

**THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

ORDINANCE NO. 48

**REGULATING THE KEEPING OF DOGS WITHIN
THE TOWN OF WEST GREENWICH
ADOPTED SEPTEMBER 12, 1979
AMENDED AUGUST 10, 1994
AMENDED APRIL 12, 1995
AMENDED MAY 19, 2011 (CHANGES EFFECTIVE JULY 1, 2011)
AMENDED JUNE 11, 2014**

IT IS HEREBY ORDAINED by the Town Council of the Town of West Greenwich, Rhode Island, as follows:

ARTICLE I GENERAL

Section 48-1 Definitions

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

Owner: Any person, group of persons, or corporation owning, keeping or harboring a dog or other animal

Animal Control Officer: The person (s) employed by the Town as its enforcement officer and shall include any Police Officer or Constable of said Town

Dog (Animal) Pound: Any premise designated by action of the Town for the purpose of impounding and caring for animals under the provisions of this ordinance

Spayed Female: Any bitch which has been operated upon to prevent conception

Exposed to Rabies: An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies

At Large: Any dog or other animal shall be deemed at large when not under restraint

Restraint: A dog or other animal is under restraint within the meaning of this ordinance if it is:

- a. Controlled by a leash or other retaining device
- b. Within its owner's residence
- c. Within an enclosure suitable to prevent escape
- d. On its owner's premises
- e. Within a motor vehicle
- f. Under direct supervision of a competent person and obedient to that person's command while:
 1. Lawfully hunting
 2. Engaged in obedience training
 3. Engaged in hunting training

4. Engaged in a formal dog show
5. Engaged in formally sanctioned field trials
6. Dog sledding-training

Section 48-2 Enforcement

The provisions of this ordinance shall be enforced by the Animal Control Officer of the Town of West Greenwich and any Police Officer or Constable of said Town.

Section 48-3 Interfering with enforcement

No person shall interfere with, hinder or molest the Animal Control Officer, any Police Officer or Constable of said Town in the performance of their duties, or seek to release any animal in custody of the Animal Control Officer, any Police Officer, or Constable except as herein provided.

Section 48-4 Exceptions from ordinance

- a. Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this ordinance, except where expressly stated.
- b. The licensing and vaccination requirements of this ordinance shall not apply to any dog belonging to a non-resident of the Town and kept within the Town for not longer than thirty (30) days, provided all such dogs shall at all times while in the Town be kept within a building, enclosure, or vehicle or be under restraint by the owner.

Section 48-5 Complaints

All complaints made under the provisions of this ordinance shall be made to the Animal Control Officer and may be made orally; provided, however, that, within forty-eight (48) hours, such complaint shall be reduced to writing on forms provided by the Animal Control Officer and shall be signed by the complainant, showing their full name, address, telephone number and date of birth.

Section 48-6 Authority to enter premises and take possession of animal

- a. In the discharge of the duties imposed by this ordinance, the Animal Control Officer or any Police Officer of this Town shall have the authority, at all reasonable times, to enter upon any premises to examine a dog or other animal which is allegedly in violation of a provision of this ordinance. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from such premises with a Court Order where necessary.
- b. The authority to enter upon a premises granted by subsection (a) of this section shall not include the right to enter any residence of such premises.

Section 48-7 Dogs to be kept under restraint; Not permitting dogs to run at large

The owner of any dog shall keep said dog under restraint at all times and shall not permit such dog to be at large within the Town. Dogs which are impounded shall be liable for an impoundment fee and holding fee in any calendar year as follows:

First impoundment	\$10
Holding fee per day	\$10
Second impoundment	\$15
Holding fee per day	\$15
Third impoundment and for each impoundment thereafter	\$20
Holding fee per day	\$20

Section 48-8 Dogs prohibited on school property and in stores and eating places; exception

- a. No dog shall be allowed in any school yard or on any school property, whether such dog is at large or under restraint unless sanctioned by the School Dept. and accepting dogs in vehicles.
- b. No dog shall be allowed in any store or eating place within the Town, whether such dog is at large or under restraint.
- c. This section shall not apply to Seeing Eye dogs accompanying a blind or disabled person.

Section 48-9 Physicians to report bite cases

It shall be the duty of every physician, hospital or other medical practitioner to report to the Animal Control Officer, at 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.

Section 48-10 Record of bite cases

It shall be the duty of the Animal Control Officer to keep or cause to be kept accurate and detailed records of all bite cases reported to him/her and his investigation of such cases.

Section 48-11 Records of impoundment and disposition

It shall be the duty of the Animal Control Officer to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into his/her custody.

Section 48-12 Confinement of dangerous or vicious animals and female animals in heat

- a. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog or other animal, and shall not take such dog or other animal out of such building or secure enclosure unless such dog is securely muzzled and such other animal is provided with a similar device for ensuring the safety of the public.
- b. Every female dog or other animal, when in heat, shall be kept confined in a building or secure enclosure or in a veterinary hospital or a boarding kennel in such a manner that such female animal cannot come in contact with another dog or animal, except for intentional breeding purposes.

