

## TOWN OF HOPKINTON, RI

An ordinance in amendment of Chapter 4 – Animals.

The Town Council of the Town of Hopkinton does hereby ordain an amendment to Chapter 4 – Animals. Chapter 4 of the Code of Ordinances shall be repealed in its entirety and replaced as follows:

### ARTICLE I – IN GENERAL

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

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

“Abandonment of an animal” means the relinquishment of all right, title, claim, and physical possession of an animal with the intention not to reclaim the animal.

“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 living conditions.” Except for livestock as defined in R.I.G.L § 4-26-3(6), shall mean a sanitary environment that is dry and free of accumulated feces and free of debris and garbage that may clutter the environment, pose a danger, or entangle the animal. The environment in which the animal is kept must be consistent with federal regulatory requirements, where applicable, or generally recognized professional standards, where applicable, or otherwise be of sufficient size so as not to inhibit comfortable rest, normal posture, or range of movement, and suitable to maintain the animal in a good state of health. “Adequate living conditions” for livestock as defined in R.I.G.L. § 4-26-3(6) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.

“Adequate veterinary care” means care by a licensed veterinarian sufficient to prevent the animal from experiencing unnecessary or unjustified physical pain or suffering.

“Adequate water” means a constant access to a sufficient supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species to maintain the health of the animal(s) and not to exceed twenty-four (24) hours at any interval.

“Adopt” means when an adopting party voluntarily acquires and assumes responsibility for an animal from a releasing agency that is properly licensed including the Hopkinton Animal Shelter.

“Animal” and “animals” means every living creature except a human being.

~~“Animal control commission” means an appointed committee consisting of three (3) citizens of the town to assist in the operation of the animal pound, to assist all of the animal control officers in the performance of their duties and to perform other duties which have been authorized by the town council.~~

“Animal control officer” means any person employed by the town for the purpose of enforcing the provisions of this chapter.

“Animal shelter” means the premises designated by the town for the purpose of impounding and caring for the animal life which has become impounded for violations of the town ordinances or which has become stray and in need of shelter, food and water.

“At large.” Any animal shall be deemed to be at large when such animal is out of its enclosure or on property which is not owned by its owner, and is not under restraint/control.

“Confined.” A dog is confined when it is inside a securely fenced area, inside a building, or inside a vehicle.

“Domestic livestock” includes cattle, sheep, horses, ponies, mules, asses, burros, donkeys, goats, llamas, alpacas, rabbits, chickens, roosters, turkeys, ducks, geese, guinea fowl, pea fowl, peacocks, ostriches, emus, and any other animal kept as an accessory use to a principal residential use pursuant to the town’s zoning ordinance.

“Enclosure” means a fence or structure of at least six feet (6’) in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure.

“Guardian” means a person(s) having the same rights and responsibilities as an owner or keeper, and the terms may 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.

“Hazardous accumulation of animals.” Except for livestock as defined in R.I.G.L. § 4-26-3(6), means the accumulation of a large number of animals, to a point where the owner, possessor, or person having the charge of custody of the aforementioned animals fails to or is unable to provide “adequate living conditions” as defined herein, resulting in harm or danger to the health and wellbeing of the animals.

“Kennel” means a facility maintained by any person for the purpose of selling, breeding, buying, training, grooming or boarding canines.

“Leash” means a rope, cable, nylon strap, or other means attached to a dog that will provide the owner or guardian with control of the dog.

“Livestock” means any bovine, equine, caprine, ovine, camelid, swine, poultry, or other animal that is raised for production of food or fiber, or is used for work, commerce or exhibition.

“Muzzle” means a device that shall not cause injury to the dog or interfere with its vision or respiration but shall prevent the dog from biting a person or animal.

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

“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.

“Owner”, “person”, and “whoever” means corporations as well as individuals. Wherever the word “owner” shall appear in this Chapter it shall also mean and may be interchanged with the word “guardian.”

“Person” means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

“Pets” means domesticated animals kept in close contact with humans, which include, but may not be limited to, dogs, cats, ferrets, equines, llamas, goats, sheep, and swine.

“Spay” means to surgically render a female dog or cat unable to reproduce.

“Tether” means the practice of fastening a dog to a stationary object or stake by a chain, rope, or other tethering device as a means of keeping the dog under control. A dog being walked on a leash is not tethered.

“Tie-out” means a cable, rope, light-weight chain, or other means attached to the dog that will prevent the dog from leaving the owner's property.

“Town” shall mean the Town of Hopkinton, RI.

“Vicious dog” means:

(i) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

(ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting that is deemed vicious after it has been properly assessed by the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions of R.I.G.L. § 4-13.1-5(d).

No dog may be declared vicious if an injury or damage is sustained by 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 of the dog; or was teasing, tormenting, provoking, abusing, or assaulting the dog; or was committing, or attempting to commit, a crime; or until the society for the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the provisions of R.I.G.L. § 4-13.1-5(d).

(v) No dog may be declared vicious if an injury or damage was sustained by a domestic animal which, at the time that injury or damage was sustained, was teasing, tormenting, provoking, abusing, or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

“Wild animal” means any animal which has not been defined as a pet, as domesticated, or as livestock, and any animal which is considered to be wildlife by the state department of environmental management.

REFERENCES: R.I.G.L. §§ 4-1-1, 4-13-1.2, 4-13-41, 4-13.1-2, 4-19-2, and 4-26-3

#### **Sec. 4-2 - Shelter and care of animals.**

(a) All persons owning any animal within the Town shall provide adequate shelter, food and water to such animals. Every person which is the owner or keeper of any pets or domestic livestock must provide such animal with a four-sided shelter at all times, such structure to be sufficiently aboveground so as to protect such animal from sudden downpours and other such elements which would in effect cause it hardship or discomfort, each such shelter to be provided with adequate bedding.

(b) All livestock and farm animals must be provided with at least three-sided shelter enclosures.

(c) All animals must be provided adequate feed to keep such animal in a normal healthy condition.

(d) Sufficient water must be provided at all times for all animals. Food must be provided at least once a day for mature animals, and twice a day for young animals.

### **Sec. 4-3 - Keeping wild animals.**

No wild animal life may be kept within the Town except under such conditions as shall be approved by the Animal Control Officer. Wild animal life may be kept for exhibition purposes by bona fide circus corporations, zoos, educational institutions or persons providing educational programs representing bona fide educational organizations, in accordance with such regulations and approval as shall be established by the Town Council and the Animal Control Officer. This shall not apply to any person that has been granted such permit by any authorized agency of this state to grant such permits. The Animal Control Officer may destroy any wild animal found to be at large within the limits of the Town; provided, however, that the public safety be endangered and such destruction must be made.

