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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Senator Francis T. Maher

Date Introduced: April 28, 2011

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-13-1 and 4-13-15 of the General Laws in Chapter 4-13 entitled
2 "Dogs" are hereby amended to read as follows:

3 **4-13-1. Regulatory ordinances -- Enforcement and penalties.** -- (a) City or town
4 councils may make any ordinances concerning dogs in their cities or towns as they deem
5 expedient, to be enforced by the destruction or disposition of the animal, or by pecuniary
6 penalties not exceeding ten dollars (\$10.00) for the first offense, not exceeding fifteen dollars
7 (\$15.00) for the second offense within a year, not exceeding twenty-five dollars (\$25.00) for the
8 third and any subsequent offense within a year to be recovered by action of debt, or by complaint
9 and warrant, to use as that city council or town council may prescribe.

10 (b) (1) Barrington town council is authorized to enact an ordinance:

11 (i) Permitting the animal control officer in the town to issue citations to the owners of
12 dogs for violation of any animal control ordinance which may be paid by mail and;

13 (ii) To prescribe pecuniary penalties as follows:

14 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
15 calendar year;

16 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
17 calendar year;

18 (C) A fine of not more seventy-five dollars (\$75.00) for the third and each subsequent
19 offense within a calendar year.

1 (2) (i) Bristol town council is authorized to enact an ordinance permitting the dog officer
2 in that town to issue citations to the owners of dogs for the violation of any dog ordinance which
3 may be paid by mail, and to prescribe pecuniary penalties as follows:

4 (A) A fine not exceeding twenty-five dollars (\$25.00) for the first offense within a
5 calendar year;

6 (B) A fine not exceeding fifty dollars (\$50.00) for the second offense within a calendar
7 year;

8 (C) A fine not exceeding one hundred dollars (\$100) for the third and each subsequent
9 offense within a calendar year.

10 (ii) The Bristol town council may by ordinance prescribe the number of licensed dogs
11 and their breeds which may be kept at any single-family residence other than a breeding kennel
12 licensed under section 4-13-10, and may enforce those ordinances by pecuniary penalties not
13 exceeding two hundred fifty dollars (\$250).

14 (3) Coventry town council is authorized to enact ordinances permitting the dog officer in
15 the town to issue citations to the owners of dogs for the violation of any dog ordinance which
16 may be paid by mail.

17 (4) (i) Cumberland town council may prescribe pecuniary penalties as follows:

18 (A) A fine not exceeding twenty dollars (\$20.00) for the first offense within a calendar
19 year;

20 (B) A fine not exceeding thirty dollars (\$30.00) for the second offense within a calendar
21 year;

22 (C) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
23 within a calendar year.

24 (ii) The town council of the town of Cumberland is authorized to enact an ordinance
25 permitting the animal control officer or any police officer in that town to issue citations to the
26 owners of dogs for the violation of any dog ordinance which may be paid by mail.

27 (iii) The town council of the town of Cumberland is authorized to enact an ordinance
28 establishing the expense of the impoundment of dogs as determined by the town council and
29 providing for the payment to the town of the impoundment expense by the dog owner prior to
30 removal of the dog from the pound.

31 (5) Gloucester town council is authorized to enact an ordinance to prescribe pecuniary
32 penalties as follows:

33 (i) A fine not more than twenty dollars (\$20.00) for the first offense within a calendar
34 year;

1 (ii) A fine not more than thirty dollars (\$30.00) for the second offense within a calendar
2 year;

3 (iii) A fine not more than thirty-five dollars (\$35.00) for the third offense and each
4 subsequent offense within a calendar year.

5 (6) Jamestown town council may prescribe pecuniary penalties as follows:

6 (i) A fine not exceeding twenty-five dollars (\$25.00) for the first offense within a
7 calendar year;

8 (ii) A fine not exceeding fifty dollars (\$50.00) for the second offense within a calendar
9 year;

10 (iii) A fine not exceeding one hundred dollars (\$100) for the third and each subsequent
11 offense within a calendar year.

12 (7) (i) Middletown may prescribe pecuniary penalties as follows:

13 (A) A fine not exceeding twenty dollars (\$20.00) for the first offense within a calendar
14 year;

15 (B) A fine not exceeding thirty dollars (\$30.00) for the second offense within a calendar
16 year;

17 (C) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
18 within a calendar year.

