

# **TOWN OF WEST WARWICK**

## **ORDINANCE**

### **OF THE**

### **TOWN COUNCIL**

#### **ORDINANCE NO. 2023-17 AS AMENDED**

**AN ORDINANCE AMENDING CHAPTER 4 – ANIMALS, SECTIONS 4-1, 4-29, 4-30, 4-35, 4-50 AND 4-145 OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK.**

**WHEREAS:** The Zoning Ordinance of the town fails to distinguish between boarding kennels and breeding kennels as require by state statute, and

**WHEREAS:** The definitions as stated in the Zoning Ordinance are in some instances not in compliance with recently amended state statutes, and

**WHEREAS:** Provisions of the Zoning Ordinance are not in compliance with the Titles II and III of the Americans with Disabilities Act (ADA)

**NOW, THEREFORE, THE TOWN OF WEST WARWICK HEREBY ORDAINS** that the Town Council of the Town of West Warwick hereby amends Chapter 4- Animals, Section 4-1, 4-29, 4-30, 4-35, 4-50 and 4-145 of the Code of Ordinances of the Town of West Warwick as follows:

## **Chapter 4 - ANIMALS**

### **ARTICLE I. - IN GENERAL**

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

As used in this chapter, the following words and terms shall have the meanings respectively ascribed and any term not herein contained but contained in G.L. 1956, [ch. 4](#), Animal Care, shall have the meanings respectively of the terms therein contained:

~~Adopt means the voluntary acquisition of and assumption of responsibility for a dog or cat from a releasing agency.~~ when an adopting party voluntarily acquires and assumes responsibility for an animal from a releasing agency that is properly licensed or registered by the department.

*Adopting party* means the person who enters into a contract acquiring ~~a dog or cat~~ an animal from a releasing agency that is properly licensed or registered by the department.

*Boarding Kennel* means a place or establishment other than a pound or shelter, where animals not owned by the proprietor are sheltered, fed and watered in return for a fee. ~~Or the operation of a commercial business of breeding, buying and selling dogs and/or cats to the public.~~

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

*Breeding Kennel* means a place or establishment other than a pound or shelter, where purebred or crossbred dogs are kept for breeding or exhibition.

*Department* means the department of environmental management of Rhode Island.

*Hobby breeder* means those persons whose regular occupation is not the breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder shall not exceed, twenty (20) dogs or three (3) litters in a single year, the limits set forth in §4 – 25 – 1 (4). Any person who sells at retail a number in excess of the limits in the aforementioned section shall be considered a breeder.

*Pound or dog pound* means a facility owned by the town for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats or other animals or a facility for that purpose under a contract with the town for the prevention of cruelty to animals.

*Service animal* means any dog or other common domestic animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching items, assisting an individual during a seizure, retrieving medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and assisting individuals, including those with cognitive disabilities, with navigation. The term service animal includes individually trained animals that do work or perform tasks for the benefit of individuals with disabilities, including psychiatric, cognitive, and mental disabilities. The term service animal does not include wild animals (including nonhuman primates born in captivity), reptiles, rabbits, farm animals (including any breed of horse, miniature horse, pony, pig, or goat), ferrets, amphibians, and rodents. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals.

**Sec. 4-29. – ~~Dogs~~ Animals prohibited on school property and town property, exception.**

No ~~dogs~~ animals are allowed in school yards or on school property or on any town-owned recreational facility property or other town property, except so-called service ~~and/or therapy dogs~~ animals as hereinabove defined, provided however:

(1) animals, including therapy dogs, other than service animals, shall be allowed in school yards or on school property for educational purposes, approved by the Superintendent of Schools in accordance with West Warwick public school manual, Service Animals in School.

(2) animals, other than service animals, shall be allowed on town recreational facility property and other town property for special events approved by the town manager.

**Sec. 4-30. – ~~Dogs~~ Animals prohibited in stores, eating places, exception.**

No ~~dogs~~ animals are allowed in any stores or eating places within the town, except service ~~dogs~~ animals as hereinabove defined.

**Sec. 4-35. - Abatement of nuisance animals and conditions.**

(b) Prohibited animals, exceptions.

(1) In addition to those animals prohibited by state general laws, the keeping of the following specific creatures is designated as a public nuisance:

- a. Fowl.
- b. Poultry, except hens as hereinafter provided for in [section 4-36](#);
- c. Rabbits.
- d. Pigeons.
- e. Poisonous snakes.
- f. Pigs.
- g. Minks; and
- h. Any similar species which carry or may carry and spread diseases or otherwise may be considered unsanitary or present a nuisance or hazard to the general public.

(2) Exceptions are made for the following:

- a. Pet stores that are in compliance with all applicable local ordinances and state laws.
- b. Agricultural enterprises that are in compliance with all applicable local ordinances and state laws;
- c. Research facilities that are in compliance with all applicable local ordinances and state laws;

- d. Creatures kept by special permit approved by the town council, with conditions as established by the town council;
- e. ~~Rabbits and pigeons~~ Animals, including, animals listed in Sec. 4-35 (b)(1) a through g above, kept confined and for personal enjoyment and/or use.

**Sec. 4-50. - Kennel licenses.**

(a) Required. No person shall operate a boarding kennel, as defined herein, without first obtaining a state kennel license, as provided in G.L. 1956, § ~~4-19-5~~, ~~4-18-6~~ and obtaining a permit to operate said establishment as issued by the town council.

(b) Required. No person shall operate a breeding kennel, as defined herein, without first obtaining a state kennel license, as provided in G.L. 1956, § 4-18-5.1 and obtaining a permit to operate said establishment as issued by the town council.

**Sec. 4-145. - Pet shop license required, commercial sale of dogs and cats.**

(a) *Licenses required.* No person shall operate a pet shop in the town without first obtaining a state pet shop license, as provided in G.L. 1956, § ~~4-19-6~~ ~~4-19-5~~, and a town pet shop license.

**AN ORDINANCE AMENDING CHAPTER 4 – ANIMALS, SECTIONS 4-1, 4-29, 4-30, 4-35, 4-50 AND 4-145 OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK.**

**POSTED: JUNE 14, 2023**

**FIRST READING AT COUNCIL MEETING ON: JUNE 6, 2023**

**SECOND READING AT COUNCIL MEETING ON: JUNE 20, 2023**

**COUNCIL PRESIDENT: \_\_\_\_\_**

**TOWN CLERK: \_\_\_\_\_**

**ADVERTISED IN: KENT COUNTY DAILY TIMES**

**THIS ORDINANCE WILL TAKE EFFECT ON: JULY 9, 2023**