

## Chapter 4

### ANIMALS AND FOWL\*

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\* **Cross References:** Animal control fines and fees, § 18-1; housing code requirements regarding rodent control, § 26-411 et seq.; permit required for horses going on playgrounds or public property, § 40-20; violations of animal regulations, § 42-13; horses prohibited in public recreation facilities during certain months, § 58-12.

**State Law References:** Animals generally, G.L. 1956, § 4-1-1 et seq.; regulatory dog ordinances, G.L. 1956, § 4-13-1; registration and licensing of dogs, G.L. 1956, § 4-13-4 et seq.

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### ARTICLE I.

### IN GENERAL

#### Sec. 4-1. Definitions.

As used in this chapter, the following terms shall have the meanings designated in this section:

*Animal control officer* means the person or persons employed by the city as its enforcement officer, and shall include any police officer of the city.

*At large*. Any dog shall be deemed to be at large when he/she is off the property of his/her owner and not under control of a competent person.

*City public pound* means any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

*Exposed to rabies*. A dog has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

*Kennel* means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

*Owner* means any person owning, keeping or harboring a dog or dogs.

*Restraint*. A dog is under restraint within the meaning of this chapter when it is:

- (1) Leashed;
- (2) Within a motor vehicle; or

(3) Within a suitable enclosure.

*Spayed female* means any bitch which has been operated upon to prevent conception.

(Code 1971, § 3-1)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 4-2. Exemptions from chapter.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where expressly stated.

(Code 1971, § 3-2)

#### **Sec. 4-3. Enforcement.**

The provisions of this chapter shall be enforced by the animal control officer of the city and any police officer of the city.

(Code 1971, § 3-3)

#### **Sec. 4-4. Filing complaints.**

All complaints made under the provisions of this chapter shall be made to the animal control officer and may be made orally; provided, however, that such complaint is made within 48 hours, reduced to writing on forms provided by the animal control officer, and shall be signed by the complainant showing his/her address and telephone number, if any.

(Code 1971, § 3-4)

#### **Sec. 4-5. Authority to enter premises and take up animals.**

In the discharge of the duties imposed by this chapter, the animal control officer or any police officer of this city shall have the authority at all reasonable times to enter upon any premises (but such authority shall 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 chapter. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from such premises.

(Code 1971, § 3-5)

#### **Sec. 4-6. Interference with or attempting to remove animal from animal control officer or police officer.**

No person shall interfere with, hinder or molest the animal control officer or any police officer of this city in the performance of his/her duties, or seek to release any animal in the custody of the animal control officer or any police officer, except as herein provided.

(Code 1971, § 3-6)

#### **Sec. 4-7. Records to be kept by animal control officer.**

(a) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his/her custody.

(b) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him/her and his/her investigation of the same.

(c) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and which shall be audited by the city annually in the same manner as other city records are audited.

(Code 1971, § 3-7)

#### **Sec. 4-8. Restraint of dogs required at all times.**

The owner shall keep his/her 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 under the control of a competent person.

(Code 1971, § 3-8)

#### **Sec. 4-9. Dogs prohibited on school property and city athletic fields; removal of waste deposited by dogs.**

(a) *[Dogs prohibited in schoolyards and athletic fields.]* No dogs are allowed in schoolyards or on school property whether at large or under restraint, except so-called Seeing Eye dogs; further, for reasons of public health and safety, dogs shall not be permitted on city athletic fields.

(b) *Duties to dispose.* It shall be the duty of each person who owns, possesses or controls a dog to immediately remove and then dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to immediately remove and then dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

(c) *Duty to possess means of removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

(d) *Method of removal and disposal.* For the purpose of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, or to a place specifically reserved for the disposal of canine feces.

(e) *Exemption.* This regulation shall not apply to a licensed dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirement of this section.

(f) *[Violation.]* Any violation of this section shall be punishable by a fine of \$50.00, which fine shall be paid directly to the city's municipal court as provided in section 42-13.

(Code 1971, § 3-9; Ord. No. O-95-5, 4-10-95; Ord. No. O-04-21, § I, 8-3-04)

**Sec. 4-10. Dogs prohibited in stores and eating places; exception.**

No dogs are allowed in any stores or eating places within the city, whether at large or under restraint, except those assistive animals specifically trained by a certified training program to assist a person with a disability to perform independent living tasks.