### **Sec. 4-4 - Confinement of dangerous animals.**

(a) Every owner or keeper of any animal which is considered to be of such a nature which is dangerous to the safety of the general public within the Town shall keep such animal confined within an enclosure which shall ensure the safe and humane confinement of such animal. When removed from such enclosure such animal shall be under actual physical control and shall be muzzled.

(b) Any animal described in subsection (a) above which may be found at large, may be impounded by the Animal Control Officer and may not be released without his or her express consent. The owner of any such animal must pay all fees associated with the impoundment of such animal prior to release of the animal.

### **Sec. 4-5 - Confinement of female animals in heat.**

(a) Every female dog or other animal in heat shall be kept confined in a building or secure enclosure, including any veterinary hospital or boarding kennel, such confinement to be accomplished in such manner that it shall assure that such animal shall not come in contact with any other animal for the purpose of reproducing. This section shall not apply when breeding is intentional and under the control and care of its owner or keeper.

(b) In the event that a female animal has been impounded, such animal shall remain impounded until such period of heat has concluded, unless the owner or keeper shall reclaim such animal and provide satisfactory assurance to the Animal Control Officer that such animal will be confined for the remainder of the heat cycle. The owner shall be held responsible for all fees connected with such impoundment.

(c) A person who violates this section shall be fined twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense within one (1) year of the first offense, and seventy-five dollars (\$75) for the third and each subsequent offense within one (1) year of the first offense.

### **Sec. 4-6 - Nuisance abatement—Generally.**

(a) The keeping or harboring of any animal other than livestock, whether licensed or not, which by habitual howling, yelping, barking or other noises disturbs or annoys ~~two (2)~~ one (1) or more persons in a neighborhood, after a complaint to that effect has been filed with the police department and Animal Control Officer, is unlawful and is hereby declared to be a public nuisance and each subsequent day shall constitute a separate offense.

(b) A person who violates this section shall be fined twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense within one (1) year of the first offense, and seventy-five dollars (\$75) for the third and each subsequent offense within one (1) year of the first offense.

#### **Sec. 4-7 - Same—Trespass by animals.**

It shall be unlawful to allow or permit any animal to trespass upon the private property or public property of another, or to damage or destroy the private or public property or thing of value of another. Each such occurrence is hereby declared to be a nuisance. Whenever three (3) or more complaints have been received within a period of two (2) weeks about the same animal, made by any resident of the town or property owner within the town, and such complaint has been verified by the animal control officer or any officer of the police department that the animal is a habitual nuisance by reason of trespassing, howling, barking, yelping or making any other noise, causing property damage, public or private or by any other actions causing undue annoyance, the Animal Control Officer, if he or she finds that a nuisance does exist, shall serve written notice upon the owner or keeper of such animal that such nuisance must be abated within a period of not more than three (3) days. Failure to comply with such notice shall result in automatic impoundment of such animal and the animal shall not be released until the owners of the animal and complainant meet with the ~~Animal Control Commission and/or the~~ Animal Control Officer to discuss the complaint. It shall be within the discretion of the ~~Animal Control Commission and/or~~ Animal Control Officer as to when and if and on what conditions the animal may be returned to the owner(s). A person who violates this section shall be fined twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense within one (1) year of the first offense, and seventy-five dollars (\$75) for the third and each subsequent offense within one (1) year of the first offense.

#### **Sec. 4-8 - Manner of making complaints.**

All complaints made under the provisions of this chapter may be made in an oral manner; provided, however, that any such complaint is, within forty-eight (48) hours, reduced to forms provided by the Animal Control Officer and shall be signed by the complainant showing his or her address and any other information requested by the Animal Control Officer.

#### **Sec. 4-9 - Animals accompanying certain persons.**

For the safety of children, animals and motorists, no animal shall accompany persons on paper routes or to school bus stops.

#### **Sec. 4-10 - Animals restricted in schoolyards.**

No animal shall be allowed in any schoolyard, private or public, either at large or under restraint, except service animals as allowed by law.

**Sec. 4-11 - Animals in food, drink establishments.**

No animal, except for service animals as allowed by law, shall be allowed in any market or other food store. No animal, except for service animals as allowed by law, shall be allowed into any restaurant or other such facility which dispenses any food or drink to the public.

**Sec. 4-12 - Disposition of fees.**

All moneys received from the licensing of dogs and impoundment of dogs or other animals within the Town, or any fines imposed for violations of this Chapter, shall be used for the maintenance and expenses of the animal shelter of the Town and the upkeep of the animal control programs of the Town.

**Sec. 4-13 - Jurisdiction over offenses.**

Any alleged violations of the terms of this Chapter may be brought before the Hopkinton Municipal Court and the Municipal Court may exercise jurisdiction over such alleged violations except to the extent that any such matters are within the exclusive jurisdiction of the Rhode Island District Court and/or Superior Court.

**Sec. 4-14 - Severability.**

If any provision of this Chapter or any rule or determination made hereunder, or application hereof to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this Chapter and its application to any person, agency, or circumstances shall not be affected thereby. The invalidity of any section or sections of this Chapter shall not affect the validity of the remainder of the Chapter.

**SECS. 4-15 – 4-19 – Reserved.**

**ARTICLE II – CRUELTY TO ANIMALS**

**Sec. 4-20 - Overwork, mistreatment, or failure to feed animals.**

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. If the offense

described in this section results in the death of the animal, the person shall be punished in the manner provided in Section 4-24.

(b) Any person who has been previously convicted of an offense provided for in this chapter and/or in Chapter 1 of Title 4 of the Rhode Island General Laws shall, upon conviction of a second or subsequent violation within a ten-year (10) period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person convicted under this Article and/or Chapter 1 of title 4 of the Rhode Island General Laws of a second or subsequent offense shall be required to serve one hundred (100) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

(c) Every owner, possessor, or person having charge of any animal may, upon conviction of a violation of this Section, be ordered to forfeit all rights to ownership of the animal to the Animal Control Officer or to a humane society that owns and operates a duly licensed shelter.

