seq.

SEXUAL MATURITY

When a female dog or cat reaches six months of age and when a male dog or cat reaches eight months of age; in all instances the releasing agency will determine the age of the dog or cat.

SPAY

To surgically render a female dog or cat unable to reproduce.

VACCINATED

To have been inoculated by a vaccine approved by the State Department of Health and shall be certified by a licensed veterinarian.

VISUAL CONTROL

The attendant can see the dog(s) and is within 75 feet of the dog(s) at all times, while at the dog park.

VOICE CONTROL

The attendant is within 75 feet of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant when so commanded, while at the dog park.

§ 126-2 Livestock at large.

No horses, cows, sheep, swine, goats, fowl or other such animals shall go at large, loose, unfastened or alone, in any public highway, street, lane or byway, or on the land of any other person than the owner of such animals.

§ 126-3 Permitted disposal of dead animals.

The owner or person in charge of any horse, ox, mule, cow, sheep, dog or other large animal which shall die, shall, within 24 hours from the time the owner or person in charge of said animal shall learn of the death of said animal, bury the carcass of said animal in such manner that every part thereof shall be at least three feet beneath the natural surface of the earth, or shall within said 24 hours remove said carcass from the Town, or cause the same to be removed from the Town.

§ 126-4 Prohibited disposal of dead animals.

No person shall throw, place, put, leave or cause to be thrown, placed, put or left, the carcass, or any part thereof, of any dead animal, in any pond, stream, brook, river, lake or other body of water within the Town.

§ 126-5 Confinement of certain dogs and other animals.

- A. The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and shall not take such dog out of such building or secure enclosure unless such dog is leashed and securely muzzled.
- B. Every female dog or other animal in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog (or other animal) cannot come in contact with another dog or animal, except for intentional breeding purposes.
- C. Any animal described in Subsections **A** and **B** above, found at large, shall be impounded by the Animal Control Warden and may not be reclaimed by its owner, unless such reclamation be authorized by any court having jurisdiction.
- D. Any dog or other animal, the first time it is impounded for being in violation of this article, may be reclaimed as provided in § **126-22A** above, but may not be reclaimed when impounded on second or subsequent occasion unless such reclamation is authorized by court having jurisdiction in the matter.
- E. When in the judgment of the Animal Control Warden, or any police officer in this Town, an animal should be destroyed for humane reasons, such animal may not be reclaimed. Humane reasons, in this case, shall be construed to mean animals severely injured or ill due to accident or mistreatment, or where it has been established by repeated violations of this article that the owner or owners have not properly cared for the animal.
- F. No wild animal may be kept within the Town limits. Any wild animal that are found at large and are a threat to humans or other animals, may be destroyed by the Animal Control Warden or any police officer of this Town, or captured and returned to its owner, or to the SPCA.

§ 126-6 Cruelty to animals.

- A. Mistreatment of animals.

- (1) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to subject, or cause to be subjected, any animal to cruel treatment. It shall likewise be unlawful for any person to deprive, or cause to be deprived, any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.
 - (2) Adequate food, water and shelter shall be provided as follows:
 - i. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
 - ii. All animals shall have access to a constant supply of clean, fresh water.
 - iii. All animals shall be provided with adequate shelter from the weather and humanely clean conditions at all times.
 - (3) Medical care. It shall be unlawful for any person in contact with or having knowledge of a sick, diseased or injured animal to fail or refuse to provide proper medical treatment for the animal or notify the animal control officer of the condition.
- B. Cruel treatment. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare or to procure any such actions to be inflicted upon any animal. Examples of cruel treatment include, but are not limited to, the following:
- (1) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
 - (2) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
 - (3) Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.
 - (4) Intentionally allowing animals to engage in a fight.
 - (5) Allowing animals to live in unsanitary conditions.
 - (6) Allowing animals to live in crowded conditions.
 - (7) Failure or refusal to obtain medical treatment for an animal when, in an animal control officer's opinion, such treatment is needed.
 - (8) Using lethal force against an animal, either on or off the owner's property, unless the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal.
 - ~~(8)~~(9) Actions as prescribed in R.I.G.L. §4-1-3.
- C. Impoundment. It shall be the duty of the chief of police, the animal control officer(s), any police officer, or their designees to seize and impound, subject to the provisions of this chapter, all animals that have been subjected to cruel treatment as defined herein whether such animal shall be in the immediate custody of its owner or otherwise. The animal control officer shall provide for suitable care, including medical care, as he/she deems necessary. Any animal impounded under the provisions of this section may not be reclaimed unless such reclamation is authorized by the animal control officer.
- D. Penalties.
- (1) Animal or animals owned or harbored by persons found in violation of this section shall be surrendered to the animal control officer; and/or
 - (2) Any person violating the provisions of this section shall be cited to appear before the Smithfield Municipal Court and be subject to fines as follows:

- i. First offense: A fine of not less than \$100.00 nor more than \$500.00
- ii. Second offense: A fine of not less than \$200.00 nor more than \$500.00
- iii. Third offense: A fine not in excess of \$500.00, in accordance with section § 60-8 of the ordinances of the Town of Smithfield.

(3) Any person violating the provisions of this section shall reimburse the Town of Smithfield for expenses incurred in providing care required by this section.

§ 126-7 **Traveling circuses**

- A. It shall be unlawful for any person or organization to conduct, sponsor, walk, exhibit, or operate a traveling show or circus that includes live wild or exotic animals on any public or private land within the town.
- B. This section shall not apply to domestic animals including, but not limited to, dogs, cats, horses, donkeys, and farm animals.
- C. This section shall not apply to educational exhibits.
- D. Violations of this section shall result in a fine not less than \$50.00, and not more than \$500.00, per animal. Each day the violation continues shall constitute a separate and additional violation.

§ 126-8 **Nuisance abatement.**

- A. The keeping or harboring of any dog, other animal or fowl, whether licensed or not, which by habitual, regular, prolonged and persistent howling, yelping, barking or other noise disturbs or annoys without provocation, a surrounding neighbor, upon verification of such complain exists by the Animal Control Warden is unlawful and is hereby declared to be a public nuisance; and each day shall constitute a separate offense.
- B. It shall be unlawful to allow or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value. The trespassing of any animal on private or public property is hereby declared to be a nuisance. ~~The owner of any such animal convicted of violating this provision may be punished by payment of the following fine:~~
- C. Whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that any animal is a nuisance by reason of trespassing, howling, barking or other noise, damaging property, being vicious or by its actions potentially vicious, or in any other manner causing undue annoyance, without provocation, the animal control officer, if he finds such nuisance to exist, shall serve verbal or written notice upon the owner or custodian that such nuisance must be abated.
- D. If a dog growls, snaps at, runs after any person, runs after or chases any bicycles, motor vehicles, motorcycles, or any other vehicle being driven, the owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$50 plus applicable court costs.
- E. If a dog alone, in a pack, or in a park with other pets, bites or preys upon game animals, domestic animals, fowl, or human beings, the dog's owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$100 plus applicable court costs
- F. It shall be unlawful to allow or permit any animal to deposit feces on private or public property other than the property of the animal owner without immediately removing same. Any person that shall allow or permit any animal to deposit feces, without immediately removing same, on private or public property shall be punished by a fine of not less than \$50.00 nor more than \$75.00 for the

first offense; not less than \$75.00 nor more than \$125.00 for the second offense; and not less than \$125.00 nor more than \$250.00 for the third and subsequent offense.