(Code 1971, § 3-10)

**Sec. 4-11. Maximum number of dogs and cats permitted per residence; exception.**

(a) No owner, lessee or occupant shall keep or permit to be kept more than three dogs over 12 weeks in age in any dwelling premises.

(b) No owner, lessee or occupant shall keep or permit to be kept more than three cats over 12 weeks in age in any dwelling premises.

(c) An owner, lessee or occupant shall not be in violation of subsection (a) or (b) of this section if a permit to keep a greater number has been granted by the board of public safety, which board shall grant such permission only after hearing, with notice to owners of property abutting the premises, and only if, after a report from the animal control officer and such other information as the permit applicant and abutters wish to present, the board shall determine that the number requested will not constitute a health hazard or nuisance.

(d) Upon being apprised of a violation of either subsection (a) or (b) of this section, the animal control officer shall send written notice of the violation by registered mail to the owner, lessee or occupant informing such person of the right to apply by letter through the animal control officer to the board of public safety for a permit. If more than 14 days have passed after the notice has been sent and no application for a permit has been received by the animal control officer and the owner, lessee or occupant continues to own, lease or occupy property in violation of subsection (a) or subsection (b) of this section, then prosecution for violation of this section may be commenced in the city municipal court.

(e) Any person found in violation of either subsection (a) or subsection (b) of this section shall be punished by a fine as provided in section 18-1, per day. Any person who, having obtained a permit in accordance with subsection (c) of this section, violates the terms of that permit, shall be punished by a fine as provided in section 18-1, per day.

(Code 1971, § 3-11)

**Sec. 4-12. Confinement of dangerous dogs and female animals in heat; impoundment; reclamation.**

(a) The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(b) Every female dog or other animal in heat 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 the foregoing subsections of this section, found at large, shall be

impounded by the animal control officer and may not be reclaimed by the owner, unless such reclamation be authorized by any court having jurisdiction.

(d) Any dog or other animal may, the first time it is impounded for being a public nuisance, be reclaimed as provided in this chapter, but may not be reclaimed when so impounded on second or subsequent occasions unless such reclamation is authorized by a court having jurisdiction in the matter.

(e) When, in the judgment of the animal control officer or any police officer in this city, an animal should be destroyed for humane reasons, such animal may not be reclaimed.  
(Code 1971, § 3-12)

#### **Sec. 4-13. Keeping wild animals; destruction of escaped wild animals.**

No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the animal control officer; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the animal control officer. Any wild animal which escapes and is found at large may be destroyed by the animal control officer or any police officer of this city.  
(Code 1971, § 3-13)

#### **Sec. 4-14. Noisy animals; animals destroying property; nuisance animals generally.**

(a) The keeping or harboring of any dog or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any person or neighborhood, is unlawful, and is hereby declared to be a public nuisance.

(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, and the same is hereby declared to be a nuisance, and any such animal may be impounded by the animal control officer. Whenever it shall be affirmed in writing by one or more persons having separate residences, or regularly employed in the neighborhood, that any animal is an habitual nuisance by reason of trespassing, howling, barking, or other noise, or damage to property, or by reason of being vicious or by its actions potentially vicious, or in any other manner causing undue annoyance, the animal control officer, if he/she finds such nuisance to exist, shall serve notice upon the owner or custodian that such nuisance must be abated.  
(Code 1971, § 3-14)

**Cross References:** Noise, § 40-13.

#### **Sec. 4-15. Burial of dead animals.**

It shall be unlawful for any person to bury or cause to be buried the body of any horse, ox, mule, cow, bull, sheep, dog or other large animal within the city limits, unless every part and portion of such body shall be at least three feet below the natural surface of the ground where the same is buried and such burial is done in conformity with the requirements of the state veterinarian.  
(Code 1971, § 3-15)

#### **Sec. 4-16. Disposal of dead animal or animal substance in pond, well or other source of water.**

It shall be unlawful for any person to throw, deposit, put or place in any pond, river, stream or other collection of water in the city, any dead animal or creature of any kind whatsoever or any animal substance, or to deposit the same in any well, pool, cistern or spring of water used by any person or family for household purposes or otherwise.

(Code 1971, § 3-16)

**Sec. 4-17. Penalty.**

Except as otherwise provided herein, any person convicted of violating any provision of this chapter may be punished by the payment of a fine as provided in G.L. 1956, § 4-13-1, to be recovered for the use of the city. Each day's violation may constitute a separate offense.