19 (ii) The Middletown town council is authorized to enact an ordinance permitting the dog
20 officer in that town to issue citations to the owners of dogs for the violation of any dog ordinance
21 which may be paid by mail.

22 (8) Narragansett town council is authorized to enact an ordinance:

23 (i) Permitting the animal control officer in the town to issue citations to the owners of
24 dogs for the violation of any animal control ordinance which may be paid by mail; and

25 (ii) Establishing the expense of the impoundment of dogs as determined by the town
26 council and providing for the payment to the town of the impoundment expense by the dog owner
27 prior to removal of the dog from the pound; and

28 (iii) Prescribing pecuniary penalties as follows:

29 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
30 calendar year;

31 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
32 calendar year;

33 (C) A fine of not more than seventy-five dollars (\$75.00) for the third and each
34 subsequent offense within a calendar year.

1 (9) Newport city council is authorized to enact an ordinance:

2 (i) Permitting the animal control officer, and his or her agents, in that city to issue
3 citations to the owners of dogs for violation of any animal control ordinance which may be paid
4 by mail;

5 (ii) To prescribe pecuniary penalties as follows:

6 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
7 calendar year;

8 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
9 calendar year;

10 (C) A fine of not more than one hundred dollars (\$100) for the third and each subsequent
11 offense within a calendar year.

12 (10) North Providence town council is authorized to enact an ordinance permitting the
13 animal control officer in that town to issue citations to the owners of dogs for the violation of any
14 dog ordinance which may be paid by mail.

15 (11) (i) Portsmouth may prescribe pecuniary penalties as follows:

16 (A) A fine not exceeding twenty dollars (\$20.00) for the first offense within a calendar
17 year;

18 (B) A fine not exceeding thirty dollars (\$30.00) for the second offense within a calendar
19 year;

20 (C) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
21 within a calendar year.

22 (ii) The Portsmouth town council is authorized to enact an ordinance permitting the dog
23 officer in that town to issue citations to the owners of dogs for the violation of any dog ordinance
24 which may be paid by mail.

25 (iii) The Portsmouth town council may, by ordinance, prescribe the number of licensed
26 dogs which may be kept at any single family residence other than a breeding kennel licensed
27 under section 4-13-10 and may enforce those ordinances by pecuniary penalties not exceeding
28 twenty-five dollars (\$25.00).

29 (12) ~~Richmond town council may prescribe pecuniary penalties as follows:~~ [The](#)
30 [Richmond town council is authorized to enact ordinances:](#)

31 ~~(i) A fine not exceeding ten dollars (\$10.00) for the first offense within one year;~~

32 ~~(ii) A fine not exceeding twenty five dollars (\$25.00) for the second offense within one~~
33 ~~year of the first offense;~~

34 ~~(iii) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense~~

1 within one year of the first offense.

2 (i) Establishing the following penalties for animal control offenses:

3 (A) A fine of not more than fifty dollars (\$50.00) for the first offense within one year;

4 (B) A fine of not more than seventy-five dollars (\$75.00) for the second offense within
5 one year of the first offense;

6 (C) A fine of not more than one hundred dollars (\$100) for the third and each subsequent
7 offense within one year of the first offense.

8 (ii) Permitting the animal control officer or any police officer to issue citations for
9 violation of any animal control ordinance punishable by a fine of five hundred dollars (\$500) or
10 less, and to provide for payment of those fines by mail.

11 (13) (i) Scituate town council may prescribe pecuniary penalties as follows:

12 (A) A fine not exceeding twenty dollars (\$20.00) for the first offense within a calendar
13 year;

14 (B) A fine not exceeding thirty dollars (\$30.00) for the second offense within a calendar
15 year;

16 (C) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
17 within a calendar year.

18 (ii) Scituate town council is authorized to enact ordinances permitting the dog officer in
19 the town to issue citations to the owners of dogs for the violation of any dog ordinance which
20 may be paid by mail.

21 (14) (i) Smithfield town council may prescribe pecuniary penalties as follows:

22 (A) A fine not exceeding twenty dollars (\$20.00) for the first offense within a calendar
23 year;

24 (B) A fine not exceeding thirty dollars (\$30.00) for the second offense within a calendar
25 year;

26 (C) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
27 within a calendar year.