REFERENCES: R.I.G.L. § 4-1-2

#### **Sec. 4-21 - Unnecessary Cruelty.**

(a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who carries that animal or who fails to provide that animal with adequate living conditions as defined in this Chapter, or who engages in the hazardous accumulation of animals, or causes that animal to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or causes to have placed, on any animal any substance that may produce irritation or pain or that is declared a hazardous substance by the U.S. Food and Drug Administration or by the State Department of Health, shall be punished for each offense in the manner provided in Section 4-20 and/or R.I.G.L. § 4-1-2. If the offense described in this Section results in the death of the animal, the person shall be punished in the manner provided in Section 4-24 and/or R.I.G.L. § 4-1-5. If any owner, possessor, or person having the charge or custody of any animal is found guilty of or pleads nolo contendere to a violation of this Section and said violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in R.I.G.L. § 27-38.2-2.

(b) The substances proscribed by subsection (a) do not include any drug having curative and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

(c) University, college, or hospital research facilities licensed and/or inspected by the U.S. Department of Agriculture or the U.S. Public Health Service of the Department of Health and Human Services shall be exempt from the provisions of subsection (a) provided that they are in good standing with the federal agency responsible for licensing or assurance of the facility.



REFERENCES: R.I.G.L. § 4-1-3

**Sec. 4-22 - Animal confinement in motor vehicles prohibited.**

(a) No owner or person shall confine any animal in a motor vehicle that is done in a manner that places the animal in a life-threatening or extreme health-threatening situation by exposing it 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, law enforcement officer, or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances after making a reasonable effort to locate the owner or other responsible person.

(b) A law enforcement officer, animal control officer, or fire fighter may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, 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.

(c) Nothing in this Section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A law enforcement officer, animal control officer, or fire fighter may enter the motor vehicle for the sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise permitted by law.

(d) A law enforcement officer, animal control officer, or fire fighter 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 or agent's name and office and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(e) A law enforcement officer, animal control officer, or fire fighter 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.

(f) Any person who knowingly violates this Section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.

REFERENCES: R.I.G.L. § 4-1-3.2

**Sec. 4-23 - Abandonment of infirm animals.**

If any maimed, sick, infirm, or disabled animal is abandoned to die, by any owner or person having charge of that animal, that person shall, for each offense, be punished in the manner provided in Section 4-20.

REFERENCES: R.I.G.L. § 4-1-4

**Sec. 4-24 - Malicious injury to or killing of animals.**

(a) Every person who cuts out the tongue or otherwise dismembers any animal maliciously; or maliciously kills or wounds any animal; or maliciously administers poison to or exposes any poisonous substance with intent that the poison shall be taken or swallowed by any animal; or who maliciously exposes poisoned meat with intent that the poison meat is taken or swallowed by any wild animal, shall be imprisoned not exceeding five (5) years or be fined not exceeding one thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of this animal for triple damages, to be recovered by civil action. In addition, any person convicted under this Section is required to serve fifty (50) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

(b) This Section shall not apply to licensed hunters during hunting season or a licensed business killing animals for human consumption.

REFERENCES: R.I.G.L. § 4-1-5

**Sec. 4-25 - Abandonment of animals.**

(a) If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, he or she shall be punished in the manner provided in Section 4-20 for each such offense. If this abandonment results in the death of the animal, the person shall be punished in the manner provided in Section 4-24.

(b) Any duly licensed pound or animal shelter 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 five (5) days of impoundment. Any animal deemed abandoned shall become the property of the impounding agency and may be adopted.

(c) Any pound or 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.

REFERENCES: R.I.G.L. § 4-1-26

**Sec. 4-26 - Seizure of animals being cruelly treated.**

(a) The animal control officer may lawfully take charge and possession of any animal found abandoned or neglected or hazardously accumulated, or in the opinion of the officer is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and may thereupon proceed to provide all necessary care and treatment required or take other appropriate action as determined by a licensed veterinarian.

(b) Any person authorized to seize an animal pursuant to this Section must leave written notice on the property where the animal was seized within twenty-four (24) hours of the seizure. This notice must be left in a location where it is reasonably likely to be found and must include the name, address, telephone number, and signature of the person seizing the animal; the reason for seizing the animal; and the location where the seized animal is being kept pending any order pursuant to Section 4-28. If the address of the animal owner is known, notification through certified mail with return receipt requested shall also be provided.

REFERENCES: R.I.G.L. § 4-1.2-1

#### **Sec. 4-27 - Notice of hearing.**

Any authorized person making a seizure under section 4-26 may file with a district court that has jurisdiction over the matter a verified petition plainly stating those facts as to bring such animal within the jurisdiction of the court and praying for appropriate action by the court in accordance with the provisions of this chapter. Upon the filing of the petition, the court shall cause a summons to be issued requiring the owner(s) or person(s) having responsibility for the care of the animal, if known, to appear in court at the time and place named, which summons shall be served not less than fourteen (14) days before the date of the hearing. If the owner(s) or person(s) having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town in which the officer took charge of the animal not less than fourteen (14) days before the date of the hearing. The court shall further give notice to the petitioner of the time and place of the hearing not less than fourteen (14) days before the date of the hearing.

REFERENCES: R.I.G.L. § 4-1.2-2

#### **Sec. 4-28 - Order for temporary care of seized animals.**

(a) If it appears from the allegations of the petition and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require that its custody be immediately assumed to safeguard its welfare, the court shall either:

(1) Issue an order to the owner(s) or person(s) having responsibility for the care of the animal to show cause at such time as the court may designate why the court shall not vest in some suitable state, municipal, or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition; or

(2) Issue an order vesting in some suitable state, municipal, or other public or private agency or person, the animal's temporary care and custody, pending a hearing on the petition, which hearing shall be held within ten (10) days from the issuance of the order on the need for such temporary care and custody. The service of the orders may be made by any officer authorized by law to serve process, state police officer, indifferent person, or by certified mail with return receipt requested if the individual lives out of state.

REFERENCES: R.I.G.L. § 4-1.2-3

**Sec. 4-29 - Posting of bond.**

(a) If the court issues an order pursuant to Section 4-28 vesting the animal's temporary care and custody in some suitable state, municipal, or other public or private agency or person, the owner(s) shall either surrender ownership of the animal or post a surety bond or cash bond with the agency or person in whom the animal's temporary care and custody was vested. The surety bond or cash bond shall be in an amount sufficient to pay the reasonable expenses related to necessary veterinary care, shelter, feeding, and board that is reasonably anticipated to be incurred by the agency or person having temporary care and custody of the animal during the litigation of the process referenced in Section 4-26.