~~(1) **Means of removal.** The owner or custodian must carry on their person some means of feces removal when walking a dog off of the owner's property or on common property, whether it be a "pooper scooper," plastic bag, latex or other type of glove, etc. Failure to carry means of removal will be considered the same as violating section **§126-6F** and penalties will be pursuant to section **§126-6F**.~~

~~(2)~~(1) **Enforcement.** Any resident who witnesses a violation of the above section on their property or on a public sidewalk adjacent to their property may file a complaint with town animal control, providing all information necessary for a warning or citation to issue to the violator and promising to be available to testify in court should the complaint result in a citation being issued. The violator may receive a warning upon the first complaint. Upon the filing of a second or subsequent complaint against the same violator, a citation shall be issued, service of which shall be deemed sufficient if mailed to the last known address of the violator. For the purposes of penalties, it shall be deemed a first offense when the first citation was issued.

~~(3) **Failure to appear.** Should any witness to a violation in this chapter who makes promise to testify in court for citation to be issued, who does not appear in court for the court date issued, in addition to any other penalties for failure to appear, shall be punished by a fine of \$50.00.~~

G. It shall be unlawful to allow or permit any animal upon those public areas designated as sport playing, practice fields, playgrounds, beaches, or venues. Any violations shall be punished by a fine of **Warning** for the first offense; not less than **\$50.00** nor more than \$100.00 for the second offense; and not less than **\$100.00** nor more than \$200.00 for the third and subsequent offense.

§ 126-9 **Enforcement of chapter.**

The provisions of this chapter shall be enforced by the Animal Control Warden of the Town of Smithfield and any police officer of the Town.

§ 126-10 **Investigation and right of entry.**

In the discharge of the duties imposed by this article, the Animal Control Warden or any police officer of this Town shall have the authority at all reasonable times to enter upon any premises (but such authority should not include the right to enter any residence on such premises) to examine a dog or other animal which is allegedly in violation of a provision of this article. Such officers shall have the further authority to take possession of any dog or other animal and remove it from such premises.

§ 126-11 **Interference with officer prohibited.**

No person shall interfere with, hinder or molest the Animal Control Warden or any police officer of this Town in the performance of duties, or seek to release any animal in the custody of the Animal Control Warden or any police officer, except as provided in this article.

§ 126-12 **Records of animal control officer.**

- A. it shall be the duty of the Animal Control Warden to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into custody.
- B. It shall be the duty of the Animal Control Warden to keep, or cause to be kept, accurate and detailed records of all animal bite cases reported and the investigation of the same.

§126-13 **Violations and penalties.**

- A. Except as otherwise provided in this chapter any person convicted of violating any provision of this chapter may be punished by payment of the following fine schedules:

- (1) First offense \$50.00
- (2) Second offense within a year \$75.00
- (3) Third offense within a year \$125.00 impoundment of animal mandatory court summons
- (4) Fourth offense within a year \$200.00 impoundment of animal, mandatory court summons

B. Harboring an unlicensed dog

- (1) First offense within a year \$50.00
- (2) Second offense within a year \$100.00, impoundment plus microchip of animal
- (3) Third offense within a year \$200.00, impoundment plus microchip at owner's expense

C. Harboring an un-vaccinated animal

- (1) First offense within a year \$100.00
- (2) Second offense within a year \$200.00, impoundment of animal, mandatory vaccination at owner's expense
- (3) Third offense within a year \$300.00, impoundment of animal, mandatory vaccination at owner's expense

D. All fines can be paid by mail within fifteen (15) days to the clerk of the municipal court, or if not paid within a fifteen-day period, a court summons is to be issued in the municipal court.

§ 126-14 Mandatory spaying and neutering of dogs and cats adopted from animal shelter.

A. Release of animal.

- (1) The animal shelter shall not release, sell, trade, give away, exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the animal shelter and/or the Animal Control Warden to have the dog or cat spayed or neutered within 30 days of the adoption date or within 30 days from the date that the dog or cat reaches sexual maturity with the adoption fee of such spaying or neutering to be the responsibility of the adopting party. The written agreement must include the dog or cat's age, sex and general description; the date of adoption and the date by which the dog or cat must be spayed or neutered; the adopting party's name, address, phone number, and signature; the animal shelter's name, address, phone number, and the dollar amount of the cost to reimburse the town for previous spay and neuter or to have the animal spayed or neutered.
- (2) Alternatively, the animal shelter shall make appropriate arrangements for the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery completed before releasing the dog or cat to the adopting party.

B. Exemptions.

- (1) The following are exemptions from the provisions of Subsection A:
- (2) The animal shelter returns a stray dog or cat to its owner;

- (3) The animal shelter receives a written report from a licensed veterinarian stating that the life of the dog or cat would be jeopardized by the surgery and that such health condition is likely to be permanent;
- (4) The animal shelter receives a written report from a licensed veterinarian stating that there is a temporary health condition, including sexual immaturity, which would make surgery life threatening to the dog or cat or impracticable, in which instance the animal shelter shall grant the adopting party an appropriate extension of time in which to have the dog or cat spayed or neutered based on the veterinarian's report.
- (5) The exemptions provided in Subsection A(1)(b) and (c) above shall only be applicable if the animal shelter receives said written report from a licensed veterinarian within the thirty-day period during which the spaying or neutering would otherwise be required, or in the case of a report contemplated by Subsection A(1)(b) above, said report may be provided to the animal shelter during any temporary extension period provided by Subsection A(1)(c) above if the health condition of the dog or cat has changed.
- (6) If requested to do so, the animal shelter shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal shelter by the adopting party that the dog or cat died before the expiration of the period during which the spaying or neutering was required to be completed.

§ 126-15 **Forfeited adoption fees.**

Adoption fees required by § **126-14** which are unused after 60 days from the date of adoption or 60 days from when the dog or cat reaches sexual maturity, whichever is later, or which any animal is returned to the animal shelter for any reason after 15 days, will be forfeited by the adopting party and retained by the animal shelter and shall be used for the following purposes:

- A. A public education program to prevent overpopulation in dogs and cats;
- B. A program to spay and neuter dogs and cats that are available for adoption by the animal shelter;
- C. A follow-up program to assure that dogs and cats adopted from the animal shelter are spayed or neutered; and
- D. To defray additional costs incurred by the animal shelter in complying with § **126-14**.

