

## Chapter 3

### ANIMALS AND FOWL\*

\* **Editors Note:** Ord. of Oct. 2, 2006, deleted the former Ch. 3, §§ 3-1--3-7, 3-20--3-38, and enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

**Cross References:** Animals prohibited on sidewalks, § 15-1.

**State Law References:** Authority to regulate keeping of animals and maximum penalty, G.L. 1956, § 23-19-1; impounding, § 4-15-1 et seq.

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## **ARTICLE I.**

### **ANIMAL CONTROL OFFICER**

#### **Sec. 3-1. Animal control officer.**

Here is created an animal control officer employed by the town who shall have the authority to enforce the provisions of this chapter, and other laws that by statute he is authorized to enforce. In addition, any regular police officer shall have the same authority of enforcement as does the animal control officer.

(Ord. of 10-2-06)

#### **Sec. 3-2. Duties of animal control officer generally.**

(a) It shall be the duty of the animal control officer to keep accurate and detailed records of all bite cases reported to him and his investigation of the same, as well of impoundments and dispositions of all animals coming into his custody.

(b) It shall be the duty of the animal control officer to enforce or cause to be enforced all provisions of this chapter, as well as any and all laws governing dogs and other animals (other than animals protected or regulated by the federal or state law, but only to the extent that such laws supercede this chapter).

(c) Within a reasonable time the animal control officer shall respond to any and all complaints from citizens pertaining to animals found in violation of this article.

(d) The animal control officer shall maintain reasonable records of all complaints and costs of maintaining or disposing of any animal and submit a monthly report to the town council. At any time upon request of the public safety director or town council, the animal control officer shall submit any and all pertinent records for inspection.

(e) The animal control officer shall maintain a suitable place designated by the town council for the boarding or keeping of any animal, here designated as the animal pound.

(f) The animal control officer shall submit to the town council an annual report of any equipment used by the town for the performance of his duties, and said report shall specify the article or articles by name and manufacturer's serial number or numbers, and the condition thereof for the purpose of determining the need for capital replacement and expenditure.

(Ord. of 10-2-06)

#### **Sec. 3-3. Investigation; right of entry.**

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

(Ord. of 10-2-06)

**Sec. 3-4. Interference with animal control officer or police officer in performance of duties.**

No person shall interfere with, hinder or molest the animal control officer or any police officer of this town in the performance of his duties, or seek to release any animal in the custody of the animal control officer or any police officer.

(Ord. of 10-2-06)

**ARTICLE II.**

**GENERAL PROVISIONS**

**Sec. 3-5. Animal defined.**

For the purpose of this chapter, the word "animal" shall include all members of the biologically defined kingdom of Animalia.

(Ord. of 10-2-06)

**Sec. 3-6. Nuisance abatement.**

(a) The keeping or harboring of any animal, whether licensed or not, which by habitual howling, yelping, barking, braying, honking or other noise unreasonably disturbs or annoys any number of persons, and can be heard beyond the boundaries of the owner or custodian's property for more than 30 minutes, at any time of day, 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, or to trespass on private property so as to damage or destroy any property or thing of value, and the same is declared to be a nuisance. Any such animal may be impounded by the animal control officer should the officer find such nuisance to exist.

(c) Whenever it shall be affirmed in writing by one resident, or person regularly employed in the neighborhood, that any animal is an habitual nuisance by reason of trespassing (whether or not there is damage or destruction of property), howling, barking, or other noise, or damage to property, being vicious by its actions, potentially vicious or in any other manner causing undue annoyance, this is hereby declared to be a nuisance, and the animal control officer, if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such nuisance must be abated. In the event said nuisance and/or annoyance is not at that time abated, the animal control officer shall impound said animal and shall employ the assistance of the police department if necessary.

(d) From the date that the animal control officer or other officer shall give notice to the owner or custodian of such nuisance, or from the date of impoundment, whichever is earlier, each day shall constitute a separate offense.

