

Chapter 4 - ANIMALS AND FOWL^[1]

Footnotes:

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Cross reference— 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 reference— 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.

ARTICLE II - IN GENERAL

Sec. 4-1. - Definitions.

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

Adequate feed means the provision at suitable intervals, not to exceed twenty-four (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 shelter means the provision of and access to shelter that is suitable for the species, age, condition, size, and type of each dog; provides sufficient space for the dog to maintain comfortable rest, normal posture, and range of movement; and is safe to protect each dog from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health. Shelters with wire grid or slat floors that permit the dog's feet to pass through the openings, sag under the dog's weight, or otherwise do not protect the dog's feet from injury, are not considered adequate shelter.

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 twenty-four (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 Division a division of the Warwick Police Department that has primary responsibility for the enforcement of laws and ordinances pertaining to animals and animal control.

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

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

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

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.

Commented [k1]: We have inserted mentions throughout this document, but please be advised that the DEM promulgated new regulations, effective 01/30/2020. 250-RICR-40-05-4.

Commented [AS2]: They also want included somehow the following:

Recommendation to General Assembly make the vicious dog panel have 5 members, 2 being members of the public

This can likely go separate along with the other recommendations we'd like forwarded to the General Assembly (i.e. fee changes)

Commented [k3]: Directly from R.I.G.L. § 4-19-2.

Commented [k4]: Directly from R.I.G.L. § 4-13-1.2(1).

Commented [k5]: Directly from R.I.G.L. § 4-19-2.

Commented [k6]: What constitutes a "releasing agency"? A shelter? A breeder? A pet store? A private party?

Commented [k7R6]:

Commented [AS8R6]: Use state

Commented [k9]: Does this apply to shelter or privately held animals, or both?

R.I.G.L. § 4-13-42(5) mentions ambient temperature in terms of tethering and refers to the Tufts Animal Care and Condition Weather Safety Scale.

250-RICR-40-05-4 Subsection 4.7(B) also lists temperature standards for animals. Not sure how specific the Commission wanted to be with this.

Commented [AS10R9]: Both

CityCity animal shelter means any premises designated by action of the cityCity for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

Commercial establishment means any for profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats, including grooming parlors, canine day care, and boarding facilities.

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.

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.

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.

Guardian shall mean a person(s) having the same rights and responsibilities of an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who possesses; has title to or an interest in; harbors or has control, custody, or possession of an animal and who is responsible for an animal's safety and well-being.

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, animal shelter, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee, any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

Neuter means to surgically render a male animal unable to reproduce.

Owner means any person owning, keeping or harboring an animal or animals ~~dog or dogs~~.

Pet shop/store 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.

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.

Rescue means any entity, with or without a physical brick and mortar facility, whose mission is, in whole or significant part, the rescue and placement of dogs, cats, or other domestic 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.

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

- (1) Leashed;
- (2) Within a motor vehicle in compliance with State law; or
- (3) Within a suitable enclosure.

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

Service animal means any animal classified as a service animal according to the Americans with Disabilities Act (ADA).

Commented [k11]: State Law is a bit more specific about what defines an owner. We would suggest using it as somewhat of a floor for drafting.

R.I.G.L. § 4-13-1.2(8)

“ ‘Owner or keeper’ means any person or agency keeping, harboring, or having charge or control of or responsibility for control of an animal or any person or agency that permits any dog, cat, ferret, or domestic animal to habitually be fed within that person’s yard or premises. This term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet shop, or animal shelter.”

Commented [AS12R11]: Use State definition

Commented [k13]: Is this clause meant to exclude breeders from being considered pet shops?

Commented [AS14R13]: Yes

Commented [k15]: State law also mentions “tethered.” But “tether” excludes leashes. Not sure if that’s something the Commission considered including.

Commented [AS16R15]: They want “tethered without the ability to leave the owner’s property” added as well

Sexual maturity is achieved when a female dog or cat reaches six (6) months of age and when a male dog or cat reaches eight (8) months of age; in all instances the releasing agency will determine the age of the dog or cat.

Spayed female means to surgically render a female animal unable to reproduce any bitch which has been operated upon to prevent conception.

State veterinarian means a licensed veterinarian from the department of environmental management.

(Code 1971, § 3-1)

Cross reference— Definitions generally, § 1-2.

Sec. 4-2. - Exemptions from chapter.

Hospitals, clinics, licensed animal shelters, or ~~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; general penalty; computation of violations; third and subsequent violations.

(a) The provisions of this chapter shall be enforced by the an animal control officer of the cityCity, except where expressly stated, and any police officer of the cityCity.

(b) For any violation of this chapter, where no specific penalty is provided therefor, the punishment shall be a fine of not less than \$50 and not more than \$500 and/or imprisonment not exceeding thirty (30) days.

(c) All violations under this chapter, unless otherwise specifically stated, are calculated per animal.

(d) For any third and subsequent violation of any provision of this chapter, any fine issued may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court.

(Code 1971, § 3-3)

Sec. 4-4. - Filing complaints.

(a) All complaints made under the provisions of this chapter shall be made to the an animal control officer and may be made orally; provided, however, that such complaint is made within forty-eight (48) hours to the extent required by § 4-13-20, reduced to writing on forms provided by the an animal control officer, and shall be signed by the complainant showing his/her address, date of birth, and telephone number, if any.

(b) 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 an animal control officer, including information given regarding animal ownership, shall be deemed guilty of obstructing or hindering an animal control officer and shall be punished by a fine of \$200, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court.

(Code 1971, § 3-4)

Commented [k17]: With specific regard for dogs and fines, see R.I.G.L. § 4-13-1(a). That statute lists \$10 FO, \$14 SO w/i a year, \$25 TO w/i a year.