§ 126-16 **Penalties for violations.**

- A. Violations of the provisions of this article or the written agreement executed pursuant thereto by an adopting party shall be punishable by a fine of \$50.00 for the first offense, \$150.00 for the second offense and \$400.00 for the third and subsequent offenses. Each and every incidence of noncompliance by an adopting party which continues unremedied for 30 days after written notice of a violation hereunder shall constitute a subsequent offense and the attendant penalties will apply. Second and subsequent offenses may constitute grounds for seizure and forfeiture of the dog or cat, which seizure will be conducted by the Animal Control Warden or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the animal shelter from which it was adopted, which animal shelter will be free to adopt or euthanize the seized dog or cat. The adopting party shall lose all ownership rights in the seized dog or cat, shall forfeit all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the animal shelter or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of this article will be enforced against an adopting party by a dog officer, Animal Control Warden or a police officer for the city or town in which the adopting party resides.
- B. All fines collected under Subsection A of this section will be remitted to the Town Treasurer of Smithfield. Such fines shall be used by the Town only for enforcing animal control laws or ordinances or for programs to reduce the population of unwanted stray dogs and cats in the municipality, including humane education programs or programs for the spaying or neutering of

dogs or cats.

§ 126-17 Giving false information — Filing false report.

Every person who shall knowingly make or cause to be made a false statement, either oral or written, with intent that it be relied upon by animal control, including information giving regarding animal ownership, shall be deemed guilty of obstructing or hindering an officer and shall be punished by a fine of \$200.00.

§ 126-18 Minimum care of animals.

- A. An owner or guardian of any animal must provide daily proper nourishment and access to adequate water at a drinkable temperature, quality and quantity as required by the species, breed, size, and age of the said animal, which will allow and foster normal growth and maintenance of body weight.
- B. An owner or guardian of any animal must maintain a sanitary environment, which is dry and free of accumulated feces, and free of debris and garbage that may clutter the environment so as not to inhibit comfortable rest, normal posture and range of movement or pose a danger to or entangle an animal, this set by the industry standard for the environmental health scale as set forth in the most recently adopted version of the Tufts animal care and conditions scale (TACC).
- C. An owner or guardian of any animal must maintain said animal's health with minimum veterinary care, and a healthy physical condition as set by the industry standard for the body condition scale, and physical care scale as set forth in the most recently adopted version of the Tufts animal care and conditions scale (TACC).

§ 126-19 Abandonment of animals.

If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure, in addition to any other lawful penalties, he or she shall pay a fine of \$200.00.

§ 126-20 Penalties for violations.

- A. Any animal control officer may issue the person(s) in violation of sections §126-18 and §126-35 a fine of \$100.00 for a first violation, \$200.00 and seizure of animal for a second violation, and \$400.00 and the seizure of the animal for a third violation. Second and subsequent violations of sections §126-18 and §126-35 may be considered violation of R.I.G.L. § 4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of this chapter, they may not be permitted to own, keep or harbor or have custody of any animal for a minimum of one year.
- B. In the event that any animal is in conditions or in an environment that, by the discretion of the animal control officer, may be harmful to the health and well-being of the animal, and for the first offense, the owner is not immediately available to correct the problem, the animal may be seized and impounded for safekeeping.

§ 126-21 Wild/exotic animals and animal hording.

- A. Importing and/or possession of certain wild/exotic animals, as defined by the Rhode Island DEM Rules and Regulations Regarding Wild Animal Importation and Possession, are subject to permitting in accordance with rules and regulations promulgated by the Department of Environmental Management (DEM). The owner of any such wild/exotic animal that is found in the town and which has not been permitted by DEM shall be subject to a penalty of \$500.00, and confiscation as required by DEM.

B. A person who accumulates animals in a number so great that the person fails or is unable to provide the animals with adequate living conditions, resulting in harm or danger to the health and well-being of the animals, shall be guilty of hazardous accumulation of animals. Any person in violation of this section shall be punished in accordance with section §126-6.

§ 126-22 Animal confinement in motor vehicles prohibited—Transporting animals.

- A. No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life or health threatening situation by exposure to prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.
- B. A law enforcement officer or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death. Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. It shall be the determination of the Animal Control Officer or police officer on scene if a violation has occurred and if extraction of said animal is required by any means necessary. Determination shall be made by simple observation or with the use of a thermometer.
- C. A law enforcement officer or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.
- D. A law enforcement officer or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.
- E. Any animal control officer may issue the person(s) in violation of this section a fine of \$100.00 for a first violation, \$200.00 and seizure of the animal for a second violation, and \$400.00 and the seizure of the animal for the third violation. Second and subsequent violations of this section may be considered a violation of R.I.G.L. § 4-1-2.
- F. It shall be unlawful for any person to transport any animal or animals either for business or pleasure on or in an open-air motor vehicle unless the animal, or animals, being transported:
- (1) Is kept in an enclosed area of the motor vehicle;
 - (2) The animal or animals are under the physical control of a person other than the operator of the motor vehicle; or
 - (3) The animal or animals are placed in the motor vehicle and safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.

- (4) Any person violating the provisions of this subsection shall be punished by a fine of not more than \$50.00 for a first offense, nor more than \$200.00 for each subsequent offense.
(R.I.G.L. § 31-22-28)

§ 126-23 Exemptions.

- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where expressly stated.
- B. The licensing and vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the Town and kept within the Town for not longer than 30 days, provided such dog shall at all times while in the Town be kept within a building, enclosure or vehicle, or be under leash restraint by the owner.

Article III
Piggery

§ 126-24 Prohibition.

It shall be unlawful for any person to establish a piggery of any kind (that is, any place used for the keeping or slaughtering of pigs) in the Town, except as provided in § **126-23**.

§ 126-25 Exception.

Section **126-24** shall not apply to the raising of no more than two pigs in a Farming F Zone to be used as show animals or for fairs and other similar exhibitions.

Article III
Dogs

§ 126-26 Dog restrictions; complaints.

- A. No dogs are allowed in school yards or on school property whether at large or under restraint; accompanied by its owner, a Service Dog, so-called, is accepted.
- B. No dogs are allowed in any stores or eating places within the Town whether at large or under restraint, unless allowed by the establishment. Service Dog, so-called, are accepted.
- C. It shall be unlawful to keep more than three dogs at the same residence, except as permitted in writing by the Animal Control Warden and health representative. This provision shall not apply to licensed kennels, or to a litter of puppies under six months of age. Dogs kept on any tract of land devoted to commercial agricultural use or property larger than three (3) acres are exempt from the requirements of this section.
- D. All complaints made under the provisions of this article shall be made to the Animal Control Warden and may be made orally; provided, however, that such complaint is, within 48 hours, reduced to writing, and signed by the complainant, showing their address and telephone number.

§ 126-27 Restraint.

The owner shall keep their dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless such dog is under leash and under control.

§ 126-28 Impoundment.

- A. Any dog found running at large shall be taken up by the Animal Control Warden and impounded in the animal shelter there confined in a humane manner for a period of not less than seven days, and will thereafter be disposed of in a humane manner if not claimed by its owner. Dogs not claimed by owners before the expiration of seven days, may be disposed of at the discretion of the Animal Control Warden except as hereinafter provided in the cases of certain dogs.