(Code 1971, § 3-17; Ord. No. O-98-37, § I, 10-19-98)

**Sec. 4-18. Destruction of animals.**

Destruction of animals in a gas chamber is prohibited. All animals which are euthanized within the city shall be done so by lethal injection.

(Ord. No. O-01-20, § I, 10-10-01)

**Secs. 4-19--4-40. Reserved.**

**ARTICLE II.**

**IMPOUNDMENT**

**Sec. 4-41. Disposition of animals other than dogs found at large.**

Any animal, other than a dog, found running at large within the city 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 city.

(Code 1971, § 3-28)

**Sec. 4-42. Impoundment of dogs at large.**

Any dog found running at large shall be taken up by the animal control officer, and impounded in the shelter designated as the city public pound.

(Code 1971, § 3-29)

**Sec. 4-43. Citation in lieu of impoundment.**

When dogs are found running at large, and their ownership is known to the animal control officer, such dogs need not be impounded, but such officer may cite the owners of such dogs to appear in court to answer to charges of violation of this article.

(Code 1971, § 3-30)

**Sec. 4-44. Notice of impoundment.**

Immediately upon impounding any dog, the animal control officer shall make every possible reasonable effort to notify the owners of such dog so impounded, and inform such owner of the conditions whereby the owner may regain custody of such dog.

(Code 1971, § 3-31)

**Sec. 4-45. Impoundment period.**

Dogs impounded pursuant to this article in the animal pound may be confined in a humane manner for a period of not less than seven days.

(Code 1971, § 3-32)

**Sec. 4-46. Redemption of impounded animals; payment of fee.**

The owner of any impounded dog or animal shall be entitled to regain possession of such beast, except as otherwise provided, upon the payment of an impoundment fee as established by the board of public safety and as provided in chapter 18. Said fee shall be in addition to any pecuniary penalty for violation of this chapter and/or state law.

(Code 1971, § 3-33)

**Sec. 4-47. Establishment of fees.**

The board of public safety is hereby authorized and empowered to establish a fee for each day an animal is kept after the day of impoundment. The board shall establish the charge based upon the reasonable cost of keeping such animals per day, and the charge may be adjusted from time to time to reflect any change in the reasonable cost of keeping such animals per day.

(Code 1971, § 3-34)

**Sec. 4-48. Disposition of unclaimed animals.**

Any dog or other animal impounded under the provisions of this article and not reclaimed by its owner within seven days may be humanely disposed of or destroyed by the animal control officer, have its title transferred to the Society for the Prevention of Cruelty to Animals after the legal detention period has run and if such dog has not been claimed by the owner, or may be 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 chapter and such other regulations as shall be fixed by the city. However, 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.

(Code 1971, § 3-35)

**Sec. 4-49. Destruction of animals by the animal control officer.**

Destruction of animals by the animal control officer in a gas chamber is prohibited. All animals which are euthanized by the animal control officer shall be done by lethal injection.

(Ord. No. O-00-13, § I, 4-11-00)

**Secs. 4-50--4-70. Reserved.**

**ARTICLE III.**  
**RABIES CONTROL\***

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\* **State Law References:** Rabies examination, G.L. 1956, § 4-13-26.

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**Sec. 4-71. Exemption from article.**

The licensing and vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the city, which dog is kept within the city for not longer than 30 days. However, all such dogs shall at all times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owner.

(Code 1971, § 3-46)

**Sec. 4-72. Owning or harboring unvaccinated dog.**

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

(Code 1971, § 3-47)

**Sec. 4-73. Vaccination required for dogs over six months of age.**

No dog over six months old shall be permitted within the city limits unless such dog shall have been vaccinated or immunized in the manner set forth in this article within a period of 12 months, if such dog shall have been vaccinated or immunized with the one-year vaccine, or within a period of 36 months, if such dog shall have been vaccinated or immunized by the three-year vaccine.

(Code 1971, § 3-48)

**Sec. 4-74. Use of approved vaccine; certification of vaccination.**

The vaccination or immunization referred to in section 4-73 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 the 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 state veterinarian or the veterinarian administering the same.