(Ord. of 10-2-06)

**Sec. 3-7. Miscellaneous provisions.**

(a) It is unlawful to permit any animal to deposit feces on private or public property other than the

property of the owner or custodian without immediately removing same. The means of removal shall be by any tool, implement or other device or means carried for the purpose of picking up and containing such feces, unexposed to such person or the public. Disposal shall be accomplished by transporting the feces to a place suitable for the disposal of human feces or to the property of the owner or custodian. Any violator of this provision shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense, and \$75.00 for the third and each subsequent offense. This regulation shall not be applied to the owner of a dog licensed to accompany any handicapped person who is physically unable to comply with this section.

(b) No animals are allowed on school property, whether or not restrained, except for service dogs (so called), and except when authority in writing has been granted by school officials for educational purposes, or by the animal control officer for good cause.

(c) It is unlawful for the owner or custodian to allow or permit any animal on public parks or sports playing fields, whether or not restrained, except for service dogs (so called).

(d) It is unlawful for the owner or custodian to allow or permit any animal to enter any store, except when authority has been granted by the owner or duly authorized manager of such store, or any eating place or public facility within the town, whether or not the animal is restrained, except for service dogs (so called).

(e) It shall be unlawful to keep more than three dogs at the same residence, or on the property of the residence, except as permitted by the town council. This provision shall not apply to licensed commercial kennels. The town clerk, upon application by such owner of the dogs, and upon authorization by the town council, may issue a "personal kennel permit" for the maintenance of additional dogs, for good cause, where circumstances in consideration of the neighborhood, the residence, the type of animal, the property involved, or other circumstances would permit additional animals without nuisance to others. Such application to the council shall be accompanied by the (non-binding) recommendation of the animal control officer. The council may refuse to issue such permit in its sole discretion for any or no reason.

Application for such permit must include the name, breed, age and license number of such dogs, accompanied by return receipt proof of certified mailing notice to abutting neighbors received by the neighbors no less than seven days prior to the date to be heard by the council. The application shall also include the name and address of the owner of the dogs, the name and address of the owner of the property, who shall also be included in the above notice requirements, and whose consent is mandatory, and must be in writing. The permit shall only apply to the specific owner of the dogs, for the specific dogs identified, at the property identified in the permit. The clerk shall issue such permit, following approval by the council, for a fee of \$25.00. In no event shall the council authorize in excess of five dogs under such personal kennel permit. The council may revoke this permit at any time for any reason. The keeping of in excess of three dogs without a permit shall be a violation of this chapter, for a penalty of \$25.00 per day per dog.

(f) All complaints made under the provisions of this chapter shall be made to the animal control officer and may be made orally, provided, however, that such complaint is reduced to writing by the complainant within 48 hours, and shall be signed by the complainant showing his address and telephone number. The animal control officer is empowered to reasonably extend this period of time, however, failure of compliance with this subsection shall not affect the validity of or invalidate any finding made by the animal control officer on his own behalf.

(Ord. of 10-2-06; Ord. of 4-6-09)

**Sec. 3-8. At large animals.**

It shall be unlawful for any owner or custodian of any animal, including but not limited to any horse, goat, swine, sheep, cattle, or fowl to be at large on any street, highway or public grounds in the town.  
(Ord. of 10-2-06)

**Sec. 3-9. Disposal of carcasses.**

It shall be the duty of every owner or custodian of any animal that dies in the town, to bury or cause the same to be buried within 24 hours after the death of such animal, so that every part of such animal shall be at least three feet below the surface of the ground where such animal shall be buried. No such burial, except for dogs and cats, shall be permitted in residential zones.

(Ord. of 10-2-06)

**Sec. 3-10. Swine--License to keep required.**

No person shall keep swine in any place within the town without a license issued as herein provided.  
(Ord. of 10-2-06)

**Sec. 3-11. Same--Issuance of license, fee.**

The town clerk may issue licenses to keep swine, after inspection of the places where such swine are to be kept and approval thereof by the appropriate officer, upon the payment of a fee of \$.50.  
(Ord. of 10-2-06)

**Sec. 3-12. Same--License expiration, revocation.**

All licenses relating to animals shall expire on December 31 of each year and shall be subject to revocation at any time at the pleasure of the town council.  
(Ord. of 10-2-06)

**Sec. 3-13. Fines for violations.**

(a) Any animal impounded under this chapter may be reclaimed as herein provided upon payment by the owner to the animal control officer the following sums:

- (1) A pick-up fee of \$10.00; plus
- (2) An impoundment fee of \$20.00 for the first offense, \$35.00 for the second offense and \$50.00 for the third and subsequent offense for all violations; plus
- (3) A boarding fee of \$8.00 for each day such animal is kept.