- B. The Animal Control Warden may transfer title of any dog held at the animal shelter to the Society for the Prevention of Cruelty to Animals, or other licensed releasing agency, after the legal seven-day detention period has expired and such dog has not been claimed by its owner.
- C. When a dog is found running at large, and its ownership is known to the Animal Control Warden, such dog need not be impounded, but such officer may cite the owner of such dog to appear in court to answer to charges of violation of this article.
- D. Immediately upon impounding a dog, the Animal Control Warden shall make every possible reasonable effort to notify the owner of such dog so impounded, and inform such owner of the conditions whereby custody of such dog may be regained.
- E. Any animal, other than a dog, found running at large within the Town limits may be impounded or disposed of according to law when such action is required either to protect the animal or to protect the residents of the Town. The provisions of this section apply as well to any animal other than dogs, but to include dogs.

§ 126-29 Redemption of impounded dogs.

- A. The owner shall be entitled to regain possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon the payment of impoundment fees set forth herein. (Proof of ownership might include a license receipt, affidavits of neighbors, a photograph, etc.)
- B. Any other animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- C. Any dog or other animal impounded under the provisions of this article, and not reclaimed by its owner within seven days, may ~~be humanely destroyed by the Animal Control Warden~~, have its title transferred to the Society for the Prevention of Cruelty to Animals or other licensed releasing agency, as provided in § **126-28B** above, or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article and such other regulations as shall be fixed by the Town or be humanely euthanized by the Animal Control Warden. Provided, however, that if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

§ 126-30 Impoundment fees.

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Warden or Animal Control Officer on duty of the sum of \$50.00 and the additional sum of \$5.00 for each full day such animal has been kept in the animal shelter. Impoundment fees set forth and such additional sums as herein provided for keeping animals shall be collected by the Animal Control Warden or Animal Control Officer on duty and turned over to the Town of North Providence Finance Department.

§ 126-31 Temporary licenses.

The Animal Control Warden is hereby authorized to issue temporary licenses for dogs owned or kept in the Town.

§ 126-32 Permanent license and registration.

Every owner or keeper of a dog shall annually in the month of April cause that dog to be licensed from the first day of the ensuing May in the office of the Town Clerk or The Town Animal Shelter; and shall pay to the Town Clerk or Animal Control Officer for a license so issued \$~~8~~5.00, and all licenses issued under this provision shall be valid during the then current year; provided that any person who shall become the owner or keeper of a pet shall cause the same to be licensed as aforesaid within 30 days after he or she becomes the owner or keeper; provided, further, that no license shall be issued under this section unless the pet has been inoculated against rabies for the period during which said license would be valid.

§ 126-33 Additional license fee; collection and disposition.

In addition to the fee otherwise required by law for the issuance of a dog license, there shall be an additional charge of \$3.00 for each such license. Said \$2.00 fee shall be retained by the Town Treasurer in a separate account which shall be expended at the direction of the Town Council for the enforcement of laws pertaining to animals. The Town is required to collect a one-dollar (\$1.00) surcharge on each dog license issued by the municipality. The revenue generated by this surcharge shall be deposited in the town's spay/neuter account to fund low-cost spay/neuter programs.

§ 126-34 Registration of aggressive dogs required

- A. Any person having custody, ownership or control of an aggressive dog as defined in this article must register said dog with the town on a form provided by the town.
- B. Said form shall require the following information:
 - (1) Name, address and telephone number of the dog's owner;
 - (2) The address where said dog is harbored, if different from the owner's address; and
 - (3) Dog sex, color, rabies certificate, tag number and other distinguishing characteristics of the dog.
- C. No such dog shall be licensed for any licensing period, unless the owner or keeper of such dog shall meet the requirements set forth by the animal control officer.
- D. Any person having custody, ownership or control of a ~~vicious~~-aggressive dog as defined in this article must register said dog with the town on a form provided by the town.
- E. Said form shall require the following information:
 - (1) Name, address and telephone number of the dog's owner;
 - (2) The address where said dog is harbored, if different from the owner's address; and
 - (3) Dog sex, color, rabies certificate, tag number and other distinguishing characteristics of the dog.
- F. No such dog shall be licensed for any licensing period unless the owner or keeper of such shall meet the requirements set forth by the animal control officer, and the restrictions pursuant to R.I.G.L. § 4-13.1.

§ 126-35 Care of dogs

- A. It shall be a violation of this section for an owner or keeper to:
 - (1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than 113 square feet, or less than a six-foot radius at ground level.
 - (2) Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of any chain or tether shall not exceed one-eighth of the dog's total body weight.
 - (3) Keep any dog tethered for more than ten hours during a twenty-four-hour period or keep any dog confined in an area or primary enclosure for more than 14 hours during any twenty-four-hour period, and more than ten hours during a twenty-four-hour period, if the area is not greater than that which is required under the most recently adopted version of the

department of environmental management's rules and regulations governing animal care facilities.

- (4) Tether a dog anytime from the hours of 10:00 p.m. to 6:00 a.m., except for a maximum of 15 minutes.
 - (5) Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).
 - (6) No person shall allow a dog to be kept outside tethered, penned, caged, fenced, or otherwise confined for more than 30 minutes without access to adequate shelter or adequate water for use by such dog.
- B. It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or minimum veterinary care as those terms are defined in section § 126-1.
- C. Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.
- D. The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:
- (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;
 - (2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;
 - (3) To any entity licensed by the state pursuant to Chapter 19 of Title 4 of the Rhode Island General Laws, or any veterinary facility; or
 - (4) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM);
- E. Any person in violation of this section shall be fined in accordance with section § 126-1813. Each day of violation shall constitute a separate offense.
- F. General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the department of environmental management (DEM).

Article IV Rabies Control

§ 126-36 Quarantine procedure

- A. Every animal which bites a person or animal shall be promptly reported to the Animal Control Warden, shall thereupon be securely quarantined at the direction of the Animal Control Warden as set forth in the State of Rhode Island Manual for Rabies Management and Protocols, and shall not be released from such quarantine except by written permission of the Animal Control Warden. At the discretion of the Animal Control Warden, such quarantine may be on the premises of the owner, at the Town animal shelter (at the owner's expense) the sum of \$50.00 impoundment, and \$15.00 per day the animal is secured at the animal shelter, or (at the owner's option and expense) in an approved veterinary hospital of choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at a shelter designated by the Animal Control Officer.
- B. The animal owner, upon demand by the Animal Control Officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, and upon payment of fees set forth in § 126-30.
- C. When rabies has been diagnosed in an animal under quarantine, or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the Animal Control Warden shall immediately send the head of such animal to the State Health Department for a pathological examination and shall notify the proper public Health Officer of reports of human contacts and the diagnosis.
- D. When one or both reports indicate a positive diagnosis of rabies, the Animal Control Warden shall recommend an area-wide quarantine for a period of 90 days, and upon invoking of such emergency 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 may be taken or shipped from the Town without written permission of the Animal Control Warden. During this quarantine period, and as long afterward as necessary to prevent the spread of rabies, the Health Officer shall require all dogs, three months of age and older, to be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of US Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for 30 days after vaccination. During the quarantine period, the Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the Town. Any animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be claimed during the period of the rabies emergency quarantine, by special authorization of the Health Officer and the Animal Control Warden.
- E. Dogs or cats exposed to wildlife shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, shall be quarantined or strictly confined as set forth in the State of Rhode Island Manual for Rabies Management and Protocols to include the above mentioned fees for quarantine at the Animal Shelter.
- F. 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 months.
- G. 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 a human, except as herein provided; nor remove any such animal from the Town limits without written permission from the Animal Control Warden.
- H. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the

Animal Control Warden.