(Code 1971, § 3-49)

**Sec. 4-75. Vaccination certificate prerequisite to issuance of dog license; public vaccination clinics.**

No license shall be issued for any dog required to be licensed in the city unless the person making application therefor shall first present to the police department or other person duly authorized to issue such license a current certificate of vaccination or inoculation, as provided in this article, for the dog for which such 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. Public clinics providing inoculations at a nominal charge shall be made available twice a year by the board of public safety.  
(Code 1971, § 3-50)

**Sec. 4-76. Impounding of unvaccinated dogs.**

(a) Any dog over six months old found within the limits of the city 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 city or other authorized person for a period not exceeding 15 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 this chapter.

(b) At the expiration of the 15-day period above mentioned, any dog not so claimed by its owner may be disposed of in accordance with this chapter.  
(Code 1971, § 3-51)

**Sec. 4-77. Responsibility of veterinarians to report rabies suspects.**

It shall be the duty of every licensed veterinarian to report to the animal control officer any animal considered by him/her to be a rabies suspect.  
(Code 1971, § 3-52)

**Sec. 4-78. Reports of bite cases.**

It shall be the duty of every physician or other medical practitioner to report to the animal control officer at the police department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.  
(Code 1971, § 3-53)

**Sec. 4-79. Disposition of biting animals and rabies suspects.**

(a) Every animal which bites a person shall be promptly reported to the animal control officer, and shall thereupon be securely quarantined at the direction of the animal control officer for a period of 14 days, and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at the shelter designated as the city public pound, or, at the owner's option and expense, in a veterinary hospital of his/her choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated by the animal control officer.

(b) The 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, upon payment of the fees set forth in this chapter.

(c) If an animal bites a person and such animal has not been properly vaccinated, such animal shall be quarantined at the city public pound. Prior to its return to the owner, the animal shall be properly inoculated

at the direction of the officer in charge of the shelter and the costs of such inoculation shall be borne by the owner of the animal in addition to the cost of the quarantine.  
(Code 1971, § 3-54)

**Sec. 4-80. Handling of dogs bitten by known rabid animal.**

Dogs bitten by a known rabid animal shall be immediately destroyed, or, if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel for six months shall be enforced. If the dog has been previously vaccinated, within time limits established by the state veterinarian based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for 30 days shall be carried out.  
(Code 1971, § 3-55)

**Sec. 4-81. Testing of head of dead suspected rabid animal; procedure upon positive diagnosis; general quarantine and immunization.**

(a) When rabies has been diagnosed in an animal under quarantine or rabies is suspected by a licensed veterinarian, and the animal dies while under such observation, the animal control officer shall immediately send the head of such animal to the state health department for the pathological examination, and shall notify the state veterinarian of reports of human contacts and the diagnosis.

(b) When one or both reports indicate a positive diagnosis of rabies, the animal control officer shall recommend an areawide 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 city without written permission of the animal control officer.

(c) During this quarantine period and as long afterward as he/she decides it is necessary to prevent the spread of rabies, the state veterinarian shall require all dogs, three months of age and older, to be vaccinated against rabies with a canine rabies vaccine approved by the Geologics Control Section of the U.S. Department of Agriculture. The types of approved canine antirabies vaccine to be used and the recognized duration of immunity for each shall be established by the state veterinarian. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for 30 days after vaccination. During the quarantine period, the state veterinarian 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 city.

(d) No dog 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, except by special authorization of the state veterinarian and the animal control officer.

(e) 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.  
(Code 1971, § 3-56)

**Sec. 4-82. Surrender of animal for quarantine or destruction.**

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 officer.  
(Code 1971, § 3-57)

**Sec. 4-83. Animal control officer to dispose of rabid animals.**

The animal control officer shall direct the disposition of any animal found to be infected with rabies.  
(Code 1971, § 3-58)

**Sec. 4-84. Surrender of carcass of dead rabid animal.**

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.  
(Code 1971, § 3-59)

**Sec. 4-85. Killing or removal from city of rabid animal, suspected rabid animal, or animal biting human.**

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, or remove any such animal from the city limits without written permission from the animal control officer.  
(Code 1971, § 3-60)

**Secs. 4-86--4-110. Reserved.**

**ARTICLE IV.**

**ANIMAL CARE; SPAYING AND NEUTERING OF DOGS AND CATS**

**Sec. 4-111. Purpose.**

The purpose of this article is to:

- (1) Protect the owners of dogs and cats from the sale or use of stolen pets;
- (2) Ensure that all warmblooded vertebrate animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use;
- (3) Ensure that animals confined in pet shops, kennels, animal shelters, auction markets and pounds are provided humane care and treatment;
- (4) Release for sale, trade or adoption only those animals which appear to be free of infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is assured; and
- (5) Ensure the spaying and neutering of dogs and cats which are adopted from the releasing agency.