(b) The surety bond or cash bond shall cover the expenses for a period as decided by the court with subsequent bonds being necessary upon the expiration of the preceding bond until the animal is transferred, returned, or otherwise treated pursuant to Section 4-30. Failure to post the original or subsequent bonds will result in forfeiture of the seized animals, with disposition as provided for pursuant to Section 4-30.

REFERENCES: R.I.G.L. § 4-1.2-4

**Sec. 4-30 - Disposition of seized animals.**

(a) If a seized animal is forfeited or surrendered pursuant to Section 4-29, or after hearing the court finds that the animal is neglected or cruelly treated, it may transfer ownership of the animal in any state, municipal, or other public or private agency that is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of the responsibility by the court.

(b) If, after hearing, the court finds that the animal is so injured or diseased, the court may order the animal into the care of a licensed veterinarian to provide the animal with appropriate treatment.

(c) If, after hearing, the court finds that the animal is not neglected or cruelly treated, it may cause the animal to be returned to its owner(s) or person(s) having responsibility for its care or, if the owner(s) or person(s) is unknown or unwilling to resume caring for the animal, it may transfer ownership of the animal ~~in~~ to any state, municipal, or other public or private agency or person found to be suitable or worthy of the responsibility.

(d) If the court renders a final decision under subsection (a) or (b) of this section, the agency or person with whom the bond was posted shall return the balance, if any, of the bond to the owner(s). The amount of the bond to be returned to the owner(s) shall be calculated by dividing the amount of the bond by thirty (30) to establish the daily rate and subtracting the number of days less than thirty (30) that the agency or person has not had temporary care and custody of the animal.

(e) If the court makes a finding pursuant to subsection (c) of this section after the issuance of an order of temporary care and custody pursuant to Section 4-28 and the owner(s) of the animal has posted a bond pursuant to Section 4-29, the agency or person with whom the bond was posted shall return all the bond(s) to the owner(s).

(f) Unless the court finds that there was no probable cause to institute a complaint that the animal is not neglected or cruelly treated, the expense incurred by the state or a municipality in providing proper food, shelter, and care to an animal it has seized pursuant to this chapter and the expense incurred by any state, municipal, or other public or private agency or person in providing temporary care and custody to an animal pursuant to the provisions of this chapter shall be determined by calculating the average costs from three (3) providers of the necessary equivalent services related to the veterinary care, sheltering, feeding, and board in the state, which was provided to the animal.

REFERENCES: R.I.G.L. § 4-1.2-5

**SECS. 4-31 – 4-35 – Reserved.**

### **ARTICLE III – DOGS**

#### **Sec. 4-36 - Dog licenses--Fees—Penalties.**

(a)(1) Every owner or keeper of a dog shall annually, in April, obtain a license effective May 1 through the office of the Hopkinton Animal Control Officer.

(2) The fee for the license shall be eight dollars (\$8.00).

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

(4) All licenses issued under the provisions of this chapter shall be valid in every Rhode Island city or town during the then-current year.

(5) 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.

(b) Every person, owning or keeping a dog not licensed and/or collared according to the provisions of this chapter, shall be fined twenty-five dollars (\$25.00) to be applied to the support of the Town's animal control operations, and that fine shall be in addition to all other lawful fees.

(c) The Town shall waive the fee to be charged to license guide dogs and/or service animals used by persons with disabilities.

REFERENCES: R.I.G.L. § 4-13-4

**Sec. 4-37 - Notice to new owner of inoculation and licensing requirements.**

(a) It is unlawful for any dog pound, animal shelter, kennel, pet store, or any other such licensed facility, to give away or adopt out any dog without providing the new owner with a form indicating that inoculation against rabies and permanent licensing are required within thirty (30) days.

(b) The facility shall also require the new owner to sign a register indicating that the new owner has received a form and the register shall also contain the name and address of the new owner and shall be permanently maintained by the facility.

(c) The person obtaining a dog in this manner is required to have this dog inoculated against rabies and obtain a permanent license within thirty (30) days.

(d) Any person who violates the provisions of this Section is subject to the penalty provisions of Section 4-36 of this Chapter.

REFERENCES: R.I.G.L. § 4-13-4.1

**Sec. 4-38 - License information and record.**

Every owner or keeper of a dog applying for a license as provided for in Section 4-36 shall furnish the Animal Control Officer with the following information: name and address of owner or keeper, and breed, sex, color, and name of dog to be licensed. The Animal Control Officer shall assign a registered number for each dog licensed and shall enter on the license the registered number, name, and address of the owner or keeper, and the breed, sex, color, and name of the dog licensed, and shall keep a record of all licenses issued.

REFERENCES: R.I.G.L. § 4-13-5

**Sec. 4-39 - Notice as to time and place of issuing licenses.**

The Animal Control Officer shall annually, in the month of March, give notice by publication at least once in a newspaper of general circulation within the town, giving notice to the people of the time and place for issuing dog licenses.

REFERENCES: R.I.G.L. § 4-13-7

**Sec. 4-40 - Pups exempt from license.**

No license shall be required for any dog under the age of six (6) months.

REFERENCES: R.I.G.L. § 4-13-9

**Sec. 4-41 - Thoroughbred dogs exempt--Kennel licenses.**

No license fee is imposed on any thoroughbred dogs kept for breeding and stud purposes only; provided, that the dog is owned by a breeder or annual exhibitor of thoroughbred dogs; and provided, further, that the dogs are kept in a duly licensed breeding kennel, and only allowed at large in charge of the owner or keeper of that kennel. Every owner or keeper of thoroughbred dogs may make application to the Animal Control Officer for what shall be known as a kennel license. The application states the name or names of the owner and keeper of the kennel, the proposed location of the kennel, and the number of dogs to be kept; and that the dogs are to be kept only for breeding and stud purposes. If the Animal Control Officer deems that the kennel and the use and operation of that kennel at that location would not constitute a public nuisance, and the kennel receives approval from the zoning enforcement officer and/or zoning board, the Animal Control Officer shall issue a kennel license authorizing the owner or keeper to keep the kennel in the definite location to be specified in the license, upon the payment by the applicant of twenty-five dollars (\$25.00) for the license. Every kennel license is for a period not exceeding one year and expires on the first day of April. Any person without a kennel license who establishes or keeps a kennel shall be fined not exceeding five dollars (\$5.00) for each day the kennel is kept in addition to any penalties that may be imposed under the Town's zoning ordinance.