- I. The Animal Control Warden shall direct the disposition of any animal found to be infected with rabies.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Warden.

§ 126-37 Reports of bite cases.

It shall be the duty of every physician or other medical practitioner to report to the Animal Control Warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

§ 126-38 Responsibilities of veterinarians.

It shall be the duty of every licensed veterinarian to report to the Animal Control Warden any animal considered to be a rabies suspect.

§ 126-39 Vaccination.

No dog ~~pr-or~~ cat over four (4) months old shall be permitted within the Town limits unless such dog or cat shall have been vaccinated or immunized in the manner set forth in this article within a period of 12 months, if such dog or cat shall have been vaccinated or immunized with the one-year vaccine; or within a period of 36 months, if such dog or cat shall have been vaccinated or immunized by the three-year vaccine.

§ 126-40 Use of approved vaccine; certification.

The vaccination or immunization referred to in § **126-39** shall be by a vaccine approved by the State Department of Health and shall be certified to by a licensed veterinarian. Such certificate shall be dated as of the date of inoculation or vaccination, shall show the rabies tag number, the sex and breed of dog and the owner thereof, and whether the vaccine given is the one-year vaccine or the three-year vaccine, together with such other information as may reasonably be required by the Health Officer or the veterinarian administering the same.

§ 126-41 Certificate prerequisite to license.

No license shall be issued for any dog required to be licensed in the Town unless the person making application therefor shall first present the person duly authorized to issue such license a current certificate of vaccination or inoculation, as provided in this section, for the dog for which the license is requested. Such certificate shall certify that the dog for which the license is to be issued has been properly vaccinated or inoculated in accordance with the provisions of this article.

§ 126-42 Unlawful ownership of unvaccinated dogs.

It shall be unlawful for any person to own, keep or harbor any dog over six months old within the Town, unless such dog shall have been vaccinated or inoculated in accordance with the provisions of this article.

§ 126-43 Impounding of unvaccinated dogs.

- A. Any dog over six months old found within the limits of the Town without evidence that such dog has been vaccinated or inoculated in accordance with the provisions of this article shall be impounded by any police officer of the Town or other authorized person for a period not exceeding seven days, during which time such dog may be returned to its owner upon proof of ownership, vaccination of the dog and payment by such owner of the fees provided in § **126-30** hereof.
- B. At the expiration of the seven-day period above mentioned, any dog not so claimed by its owner shall be disposed of in accordance with § **126-29**.

Animal Shelter

§ 126-44 **Reserved.**

§ 126-45 **Cremation fees.**

- A. The following fees will be charged for any cremation performed at the Tri-Town Animal Shelter. The fees shall be as follows:
- (1) Town residents: \$20.00.
 - (2) Nonresidents: \$30.00.
- B. Any fees collected will be turned over to the Town of North Providence Finance Department.

Article VI

Feeding of Non-Domesticated Animals

§ 126-46 **Feeding non-domesticated animals.**

A. Purpose.

The purpose of this article is to protect the health and safety of residents in the town with respect to dangers associated with coyotes and other non-domesticated animals by minimizing opportunities for such animals to obtain food from sources controlled or controllable by humans.

B. Prohibitions.

- a. No person shall feed or in any manner provide an attractant to coyotes or other non-domesticated animals; provided that domestic animals are not attractants, and feeding pets outdoors does not create an attractant if the pet eats all of the food immediately, or the remaining food is removed as soon as the pet stops eating, or the pet is fed in a secure cage or other enclosure.
- b. No person shall leave, store, or maintain any food or attractant in a manner, area, or location accessible to coyotes or other non-domesticated animals.
- c. The feeding of any waterfowl, duck, or swimming game bird on any park, playground, conservation area, lake, pond, or waterway, owned or under the control of the Town or any of its agencies is hereby prohibited.

C. Exceptions.

- a. Food for birds that is in a feeder located ~~within 100 feet of~~at the resident of the person establishing the feeder and elevated to be inaccessible to coyotes and other non-domesticated animals.
- b. Any lawful trapping by a property owner, licensed nuisance wildlife control specialist (NWCS), animal control officer or RI DEM official or other purpose approved by the animal control officer.

D. Penalty for violation.

Violations of any provisions of this article are punishable by a fine of \$100.00 for the first offence and \$500.00 for second and subsequent offences; each day of violation shall constitute a separate offence.

Article VII

Spay and Neuter Program for Cats

§ 126-47 Findings, purpose and intent

- A. The town council finds and determines that:
- (1) Due to the large number of stray and abandoned cats, euthanasia is not a cost effective, acceptable or ethical solution to the threats of public health and safety posed by large populations of stray domestic animals.
 - (2) Stray and abandoned pets, specifically cats, create numerous public health and safety problems, including transmission of disease and traffic hazards created by cats running loose on public streets.
 - (3) A permit system for breeding of cats owned or harbored in the town combined with a program for spaying/neutering is a reasonable and effective means of reducing the population of abandoned or stray cats, and for eliminating the practice of euthanizing homeless cats except those for whom euthanasia is an escape from suffering or necessary to protect people and/or other animals from vicious behavior.
- B. *Declaration of intent.* The town council hereby finds and declares that it intends to provide for the public health, safety and welfare through a program requiring spaying and neutering cats unless appropriate permits are acquired.

§ 126-48 Spaying/neutering.

- A. No person shall own or harbor, within the town any cat over the age of six months which has not been spayed or neutered, unless such person holds either a license to keep an unaltered cat or a license and permit for breeding cats issued by the town animal control officer, or the owner submits to the animal control officer a letter from a licensed veterinarian stating that it would be inappropriate to spay/neuter the cat due to age, health, or illness. The owner of any cat over the age of six months is responsible to provide proof of spay/neuter through records or certificate of examination by a licensed veterinarian to the animal control officer within seven days of a request for said records by the animal control officer.
- B. An "intact" permit shall be issued for an unaltered cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit. An "intact" permit may be issued by the ACO to an individual who refuses to spay or neuter their cat. The fee for such a permit shall be \$100.00 per year. All funds from "intact" permits shall be deposited in the town's spay/neuter account.
- C. Any person, who keeps, has custody, owns, maintains, harbors, provides care or sustenance for, has control or charge of or responsibility for a cat or who permits a cat to habitually be or remain on or be lodged or fed within such person's property or premises, ~~and any refusal to permit any animal control officer to impound such cat~~ shall be deemed evidence of ownership unless ownership of the cat by another party is established pursuant to Rhode Island General Law § 4-22-2.
- D. Subsection (C) above shall not be interpreted to apply to a person caring for a colony of feral cats if such person:
- (1) Registers (at no charge) with the town as a caretaker for feral cats;
 - (2) Regularly feeds or arranges for the feeding of the colony, including on weekends and holidays;
 - (3) Traps all feral cats over the age of eight weeks in their care, and has them spayed or neutered or

identifies to animal control those cats deemed unable to be trapped;

- (4) Has all trapped cats tested for feline aids and leukemia and has those who test positive humanely euthanized or isolated indoors;
- (5) Identifies feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging;
- (6) Has all trapped cats vaccinated according to state and local laws.