Commented [AS18R17]: So we'd go with all the state requirements and have a resolution separately re: increasing or for an exemption

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

In the discharge of the duties imposed by this chapter, ~~the an~~ animal control officer ~~or any police officer of this city~~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 ~~or structure~~ 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 all steps that are reasonably is necessary to protect the health and safety of the dog or other animal, including but not limited to takinge~~ possession of any such dog or other animal and ~~removinge~~ 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 an~~ animal control officer ~~or any police officer of this City~~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 ~~Keeping to be kept by animal control officer.~~

It shall be the duty of the Director of the City Animal Shelter, or cause to be kept, the following accurate and detailed records, in addition to those record keeping requirements as set forth in 250-RICR-40-05-4, Subsection 4.6 et seq. and any applicable state law:

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

(b) 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.

~~(b)~~

It shall be the duty of the ~~animal control officer~~Animal Control Division to keep, or cause to be kept, the following accurate and detailed records, in addition to those record keeping requirements as set forth in 250-RICR-40-05-4, Subsection 4.6 et seq. and any applicable state law:

(a) Accurate and detailed records of all bite cases reported to ~~him/her~~the CityCity and any his/her investigation of the same.

~~(c) It shall be the duty of the animal control officer~~Director of the City Animal Shelter 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)

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Commented [k19]: Moved this up under Section (b) above for continuity.

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

~~With the exception of police K-9 and service animals, each owner shall keep his/her dog under restraint at all times that such dog is at large. Any person who violates this section shall be punished by a fine of \$50.00 for the first violation in a calendar year, \$150.00 for the second violation in a calendar year, and \$250.00 for the third and any subsequent violation in a calendar year.~~

~~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 or other animals prohibited on school property, Oakland Beach Common and cityCity athletic fields; removal of waste deposited by dogs.

- (a) ~~{Dogs or other animals prohibited in schoolyards, Oakland Beach Common and athletic fields.} For reasons of public health and safety, n~~ No dogs or other animals are allowed in schoolyards, ~~—~~ or on school property, on CityCity athletic fields, or on Oakland Beach Common whether at large or under restraint, except ~~so-called Seeing Eye dogs~~ service animals or police K-9; further, ~~for reasons of public health and safety, dogs shall not be permitted on cityCity athletic fields or on Oakland Beach Common.~~
- (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~~ a trash receptacle.
- (e) *Exemption.* This regulation shall not apply to a licensed dogservice animal accompanying any ~~handicapped disabled~~ person who, by reason of his/her handicapdisability, 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 cityCity'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; Ord. No. O-09-29, § I, 10-15-09)

Sec. 4-10. - ~~Dogs~~ All animals prohibited in stores and eating places; exception.

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

Commented [k20]: See comment above re: R.I.G.L. § 4-13-1(a). If the City would like charge more, the Council would have to seek the permission of the General Assembly.

(Code 1971, § 3-10)

Sec. 4-11. - Maximum number of dogs and cats; exception.

- (a) No owner, lessee or occupant shall keep or permit to be kept more than three (3) dogs over twelve (12) weeks in age on any lot or parcel of land. For purposes of this section, multiple lots in common ownership are deemed to be a single parcel of land.
- (b) No owner, lessee or occupant shall keep or permit to be kept more than three (3) cats over twelve (12) weeks in age on any lot or parcel of land. For purposes of this section, multiple lots in common ownership are deemed to be a single parcel of land.
- (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~~ The board shall grant such permission only after a hearing, with notice to owners of property abutting the premises, and only if, after a report from ~~the an~~ animal control officer and such other information as the permit applicant, animal control officer, 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 an~~ animal control officer shall hand-deliver or send written notice of the violation by registered-certified mail to the owner, lessee or occupant. Said notice will also informing such person of the right to apply by letter through the ~~animal control officer~~ City's licensing division, which will forward the application to the board of public safety for a permit and will make a record denoting whether said application for a permit was granted or denied; if such application is granted, the record will also denote the names, breeds, sex, color, and ages of the animals, and said record will be forwarded to the Animal Control Division. All approved permits will be reviewed by the board of public safety every six (6) months. ~~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 imprisonment or a fine as provided in section 4-3, per animal in excess of the allowable amount, per day, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court; however, any person appearing before a justice of the Warwick Municipal Court for his/her first violation, if he/she has obtained a permit as provided for in this section and has not previously had a violation under this section dismissed, the violation shall be dismissed. ~~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 4-3, per animal in excess of the allowable amount, per day, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court. Additionally, the board of public safety shall automatically review the permit of any such person found in violation of the terms of his/her permit.~~

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 imprisonment or a fine as provided in section 4-3, per day, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court. Additionally, the board of public safety shall automatically review the permit of any such person found in violation of the terms of his/her permit.

~~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 4-3, per day, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court. Additionally, the board of public safety shall automatically review the permit of any such person found in violation of the terms of his/her permit.~~

(Code 1971, § 3-11; Ord. No. O-11-5, § I, 4-26-11)

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

- (a) The owner of every vicious dog shall adhere to all restrictions put upon such dog by the vicious dog panel.
- (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 an animal control officer and may not be reclaimed by the owner, unless such reclamation be authorized by any court having jurisdiction.~~
(1) Any vicious dog impounded under this section will not be reclaimed by the owner, unless such reclamation be authorized by the Animal Control Officer, City Animal Shelter, or any court having jurisdiction.
(2) Any female animals in heat impounded under this section will not be reclaimed by the owner unless so released by the CityCity Animal Shelter or authorized by any court having jurisdiction.
- (d) Any dog or other animal ~~when so impounded a second or subsequent occasion will not be released 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 an animal control officer or the City Animal Shelter or any police officer~~ in this cityCity, ~~an animal a vicious dog or female animal in heat~~ should be destroyed for humane reasons, such animal may not be reclaimed.

(Code 1971, § 3-12; Ord. No. O-09-32, § I, 12-20-09; Ord. No. O-17-15, § I, 7-18-17)

Sec. 4-13. - Keeping or feeding wild animals; destruction of escaped wild animals.