REFERENCES: R.I.G.L. § 4-13-10

**Sec. 4-42 - Wrongful removal of collar--Theft or destruction of licensed dogs—Poisoning.**

Whoever wrongfully removes the collar from the neck of a dog licensed and collared according to the provisions of this Chapter, or steals a dog licensed or collared, or kills, maims, entices, carries away, or detains a licensed dog, or distributes or exposes a poisonous substance, with the intent that the poisonous substance shall be eaten by a licensed dog, shall be punished by a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100) or be imprisoned not exceeding thirty (30) days, or both, and shall be liable to the dog's owner for damages in a civil action.

REFERENCES: R.I.G.L. § 4-13-13

**Sec. 4-43 - Collaring of dogs--Impoundment and disposition of uncollared dogs**

(a) Every owner or keeper of a dog shall cause the dog to wear a collar around its neck distinctly marked with its owner's or keeper's name and with its registered number. An owner who fails to license a dog or fails to place a collar with the license and identification on a dog, or both, shall be warned to comply with the requirements of this section within thirty (30) days. The warning shall be in writing and delivered in person or sent by regular mail. An owner who fails to comply with the requirements of this Section within thirty (30) days of the day the warning was issued shall be fined fifty dollars (\$50.00). An owner who fails to comply with this section within sixty (60) days of the warning was issued shall be fined one hundred dollars (\$100).

(b) Any person may cause any dog not so collared to be impounded in the animal shelter and if the dog is not claimed by its owner or keeper within a period of five (5) days after the impoundment, the dog may be disposed of or destroyed. The five (5) days shall not include any day or part of a day that the animal shelter is not open for a specified period of time, not to be less than one-half (1/2) the normal hours of business, for the purpose of reclaiming any impounded dog by its rightful owner. The owner or keeper of any dog so impounded shall not take the dog out of the animal shelter until he or she has first paid to the animal control officer the expense of keeping the dog, that expense not to exceed fifteen dollars (\$15.00) per day. The provisions of this Section relating to the five-day (5) waiting period shall not be deemed to apply to any dog which, when impounded, was injured or maimed, and after the dog has been examined by a licensed veterinarian who shall confirm, in writing, that the dog be destroyed for humanitarian purposes.

(b) Any person violating the provisions of this section is subject to the penalty provisions of Section 4-20.

REFERENCES: R.I.G.L. § 4-13-15

#### **Sec. 4-44 - Leash law.**

(1) Every owner or guardian of a dog shall cause that dog not to run unrestricted anywhere in the Town outside of the owner or guardian's property. This section does not apply to any person who uses a dog under his or her direct supervision while lawfully hunting, while engaged in a supervised formal obedience training class or show or during formally sanctioned field trials.

(2) It is unlawful for any owner or guardian of a dog, outside of the owner or guardian's property, 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.

(3) The Animal Control Officer is empowered to seize and impound any dog found off the property of its owner or custodian when that dog is unrestricted.

(4) The animal control officer shall serve a written warning on any person that is found to be in violation of this Article. The warning shall be delivered in person or sent by regular mail. If the violation is not corrected within thirty (30) days of the day the warning was issued, the person shall be fined twenty-five dollars (\$25). If a second violation takes place within one (1) year of the day the warning was received the owner shall be fined fifty dollars (\$50). If a third or further subsequent violation takes place within one (1) year of the day the warning was received, the owner shall be fined seventy-five dollars (\$75). Any person violating the provisions of this Section shall be fined not exceeding two hundred and fifty dollars (\$250).

~~(4) Any person violating the provisions of this Section shall be fined not exceeding two hundred and fifty dollars (\$250).~~

REFERENCES: R.I.G.L. § 4-13-15.1



**Sec. 4-45 - Destruction of dogs in defense of person or livestock.**

Any person may kill any dog that suddenly assaults him or her or any person of his or her family or in his or her company, while the person assaulted is out of the enclosure of the owner or keeper of that dog and any person may kill any dog found out of the enclosure of its owner or keeper, assaulting, wounding, or killing any cattle, sheep, lamb, horse, hog, or fowl, not the property of its owner.

REFERENCES: R.I.G.L. § 4-13-18

**Sec. 4-46 - Care of dogs.**

(a) No owner or guardian of a dog shall:

1. Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than one hundred thirteen (113) square feet or less than a six (6) foot radius at ground level.
2. Tether a dog with a choke-type collar or prong-type collar. The weight of any chain or tether shall not exceed one-eighth ( $\frac{1}{8}$ ) of the dog's total body weight.
3. Keep any dog tethered for more than ten (10) hours during a twenty-four-hour (24) period or keep any dog confined in an area or primary enclosure for more than fourteen (14) hours during any twenty-four-hour (24) period, and more than ten (10) hours during a twenty-four-hour (24) period, if the area is not greater than that which is required under the most recently adopted version of the department of environmental management's rules and regulations governing animal care facilities.
4. Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.
5. Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).

(b) Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.

(c) The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:

1. If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;

2. If tethering or confinement is authorized in writing by the animal control officer for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by the animal control officer shall be considered valid in every other political subdivision of the state. The written authorization issued by the animal control officer is revocable by that animal control officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;

3. To any entity licensed by the state pursuant to R.I.G.L. chapter 19 of title 4, or any veterinary facility; or

4. To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM).

(d) Any person in violation of this section shall be imprisoned not exceeding eleven (11) months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. Each day of violation shall constitute a separate offense.

REFERENCES: R.I.G.L. § 4-13-42

**SECS. 4-47 – 4-51 – Reserved.**

## **ARTICLE IV – VICIOUS DOGS**

### **Sec. 4-52 - Requirements for registration.**

(a) No dog that has been declared vicious in accordance with Chapter 13.1 of Title 4 of the Rhode Island General Laws shall be licensed by the Animal Control Officer unless the owner or guardian of that dog that has been declared vicious meets any or all of the following requirements as may be imposed:

(1) A panel convened pursuant to R.I.G.L. § 4-13.1-11 and/or a judge of the district court may require the owner or keeper to present to the Animal Control Officer proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering any damage or injury which may be caused by the vicious dog during the twelve (12) month period for which licensing is sought, which policy contains a provision requiring the Town to be named as additional insured for the sole purpose of the Animal Control Officer and/or Town Clerk to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

(2) The owner or keeper shall, at his or her own expense, have the licensing number assigned to the vicious dog, or any other identification number that the Animal Control Officer determines, tattooed upon the vicious dog by a licensed veterinarian or person trained as a tattooist and authorized a licensed veterinarian or tattooist by any state, city or town police department. The tattoo shall be placed on the upper inner left rear thigh of the vicious dog. The Animal Control Officer may, in his or her discretion, designate the particular location of the tattoo. The licensing number shall be noted on the Town licensing files for the vicious dog, if it is different from the license number of the vicious dog. For the purposes of this Section, tattoo shall be defined as any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent, acceptable method of tattooing. A microchip may be used in lieu of a tattoo. The Town shall affix a two (2) letter prefix to the identification number in order to identify the particular city or town where the dog was initially licensed.