(Ord. No. O-94-10, § 1(3-61.1), 5-9-94)

**Sec. 4-112. Definitions.**

As used in this article and the regulations promulgated thereunder, the following terms shall have the meanings designated in this section:

*Adequate feed* means the provision at suitable intervals, not to exceed 24 hours, of 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 water* means a constant access to a supply of clean, fresh potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

*Adopt* means the voluntary acquisition of and assumption of responsibility for a dog or a cat from a releasing agency.

*Adopting party* means any person who enters into a contract acquiring a dog or cat from a releasing agency.

*Ambient temperature* means the temperature surrounding the animal.

*Animal* means any dog, cat, rabbit, rodent, nonhuman primate, bird or other warmblooded vertebrate, but shall not include horses, cattle, sheep, goats, swine and domestic fowl.

*Animal control officer* means any person employed, contracted or appointed by the state or any political subdivision thereof for the purpose of aiding in the enforcement of this article or any other 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, sheriff, constable or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any dog.

*Animal shelter* means a facility which is used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

*Breeder* means a person engaged in the propagation of purebred dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, the American Field Stud Book or a registered cat breed association.

*Dealer* means any person who sells, exchanges, donates or offers to sell, exchange or donate animals to another dealer, pet shop or research facility; or who breeds dogs and/or cats for the purpose of selling or donating to another dealer or pet shop, or research facility.

*Director* means the director of environmental management of the state.

*Euthanasia* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during that loss of consciousness.

*Hobby breeder* means those persons whose regular occupation is not the breeding and raising of dogs and cats and whose method of sale is at retail only.

*Housing facility* means any room, building or area used to contain a primary enclosure or enclosures.

*Kennel* means a place or establishment other than a pound or animal shelter where animals not owned by the proprietor are sheltered, fed and watered in return for a fee.

*Neuter* means to surgically render a male dog or cat unable to reproduce.

*Pet shop* means an establishment where animals are bought, sold, exchanged or offered for sale or exchange to the general public at retail. This shall not include an establishment or person whose total sales are the offspring of canine or feline females maintained on their premises and sold from those premises.

*Pound* and *dog pound* mean a facility operated by the state, or any political subdivision thereof, for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats and other animals; or a facility operated for that purpose under a contract with any municipal corporation or incorporated society for the prevention of cruelty to animals.

*Primary enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment or hutch.

*Public auction* means any place or location where dogs or cats are sold at auction to the highest bidder, regardless of whether those dogs or cats are offered as individuals, as a group or by weight.

*Releasing agency* means any animal shelter, animal rescue league, pound, dog pound, animal control facility, animal control officer, humane society, or society for the prevention of cruelty to animals.

*Research facility* means any place, laboratory or institution at which scientific tests, investigations or experiments involving the use of living animals are carried out, conducted or attempted.

*Sanitize* means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

*Sexual maturity* is achieved 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* means to surgically render a female dog or cat unable to reproduce.

*State veterinarian* means a licensed veterinarian from the department of environmental management. (Ord. No. O-94-10, § 1(3-61.2), 5-9-94)

**Cross References:** Definitions generally, § 1-2.

**Sec. 4-113. Spaying and neutering of dogs and cats adopted from releasing agency--Required; exemptions.**

(a) No releasing agency shall 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 releasing agency 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 cost 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 releasing agency's name, address, phone number and the dollar amount of the deposit remitted. In addition to executing the written agreement the adopting party must leave with the releasing agency a deposit as provided in section 18-1. The amount of the deposit shall be determined by the releasing agency. Said deposit will be refunded by the releasing agency to the adopting party upon presentation of a written statement or receipt from a licensed veterinarian of the adopting party's choice where the dog or cat was spayed or neutered providing that the spaying or neutering was performed within the 30-day period. Alternatively, the releasing agency 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) The following are exemptions from the provisions of subsection (a) of this section:

(1) A releasing agency returns a stray dog or cat to its owner.

(2) A releasing agency 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.