28 (ii) The Smithfield town council is authorized to enact an ordinance permitting the
29 animal control warden in the town to issue citations which may be paid by mail to the owners of
30 dogs for the violation of any dog ordinance in that town.

31 (15) Tiverton town council may prescribe pecuniary penalties as follows:

32 (i) A fine not exceeding twenty-five dollars (\$25.00) for the first offense;

33 (ii) A fine not exceeding fifty dollars (\$50.00) for the second offense;

34 (iii) A fine not exceeding one hundred dollars (\$100) for the third and each subsequent

1 offense.

2 (16) Warwick city council may prescribe pecuniary penalties as follows:

3 (i) A fine not exceeding fifty dollars (\$50.00) for the first offense within a calendar year;

4 (ii) A fine not exceeding one hundred dollars (\$100) for the second offense within a
5 calendar year;

6 (iii) A fine not exceeding two hundred dollars (\$200) for the third and each subsequent
7 offense within a calendar year; and

8 (iv) A fine not exceeding three hundred dollars (\$300) for the fourth and each
9 subsequent offense within a calendar year.

10 (17) Westerly town council is authorized to enact an ordinance:

11 (i) Permitting the animal control officer in the town to issue citations to the owners of
12 dogs for the violation of any animal control ordinance which may be paid by mail; and

13 (ii) Establishing the expense of the impoundment of dogs as determined by the town
14 council and providing for the payment to the town of the impoundment expense by the dog owner
15 prior to removal of the dog from the pound; and

16 (iii) Prescribe pecuniary penalties as follows:

17 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
18 calendar year;

19 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
20 calendar year;

21 (C) A fine of not more than one hundred dollars (\$100) for the third and each subsequent
22 offense within a calendar year.

23 (18) West Greenwich town council is authorized to enact an ordinance:

24 (i) Permitting the animal control officer in the town to issue citations to the owners of
25 dogs for the violation of any animal control ordinance which may be paid by mail; and

26 (ii) Establishing the expense of the impoundment of dogs as determined by the town
27 council and providing for the payment to the town of the impoundment expense by the dog owner
28 prior to removal of the dog from the pound; and

29 (iii) Prescribe pecuniary penalties as follows:

30 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
31 calendar year;

32 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
33 calendar year;

34 (C) A fine of not more than one hundred dollars (\$100) for the third and each subsequent

1 offense within a calendar year.

2 (19) The town council of the town of Exeter is authorized to enact any ordinance
3 prescribing fines and penalties, in addition to those otherwise allowed by law, as follows:

4 (i) Providing a fine of up to twenty-five dollars (\$25.00) for the first offense;

5 (ii) Providing a fine of up to one hundred dollars (\$100) for the second offense; and

6 (iii) Providing a fine of up to two hundred dollars (\$200) for the third and for any
7 subsequent offenses within a one year period. In addition, the town may require proof of owners
8 liability insurance for a twelve (12) month period insuring against injury and damages caused by
9 the dog. That insurance shall be in the amount of one hundred thousand dollars (\$100,000) and
10 shall name the town as a named insured for the purposes of notice.

11 (20) West Warwick town council may prescribe pecuniary penalties as follows:

12 (i) A fine not exceeding fifteen dollars (\$15.00) for the first offense;

13 (ii) A fine not exceeding fifty dollars (\$50.00) for the second offense;

14 (iii) A fine not exceeding one hundred dollars (\$100) for the third and each subsequent
15 offense.

16 (21) Woonsocket city council is authorized to enact an ordinance:

17 (i) Permitting the animal control office of the city to issue citations to the owners of dogs
18 for the violation of any animal control ordinance which may be paid by mail;

19 (ii) Establishing the expense of the impoundment of dogs as determined by the city
20 council and providing for the payment to the city for the impoundment expense by the dog owner
21 prior to removal of the dog from the pound; and

22 (iii) Prescribing pecuniary penalties as follows:

23 (A) A fine of not more than fifty dollars (\$50.00) for the first offense within a calendar
24 year;

25 (B) A fine of not more than one hundred dollars (\$100) for the second offense within a
26 calendar year;

27 (C) A fine of not more than one hundred fifty dollars (\$150) for the third and each
28 subsequent offense within a calendar year.