§ 126-49 Breeding permits.

- A. No person shall cause or allow any cat owned or harbored in the town to breed without first obtaining a breeding permit under this section.
- B. Town animal control shall administer a permit program to allow breeding of cats consistent with criteria and according to procedures contained in the town ordinances.
- C. Each applicant who is issued a permit to breed cats under this section shall pay an annual breeding permit fee of \$100.00 per cat.
- D. ~~No person shall cause or allow the breeding of a male or female cat without first obtaining a breeding permit issued by animal control.~~ Breeding permits shall be valid for 12 months, renewable on an annual basis. Fees for such permit shall be as set forth. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:
 - (1) No offspring may be sold or adopted and permanently placed until reaching an age of at least eight weeks.
 - (2) No offspring may be sold or adopted until immunized against common diseases.
 - (3) If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six months, the permit holder shall accept return of the animal if healthy and shall become fully responsible for its care.
 - (4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing any animal bred by the permit holder.
 - (5) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the animal control and state law.

§ 126-50 Revocation of permit.

- A. Any permit issued may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:
 - (1) The permittee has violated any state or local ordinances relating to the keeping, care or use of any animal.
 - (2) The permittee is in violation on any state health or safety law or regulation regarding animal care or control;

- (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this article;
 - (4) The permittee refuses to allow inspection, upon 48 hours' written notice, of any cat covered by the permit or the premises on which the animal is kept; or
 - (5) The permittee has transferred, sold or otherwise disposed of the cat for which the permit was issued.
- B. If, after investigation, the animal control officer concludes that it is probable that one or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of the permit and shall specify a date and time for an informal hearing to be held before an animal control officer. Said date shall be not less than five days subsequent to the date the notice is mailed. If the health or well-being of the animal is in danger, the animal control officer may take custody and control of the animal until such time that a hearing is conducted. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit.

§ 126-51 **Penalty for violation.**

Any person who violates the provisions of this act shall be subject to a \$100.00 fine. In the case of an unneutered cat said person shall have no more than 30 days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating that arrangements have been made to spay or neuter their cat(s). The ACO may inform persons subject to this law to the availability of reduced cost or free of cost spay/neuter programs sponsored by local humane organizations. If an animal is not spayed or neutered within 30 days of notice, they shall be subject to a \$100.00 fine for each 30 days the subject animal is not spayed or neutered.

Article VIII **Harboring of Cats**

§ 126-52 **Purpose.**

It is the purpose of this division for the town to adopt, by ordinance, guidelines and limits with regard to the harboring of cats within the town in order to improve the quality of life in the town, to reduce conditions that adversely affect the public health, safety and general welfare of the town and its inhabitants and to generally promote public health, safety, and welfare of the town.

§ 126-53 **Number of cats; limitation.**

It shall be unlawful for any person to own, keep or harbor more than three cats within or about their dwelling or place of abode. Cats kept on any tract of land devoted to commercial agricultural use or property larger than three (3) acres are exempt from the requirements of this section. A grandfather clause is added for any persons having three or more cats prior to the adoption of the ordinance from which this division is derived. If, for any reason, the ACO is called to the premises, all paperwork ~~and license~~ must be given for each cat, so proof of the ownership be known prior to the adoption of the ordinance from which this division is derived. ~~Only one litter of offspring may be kept on the premises until the age of four months.~~

§ 126-54 **Impoundment of excess cats.**

If an owner keeps or harbors more than three cats within or about their dwelling or place of abode, then said cats shall be impounded by any police officer, Animal Control Warden, or any other authorized person for a period, not exceeding five days, during which period such cat may be returned to the owner upon proof that said owner has reduced the number of cats within or about their dwelling or place of abode to a number in accordance with this division. At the expiration of a five-day impoundment, if the owner has not reduced the number in accordance with the limits set forth in this division so as to allow the return of the cats in the

town's possession, then said cats shall be held for a 30-day period from the time of the town's possession to allow time for adoption or fostering, unless otherwise medically proven sick or feral. This pertains to all cats. Each cat adopted from said shelter or organization shall have all paperwork ~~on the foster care person's premises~~ stating that each cat has been altered/feline, tested negative for leukemia and up to date on all shots. ~~Also, that each foster parent has papers of permission on the premises from the shelter or organization from where the cats belong, stating that they are solely responsible for said cats while in their care. All foster homes must be registered with the town animal control office.~~ At the expiration of the five-day impoundment and the 30-day foster/adoption period, if the owner has not reduced the number in accordance with the limits set forth in this division so as to allow the return of the cats in the town's possession, or, in the alternative, said cats have not been adopted ~~or fostered~~ as provided herein, then said cats can be disposed of at the discretion of the animal control officer in the same manner as provided by the article for dogs.

§ 126-55 Reclamation.

Any cat impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Warden or Animal Control Officer on duty the sum of \$50.00 and the additional sum of \$5.00 for each full day such animal has been kept in the animal shelter. Impoundment fees set forth and such additional sums as herein provided for keeping animals shall be collected by the Animal Control Warden or Animal Control Officer on duty and turned over to the Town of North Providence Finance Department.

§ 126-56 Enforcement.

The animal control officer and/or police department shall be responsible for the enforcement of this article.

Article IX Smithfield Dog Park

§ 126-57 Establishment of park.

There is hereby established within the Town of Smithfield a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an attendant who is competent and knowledgeable relative to the behavior of said dog(s).

§ 126-58. Committee established.

There is hereby established a Smithfield Dog Park Committee with the powers set forth in this chapter.

§ 126-59. Membership.

The Smithfield Dog Park Committee shall consist of three (3) members, appointed by the Town Council from among the qualified voters of the Town, each to serve a term of three years, with the terms so arranged that the term of at least one of the members shall expire each year. In the event of a vacancy on the Committee, the Town Council shall make an interim appointment for the remainder of the unexpired term. Members of the Committee shall represent the dog community in the Town of Smithfield.

§ 126-60. Organization.

The Committee shall organize annually and, by election, shall select from its membership a Chair and Vice-Chair and may adopt any rules of procedure deemed necessary in discharging its duties.

§ 126-61. Quorum.

Two members of the Board shall constitute a quorum.

§ 126-62. Duties and purposes.

The general duties and purposes of the Smithfield Dog Park Committee are as follows:

- A. Volunteer and recruit additional volunteers to help maintain the condition of the park to ensure cleanliness, health and safety.

- B. Recommend to the Town Council necessary rules and regulations for the dog park.
- C. Promote education on dog safety.
- D. Plan special events.
- E. Develop fundraising strategies and solicit donations to fund improvements to the park.

