

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2017-13

AN ORDINANCE AMENDING CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, ANIMAL CONTROL AND CHAPTER 12.5, PARKS AND RECREATION, SECTION 12.5-2 OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK,

WHEREAS: The Code of Ordinances of the Town of West Warwick provide and regulate for the keeping of and licensing of dogs, cats and animals, and

WHEREAS: The Code of Ordinances of the Town of West Warwick further provide for fines and punishment for persons in violation of said ordinances, and

WHEREAS: The Code of Ordinances fail to provide for the permitting of the breeding of cats as provided for in the general laws of the state, and

WHEREAS: The general laws of the state have been amended to increase fines and penalties for violation of state statutes and municipal ordinances, and

WHEREAS: The Town Council of the Town of West Warwick desires to amend Chapter 4 so that the said ordinance is in compliance with the general laws of the state, and

WHEREAS: The ordinance makes reference to seeing-eye dogs as opposed to service and/or therapy dogs,

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick hereby amends Chapter 4, ANIMALS AND FOWL, Article II as follows:

**Chapter 4 - ANIMALS AND FOWL
ARTICLE II. - ANIMAL CONTROL**

Sec. 4-11. - Definitions.

As used in this chapter the following words and terms shall have the meanings respectively ascribed:

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

Kennel. A place or establishment other than a pound or shelter, where animals ~~now~~ 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.

Owner. Any person owning, keeping or harboring a dog or dogs, cat or cats.

Spayed female. Any bitch or queen which has been operated upon to prevent conception.

Sec. 4-21.1 – Intact cats

(a) Pursuant to RIGL §4-24-3 no person shall own or harbor any cat over the age of six (6) months which has not been spayed or neutered, unless such person has adopted a cat from a licensed releasing agency as defined by RIGL §4 – 19 – 2 and is subject to the spaying and neutering requirements of RIGL §4 – 19 – 16 or holds either a license to keep an un-altered cat, or a license and permit for breeding cats issued by the Town Clerk, or unless the caretaker states that, due to age, health or illness it would be inappropriate to spay or neuter the cat and having in their possession a letter from a licensed veterinarian stating such, which shall be provided to the Town Clerk and dog officer.

(b) An “intact” permit shall be issued for an unaltered cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit. An “intact” permit shall be issued by the Town Clerk to an individual who refuses to spay or neuter their cat. The fee for such permit shall be set by resolution of the town council. All funds from “intact” permit shall be deposited in the town’s spay/neuter account.

(c) Any person providing care and sustenance for an uninterrupted period of sixty (60) days or longer shall be deemed the owner of such animal and shall adhere to the provisions of this chapter.

Sec. 4-22. - Confinement of certain dogs and other animals; impoundment; reclamation.

(b) Every female dog/cat or other animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel in such a manner that such female dog/cat or other animal cannot come in contact with another dog/cat or animal, except for intentional breeding purposes.

Sec. 4-24. - Abatement of nuisance animals and conditions.

(e) Violations of this section are enforceable by the issuance of a civil infraction ticket by the dog officer, to the owner of the property on which the infraction occurs and/or the owner of the animal(s).

Pursuant to section 4-13-1 of the Rhode Island General laws, any person violating any provision of this section shall be punished by the payment of a fine, not exceeding ~~\$10.00~~ \$15.00 for the first offense and not exceeding ~~\$15.00~~ \$50.00 for the second offense within a year and not exceeding ~~\$25.00~~ \$100.00 for the third and any subsequent offense within a year. In addition to the fines as established herein, any animal designated as a nuisance may be impounded by the dog officer as otherwise permitted in this chapter.

Sec. 4-26. - Penalty.

Except as otherwise provided herein, any person convicted of violating any provision of this chapter may be punished by the payment of a fine not exceeding \$15.00 for the first offense within a calendar year, not exceeding ~~\$25.00~~ \$50.00 for the second offense within a calendar year, and not

exceeding ~~\$50.00~~ \$100.00 for the third and each subsequent offense within a calendar year, to be recovered for the use of the town.

Sec. 4-29. - License and registration required.