29 (22) Pawtucket city council is authorized to prescribe pecuniary penalties directly related
30 to its ordinance banning the owning or keeping of pit bulls in the city as follows:

31 (i) For a pit bull properly licensed according to the city ordinance;

32 (A) A fine not exceeding two hundred fifty dollars (\$250) for the first offense;

33 (B) A fine not exceeding five hundred dollars (\$500) on a second offense;

34 (C) A fine not exceeding one thousand dollars (\$1,000) on a third offense.

1 (ii) For a pit bull that is not licensed pursuant to the exceptions in the city ordinance:

2 (A) A fine not exceeding five hundred dollars (\$500) on a first offense;

3 (B) A fine not exceeding one thousand dollars (\$1,000) on a second or subsequent
4 offense.

5 (iii) Notwithstanding any other provision of this section, Pawtucket may through its
6 Municipal Court impose a sentence of imprisonment not exceeding thirty (30) days in addition to
7 the fines in subsection (ii)(A) or (B).

8 (23) (i) The Lincoln town council is authorized to prescribe pecuniary penalties as
9 follows:

10 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
11 calendar year;

12 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
13 calendar year;

14 (C) A fine of not more than one hundred twenty-five dollars (\$125) for the third and
15 each subsequent offense within a calendar year.

16 (ii) The Lincoln town council is authorized to enact an ordinance permitting the dog
17 officer and police officers in that town to issue citations to the owners of dogs for the violation of
18 any dog ordinance, which citation may be paid by mail.

19 (24) (i) The East Providence city council is authorized to enact an ordinance permitting
20 the animal control officer or any police officer in that city to issue citations to persons in violation
21 of any animal ordinances, which may be paid by mail, and to prescribe pecuniary penalties as
22 follows:

23 (A) A fine of not more than thirty dollars (\$30.00) for the first offense within a calendar
24 year;

25 (B) A fine of not more than sixty dollars (\$60.00) for the second offense within a
26 calendar year;

27 (C) A fine of not more than one hundred twenty dollars (\$120) for the third offense
28 within a calendar year; and

29 (D) A fine of not more than three hundred dollars (\$300) for the fourth offense and any
30 subsequent offense within a calendar year.

31 (25) (i) The Warren town council is authorized to enact an ordinance permitting the
32 animal control officer in the town to issue citations to the owners of animals for violation of any
33 animal control ordinance which may be paid by mail, and to prescribe pecuniary penalties as
34 follows:

1 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a
2 calendar year;

3 (B) A fine of not more than fifty dollars (\$50.00) for the second offense within a
4 calendar year;

5 (C) A fine of not more than one hundred dollars (\$100) for the third and each subsequent
6 offense within a calendar year.

7 (26) (i) The Burrillville town council is authorized to enact an ordinance:

8 (A) Permitting the animal control officer in the town to issue citations to the owners of
9 dogs for the violation of any animal control ordinance which may be paid by mail; and

10 (B) To prescribe penalties for violation of the provisions of revised general ordinances,
11 Town of Burrillville, Rhode Island, 2004, as amended, Chapter 4, entitled "Animals"; and

12 (C) Establishing an expense not to exceed ten dollars (\$10.00) for the day during which
13 impoundment occurs plus five dollars (\$5.00) every day the animal is detained and providing for
14 the payment to the town of the impoundment expense by the dog owner prior to removal of the
15 dog from the animal control facility.

16 **4-13-15. Collaring of dogs -- Impoundment and disposition of uncollared dogs. --** (a)