- (a) No wild animal may be kept within the eCityCity limits, except under such conditions as shall be fixed by the ~~relevant law enforcement agency(ies) acting within its/their jurisdiction 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 an animal control officer or any police officer~~ of this CityCity.
- (b) The feeding of wild coyotes within CityCity limits is prohibited and punishable utilizing provisions of Sec. 1-4 in the Code of Ordinances.
- (c) Except as otherwise provided in this Section, no person shall cause or allow to be left or stored outside of an occupied dwelling any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal.
- (d) Notwithstanding the above, feeding of squirrels and birds of the Order Passeriformes (i.e. "perching birds" including but not limited to songbirds) but not including carnivorous birds or waterfowl shall be permitted exclusively from elevated bird/squirrel feeders providing seed, grain, fruit, worms or suet for birds or squirrels located within 100 feet of an occupied dwelling during such times and in such quantities that:

Commented [k21]: Is it worth defining this somewhere in this chapter? I.e., the charge of the panel, the make-up of the panel, the frequency with which the panel meets, the guidelines used for making findings?

Commented [AS22R21]: Could reference state law 4-13.1-11.

Also, there's a desire from the Committee to recommend state change that statute to include more members on the panel

Commented [k23]: See R.I.G.L. § 4-1.2-1

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(1) Such feeding does not create an ~~unreasonable disturbance~~ public or private nuisance that affects the rights of surrounding property owners; or

~~(2)~~ Is not an attractant for rats, skunks, foxes, weasels, or coyotes. Feeding of birds of the Family Trochilidae (i.e. hummingbirds) shall be permitted exclusively from elevated bird feeders providing food suitable for such birds.

(e) Notwithstanding the above, feed that is deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices is not a violation of this Section.

(f) Any person violating any provision of Subsection (c) of Section 4-13 shall be subject to a warning only for a first violation within a one (1) year period. ~~A second violation within a one (1) year period shall be punishable by a fine of up to tTwo hHundred fFifty dDollars (\$250.00).~~ Third and subsequent violations within a one (1) year period shall be punishable by a fine of not less than ~~fFifty dDollars (\$50.00)~~ nor more than ~~Ffive hHundred dDollars (\$500.00)~~. Any such violation shall be considered a civil offense as opposed to a criminal offense.

Commented [k24]: We did not see a specific guideline for fine amounts relative to this particular infraction within State law. However, it seemed to be consistent that any fines unrelated to dogs were capped at \$100 throughout Chapter 4-19.

(Code 1971, § 3-13; Ord. No. O-09-33, § I, 12-20-09)

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, is hereby declared to be a private and/or public nuisance. Any violation of this section shall be punishable in accordance with R.I.G.L. § 4-13-1(b)(16) or section 4-3 of this chapter, as applicable. ~~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 private and/or public nuisance, and any such animal may be impounded by ~~the an~~ 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 causing 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 an~~ animal control officer, if he/she finds such nuisance to exist by way of firsthand experience or by way of recorded video or other electronic information, shall ~~serve notice~~ issue a violation upon the owner or custodian ~~that such nuisance must be abated.~~

(Code 1971, § 3-14)

Cross reference— 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 CityCity limits, unless every part and portion of such body shall be at least three (3) 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. Such burial may not be conducted on public property.

(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 eCityCity, 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 cityCity. 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.

(a) Destruction of animals in a gas chamber is prohibited. Unless otherwise stated in this chapter, All animals which are euthanized within the eCityCity shall be done so by lethal injection by a licensed veterinarian.

(b) ~~The cost for cremation of animals by the CityCity shall be set at \$20.00, unless the Director of the CityCity Animal Shelter determines that the current fee charged to the CityCity at the time of the service differs from such fee.~~

(Ord. No. O-01-20, § I, 10-10-01)

Sec. 4-19. - Minimum care of animals.

- (a) An owner or guardian of any animal must provide daily proper nourishment and access to sufficient supply of clean, fresh, potable water, hot to exceed twenty-four (24) hours, that is provided in a sanitary manner 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~~ as 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 the provision of minimum veterinary care performed by a licensed veterinarian sufficient to prevent the animal from unnecessary or unjustified physical harm and/or suffering, and ensure a healthy physical condition

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Commented [k25]: Any standards for how a fee higher than \$20 would be calculated by the Director?

Commented [AS26R25]: It's just based on what the cremation company is charging which varies week to week. AKA the fee pays for the cost

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Commented [k27]: Did the Commission mean that the animal should not go more than 24 hours without water? This part of the sentence seems confusing.

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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).

(Ord. No. O-09-31, § I, 10-20-09)

Sec. 4-20. - Sheltering, tethering and nourishment of dogs.

- (a) No person shall allow a dog to be kept in violation of RIGL 4-13-42 or kept outside tethered, penned, caged, fenced, or otherwise confined for more than thirty (30) minutes without access to adequate shelter, ~~or~~adequate water, ~~and~~er food for use by such dog.
- (b) No person shall allow a dog to be kept outside tethered, penned, caged, fenced, or otherwise confined for more than thirty (30) minutes when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).

(Ord. No. O-09-31, § I, 10-20-09)

Sec. 4-21. - Penalties for violations.

~~Any violation of sections 4-19 or 4-20 shall result in a fine of \$500.00. A second violation, in addition to the \$500.00 fine, will result in seizure of the animal, the release of such requiring appearance before and authorization of a justice of the Warwick municipal court. A third violation, in addition to the \$500.00 fine, will result in the permanent seizure of the animal unless the owner can demonstrate to a justice of the Warwick municipal court why he/she should be allowed to reclaim the animal. Additionally, second and subsequent violations of sections 4-19 or 4-20 may be considered a violation of G.L. § 4-1-2. Any violation of sections 4-19 or 4-20 shall result in 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 4-19 or 4-20 may be considered a violation of G.L. § 4-1-2.~~

(Ord. No. O-09-31, § I, 10-20-09)

~~Sec. 4-22. Pet stores— Prohibition of the sale of dogs and cats.~~

- ~~(a) Definitions. [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 means any for profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats, including grooming parlors, canine day care, and boarding facilities.~~

~~Non-profit rescue organization means any Rhode Island non-profit 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 non-profit organization that is not exempt from taxation under Internal Revenue Code, Section 501(c)(3) but is currently an active rescue partner with a cityCity shelter or humane society, whose mission is, in whole and significant part, the rescue and placement of dogs or cats.~~

- ~~(ba) 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 cityCity.~~

- ~~(be) Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other commercial establishment located in the cityCity from providing space and appropriate care for animals owned by thea cityCity Animal Shelter or aAnimal eControl~~

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agencyDivision, humane society, or non-profit rescue organization and maintain those animals at the pet store retail business or other commercial establishment for the purpose of public adoption, and those animals shall be spayed, neutered, and microchipped in accordance with this chapter.