§ 126-63. Advisory nature of Committee.

The Committee shall be advisory in nature and shall not replace or duplicate the duties of the Town Council. The Committee may seek municipal assistance through the Town Manager.

§ 126-64 Park operations.

- A. The Town of Smithfield Animal Control under the direction of the Police Department shall have authority to control the dog park and to make reasonable rules for its operation that are consistent with this article. The dog park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather.
- B. Dog park rules:
 - (1) Owners/attendants must obey all posted park rules. Anyone to be found in violation is subject to removal and may be subject to fines.
 - (2) The dog park is open from sunrise to sunset. Use is prohibited after 9:00 p.m. Owners/attendants must obey posted park hours.
 - (3) Owners/attendants must be registered and obtain a membership card from the Town Clerk's Office.
 - (4) Owners/attendants must be 16 years of age to enter the park.
 - (5) Children under the age of 16 must be accompanied by an adult and be closely supervised.
 - (6) No more than two dogs per owner/attendant shall be allowed in the park.
 - (7) Owners/attendants must ensure all dogs are current on all required vaccinations.
 - (8) All dogs must be free of diseases, parasite free, and have no visible wounds or injuries.
 - (9) Owners/attendants enter the park at their own risk and are legally and financially responsible for any damage caused by their dogs to another person, dog or park property.
 - (10) Owners/attendants must have visual and voice control of their dogs and control excessive barking at all times.
 - (11) Owners/attendants must clean up after their dogs.
 - (12) Dogs with a known history of dangerous/aggressive behavior are prohibited.
 - (13) Dogs must wear collars or harnesses at all times.
 - (14) Food of any kind, toys, and glass containers are not permitted inside the park.
 - (15) Smoking and the consumption of alcohol are prohibited inside the park.
 - (16) Dogs under four months of age are prohibited.
 - (17) Dogs must be spayed or neutered.
 - (18) Leaving dogs unattended is prohibited.
 - (19) Owners/attendants must carry a leash for each dog at all times and must attach the leash to the dog(s) when outside of the park.
 - (20) Aggressive owners/attendants and dogs will be asked to leave the park and may be prohibited from future use.
 - (21) Owners/attendants must report all bites to the Smithfield Animal Control Officer immediately by

calling 233-1055. Dogs who bite will be removed and the owner/attendant shall be subject to fines.

- (22) The use of bicycles, rollerblades/skates, skateboards and similar equipment is prohibited.
- (23) Motorized vehicles and devices, except for wheelchairs for the disabled, are prohibited.
- (24) Professional dog trainers are prohibited from using the park for the operation of their business.
- (25) Camera surveillance is in use. If any known violations of park rules is witnessed, please immediately report to the Smithfield Police Department by calling 231-2500.

§ 126-65 Responsibilities of dog park users.

- A. Each attendant using the park is responsible for reading the rules of the dog park on first entering it.
- B. The attendants must ensure that their dogs are legally licensed and are current on all vaccinations, to include: rabies, distemper/parvovirus, and Bordetella (kennel cough), and that their dogs are spayed or neutered. Proof of current licensing, vaccinations, and spaying/neutering must be presented at registration, in order to be issued a membership card to access the park. Registration sites, dates and times are subject to the discretion of the Police Department and Animal Control and may take place at annual rabies clinics and/or additional times throughout the year. Attendants are required to register and sign a liability waiver to utilize the park each year, at which time their membership cards will be issued for their dog(s). Said membership cards will expire within one year. Requirements can be checked periodically by the Smithfield Police Department and Animal Control, who may establish rules relative to the periodic renewal of membership cards.
- C. An annual membership registration is required by all attendant for use of the dog park. A membership card will be generated electronically at the time of registration and should be available when using the park. Non-Smithfield residents will be charged \$25 per household annually at the time of registration or renewal. Said fee will be deposited into the Town of Smithfield dog park fund or an alternative fund utilized specifically for annual costs of maintenance, supplies, and other costs associated with the dog park.
- D. All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries. Requirements can be checked periodically by the Smithfield Police Department and Animal Control, who may establish rules relative to the periodic renewal of membership cards.
- E. No more than two dogs per attendant shall be allowed in the dog park.
- F. The attendant of the dog(s) shall remain inside the enclosed dog park and have visual and voice control of their dog(s) at all times. Dogs shall not be left unattended at or inside the facility.
- G. All dogs must be wearing a collar or a harness.
- H. The attendant of any dog(s) using the facility must have in their possession a leash that must be attached to said dog(s) when outside the facility area.
- I. The attendant must also have in their possession at all times while inside the park the membership card issued by the Town of Smithfield.
- J. The attendant shall control excessive barking.
- K. Food, toys, and glass containers are not permitted in the dog park. Smoking is prohibited in the dog park.
- L. The attendant is responsible for destruction caused by their dog, which includes the responsibility of filling in any holes the dog digs while in the park.
- M. The attendant must remove their dog(s) when they become engaged in excessive barking or are fighting with other dogs.
- N. The attendants of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated

receptacles.

§ 126-66 Regulations regarding minor children.

While inside the facility, children under the age of sixteen (16) shall be accompanied by an adult attendant who shall be responsible for the child's proper behavior and safety. Such children are not permitted to excite or antagonize any dogs using the facility by any means, including, but not limited to, shouting, screaming, waving their arms, throwing objects, or running at or chasing dogs.

§ 126-67 Prohibited actions.

To ensure the safety of the dogs and attendants, the following shall not be permitted at or within the dog park facilities:

- A. Animals that are not dogs.
- B. Dogs under the age of four months.
- C. Any sexually intact dog, male or female. (All dogs must be spayed or neutered and supply proof upon registration.
- D. Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans.
- E. The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment.
- F. Motorized vehicles and devices, except for wheelchairs for the disabled.
- G. Glass bottles and similar breakable containers.
- H. Alcoholic beverages.
- I. Smoking or vaping.
- J. Food of any type, including dog biscuits/treats.
- K. Professional dog trainers may not use the facility in conjunction with the operation of their business.

§ 126-68 Liability.

- A. All individuals who utilize the dog park shall comply with all rules and regulations governing the use of the facility.
- B. The owners and/or attendants are responsible for and liable for all injuries and damages caused by their dog(s).
- C. The use of the dog park shall constitute the implied consent of the dog owner and/or attendant to abide by all of the rules and regulations of this article and shall constitute a waiver of liability to the Town of Smithfield for any and all violations of any provisions of this article. All individuals utilizing the dog park agree and undertake to protect, indemnify, defend, and hold the Town of Smithfield harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is (are) unleashed at the facility or for the violation of any of the provisions of this article.

§ 126-69 Dangerous dogs.

Any owner or handler of a dog that has been designated as dangerous, or which he or she has reason to know is dangerous, shall not bring such a dog into a dog park or off-leash area. Violation of this provision shall be cause for termination of any privileges associated with the use of the facility and shall be subject to a fine of \$100.00. This provision shall not negate any other penalties that may apply for harboring a dangerous dog.