17 Every owner or keeper of a dog shall cause the dog to wear a collar around its neck distinctly
18 marked with its owner's or keeper's name and with its registered number. Any person may cause
19 any dog not so collared to be impounded in the public pound of the town or city where the dog is
20 found; and if the dog is not claimed by its owner or keeper within a period of five (5) days after
21 the impoundment, the dog may be disposed of or destroyed. The five (5) days shall not include
22 any day or part of a day that the public pound is not open for a specified period of time, not to be
23 less than one-half (1/2) the normal hours of business, for the purpose of reclaiming any
24 impounded dog by its rightful owner. All periods of time shall be listed in a prominent location at
25 the entrance to all public pounds. The owner or keeper of any dog so impounded shall not take
26 the dog out of the pound until he or she has first paid to the poundkeeper the expense of keeping
27 the dog, that expense not to exceed two dollars (\$2.00) per day and to be determined by the city
28 or town council in which impoundment occurs. The town council of the town of Gloucester may,
29 by ordinance, determine an expense not to exceed ten dollars (\$10.00) for each of the first five (5)
30 days during which this impoundment occurs plus five dollars (\$5.00) every day the animal is
31 detained, plus an additional ten dollars (\$10.00) if the owner or keeper is unable to show that the
32 dog has a current rabies shot pursuant to section 413-31, and further, the dog shall not be
33 released from the pound until all the provisions of this chapter and the ordinances of the city or
34 town are complied with. The provisions of this section relating to the five (5) day waiting period

1 shall not be deemed to apply to any dog which, when impounded, was injured or maimed, and
2 after the dog has been examined by a licensed veterinarian who shall confirm, in writing, that the
3 dog be destroyed for humanitarian purposes.

4 The town of West Warwick may provide by ordinance an impounding fee of five dollars
5 (\$5.00) per day and may provide by ordinance for a fee for the purposes of transferring ownership
6 or for the disposition of said animals according to law for each adult dog (six (6) months or older)
7 the sum of twenty dollars (\$20.00) and for each puppy the sum of five dollars (\$5.00) for each
8 adult cat (six (6) months or older) the sum of ten dollars (\$10.00).

9 (b) Any person violating the provisions of this section is subject to the penalty provisions
10 of section 4-1-2.

11 (c) Notwithstanding the provisions of subsection (a) the town council of the town of
12 Exeter may impose an initial impoundment fee of up to fifteen dollars (\$15.00) plus two dollars
13 (\$2.00) per day for each day of impoundment.

14 (d) Notwithstanding the provisions of subsection (a), the city council of the city of East
15 Providence is authorized to enact an ordinance imposing an initial impoundment fee of up to
16 twenty dollars (\$20.00) plus five dollars (\$5.00) per day for each day of impoundment.

17 (e) Notwithstanding the provisions of subsection (a), the town council of the town of
18 Richmond is authorized to enact an ordinance providing for an impoundment fee of not more than
19 twenty dollars (\$20.00) per day for any impounded animal, and requiring payment of the fee
20 before an impounded animal may be released to its owner.

21 SECTION 2. Section 4-15-7 of the General Laws in Chapter 4-15 entitled "Animals at
22 Large" is hereby amended to read as follows:

23 **4-15-7. Fees paid to poundkeeper.** – (a) The owner of any impounded animal shall not
24 take the animal out of the pound until he or she first pays to the poundkeeper, the expenses of
25 keeping that animal, no regard being had to the milk derived from the animal, and the fees of the
26 poundkeeper for receiving the animal into the pound, namely: for each horse and neat-beast, not
27 more than five dollars (\$5.00); for each sheep and hog, not more than three dollars (\$3.00); for
28 every notification set up, or notice given to the owner, not more than one dollar (\$1.00); and the
29 following penalties, namely: for every horse, neat-beast, hog, and sheep, not more than two
30 dollars (\$2.00) as by ordinance provided by each town or city.

31 (b) The Richmond town council is authorized to enact ordinances:

32 (1) Prohibiting the owner or custodian of any animal including, but not limited to, horses,
33 cattle, goats, sheep, swine, emus, llamas, alpacas, rabbits, poultry, ducks, geese, guinea fowl, pea
34 fowl, peacocks, ostriches, reptiles, and birds, to allow that animal to be at large;

1 (2) Authorizing the animal control officer or any police officer to seize and impound any
2 animal found off the property of its owner or custodian;

3 (3) Imposing the penalties prescribed by 4-13-1(b)(12) for allowing any animal to be at
4 large; and

5 (4) Permitting the animal control officer or any police officer to issue citations for
6 violations and to provide for payment of fines by mail.

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ANIMALS AND ANIMAL HUSBANDRY

- 1 This act would expand the ability of the Town of Richmond to regulate canines.
- 2 This act would take effect upon passage.

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