(Ord. No. O-17-21, § I, 7-18-17)

Sec. 4-23. - Violations and penalties.

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Any person who violates, fails or refuses to comply with the provisions of section 4-22 shall be subject to a fine of not more than \$500.00 for each separate offense or community service for a period of not more than ninety (90) days or any combination of fine and/or community service, in addition to any monies obtained as a result of violating section 4-22 being disgorged to the CityCity~~this section shall be subject to a fine of not more than \$500.00 for each separate offense or community service for a period of not more than 90 days or any combination of fine and/or community service.~~ 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.

(Ord. No. O-17-21, § I, 7-18-17)

Sec. 4-24 – Mandatory microchipping.

Releasing agencies shall microchip each dog or cat they sell, deliver, auction, give away, or transfer, and must register the microchip to the individual or entity that purchased or received the animal.

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Sec. 4-25 – Medical exemption to microchipping.

The only exemption to section 4-24 is if a Rhode Island licensed veterinarian has certified in writing that the animal should not be microchipped because it would adversely affect the animal's health.

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Sec. 4-26 – Penalties for violations of section 4-24.

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Violations of the provisions of section 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.

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Sec. 4-27 – Surrendering of animals

Any animal surrendered to the CityCity will require the surrendering party to pay the CityCity a fee of \$40.00.

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Sec. 4-28 – CityCity Animal Shelter adoption fees.

The price to adopt an animal from the CityCity Animal Shelter is hereby set at \$20.00 per animal, in addition to any other fees or costs associated.

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Sec. 4-29 – Licensing for kennels.

Each kennel that wishes to operate in the CityCity must first obtain a license from the CityCity. To obtain a license from the CityCity, a kennel must provide the animal control officer with the same application and supporting documentation that it provides to the Rhode Island Department of Environmental Management, in addition to a \$25.00 fee. Any kennels currently operating in the CityCity

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shall have thirty (30) days from the date this provision comes into effect to seek and obtain a license from the CityCity to continue operating. -This license must be renewed annually.

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Sec. 4-30 – Licensing for rescues.

Each rescue that wishes to operate in the CityCity must first obtain a license from the CityCity. To obtain a license from the CityCity, a rescue must provide the animal control officer with the same application and supporting documentation that it provides to the Rhode Island Department of Environmental Management, in addition to a \$25.00 fee. Any rescues currently operating in the CityCity shall have thirty (30) days from the date this provision comes into effect to seek and obtain a license from the CityCity to continue operating. This license must be renewed annually.

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Sec. 4-31 – Licensing for dogs.

Every owner or keeper of a dog residing in the CityCity shall annually, in April, obtain a license effective May 1st, through the CityCity pursuant to the following:

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Commented [AS36R35]: Yes

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(a) The cost of the license shall be \$10.00.

(b) No license shall be issued unless the dog has been inoculated against rabies for the period of time which the license would be valid.

(c) Any person who becomes the owner or keeper of a dog shall obtain a license within thirty (30) days after he or she becomes the owner or keeper.

Every person, owning or keeping a dog not licensed according to the provisions of this section, shall be fined \$25.00 for the first offense, \$200.00 for the second offense, and \$500.00 for the third and subsequent offenses, or as otherwise provided in section 18-1 of these ordinances.

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Secs. 4-3224—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 CityCity 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 CityCity.

(Code 1971, § 3-28)

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

Any dog found running at large shall be taken up by the-an animal control officer, and may be impounded in the shelter designated as the eCityCity Animal Shelter-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-an animal control officer, such dogs need not be impounded, but such officer may cite-issue a citation to the owners of such dogs

~~to appear in court to answer to charges of~~ violation of this article. A violation of this section shall be punishable as stated in section 4-8.

(Code 1971, § 3-30)

Sec. 4-44. - Notice of impoundment.

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

(Code 1971, § 3-31)

Sec. 4-45. - Impoundment period.

Dogs or cats impounded pursuant to this article in the CityCity Animal Shelter may be confined in a humane manner for a period of not less than seven (7) days if such animal is not wearing identification, and not less than ten (10) days if such animal is wearing identification, before the dogs or cats may be disposed of in accordance with the law. ~~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~~animal within the holding period as laid out in Sec. 4-45, except as otherwise provided, upon the payment of an impoundment fee of \$20.00 for a first offense, \$50.00 for a second offense, and \$100.00 for a third and any subsequent offense, or as provided in chapter 18, 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.

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(Code 1971, § 3-33)

Sec. 4-47. ~~— [Reserved] 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.~~

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~~(Code 1971, § 3-34)~~

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

(a) Any dog or other animal impounded under the provisions of this article and not reclaimed by its owner within the holding period as laid out in Sec. 4-45 may be: 1) humanely disposed of or destroyed by the CityCity Animal Shelter; 2) have its title transferred to another licensed releasing agency; or, 3) 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 CityCity.

(b) Notwithstanding the above, if the animal is one as to which the respective rights of the owner and the person in possession or custody are not determined by these ordinances, then the applicable federal or state law shall be complied with.

~~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 another licensed releasing agency 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 cityCity. 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.~~

Sec. 4-49. -- ~~[Reserved] 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.~~

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~~(Ord. No. O-00-13, § I, 4-11-00)~~

Sec. 4-50. - Unrestricted and aggressive dogs prohibited.