(3) The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public highway.

(4) The owner or keeper shall sign a statement attesting that:

(i) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this Section during the twelve (12) month period for which licensing is sought, unless the owner or keeper ceases to own or keep the vicious dog prior to expiration of the license.

(ii) The owner or keeper shall have an enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.

(iii) The owner or keeper shall notify the police department or the Animal Control Officer within two (2) hours if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died.

(5) When the dog is off the owner's property, it shall be on a leash and/or muzzled.

(6) When the dog is outdoors on the owner's property, it must be on a leash and/or muzzled, or tie-out, or in an enclosed area which prevents its escape.

(b) The Animal Control Officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with this Chapter, and is empowered to seize and impound any vicious dog whose owner or keeper fails to comply with this Chapter.

(c) In the event that the owner or keeper of the dog refuses to surrender the animal to the Animal Control Officer, the Animal Control Officer may request a police officer to obtain a search warrant from a justice of the district court and to seize the dog upon execution of the warrant.

(d) A dog must be spayed or neutered unless a licensed veterinarian states in writing that the procedure would threaten the life of the dog.

(e) If an owner or keeper moves, he or she shall notify the Hopkinton Animal Control Officer and the dog officer of the city or town in which he or she is to reside.

(f) An owner or keeper may leave a dog under the care and control of someone over the age of sixteen (16) years.

(g) It shall be unlawful for the owner or keeper to sell or give away any dog declared vicious.

REFERENCES: R.I.G.L. § 4-13.1-3

#### **Sec. 4-53 - Control of vicious dogs.**

(a) All dogs that have been declared vicious shall be confined in an enclosure. It is unlawful for any owner or keeper to maintain a dog that has been declared vicious upon any premises which does not have a locked enclosure.

(b) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to comply with commands or directions of the dog officer with respect to the vicious dog, or to comply with the provisions of Section 4-52. In this event, the vicious dog shall be securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or guardian of the vicious dog.

REFERENCES: R.I.G.L. § 4-13.1-4

#### **Sec. 4-54 - Determination of a vicious dog.**

If the animal control officer has probable cause to believe that a dog is vicious, he or she shall convene a hearing according to the procedure required by R.I.G.L. §4-13.1-11 to determine whether the dog should be declared vicious. If the animal control officer has probable cause to believe that the dog may pose a threat of serious harm to human beings or to domestic animals, the animal control officer may seize and impound the dog, or may order the owner to confine the dog, before a hearing takes place.

REFERENCES: R.I.G.L. § 4-13.1-11

#### **SECS. 4-55 – 4-59 – Reserved.**

## **ARTICLE V – ANIMAL CONTROL AND IMPOUNDMENT**

### **Sec. 4-60 - Destruction of certain animals.**

(a) When any animal has been examined by a licensed veterinarian and in his or her opinion such animal should be destroyed for humane reasons, such animal may not be reclaimed or placed into the custody of another.

(b) Under emergency circumstances, the Animal Control Officer may destroy any animal in a humane manner; however, the Animal Control Officer must first have made every effort to communicate with its owner if known, and must have made every possible effort to have had the services of a licensed veterinarian either to care for such animal at the location of the incident or if possible transport the animal to the office of a licensed veterinarian.

### **Sec. 4-61 - Admission of animals to pound may be restricted.**

The Town and/or the Animal Control Officer shall not be obligated to accept any animal which is privately owned into the animal shelter. If this action is deemed to be necessary to assure humane treatment of the animal, the owner shall be charged for such care and disposition in the amount not exceeding one-hundred dollars (\$100.00).

### **Sec. 4-62 - Investigations.**

In the discharge of the duties imposed on the Animal Control Officer, such officer shall have the right and authority at all reasonable times to inspect any premises to examine any animal for the purpose of enforcing the provisions of this Chapter. Such Animal Control Officer shall have the authority to remove any animal from any property after such procedures required for the removal of any property from either private or public property has been adhered to.

### **Sec. 4-63 - Hindrance of officer.**

Any person who interferes with, hinders, or molests the animal control officer in the performance of his or her duties, or attempts, without authorization, to release any animal in the custody of the animal control officer shall be guilty of a petty misdemeanor. Such a person shall be prosecuted in Municipal court and shall be subject to imprisonment for a term not exceeding thirty (30) days, or a fine of not more than five hundred dollars (\$500), or both. Each day of violation shall be a separate offense.

### **Sec. 4-64 - Records.**

It shall be the duty of every animal control officer to keep or cause to be kept accurate records of all impoundments and the disposition of such animals, in accordance with R.I.G.L. § 4-19-12(b)(3).

**Sec. 4-65 - Disposition of fees.**

All moneys received from the licensing of dogs, impoundment of animals, or payment of fines under this Chapter shall be used for the maintenance and expenses of the animal shelter of the Town and the upkeep of the animal control programs of the Town.

**Sec. 4-66 - Liability of owner for costs of disposal.**

Any owner of any animal who desires to dispose of the animal shall be required to assume that responsibility and cost.

**Sec. 4-67 - Census.**

The Animal Control Officer shall comply with the census requirement set forth in R.I.G.L. § 4-13-11.

**Sec. 4-68 - Authorized disposal and adoption.**

(a) Any animal found at large shall be taken up by the animal control officer, impounded and confined in a humane manner. The animal control officer shall make a prompt and reasonable attempt to locate and notify the owner of an impounded animal. An impounded animal without visible identification shall be scanned for a microchip.

(b) Any animal not claimed by its owner within ten (10) days may be disposed of in a humane manner at the discretion of the Animal Control Officer except as otherwise provided in this Chapter.

(c) The Animal Control Officer may grant custody of any animal not claimed within the specified time to any other person which in his or her opinion will be given responsible and suitable care and will agree to comply with the provisions of this chapter and such other ordinances which shall be adopted by the Town. Any person adopting an animal from the animal shelter shall comply with all sections of the animal shelter adoption policy.