All dogs kept, harbored or maintained by their owners in the town shall be licensed and registered if over six months of age, provided however, that thoroughbred dogs kept in accordance with the provisions of RIGL §4 – 13 – 10 shall not be required to be licensed. Dog licenses shall be issued by the town clerk upon payment of a license fee to be set from time to time by resolution of the town council as proscribed by the general laws of the state for each neutered male or spayed female and for each unneutered male and unspayed female. The owner shall state, at the time the application is made for such license and upon forms provided for such purposes, his name and address, and the name, color, breed and sex of each and every dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the town, nor to dogs brought into the town for the purpose of participating in any dog show. No fee will be charged for service and therapy dogs. K-9 and/or other dogs owned by any police department or law enforcement officer and used in the performance of police work shall be exempt from this provision.

Sec. 4-31. - Rabies; notice.

If a dog or cat is believed to have rabies or has been bitten by a dog or other animal suspected of having rabies, such dog or cat shall be confined by a leash, or chain or other means on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the dog officer of the fact that his dog or cat has been exposed to rabies; and, at his/her discretion, the dog officer is empowered to have a dog or cat removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog or cat has rabies to allow such dog or cat to be taken off his premises or beyond the limits of the town without the written permission of the dog officer. Every owner, or other person, upon ascertaining that a dog or cat is rabid, shall immediately notify the dog officer or a policeman who shall either remove the dog or cat to the pound or summarily destroy it.

Sec. 4-31.2. - Use of approved vaccine; certification.

The vaccination or immunization referred to in this article shall be by a vaccine approved by the state department of health or the rabies control board and shall be certified to by a licensed veterinarian. Said certificate shall meet the minimum standards approved by the rabies control board, which shall include: the veterinarian's name, the veterinarian's practice name, address, and telephone number; the pet owner's name and address; the pet's name, species, age, coloration, and sex; the rabies vaccine manufacturer's name; the date of inoculation and the signature of the doctor who administered or directed the administration of the rabies vaccine. For dogs and cats, there shall be a record kept which lists the number of the rabies tag issued in conjunction with the rabies vaccination certificate, together with such other information as may reasonably be required by the animal control officer or the veterinarian administering the same.

Sec. 4-31.3. - Owning, etc., unvaccinated dog or cat.

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 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. ~~Any owner found violating any provision of sections 4-28 through 4-31 shall be punished by a fine of not less than \$100.00 nor more than \$200.00 for each offense or be imprisoned for not less than ten days nor more than 30 and/or be subject to confiscation of the animal which is the basis of the violation.~~

Sec. 4-32. - Penalties.

Any owner found violating any provision of sections 4-28 through 4-31 shall be punished by a fine of ~~\$100.00~~ \$200.00 nor more than ~~\$200.00~~ \$500.00 for each offense or be imprisoned for not less than ten days nor more than 30 and/or be subject to confiscation of the animal which is the basis of the violation.

Sec. 4-34. - Kennel license.

(e) (R. I. G. L. §4 – 13 – 10) A kennel license for thoroughbred dogs approved by the town council shall be issued by the town clerk upon payment of the fee to be set from time to time by resolution of the town council as proscribed by the general laws of the state. Every kennel license is for a period not exceeding one year and expires on the 1st 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.

(f) Pursuant to RIGL §4 – 24 – 4 a permit shall be issued for the breeding of cats upon payment of a fee to be set from time to time by resolution of the town council as prescribed by the general laws of the state. The breeding of cats pursuant to such permit shall be in accordance with the provisions of RIGL §4 – 24 – 4.

Sec. 12.5-2 Dogs prohibited in public park or recreation area.

(a) ~~Restricted. No dogs are allowed in any public par or recreation area except so-called seeing-eye dogs.~~

(a) ~~Restricted. No dogs are allowed in school yards or on school property or on any town owned recreational facility property except so-called service and/or therapy dogs.~~

AN ORDINANCE AMENDING CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, ANIMAL AND CHAPTER 12.5, PARKS AND RECREATION, SECTION 12.5-2 CONTROL OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK

POSTED: MAY 5, 2017

**FIRST READING AT COUNCIL MEETING ON: MAY 23, 2017(cancelled)
MAY 30, 2017**

SECOND READING AT COUNCIL MEETING ON: JUNE 6, 2017

COUNCIL PRESIDENT: _____

TOWN CLERK: _____

ADVERTISED IN:

THIS ORDINANCE WILL TAKE EFFECT ON:

HOMETOWN NEWSPAPERS INC
SOUTHERN RI NEWSPAPERS
PO BOX 232
WAKEFIELD RI 02880

ORDER CONFIRMATION

Salesperson: KENT COUNTY LEGALS

Printed at 05/31/17 16:00 by lpali

Acct #: 7753

Ad #: 344368

Status: N

WEST WARWICK, TOWN OF
ATTN FINANCE DEPT.
1170 MAIN STREET
WEST WARWICK RI 02893

Start: 06/02/2017 Stop: 06/02/2017
Times Ord: 1 Times Run: ***
SLEG 1.00 X 11.62 Words: 224
Total SLEG 11.75
Class: 100 LEGAL
Rate: LEG1
Cost: 180.01

Contact: CANDACE - 827-9064
Phone: (401)822-9200ext
Fax#:
Email: legals@ricentral.com
Agency:

Ad Descrpt: 2ND READING 2017-13 & 16
Given by: PAULA IANNITELLI
Created: lpali 05/31/17 13:34
Last Changed: lpali 05/31/17 16:00

PUB ZONE ED TP START INS STOP SMTWTFS
KCT A 97 S 06/02

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Paul Iannitelli
Name (print or type)

Paula Iannitelli
Name (signature)

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HOMETOWN NEWSPAPERS INC
SOUTHERN RI NEWSPAPERS
PO BOX 232
WAKEFIELD RI 02880

ORDER CONFIRMATION (CONTINUED)

Salesperson: KENT COUNTY LEGALS

Printed at 05/31/17 16:00 by lpali

Acct #: 7753

Ad #: 344368

Status: N

Town of
West Warwick

Town Council

The Town of West Warwick Town Council will hold a public hearing on Tuesday, June 6, 2017 Town Council Chamber, 1170 Main Street, West Warwick, Rhode Island at 7:00 PM, regarding the second reading for the following Town Ordinance(s):

Ordinance
No. 2017-13

An Ordinance Amending Chapter 4, Animals & Fowl, Article II, Animal Control & Chapter 12.5, Parks & Recreation, Section 12.5-2 of the Code of Ordinances of the Town of West Warwick.

Ordinance
No. 2017-16
As Amended

An Ordinance Amending Section 18-5 Special Exemptions of the Code of Ordinances of the Town of West Warwick.

The proposal(s) shown on the Ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Above Ordinance are available for public inspection in the office of the Town Clerk, 1170 Main Street, West Warwick, RI, Monday through Friday, 8:30 AM TO 4:00 PM.

Individuals requesting interpreter services for the hearing impaired must notify the Town Clerk's Office at 822-9201, at least 72 hours in advance of the hearing.

Per Order of the
Town Council
Town of
West Warwick

BY: Marianne Kelly
Town Clerk

HOMETOWN NEWSPAPERS INC
SOUTHERN RI NEWSPAPERS
PO BOX 232
WAKEFIELD RI 02880

ORDER CONFIRMATION

Salesperson: KENT COUNTY LEGALS

Printed at 05/31/17 16:00 by lpali

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Status: N

WEST WARWICK, TOWN OF
ATTN FINANCE DEPT.
1170 MAIN STREET
WEST WARWICK RI 02893

Start: 06/02/2017 Stop: 06/02/2017
Times Ord: 1 Times Run: ***
SLEG 1.00 X 11.62 Words: 224
Total SLEG 11.75
Class: 100 LEGAL
Rate: LEG1
Cost: 180.01

Contact: CANDACE - 827-9064
Phone: (401)822-9200ext
Fax#:
Email: legals@ricentral.com
Agency:

Ad Descrpt: 2ND READING 2017-13 & 16
Given by: PAULA IANNITELLI
Created: lpali 05/31/17 13:34
Last Changed: lpali 05/31/17 16:00

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Paul Iannitelli
Name (print or type)

Paula Iannitelli
Name (signature)

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HOMETOWN NEWSPAPERS INC
SOUTHERN RI NEWSPAPERS
PO BOX 232
WAKEFIELD RI 02880

ORDER CONFIRMATION (CONTINUED)

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BY: Marianne Kelly
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