- (a) Whenever it shall be affirmed in writing by any two persons having separate residence or regularly employed in the neighborhood or if ~~the an animal control officer or a police officer~~ determines by way of firsthand experience or by way of recorded video or other electronic information that any dog is being aggressive without provocation by its actions such as biting or attacking a human or any animal or in an aggressive or terrorizing manner approaches a person or animal in an apparent display of attack, ~~the an animal control officer or the police~~ shall have the authority to issue violations and/or impound said dog and/or service notice upon the owner or custodian-guardian that such vicious action must be abated.
- (b) It is unlawful for any owner of an aggressive dog to place that dog or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of restricting the dog.
- (c) The penalty for violating the provisions of this section shall be a fine not less than \$100.00 but not exceeding \$250.00 for the first offense; not less than \$200 but not exceeding \$350.00 for the second offense; and a mandatory court appearance and a fine not less than \$350.00 but not exceeding \$500.00 for the third offense and any subsequent offense exceeding \$250.00 for the first offense; not exceeding \$350.00 for the second offense; and a mandatory court appearance and a fine not exceeding \$500.00 for the third offense. A fine may only be levied after an investigation into the incident is conducted by the aAnimal eControl Division or by the police and the owner or keeper guardian of said dog is deemed to be negligent in their actions.
- (d) An owner shall not be deemed negligent if an injury or damage is sustained by an animal which has trespassed onto the property where the dog resides or a person who, at the time that injury or damage was sustained, was committing a trespass or other tort upon premises occupied by the owner or keeper-guardian of the dog, or was teasing, tormenting, provoking, abusing, or assaulting the dog or was attempting to commit a crime.

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(Ord. No. O-17-29, § I, 11-7-17)

Secs. 4-51—4-70. - Reserved.

ARTICLE III. - RABIES CONTROL^[2]

Footnotes:

--- (2) ---

State Law reference— Rabies examination, G.L. 1956, § 4-13-26.

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 cityCity, which dog is kept within the cityCity for not longer than thirty (30) days. However, all such dogs shall at all times while in the cityCity be kept within a building, enclosure or vehicle, or be under restraint by the owner. Any person who violates this section shall be punished by a fine of \$50.00 for the first violation in a calendar year, \$150.00 for the second violation in a calendar year, and \$250.00 for the third and any subsequent violation in a calendar year.

(Code 1971, § 3-46)

Sec. 4-72. ~~— [Reserved] Owning or harboring unvaccinated animals.~~

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

(Code 1971, § 3-47; Ord. No. O-17-16, § I, 7-18-17)

Sec. 4-73. - Vaccination required for dogs, cats or ferrets over ~~six~~ four (4) months of age.

No dog, cat, or ferret over ~~four~~ six (4) months old shall be permitted within the CityCity limits without having been vaccinated or immunized in the manner set forth in this article, unless said animal is exempt from such a requirement under the Rhode Island Department of Environmental Management rules unless such animal shall have been vaccinated or immunized in the manner set forth in this article within a period of 12 months, if such animal shall have been vaccinated or immunized with the one-year vaccine, or within a period of 36 months, if such animal shall have been vaccinated or immunized by the three-year vaccine.

Anyone willfully owning, keeping, or harboring such unvaccinated animal shall be fined not less than \$200.00 but not more than \$500.00. If the animal is not vaccinated or the variance process not commenced within fourteen (14) calendar days, the animal control officer shall take possession of the animal and deliver it to the CityCity Animal Shelter. The CityCity Animal Shelter will not release the animal until it is vaccinated. If the owner does not pick up his/her animal within fourteen (14) calendar days, the animal is deemed abandoned and shall become the property of the CityCity Animal Shelter and may be adopted.

(Code 1971, § 3-48; Ord. No. O-17-16, § I, 7-18-17)

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

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the dog, cat or ferret 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; Ord. No. O-17-16, § I, 7-18-17)

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~~ ~~City~~ ~~Clerk's office~~ 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 ~~dogs, cats, or ferrets lacking evidence of vaccination~~ ~~unvaccinated dogs.~~

- (a) ~~Except as provided in 4-73, any dog, cat, or ferret over four (4) months old found within the limits of the City without evidence that such animal has been vaccinated or inoculated in accordance with the provisions of this article may be impounded by any police officer of the City or other authorized person for a period not exceeding seven (7) days, during which time such animal may be returned to its owner upon proof of ownership, proof of pre-paid vaccination of the animal by a licensed veterinarian, and payment by such owner of the fees and fines provided in this chapter. 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 ~~seven (7)~~ ~~15~~-day period ~~above mentioned~~, any ~~dog animal~~ 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 ~~A~~ ~~animal~~ ~~C~~ ~~ontrol~~ ~~officer~~ ~~Division~~ any animal considered by him/her to be a rabies suspect ~~within twenty-four (24) hours of learning of such.~~

(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 ~~Rhode Island Department of Health or the A~~ ~~animal~~ ~~C~~ ~~ontrol~~ ~~Division~~ ~~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 or otherwise exposes him/her to rabies shall be promptly reported to the Animal Control officer~~Division~~, and shall thereupon be securely quarantined at the direction of ~~the animal control officer~~said Division at a State approved facility for a period of ~~14~~ten (10) days from the date of exposure, and shall not be released from such quarantine except by written permission of the Animal Control Division officer. At the discretion of the Animal Control officer~~Division~~, such quarantine may be on the premises of the owner, at the City~~City~~ Animal 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~~Division~~.
- (b) The owner, upon demand by ~~the an~~ animal control officer, shall forthwith surrender any animal which has bitten a human or otherwise exposes a person to rabies, 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 or otherwise exposes him/her to rabies and such animal has not been properly vaccinated, such animal shall be quarantined at the city~~City~~ public pound~~Animal Shelter or a State approved facility~~. Prior to its return to the owner, the animal shall be properly inoculated at the direction of ~~the an animal control 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, cats, and ferrets bitten by known rabid animal.

Dogs, cats, and ferrets bitten by a known rabid animal shall be immediately destroyed, or, if the owner is unwilling to destroy the exposed animal, he/she must comply with the Rhode Island Rabies Protocol established by the State Veterinarian, ~~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 an~~ animal control officer shall immediately send the head of such animal to the state Rhode Island Department of Health department for the pathological examination, and shall notify the Sstate Veterinarian and the Rhode Island Department of Health of reports of human contacts and the diagnosis.
- (b) When one or both reports indicate a positive diagnosis of rabies, ~~the an~~ animal control officer shall recommend an areawide quarantine for a period of ninety (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~~City~~ without written permission of the animal control officer~~State Veterinarian~~.
- (c) During this quarantine period and as long afterward as he/she decides it is necessary to prevent the spread of rabies, the Sstate Veterinarian shall require all dogs, cats, and ferrets three (3) 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~~ vaccine to be used and the recognized duration of immunity for each shall be established by the ~~S~~state ~~V~~veterinarian. All vaccinated ~~dogs-animals~~ shall be restricted (leashing or confinement on premises) for ~~thirty (30)~~ days after vaccination. During the quarantine period, the ~~S~~state 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~~City.