§ 126-70 Dog bites.

A dog bite occurring in a dog park or off-leash area shall be reported to the local police or Animal Control Officer by anyone involved or anyone witnessing such event, or by a physician or veterinarian or other health service provider treating the victim of a bite. A set of rules governing the operation of the facility shall be posted at the entrance to the dog park and shall include the phone number of the Smithfield Animal Control

Division and Smithfield Police Department. Each dog bite occurring at the facility shall be reported to Smithfield Animal Control, and the owner shall be subject to the following: for a first violation, a fine of \$50.00; for a second or subsequent violations, a fine of \$100.00. Said fines will be deposited into the Animal Control Fines and Fees Fund. The Smithfield Police Department and Smithfield Animal Control Officers shall be authorized to enforce the provisions of this article.

§ 126-71 Dog parks and off-leash areas: general provisions.

- A. The Town of Smithfield may establish and maintain parkland to be designated for off-leash dog areas and dog parks.
- B. No person shall use a dog park for any commercial purpose. Professional dog walkers, whose business is to walk dogs for private individuals, may bring no more than two registered dogs at any one time. Violation of this restriction shall be subject to a fine of \$50.00 per incident.
- C. The Town of Smithfield may designate hours for the use of the dog park, which shall preclude use of the park after 9:00 p.m. and before 7:00 a.m., ~~or during hours of daylight~~. The Town of Smithfield may specify times when the park will be closed so that the park can be cleaned and the park authority may mow the lawn and take care of any plants or facilities inside of a dog park or off-leash area.
- D. The Town of Smithfield may close the park for an extended time if necessary for repairs and maintenance and other necessary modifications. Notice of such closure shall be posted at the entrance of the dog park or off-leash area at least one week before the first day of such closure and shall state the reason and expected duration of the closure.
- E. The Town of Smithfield shall provide or assure the installation of appropriate fencing, with a double-gated entrance area for each section of the dog park. Dog parks may be divided into large- and small-dog sections, with the difference between the sections determined by the weight of the dog, such weight to be 25, 30, or 35 pounds. Dog park rules may specify that individuals with both small and large dogs must use the large-dog area if one of the dogs fits in the large-dog category.
- F. The Town of Smithfield must post a notice stating that all handlers using a dog park or off-leash area do so at their own risk, and that the Town of Smithfield shall not be liable for any injury or damage caused at the dog park. This provision does not preclude a handler from seeking damages from another user of the park under either statutory or common law.

§ 126-72 Dog park site guidelines and specifications.

- A. Dog parks in the Town of Smithfield shall be no less than 5,000 square feet in area, though off-leash areas can be of any size satisfactory to the needs of the area. Parks of less space can be considered on prior approval of the Town.
- B. A dog park shall be located on well-drained land to prevent soil erosion and shall sit at least 50 feet from surface waters that drain into any river or creek; the surface shall allow for drainage away from the site in a manner that mitigates waste management issues. Where possible, under-utilized areas should be considered.
- C. A dog park may be located near a water supply line for drinking fountains (dog and human) and for maintenance purposes.
- D. The Smithfield Dog Park Committee and Town Council will adopt and post rules for the Dog Park or off-leash area in type large enough to be easily read by those entering the park.
- E. A dog park must be ADA compliant and meet all design standards as well as laws required by ADA regulations.

§ 126-73 Enforcement and safety/security.

- A. A person found to be in violation of this article and/or the dog park rules is subject to removal from the facility and may be prohibited from future use of the dog park.

- B. A person who violates any provision of this article or the dog park rules shall, for a first violation, be subject to a fine of \$50.00. A person who violates any provision of this article or dog park rules shall, for second or subsequent violations, be subject to a fine of \$100.00 and shall authorize the Smithfield Police Department and Animal Control the ability to immediately seize their membership card and call for immediate removal as well as all privileges associated with any future use of the dog park. Said fines will be deposited into the Animal Control Fines and Fees Fund.
- C. Any act of aggression by a dog(s), including dog bites inflicted on another dog or a human(s), shall authorize the Smithfield Police Department and Animal Control the ability to immediately seize the membership card and call for immediate removal as well as all privileges associated with any future use of the dog park.
- D. The attendant must have in their possession at all times while inside the park the membership card issued by the Town of Smithfield. The membership card shall be displayed in such a manner that it is plainly visible on the attendant's outer clothing.
- E. The Dog Park Committee and designated dog park monitors shall be empowered to contact the police and the animal control authority to enforce dangerous and vicious dog rules and to arrange for the removal of abandoned dogs and dogs that should be impounded to determine the possibility of disease.
- F. The Smithfield Police Department and Smithfield Animal Control Officers shall be authorized to enforce the provisions of this article. Law enforcement authorities and the local animal control authority may enforce all state and municipal laws under their jurisdictions that apply to dog parks, which shall include the authority to remove and impound dangerous dogs, restrain and impound dogs biting individuals or other dogs for rabies inspections, arrest individuals for violations occurring in dog parks, and all other aspects of their authority that may be exercised in the area of the dog park.

Article X Retail Sales of Dogs and Cats

§ 126-74 General provisions.

- A. Definitions.
 - (1) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

COMMERCIAL ESTABLISHMENT

Any for-profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats.

NONPROFIT RESCUE ORGANIZATION

Any Rhode Island nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501(c)(3) whose mission and practice is, in whole and significant part, the rescue and placement of dogs or cats; or any nonprofit organization that is not exempt from taxation under Internal Revenue Code Section 501(c)(3) but is currently an active rescue partner with a Town shelter or humane society, whose mission is, in whole and significant part, the rescue and placement of dogs or cats.

- (2) The definitions set forth in Rhode Island General Law § 4-19-2 and § 4-25-1, as may be amended from time to time, are hereby incorporated, adopted and specifically included in this definitions section as if set forth in full at all times.
- B. It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat in any pet store, retail business or other commercial establishment

located in the Town of Smithfield.

- (1) Persons qualifying as a hobby breeder under Rhode Island General Law § 4-19-2(17) and considered exempt as a seller under § 4-25-1(4) shall be exempt from the provisions of this article.
- C. Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other commercial establishment located in the Town from providing space and appropriate care for animals owned by a Town animal shelter or animal control agency, humane society, or nonprofit rescue organization and maintain those animals at the pet store retail business or other commercial establishment for the purpose of public adoption.

§ 126-75 Violations and penalties.

Any person, firm, or corporation who or that violates any provision herein is subject upon conviction, plea of guilty, or plea of nolo contendere to a fine of \$500.00 for the first offense and not to exceed \$1,000.00 for the second and subsequent offense and loss of animal(s) and revocation of license and/or certificate after a public hearing. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense. See <http://webserver.rilin.state.ri.us/Statutes/TITLE4/4-19/4-19-11.3.HTM>. Violations of this article will be adjudicated in the Smithfield Municipal Court.

§ 126-76 Enforcement.

The provisions of this article shall be enforced by the Animal Control Warden or any police officer of the Town of Smithfield.

Section 2. This ordinance will take effect thirty days after its adoption.