(3) A releasing agency receives a written report from a followup program to ensure that dogs and cats adopted from the releasing agency are spayed or neutered and 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 releasing agency 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.

The exemptions provided in subsections (b)(2) and (3) of this section shall only be applicable if the releasing agency receives said written report from a licensed veterinarian within the 30-day period during which the spaying or neutering would otherwise be required, or, in the case of a report contemplated by subsection (b)(2) of this section, said report may be provided to the releasing agency during any temporary extension period provided by subsection (b)(3) of this section if the health condition of the dog or cat has changed.

(c) If requested to do so, a releasing agency shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency 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.

(d) Any and all releasing agencies:

- (1) May enter into cooperative agreements with each other and with veterinarians in carrying out the provisions of this section; and
- (2) Shall make a good faith effort to cause an adopting party to comply with the provisions of this section.

(Ord. No. O-94-10, § 1(3-61.3), 5-9-94)

**Sec. 4-114. Same--Use of forfeited deposits.**

Deposits required by section 4-113 which are unclaimed after 60 days from the date of adoption or 60 days from when the dog or cat reaches sexual maturity, whichever is later, will be forfeited by the adopting party and retained by the releasing agency and shall be used for the following purposes:

- (1) A public education program to prevent overpopulation in dogs and cats;
- (2) A program to spay and neuter dogs and cats that are available for adoption by the releasing agency;
- (3) A followup program to ensure that dogs and cats adopted from the releasing agency are spayed or neutered; or
- (4) To defray additional costs incurred by the releasing agency in complying with section 4-113.

(Ord. No. O-94-10, § 1(3-61.4), 5-9-94)

**Sec. 4-115. Same--Violations; penalties; disposition of fines.**

(a) *Violations by adopting party.* Violations of the provisions of section 4-113 or the written agreement executed pursuant thereto by an adopting party shall be punishable as provided in section 18-1. 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 an animal control officer or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the releasing agency from which it was adopted, which releasing agency will be free to adopt out 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 releasing agency or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of sections 4-113 through 4-115 will be enforced against an adopting party by an animal control officer or a police officer for the city or town in which the adopting party resides.

(b) *Violations by releasing agency.* Violations of the provisions of section 4-113 or 4-114 by a releasing agency shall be punishable by a fine of \$100.00 for the first offense, \$250.00 for the second offense and \$500.00 for the third and subsequent offenses. The third and subsequent offenses may result in the temporary or permanent revocation of the releasing agency's license to operate. Compliance by the releasing agency with the provisions of sections 4-113 through 4-115 will be monitored as to the releasing agencies by the state veterinarian.

(c) *Disposition of fines.* All fines collected under subsection (a) of this section will be remitted to the town clerk or city clerk of the municipality where the adopting party of the dog or cat resides. Such fines shall be used by the municipality 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. All fines collected under subsection (b) of this section will be remitted to the general treasurer and placed in a separate fund within the general fund to be called the "animal health fund," which shall be administered by the general treasurer in the same manner as the general fund. All funds deposited in the animal health fund shall be made available to the state department of environmental management, division of agriculture, to defray any costs or expenses incurred by the state veterinarian in the enforcement of sections 4-113, 4-114 and 4-115.

(Ord. No. O-94-10, § 1(3-61.5), 5-9-94)

#### **Sec. 4-116. Findings, purpose and intent.**

- (a) The city council finds and determines that:
- (1) An unacceptable number of healthy but abandoned cats are euthanized annually in Rhode Island.
  - (2) 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.
  - (3) 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.
  - (4) A license system for breeding of cats owned or harbored in the City of Warwick 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 city 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 licenses are acquired.

(Ord. No. O-06-1, § I, 1-9-06)

#### **Sec. 4-117. Spaying/neutering.**

(a) No person shall own or harbor within the city any cat over the age of six months which has not been spayed or neutered, unless such person holds a license to keep an unaltered cat, or a license for breeding cats issued by the director of the animal shelter of the City of Warwick.

(b) A license to breed and sell shall be issued to an individual for an unaltered cat if the owner pays a fee of \$100.00 per cat per year with a signed application. All funds from breeding licenses shall be deposited

in the City of Warwick's Spay/Neuter Account to be managed by the Director of the Warwick Animal Shelter.

(c) Any person providing care or sustenance for a period of 30 days or longer shall be deemed the owner of such cat and shall adhere to the provision of this section.