- (d) No dog, ~~cat, or ferret~~ 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 ~~S~~state ~~V~~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 ~~(6)~~ 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 an~~ animal control officer.

(Code 1971, § 3-57)

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

~~The An~~ 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 an~~ animal control officer.

(Code 1971, § 3-59)

Sec. 4-85. - Killing or removal from ~~city~~City of rabid animal, suspected rabid animal, or animal ~~biting that has bitten a human or exposed someone to rabies~~.

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 that has bitten a human or exposed him/her to rabies~~, except as herein provided, or remove any such animal from the ~~city~~City limits without written permission from the animal control officer ~~or State Veterinarian~~.

(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. ~~[Reserved]-Definitions.~~

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

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~~*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~~

Sec. 4-113. - Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.

- (a)
 - (1) No licensed 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 licensed releasing agency to have the dog or cat spayed or neutered in accordance with subdivisions (2) and (3).
 - (2) The licensed releasing agency is authorized to enter into a written adoption agreement with the adopting party provided that at the time of execution of the written agreement, the licensed releasing agency collect from the adopting party an amount equal to the cost to the licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The written agreement must include the dog or cat's age, sex, and general description; the date the adoption agreement was executed; the date by which the licensed releasing agency anticipates that the dog or cat will be spayed or neutered; the date by which the adoptive party shall claim the dog or cat; the adopting party's name, address, phone number, and signature; the licensed releasing agency's name, address, phone number, and the dollar amount remitted to the licensed releasing agency for the cost of spaying or neutering the dog or cat.
 - (3) After execution of the agreement, the licensed releasing agency shall cause the dog or cat to be spayed or neutered and, when medically fit, shall transfer custody of the dog or cat to the adopting party. Any dog or cat that is not claimed by the adoptive party within ten (10) days of the date enumerated in the written adoption agreement shall be considered unclaimed and may be offered for adoption to another party.
- (b) The following are exemptions from the provisions of subsection (a):
 - (1) A licensed releasing agency returns a stray dog or cat to its owner within the holding period.
 - (2) A licensed 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 this health condition is likely to be permanent.
 - (3) A licensed releasing agency 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 licensed releasing agency shall enter into a written agreement for the spaying or neutering of the dog or cat upon resolution of the temporary health condition or the animal reaching maturity and shall collect from the adopting party an amount equal to the cost to the licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The licensed releasing agency may then allow the transfer of the dog or cat to the adopting party who shall return the dog or cat to the licensed releasing agency for spaying or neutering upon resolution of the temporary health condition or the animal reaching sexual maturity. The licensed releasing agency may 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.
 - (4) A licensed releasing agency transfers a dog or cat to another licensed releasing agency.
- (c) If requested to do so, a licensed releasing agency shall refund fees collected for the purpose of spaying or neutering the dog or cat 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 spaying or neutering was required to be completed.
- (d) Any and all licensed releasing agencies:
 - (1) May enter into cooperative agreements with each other and with veterinarians in carrying out this section; and

(2) Shall make a good faith effort to cause an adopting party to comply with this section.

(Ord. No. O-94-10, § 1(3-61.3), 5-9-94; Ord. No. O-17-18, § I, 7-18-17; Ord. No. O-17-19, § I, 7-18-17)

Sec. 4-114. - ~~Same~~—Use of forfeited deposits for spaying and neutering.

~~Deposits Fees~~ required by section 4-113 which are ~~unclaimed-not refunded under 4-113(c) after sixty~~ (60) days from the date of adoption or ~~sixty (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; ~~or~~
(5) [To be used for spaying and neuter assistance.]

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

Sec. 4-115. ~~— Same Spaying and neutering —~~ ~~v~~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 4-121 or as otherwise provided in section 18-1. Each and every incidence of noncompliance by an adopting party which continues unremedied for ~~thirty (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 ~~cityCity~~ 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 the Director of the CityCity Animal Shelter, an animal control officer or a police officer for the ~~cityCity~~ 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 ~~S~~state ~~V~~veterinarian.
- (c) *Disposition of fines.* All fines collected under subsection (a) of this section will be remitted to the ~~town clerk or cityCity clerk of the municipality where the adopting party of the dog or cat resides~~ ~~CityCity~~. Such fines shall be used by the ~~municipality~~ ~~CityCity~~ only for enforcing animal control laws or ordinances or for programs to reduce the population of unwanted stray dogs and cats in the ~~municipality~~ ~~CityCity~~, 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

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Commented [k43R42]: Is the question here whether the forfeited funds can be used for spaying and neuter assistance? Who would be the recipient of the assistance?

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the ~~general~~ treasurer and placed in a separate fund within the general fund to be called the "~~animal~~ Animal Sterilization ~~health fund~~," which shall be administered by the ~~general~~ treasurer in the same fund. ~~All funds deposited in the animal health fund shall be made available to the state department of~~

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

Sec. 4-116. ~~— [Reserved] Findings, purpose and intent.~~

~~(a) The cityCity 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 CityCity 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 cityCity 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, § 1, 1-9-06)~~

Sec. 4-117. - Spaying/neutering of cats.

(a) No person shall own or harbor within the cityCity any cat over the age of six (6) 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 CityCity of Warwick. Violations of this section are punishable by as provided in section 4-121.

(b) A license to breed and sell shall be issued to any competent individual of at least eighteen (18) years of age for an unaltered cat if the owner pays a fee of \$100.00 per cat per year with a signed application; however, the Director may deny the individual such license in the event that he/she has reasonable cause to believe any of the following to be true:-

(1) The applicant has violated any state or municipal ordinances relating to the keeping, care, or use of any animal.