**Sec. 4-69 - Animals considered abandoned.**

If an animal with or without identification is impounded, and the owner of the animal does not claim and take custody of the animal within ten (10) business days of the date of impoundment, the animal may be considered abandoned and may become the property of the Town. An animal that is the property of the Town may be offered for adoption. No abandoned animal shall be given or sold to a laboratory for experimentation or testing.

**Sec. 4-70 - Notice to owner.**

Immediately upon impoundment of any animal, the Animal Control Officer shall make reasonable effort to notify the owner of such animal. If the owner becomes known the Animal Control Officer shall make known to him or her the condition of the animal as well as the conditions and methods to be employed to regain custody of such animal.

**Sec. 4-71 - Animals other than dogs.**

Any animal, other than a dog, which is found to be running at large within the limits of the town may be impounded and disposed of in accordance with law when such action is required to protect the animal and/or to protect the citizens of the Town or their property.

**Sec. 4-72 - Identification of dogs.**

Every owner or guardian of a dog shall cause such dog to wear a collar around its neck distinctly marked with its owner's or keeper's name and with its registered number. The animal control officer may cause any dog not so collared to be impounded, disposed of or destroyed in accordance with the requirements of this Chapter.

REFERENCES: R.I.G.L. § 4-13-15

**Sec. 4-73 - Redemption.**

Every owner shall be entitled to gain possession of any animal which becomes impounded, except as otherwise provided in this chapter; however, no animal can be reclaimed by its owner until all impoundment fees and fines as set forth herein have been paid to the town, including all veterinary fees attributed to the care of the animal involved while so impounded and any fines imposed pursuant to section 4-75. Every owner shall be required to show proof of ownership prior to reclaiming any animal, such proof to be of any nature which is to the satisfaction of the Animal Control Officer.

**Sec. 4-74 - Return of impounded animals**

(a) The owner of an impounded animal shall pay fifteen (\$15.00) a day for each day of impoundment to defray the expenses of impoundment. Payment shall be made before the animal is released.

(b) No impounded dog required to be licensed shall be returned to its owner unless the dog is licensed and is wearing a collar with the license tag and a tag displaying the owner's name.

(c) No impounded cat required to have identification shall be returned to its owner unless the cat has identification required by Section 4-88 of this Chapter, or the owner provides the animal control officer with evidence that arrangements have been made to affix such identification.

(d) No impounded cat required to be spayed or neutered shall be returned to its owner unless the owner provides the animal control officer with evidence that arrangements have been made to spay or neuter the cat within thirty (30) days.

REFERENCES: R.I.G.L. §§ 4-1-26, 4-13-15, 4-22-5

**Sec. 4-75 - Fines and penalties.**

Any animal impounded under the provisions of this article may be reclaimed as herein provided upon payment by its owner or keeper to the animal control officer the sum of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense within a year, and seventy-five (\$75.00) for the third and any subsequent offense within a year.

**Sec. 4-76 – Animal Control Officer – Qualifications**

Any person employed by the Town as an animal control officer shall be required to comply with the certification requirements set forth in R.I.G.L. § 4-19-22.

**SECS. 4-77 – 4-81 – Reserved.**

**ARTICLE VI – RABIES CONTROL**

**Sec. 4-82 - Adoption by reference of state rabies control requirements.**

In accordance with R.I.G.L. § 4-13-29.1 the Town hereby adopts into its Code of Ordinances and incorporates by reference the provisions of Chapter 13 of Title 4 of the Rhode Island General Laws insofar as they concern rabies control and the Town also adopts and incorporates by reference the regulations adopted by the State of Rhode Island Rabies Control Board.

**SECS. 4-83 – 4-87 – Reserved.**

**ARTICLE VII – CATS**

**Sec. 4-88 - Required cat identification.**

It shall be unlawful for any person to be an owner of a cat over three months of age unless the person maintains an identification worn by the cat at all times.

The identification provisions in this ordinance are not applicable to the following:

- (a) A cat brought into the state exclusively for the purpose of entering them in a cat show or cat exhibition or for breeding purposes and which does not remain in this state for more than fifteen (15) days and which is not allowed to be at large.
- (b) A cat owned by any person who is not a resident of the state and is traveling through the state temporarily and for a period not to exceed thirty (30) days.
- (c) A cat temporarily kept by a licensed veterinarian, a licensed kennel, or a licensed animal shelter or a licensed municipal pound who maintain on their premises cats owned by others.



(d) A cat temporarily kept by owners of a licensed pet shop for purposes of sale or by a licensed animal shelter or a licensed municipal pound for purposes of adoption.

(e) A cat kept exclusively indoors or confined in outdoor areas and maintained for pedigreed cat breeding and stud purposes.

For purposes of this section, “identification” means: a traceable form of identification such as (1) a collar and a flat or hanging tag worn by a cat which includes the current name, address and telephone number of the owner, or (2) a rabies vaccination tag, or (3) an ear tag issued by a licensed veterinarian or by a licensed animal shelter or licensed municipal pound, or (4) a registered microchip which is used in conjunction with a visible collar and tag or in conjunction with a faceted, reflective ear stud, or (5) a tag from a licensed animal shelter or licensed municipal pound, or (6) a tattoo registered with the National Dog Registry or other similar national tattoo service, or (7) a cat license issued by a Rhode Island city or town, or (8) a collar incorporating embroidery as a type of information labeling rather than a hanging or flat tag or (9) in the case of feral cats, a tipped or notched ear in conjunction with a microchip or any of the above other forms of identification. The intent is to allow flexibility in the types of identification available for cats and to incorporate other types of cat identification in the future as they are developed.

REFERENCES: R.I.G.L. §§ 4-22-2, 4-22-3

**Sec. 4-89 - Spaying or neutering required.**

No person shall own, keep or harbor a cat more than six (6) months old that has not been spayed or neutered unless that person has a permit to keep an unaltered cat, a permit to breed the cat or a statement signed by a licensed veterinarian that it would be inappropriate to spay or neuter a cat because of the cat’s age or health.

REFERENCES: R.I.G.L. § 4-24-3

**Sec. 4-90 - Permit to keep unaltered cat.**

(a) Any person who declines to spay or neuter his or her cat shall obtain a permit to keep an unaltered cat.

(b) An applicant shall submit an application to the animal control officer. The application shall include a statement, signed by the applicant, that the cat for which the permit is sought will not be bred unless the owner first obtains a breeding permit for that cat. The animal control officer shall have the authority to require the applicant to appear in person to submit the application. The animal control officer shall forward the completed application to the town clerk, who shall issue the permit upon the recommendation of the animal control officer.