(b) All sums as herein provided shall be collected by the finance director and placed in the general treasury of the town.

(c) The owner of any animal which is the subject of any violation of this chapter shall be fined in accordance with subsection (e), below. Payment of such fines shall be in accordance with subsection (d) of this section. These fines shall be in addition to those fees of subsection (a) above.

(d) The police department are hereby authorized and directed to have printed animal control violation citation with spaces for the amount of the fine together with spaces for writing in of the violation(s) charged and for the complaining officer's name and badge number. Fines shall be paid by mail or in person to the animal control officer within ten days from date of notification unless a hearing is requested. Failure to pay the fine within the aforementioned time, or to claim a hearing, shall constitute a conviction. Should the required fine not be received by the animal control officer within the above time, or if the citation is timely returned with a plea of not guilty, then a summons shall issue from the police to the alleged violator requiring an appearance in state district court (or the town municipal court, if applicable) to enforce the fee, or, if upon a not guilty plea, for a hearing.

Payment of the fine shall act as final disposition of such violation(s) provided that any person admitting to any violation pursuant to this article shall not be relieved of the payment of any impoundment or other fees.

(e) Violations of this chapter which may be paid by mail pursuant to this section are:

Sec. 3-21(d) Dog or other animal at large . . . . . \$20.00

Sec. 3-23(a), (b) Dangerous dog not muzzled . . . . . 20.00

Sec. 3-24 Failure to confine dog or other animal ten days after biting a person . . . . . 20.00

Sec. 3-6 Nuisance abatement . . . . . 20.00

Sec. 3-4 Interference with officer . . . . . 20.00

Sec. 3-15 Other . . . . . 20.00

Sec. 3-30 Unlicensed dogs . . . . . 20.00

Sec. 3-7(a) Disposal of feces . . . . . 25.00

Sec. 3-7(b), (c), (d), (e) Miscellaneous provisions . . . . . 20.00

Second offense on all violations not otherwise specified . . . . . 30.00

Third offense (or more) on all violations not otherwise specified . . . . . 50.00  
(Ord. of 10-2-06)

**Sec. 3-14. Schedule of fees for the disposal of animals.**

The animal control officer shall charge a fee of \$50.00 for residents, and \$125.00 for nonresidents to be paid by the owner and/or keeper of any dog or cat taken to the animal shelter for the purpose of the disposal of same, in accordance with law. The animal control officer is not responsible to dispose of any other animal, which responsibility shall lie with its owner or custodian.

(Ord. of 10-2-06)

### **Sec. 3-15. Penalty for chapter violation generally.**

Except as otherwise provided herein, any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor, and be punished by the payment of a fine not exceeding \$100.00 or imprisonment for a period not exceeding 30 days or both. If such violation be continued, each day's violation shall constitute a separate offense.

(Ord. of 10-2-06)

### **Secs. 3-16--3-19. Reserved.**

## **ARTICLE III.**

### **DOGS, AND OTHER ANIMALS GENERALLY\***

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\* **State Law References:** Authority to regulate, maximum penalty, G.L. 1956, § 4-13-1.

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### **Sec. 3-20. Definitions.**

As used in this chapter the following terms mean:

*At large.* Any animal shall be deemed to be at large when he is not contained on the property of his owner and not under restraint as hereinafter defined.

*Animal shelter.* Any premises designated by the town council for the purpose of impounding and caring for all animals found at large in violation of this article.

*Exposed to rabies.* An animal 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.

*Owner or custodian.* Any person, firm, group of persons or corporation owning, keeping, having possession and control of, or harboring a dog or other animal.

*Restraint.* Any dog or animal is under restraint within the meaning of this chapter if he is under the control of a leash of reasonable length not to exceed 20 feet or within the property of his owner or custodian, or inside a vehicle being driven or parked on the street.

*Spayed female.* Any female dog which has had an ovarian hysterectomy.