(2) The applicant is in violation on any state health or safety law or regulation regarding animal care or control;

(3) The applicant has failed to previously comply with any condition or requirement of a breeding license or has failed to pay any fee imposed under this article; or,

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(4) The applicant has transferred, sold or otherwise disposed of the cat for which the permit would be issued.

(c) All funds from breeding licenses shall be deposited in the CityCity of Warwick's Spay/Neuter Account to be managed by the Director of the ~~Warwick~~ Animal Shelter.

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

(ed) Subsection (de) 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 (8) 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 Sstate and local laws.

(Ord. No. O-06-1, § II, 1-9-06)

Sec. 4-118. - Breeding licenses for cats.

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

(b) The Director of the CityCity ~~of Warwick~~ Animal Shelter shall administer a license program to allow breeding of cats consistent with criteria and according to procedures contained in the cityCity 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 twelve (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 (8) 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 is a pet rescue/adoption operator licensed through the Rhode Island Department of Environmental Management~~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 (6) 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 municipal~~ 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 forty-eight (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, ~~he/she~~ 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 (5) 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 violations of sections 4-115 through 4-120.

Any person who violates any provision of sections 4-115 through 4-120 shall be punished by a fine of \$100 for a first offense, \$250 for a second offense, and \$500 for a third and any subsequent offense. Each and every incidence of noncompliance by an owner which continues unremedied for thirty (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

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~~the animal, which seizure will be conducted by an animal control officer or a police officer for the cityCity town in which the owner 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 animal. If no such releasing agency exists, the animal will be delivered to the care of the CityCity Animal Shelter. The owner shall lose all ownership rights in the seized animal, shall forfeit all rights to any fee or deposit paid for the cat, and shall have no claim against the releasing agency, CityCity Animal Shelter, or any other person for any expenses incurred by the owner for the animal's maintenance.~~

~~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.~~

~~Sec. 4-122. — [Reserved]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. — [Reserved]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)~~

~~Sec. 4-124. — [Reserved]Findings, purpose and intent.~~

~~(a) — The cityCity council finds and determines that:~~

~~(1) — There is over breeding of American Pitbull Terriers, American Staffordshire Terriers and dogs that are mixes of the two breeds.~~

~~(2) — Due to the large number of these dogs, euthanasia is not a cost effective, acceptable or ethical solution to the threats of public health and safety posed by large populations of these dogs.~~

~~(3) — A license system for breeding of American Pitbull Terriers, American Staffordshire Terriers and dogs that are mixes of the two breeds in the CityCity of Warwick, combined with a program for spaying/neutering, is a reasonable and effective means of reducing the population of these dogs, and for eliminating the practice of euthanizing these dogs, which oftentimes are unwanted and abandoned, except where euthanasia is necessary to protect people and/or other animals from vicious behavior.~~

~~(b) — Declaration of intent. The cityCity council hereby finds and declares that it intends to provide for the public health, safety and welfare through a program requiring spaying and neutering of American Pitbull Terriers, American Staffordshire Terriers and mixes of the two breeds unless appropriate licenses are acquired.~~

~~(Ord. No. O-10-7, § I, 5-18-10)~~

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Sec. 4-125. - Spaying/neutering of dogs.

- (a) No person shall own or harbor within the cityCity ~~a dog from any overpopulated breed any American Pitbull Terrier, American Staffordshire Terrier or a dog that is a mix of the two breeds~~ over the age of six months, which has not been spayed or neutered, unless such person holds a license to keep an unaltered ~~American Pitbull Terrier, American Staffordshire Terrier or a dog that is a mix of the two breeds~~, or a license for breeding said dogs issued by the Director of the Animal Shelter ~~of the CityCity of Warwick.~~
- (b) A license to breed and sell shall be issued to an individual for an unaltered ~~American Pitbull Terrier, American Staffordshire Terrier or a dog that is a mix of the two breeds~~ dog from an overpopulated breed if the owner satisfies the following requirements:
 - (i) Provide registration for the dog from the United Kennel Club or American Kennel Club;
 - (ii) A conformation title or proof of entry in conformation dog shows on three (3) separate occasions within two (2) years or provide a valid contract from the dog's registered breeder prohibiting sterilization until the dog attains the age set forth in the contract;
 - (iii) Pay a fee of \$100.00 per dog per year with a signed application.

All funds from breeding licenses shall be deposited in the CityCity 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 thirty (30) days or longer shall be deemed the owner of such dog and shall adhere to the provision of this section.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-126. - Breeding licenses.

- (a) No person shall cause or allow any ~~American Pitbull Terrier, American Staffordshire Terrier or a dog that is a mix of the two breeds~~ owned or harbored in the cityCity to breed without first obtaining a breeding license under this section.
- (b) The Director of the CityCity ~~of Warwick~~ Animal Shelter shall administer a license program to allow breeding of ~~these~~ dogs consistent with criteria and according to procedures contained in the cityCity ordinances.
- (c) Each applicant who is issued a license to breed ~~American Pitbull Terriers, American Staffordshire Terriers or dogs that are a mix of the two breeds,~~ a dog under this section shall pay a breeding license fee of \$100.00 per year per dog.
- (d) No person shall cause or allow the breeding of ~~such male or female a~~ dog without first obtaining a breeding license issued by the Director of the ~~Warwick~~ Animal Shelter. Breeding licenses shall be valid for twelve (12) months and ~~are~~ renewable on an annual basis. Fees for such licenses shall be as set forth herein. 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 (8) weeks.
 - (2) Any license holder advertising to the public the availability of such dog 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 dog 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 under Rhode Island state law.
 - (4) Provide registration for the dog from the United Kennel Club or American Kennel Club.

(e) It shall be a violation of this section where a breeder causes or allows a female dog to: i) have more litters per year than recommended by a licensed veterinarian; or, ii) to breed at an age not in accordance with the recommendations of a licensed veterinarian.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-127. - Sale or adoption of dogs.