(d) Subsection (c) above shall not be interpreted to apply to a person caring for a colony of feral cats if such person:

- (1) Regularly feeds or arranges for the feeding of the colony, including on weekends and holidays;
- (2) Traps or makes a reasonable effort to trap all feral cats over the age of eight weeks in his/her care, and has them spayed or neutered;
- (3) Has all trapped cats tested for feline leukemia and has those who test positive humanely euthanized or isolated indoors;
- (4) Identifies feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging; and

(5) Has all trapped cats vaccinated according to state and local laws.

(Ord. No. O-06-1, § II, 1-9-06)

**Sec. 4-118. Breeding licenses.**

(a) No person shall cause or allow any cat owned or harbored in the city to breed without first obtaining a breeding license under this section.

(b) The Director of the City of Warwick Animal Shelter shall administer a license program to allow breeding of cats consistent with criteria and according to procedures contained in the city ordinances.

(c) Each applicant who is issued a license to breed cats under this section shall pay a breeding license fee of \$100.00 per year per cat.

(d) No person shall cause or allow the breeding of a male or female cat without first obtaining a breeding license issued by the Director of the Warwick Animal Shelter. Breeding licenses shall be valid for 12 months, renewable on an annual basis. Fees for such licenses shall be as set forth. All breeding licenses 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) Any license holder advertising to the public the availability of any cat for adoption or sale must prominently display the license number in any publications in which they advertise. Further, the license number must be provided to any person adopting or purchasing any cat bred by the license holder.

- (3) The breeding license holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by Rhode Island state law.

(Ord. No. O-06-1, § III, 1-9-06)

#### **Sec. 4-119. Sale or adoption of cats.**

(a) Any person who provides or offers to the public, whether or not for compensation, any pet or pet related goods (where they are the primary products) or pet services shall provide to their clients, free of charge, information relating to pet care and ownership, including information on city laws pertaining to animal control. This required information will be prepared and provided by the person offering the pet or related goods.

(b) Any person offering cats for sale or adoption shall disclose to any purchaser or adoptive owner information regarding the licensing requirements of the City of Warwick applicable to such cats.

(c) No person shall offer for sale or adoption any cat on any public street, sidewalk, or public park unless such person first obtains a license to sell pets or is a recognized pet rescue/adoption.

(d) Any cat adopted from any animal welfare agency shall be spayed or neutered as early as is medically appropriate, but no later than six months of age, unless the adoptive owner obtains a certificate from a licensed veterinarian certifying as to the health reasons for failing to alter such animal, and the approximate date when the cat can be spayed or neutered.

(Ord. No. O-06-1, § IV, 1-9-06)

#### **Sec. 4-120. Revocation of license.**

(a) Any license issued may be revoked if the director of the animal shelter has reasonable cause to believe any of the following to be true:

- (1) The licensee has violated any state or local ordinances relating to the keeping, care or use of any animal.
- (2) The licensee is in violation on any state health or safety law or regulation regarding animal care or control;
- (3) The licensee has failed to comply with any condition or requirement of the license or has failed to pay any fee imposed under this article;
- (4) The licensee refuses to allow inspection, upon 48 hours written notice, of any cat covered by the permit;
- (5) The licensee has transferred, sold or otherwise disposed of the cat for which the permit was issued.

(b) If, after investigation, the director of the animal shelter 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 licensee. Said notice shall specify the grounds of possible revocation of the license

and shall specify a date and time for an informal hearing to be held before the director of the animal shelter. Said date shall not be less than five days subsequent to the date the notice is mailed. After the informal hearing, the director of the animal shelter may modify the terms of the license or revoke the license.

(Ord. No. O-06-1, § V, 1-9-06)

**Sec. 4-121. Penalty for violation.**

Any person who violates the provisions of this act shall have no more than 30 days to have their cat spayed or neutered. The director of the animal shelter 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.

(Ord. No. O-06-1, § VI, 1-9-06)

**Sec. 4-122. Responsibility for enforcement.**

The director of the animal shelter shall be responsible for the enforcement and administration of this ordinance, with the assistance of animal control.

(Ord. No. O-06-1, § VII, 1-9-06)

**Sec. 4-123. Transition.**

Persons harboring a cat subject to this article on the date it becomes effective shall have 120 days from such date to comply herewith.

(Ord. No. O-06-1, § VIII, 1-9-06)