(Ord. of 10-2-06)

### **Sec. 3-21. Impoundment of dogs; notification of owner; disposition of impounded dogs generally.**

(a) Any dog or animal found to be in violation of this chapter shall be impounded by the animal control officer and impounded in the shelter designated as the town dog pound. Dogs or animals not claimed by their owners before the expiration of seven days, may be disposed of at the discretion of the animal control officer, except as hereinafter provided in the cases of certain dogs.

(b) The animal control officer may transfer title to any dog or animal held at the animal shelter to the society for the prevention of cruelty to animals and/or the animal rescue league after the legal detention period has expired and such dog has not been claimed by its owner.

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

(d) Any dog or animal found at large within the town limits may be impounded or disposed of according to law when such action is required to protect the dog or animal or to protect the residents of the town. (Ord. of 10-2-06)

### **Sec. 3-22. Redemption of impounded dogs; disposition of unclaimed dogs.**

(a) The owner shall be entitled to regain possession of any impounded dog or animal, except as hereinafter provided in the cases of certain dogs or animals, upon the payment of fees set forth herein. (Proof of ownership might include a license receipt, affidavits of neighbors, a photograph, etc.).

(b) Any animal impounded under the provisions of this article and not reclaimed by its owner within seven days may be humanely destroyed by the animal control officer, have its title transferred to the society for the prevention of cruelty to animals and/or the animal rescue league or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article and such other regulations as shall be fixed by the Town of North Smithfield, provided, however, that if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. Under no circumstances shall the ownership of any dog be transferred to a vivisection association.

(Ord. of 10-2-06)

### **Sec. 3-23. Confinement of certain dogs and other animals.**

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

(b) Every female dog 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 animals cannot come in contact with another dog or animal, except for intentional breeding purposes.

(c) Any dog described in the foregoing subsections of this section, found at large, shall be impounded

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

(d) Any dog may, the first time it is impounded for being a public nuisance, be reclaimed as provided in section 3-22(a) hereof, but may not be reclaimed when so impounded on a second or subsequent occasion unless such reclamation is authorized by any court having competent jurisdiction in the matter.

(Ord. of 10-2-06)

#### **Sec. 3-24. Rabies control generally.**

(a) Every dog which bites a person shall be promptly reported to the animal control officer, and shall thereupon be securely quarantined at the direction of the animal control officer for a period of ten days and shall not be released from such quarantine except by written permission of the animal control officer. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at the shelter designated as the animal shelter, or at the owner's option and expense, in a veterinary hospital of his 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. All quarantines at the animal shelter shall be subject to a charge of \$9.00 per day plus any other expenses or fees that may apply.

(b) The owner, upon demand by the animal control officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees set forth in section 3-13 of this chapter, plus any other applicable fees for pick-up or impoundment.

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

(d) When one or both reports indicate a positive diagnosis of rabies, the animal control officer shall recommend an area-wide quarantine for a period of 90 days, and upon invoking of such emergency quarantine, no animal shall be taken into the streets or permitted to be in the streets, during such period of quarantine. During such quarantine, no animal may be taken or shipped from the town without written permission of the animal control officer. During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the state health officer shall require all dogs, three months of age and older, to be vaccinated against rabies with a canine rabies vaccine approved by the biologics control section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the state health officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for 30 days after vaccination. During the quarantine period, the state health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the town. No dog which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be claimed during the period of the rabies emergency quarantine, except by special authorization of the state health officer and the dog officer.

(e) Dogs or animals bitten by a known rabid animal shall be immediately destroyed, or if the owner is

unwilling to destroy the exposed animal, strict isolation of the bitten animal in a kennel for six months shall be enforced. If the dog or animal has been previously vaccinated, within time limits established by the state health officer based on the kind of vaccine used, revaccination and restraint (leashing and confinement for 30 days) shall be carried out).

(f) In the event there are additional positive cases of rabies during the period of the quarantine, such period of quarantine may be extended for an additional six months.

(g) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove from the town limits without written permission from the animal control officer.

(h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

(i) The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control officer.

(Ord. of 10-2-06)

### **Sec. 3-25. Reports of bite cases.**

It shall be the duty of every physician or other medical practitioner, to report to the animal control officer or 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.