- (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 cityCity 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 any an American Pitbull Terrier, American Staffordshire Terrier or a dog that is a mix of the two breeds dog for sale or adoption shall disclose to any purchaser or adoptive owner information regarding the licensing requirements of the CityCity of Warwick applicable to such dogs.
- (c) No person shall offer for sale or adoption any such dog on any public street, sidewalk, or public park unless such person first obtains a license to sell pets or is a recognized is a pet rescue/adoption operator licensed through the Rhode Island Department of Environmental Management.
- (d) Any such dog adopted from any animal welfare agency shall be spayed or neutered as early as is medically appropriate, but no later than six (6) 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 dog can be spayed or neutered.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-128. - Revocation of license.

- (a) Any license issued may be revoked if the Director of the Animal Sshelter has reasonable cause to believe any of the following to be true:
 - (1) The licensee has violated any state or local-municipal 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 forty-eight (48) hours written notice, of any dog covered by the permit;
 - (5) The licensee has transferred, sold or otherwise disposed of the dog for which the permit was issued.
- (b) If, after investigation, the Director of the Animal Sshelter 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 Sshelter. Said date shall not be less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the Director of the Animal Sshelter may modify the terms of the license or revoke the license.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-129. - Penalty for violations of section 4-124 through section 4-128.

Any person who violates any provision of sections 4-124 through 4-128 shall be punished by a fine of \$100 for a first offense, \$250 for a second offense, and \$500 for a third and any subsequent offense. Each and every incidence of noncompliance by an owner which continues unremedied for thirty (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 animal, which seizure will be conducted by an animal control officer or a police officer for the cityCity or town in which the owner 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 animal. If no such releasing agency exists, the animal will be delivered to the care of the CityCity Animal Shelter. The owner shall lose all ownership rights in the seized animal, shall forfeit all rights to any fee or deposit paid for the cat, and shall have no claim against the releasing agency, CityCity Animal Shelter, or any other person for any expenses incurred by the owner for the animal's maintenance.(Ord. No. O-10-7, § I, 5-18-10)

Any person who violates the provisions of this act shall have no more than 30 days to have their dog spayed or neutered. The director of the animal shelter may inform persons subject to this law about 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-10-7, § I, 5-18-10)

Sec. 4-130. - Responsibility for enforcement; false statements to Director of Animal Shelter.

The Director of the Animal Shelter shall be responsible for the enforcement and administration of sections 4-124—4-131, with the assistance of the Animal Control Division.

(a) The Director of the Animal Shelter shall have the ability to reduce or waive fees due to the CityCity Animal Shelter under these sections eliminated as circumstances warrant.

(b) 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 the CityCity Animal Shelter or the Director thereof, including information giving regarding animal ownership, shall be punished by a fine of \$200, which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-131. - Transition.

Persons harboring a dog subject to this article on the date it becomes effective shall have one hundred and twenty (120) days from such date to comply herewith.

(Ord. No. O-10-7, § I, 5-18-10)

Sec. 4-132. - Devocalization prohibited.

(a) No person shall surgically debark or silence a dog or cat, or cause the surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in this state has filed a written certification with the cityCity animal control officer/Animal Control Division in the police department stating that the surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical harm or pain.

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- (b) The written certification described in (a) shall contain the date and description of the veterinarian's examination and evaluation of the dog or cat, statement certifying that surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any supporting diagnosis and findings, the name and current address and telephone number of the dog or cat's owner or keeper, and the name and current address and telephone number, state license number, and signature of the veterinarian.
- (c) No person, except a veterinarian licensed in this state, using anesthesia, may surgically debark or silence a dog or cat.
- (d) Any person in violation of this section shall be subject to the penalties in section 1-4 of the Code of Ordinances and a minimum fine of \$500 which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court. The municipal court shall have jurisdiction to hear cases involving violations of this section. In addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the court.
- (e) Any person or business selling a dog or cat for profit shall disclose whether the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy of the veterinarian certification required by section (a) above.

(Ord. No. O-11-3, § I, 3-16-11)

Sec. 4-133. - Animal confinement in motor vehicles prohibited.

- (a) A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
- (b) An animal control officer may take all steps that are reasonably is necessary to remove an animal from a motor vehicle to protect the health and safety of an animal.
- (c) An animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's name, 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) An 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 person who knowingly violates this section shall be subject to the penalties in section 1-4 of the Code of Ordinances and a minimum fine of \$500.00 which may not be paid by mail but shall require an appearance before a justice of the Warwick municipal court.~~(a) No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a 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 is 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

(Ord. No. O-11-1, § I, 1-11-11)

Sec. 4-134. – Cruelty to animals

In the event an animal dies as a result of a violation of any provision within this chapter, the violator shall be subject to, in addition to any other penalty provided by law, a minimum fine of \$500.00, and may be imprisoned for up to thirty (30) days and may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog/cat training classes as ordered by the court.

Sec. 4-135. – Habitual offender

Anyone who commits five (5) violations of this chapter in a calendar year can be classified as a habitual offender. Therefore, for any subsequent occasion where a further violation occurs within that calendar year, in addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog/cat training classes as ordered by the court.

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Sec. 4-136. – Abandonment of animals

(a) If any person having possession and/or control of an animal abandons that animal anywhere in the CityCity without providing for the care of that animal, he or she shall be punished in the manner provided in section 4-21 for each such offense. Abandonment means the relinquishment of all right, title, claim, or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.

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(b) The CityCity Animal Shelter or an animal control officer shall deem abandoned any animal impounded and not redeemed by its owner within ten (10) days of impoundment if such animal is wearing identification. Any animal impounded and not wearing identification shall be deemed abandoned if not redeemed by its owner within seven (7) days of impoundment. Any animal deemed abandoned shall become the property of the impounding agency and may be adopted.

(c) The CityCity Animal Shelter shall make a prompt and reasonable attempt to locate and notify the owner of the impounded animal, including scanning the animal for a microchip.

Sec. 4-137 – Traveling circuses

(a) It shall be unlawful for any person 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 CityCity.

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(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.

Violations of this section shall result in a fine not less than \$50.00 and not more than \$500.00 per animal, and imprisonment for up to thirty (30) days. Each day the violation continues shall constitute a separate and additional violation.

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