REFERENCES: R.I.G.L. § 4-24-3

**Sec. 4-91 - Permit to breed cat.**

(a) No person shall cause or allow any male or female cat to breed without first obtaining a breeding permit.

(b) An applicant shall submit an application to the animal control officer. The animal control officer shall forward the completed application to the town clerk, who shall issue the permit upon the recommendation of the animal control officer.

(c) The following conditions shall apply to all cat breeding permits:

1. No kitten shall be sold or placed unless it is at least eight (8) weeks old and has received all immunizations required by law.

2. The permit holder shall prominently display the permit number in any advertisement offering kittens for adoption or sale and shall provide the permit number to any person who adopts or buys a kitten.

REFERENCES: R.I.G.L. §4-24-4

**Sec. 4-92 - Conditions of permit.**

The following conditions shall apply to all permits to keep an unaltered cat and all permits to breed cats:

1. A permit holder shall obtain a separate permit for each cat.

2. The fee for the permit is twenty-five dollars (~~\$100~~25).

3. The permit shall expire one year from the date it was issued.

4. Permits are not transferrable.

5. The permit holder shall adhere to the minimum standards for the care and keeping of animals contained in this chapter and in title 4 of the Rhode Island General Laws.

REFERENCES: R.I.G.L. § 4-24-4

**Sec. 4-93 - Revocation of permit.**

(a) Any permit issued to breed or keep an unaltered cat may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:

(1) The permittee has violated the provisions of this chapter or any other state statutes or local ordinances relating to the keeping, care or use of any animal;

- (2) The permittee is in violation of any state health or safety law or regulation regarding animal care or control;
- (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this section;
- (4) The permittee refuses to allow inspection, upon forty-eight (48) hours of written notice, of any cat covered by the permit or the premises on which the animal is kept; or
- (5) The permittee has transferred, sold or otherwise disposed of the cat for which the permit was issued.

(b) If, after investigation, the animal control officer concludes that it is probable that one or more of the above grounds for revocation has occurred, he or she shall cause written notice thereof to be transmitted by mail to the address of the permittee. The notice shall specify the grounds of possible revocation of the permit, and shall specify a date and time for an informal hearing to be held before the animal control officer. The date shall be not less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit. Provided, further, that if the health or well-being of the animal is in danger the animal control officer of that city or town may take custody and control of the animal until such time that a hearing is conducted pursuant to this subsection.

REFERENCES: R.I.G.L. § 4-24-6

#### **Sec. 4-94 - Violations.**

Any person who violates the permit provisions related to cats shall have no more than thirty (30) days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating that arrangements have been made to spay or neuter their cat(s). The animal control officer shall inform persons subject to this law to the availability of reduced cost or free spay/neuter programs available for low income persons and any programs sponsored by local humane organizations offering low cost spaying or neutering. If an animal is not spayed or neutered within thirty (30) days of the notice, he or she shall be subject to a seventy-five dollar (\$75.00) fine for each thirty (30) days the animal is not spayed or neutered. Funds generated pursuant to this section shall be deposited in the spay/neuter account of the town to be used to fund low-cost spay/neuter programs in accordance with R.I.G.L. § 4-24-13.

REFERENCES: R.I.G.L. 4-24-10

#### **Sec. 4-95 - Farm cats exempt.**

Cats kept on any tract of land devoted to commercial agricultural use are exempt from the identification requirements of this Article.

#### **SECS. 4-96 – 4-100 – Reserved.**

## **ARTICLE VIII- CARE OF DOMESTIC LIVESTOCK**

### **Sec. 4-101 – Purpose and Scope.**

The purpose of this Article is to establish standards for the care of domestic livestock as defined in this Chapter. This Article shall not apply to dogs, cats, and other household pets.

### **Sec. 4-102 - General Standards.**

The following standards apply to any parcel on which domestic livestock are kept:

- (a) Areas where domestic livestock are kept shall be managed in a manner that minimizes dust, odor, and vermin.
- (b) Storm water runoff from all areas where domestic livestock are kept and where manure is stored or composted shall be directed away from wetlands and wells on the parcel where the domestic livestock are kept and away from wetlands and wells on neighboring parcels.

### **Sec. 4-103 - Manure management.**

Manure shall be stored or composted in the following manner:

- (a) Manure shall be stored or composted at least fifty (50) feet from a lot line, one hundred (100) feet from a well, and two hundred (200) feet from a wetland or storm water drainage feature.
- (b) Manure storage or composting areas shall be visually screened from residential uses on neighboring lots.
- (c) Manure shall be stored on an impermeable surface and shall be protected from precipitation by a cover to prevent surface runoff over and around manure piles to avoid contamination of surface and ground water.

### **Sec. 4 -104 - Care of chicken and rabbits.**

The following standards apply to any parcel on which chickens or rabbits are kept as domestic livestock:

- (a) The animals shall have a coop or shelter that:
  - 1. Provides adequate protection from the elements and inclement weather.
  - 2. Is resistant to predators
  - 3. Is well-ventilated,

4. Provides a minimum of two (2) square feet for each chicken or rabbit,
5. Is located on an impermeable surface and covered to prevent runoff,
6. Is kept clean, dry, and sanitary at all times,
7. Is located at least twenty (20) feet from any dwelling, and
8. Is located at least one hundred (100) feet from any well.

(b) Chickens shall have a fenced outdoor enclosure that adequately contains them. The fenced outdoor enclosure shall be kept clean and sanitary at all times.

(c) Chickens shall be confined between 9:00 p.m. and 7:00 a.m.

(d) Animal feed shall be securely stored.

**Sec. 4-105 - Violations.**

The animal control officer shall serve a written warning on any person that is found to be in violation of this Article. The warning shall be delivered in person or sent by regular mail. If the violation is not corrected within thirty (30) days of the day the warning was issued, the person shall be fined twenty-five dollars (\$25). If a second violation takes place within one (1) year of the day the warning was received the owner shall be fined fifty dollars (\$50). If a third or further subsequent violation takes place within one (1) year of the day the warning was received, the owner shall be fined seventy-five dollars (\$75).

**SECS. 4-106 – 4-110 – Reserved.**

This Ordinance will take effect upon passage.

ADOPTED: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Marita Murray  
Town Clerk

\_\_\_\_\_  
Michael Geary  
Town Council President