(Ord. of 10-2-06)

### **Sec. 3-26. Responsibilities of veterinarians.**

It shall be the duty of every licensed veterinarian to report to the animal control officer any animal considered by him to be a rabies suspect.

(Ord. of 10-2-06)

### **Sec. 3-27. Vaccination of dogs generally.**

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

(Ord. of 10-2-06)

### **Sec. 3-28. Use of approved vaccine; certification generally.**

The vaccination or immunization referred to in section 3-35 of this article shall be by a vaccine approved

by the state department of health and shall be certified to by a licensed veterinarian. Such certificate shall be dated as of the date of inoculation or vaccination, shall show the rabies tag number, the sex and breed of dog and the owner thereof, and whether the vaccine given is the one-year vaccine or the three-year vaccine, together with such other information as may be reasonably required by the health officer or the veterinarian administering the same. (Ord. of 10-2-06)

**Sec. 3-29. Certificate of vaccination prerequisite to issuance of license.**

(a) No license shall be issued for any dog required to be licensed in the town unless the person making application therefore shall first present to the town clerk's office 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.

(b) Public clinics for inoculations will be scheduled on a yearly basis by the director of public safety. (Ord. of 10-2-06)

**Sec. 3-30. Penalty for late registration; exception.**

(a) All dogs are to be licensed by April 30 of each year. A fine of \$5.00 shall be charged for late registration.

(b) Any dog which has been used for purposes of hunting, and becomes separated from the owner or person in charge of said dog, while directly engaged in said hunt or returning from said hunt, shall be exempt provided that:

(1) Said dog was properly licensed prior to the hunt.

(2) The hunter reports that said dog is missing to the dog officer within 24 hours after the hunt is terminated.

(3) The missing dog is recovered within 48 hours after the hunt is terminated.

(Ord. of 10-2-06)

**Sec. 3-31. Maximum chicken hens permitted**

(a) The owner of any house lot containing at least one dwelling may keep or permit to be kept on the house lot no more than 12 chicken hens.

(b) Subsection A of this chapter shall be construed to prohibit the raising and/or keeping of roosters.

(c) All chicken hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:

(1) The hen house must be covered, predator-resistant and well-ventilated. It shall be no more than eight feet in height and a maximum of 64 square feet in area;

- (2) The fence made of chicken wire or a stronger substance shall be no more than six feet in height;
- (3) The hen house must provide a minimum of two square feet per chicken hen;
- (4) The hen house must be kept clean, dry, and sanitary at all times;
- (5) The hen house must be located upon a permeable surface that prevents waste run-off;
- (6) The fenced enclosure must adequately contain the chicken hens at all times;
- (7) The fenced enclosure must be kept clean and sanitary at all times;
- (8) The hen house must provide the chicken hens with adequate protection from the elements and inclement weather and provide for the chicken hens good health and prevent any unnecessary or unjustified suffering;
- (9) The hen house shall not be built onto any shared fence;
- (10) The setbacks for the hen house and enclosed area shall be those for the principal dwelling located on the house lot.
  - (d) No chicken hens may be kept or raised within the dwelling.
  - (e) The owner of the hen(s) must be a resident of the dwelling located on the house lot.
  - (f) The raising of chicken hens shall be restricted to back yards; chicken hens shall not be permitted, at any time, on the part of the property directly abutting a main road.
  - (g) The keeping of chicken hens pursuant to this section shall be primarily for the purpose of raising chicken hens and collecting the eggs produced thereof; this section shall not be construed to allow for the commercial slaughter and sale of any chicken hens for any purpose.
  - (h) This section shall be subject to the nuisance provisions of 3-6.
    - (i) The Town Administrator, on the advice of the animal control officer, shall promulgate a registration process as a condition precedent to the construction of hen houses and keeping of chicken hens. Such registration shall include:
      - (1) Inspection and approval of the construction plans by the Building Official.
      - (2) Inspection and approval of sanitary conditions by the Animal Control Officer upon receipt of a complaint
      - (j) Violation of sanitary cleanliness and sanitary requirements
  - (1) Fines: Any violation of this provision shall be subject to a fine of \$30.00 for the first offense, \$50.00 for the second offense, \$75.00 for the third offense and \$100.00 for each subsequent offense.