Section 48-13 Domestic Animals creating a nuisance, disturbances or act in a vicious manner

- a. Whenever it shall be affirmed in writing by any two (2) persons having separate residence or regularly employed in the neighborhood or if the Animal Control Officer or Police Officer determine in his or her judgment that any domestic animal is a habitual nuisance by reason of trespassing, howling, barking, or other noise (day or night), or by damaging property, being vicious or by its actions potentially vicious or if the animal displays vicious actions such as biting, chasing or attacking a human or any animal, the Animal Control Officer or Police Officer shall have the authority to issue violations and/or impound said animal and/or serve notice upon the owner or custodian that such nuisance or vicious actions must be abated. Each day that such condition continues shall constitute a separate offense.
- b. Livestock and fowl shall be exempt from the provisions of this ordinance relative to noise disturbances; however, livestock and fowl shall not be permitted to run at large.
- c. Any residence utilizing a pet (dog) door allowing animals to enter and exit the home shall keep the pet door locked from 10 p.m. to 6 a.m. so as not to cause a nuisance due to barking, howling or other noise. Each occurrence shall constitute a separate offense.
- d. It shall be unlawful for any owner of a dog or other animal to refuse or neglect to abate such a nuisance within twenty-four (24) hours after verbal or in writing to do so.

Section 48-14 Keeping of wild animals

No wild animals may be kept within the Town limits, unless otherwise permitted by Rhode Island General Laws Title 4 (Animal Husbandry) Chapter 18 (Importation of wild animals).

Section 48-15 Certificate of vaccination prerequisite to license

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 ordinance 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 ordinance.

Section 48-16 Dog license; license fees

- a. Every owner or keeper of a dog who resides in the Town shall, annually, in the month of April cause such dog to be licensed for the first day of the ensuing May in the office of the Town Clerk, and shall pay to the Town Clerk for the license so issued seven dollars (\$7.00) plus an additional \$1.00 surcharge pursuant to RIGL 4-24-9. A \$2.00 late fee shall be assessed for dogs registered after May 15th of each year.
All licenses issued under this section shall be valid during the then current year. All persons licensing dogs must be (18) eighteen years of age or have a parent/guardian sign to be legally responsible for dog(s) if said dog(s) incur fees/fines/damages etc.
- b. Any person who becomes the owner or keeper of a dog shall cause such dog to be licensed as provided in this section within thirty (30) days after such person becomes such owner or keeper.
- c. All dogs must be registered/licensed upon six (6) months of age in accordance with Rhode Island General Law.
- d. A \$5 fee shall be assessed for a replacement dog tag.

Section 48-17 Owning, Etc. unvaccinated dog

It shall be unlawful for any person to own, keep or harbor any dog, cat or ferret over four months of age within the Town, unless such dog, cat or ferret shall have been vaccinated or inoculated in accordance with the provisions of this ordinance. Any person violating this section shall be fined not less than two hundred dollars for each offence.

Section 48-18 Dead animals –Burial

It shall be unlawful for any person to bury or cause to be buried the body of any horse, ox, mule, cow, bull, sheep, dog or other large animals within the Town limits, unless every part and portion of such body shall be at least three (3) feet below the natural surface of the ground where the same is buried and such burial is done in conformity with the requirements of the Animal Control Officer or in accordance with accepted practice.

Section 48-19Limitation on number of dogs, cats and ferrets kept at residences.

- a. It shall be unlawful for any person to keep more than six licensed dogs at the same residence, except as permitted by the Animal Control Officer or if more than six dogs are currently already licensed with the Town at the time of adoption of the ordinance. This provision shall not apply to licensed kennels.
- b. Should the number of cats/ferrets in a residence be deemed to be unsafe, unsanitary or unhealthy to the residents or animals by the Department of Health, Human Services, or equivalent authority, then the Animal Control Officer will cite the responsible party or parties and remove the animals at the owner's expense.
- c. Any person found in violation of either Subsection A or Subsection B shall be punished by a fine not exceeding \$100.
- d. The Animal Control Officer has the obligation to notify the residents of his or her intent to enter the property to determine the ownership or caretaker of an animal(s). If the resident is not at home, proper notification is left that the Animal Control Officer was there and what was accomplished.

Sections 48 20-29 Reserved

ARTICLE II IMPOUNDMENT

Section 48-30 Confinement at pound (safe-hold)

Any animal impounded under this ordinance shall be confined at the pound/ (safe-hold) in a humane manner.

Section 48-31 Animals subject to impoundment

- a. Any dog found running at large shall be impounded by the Animal Control Officer, in the Town's safe –hold or shelter designated as the dog pound, and there confined for a period of not less than five (5) days, unless first claimed by the owner thereof in accordance with Section 48-33 (Redemption), and may thereafter be disposed of in a humane manner if not claimed by their owner.
- b. Any animal found running at large shall be impounded by the Animal Control Officer, provided that when such animals are found running at large and their ownership is known to the Animal Control Officer, such animals need not be impounded, but such officer may cite the owners of such animals in accordance with Section 48-60 (Penalty for violation of ordinance of this ordinance.)
- c. Notwithstanding any other provision of this section, any dog, cat or ferret over four (4) months old found within the limit of the Town without evidence that such dog, cat or ferret has been vaccinated or inoculated in accordance with the provisions of this ordinance shall be impounded by the Animal Control Officer of the Town or other authorized person.
- d. Any animal creating or constituting a nuisance under the provisions of Section 48-13 (Domestic Animals creating a nuisance, disturbances or act in a vicious manner) may be impounded by the Animal Control Officer.
- e. Any animal in violation of Section 48-12, Subsection A (Confinement of dangerous or vicious animals and female animals in heat) may be impounded by the Animal Control Officer.
- f. In addition to the other provisions of this section, any animal other than a dog found running at large within the Town limits may be impounded when such action is required either to protect the animal or to protect the residents of the Town.
- g. The Town of West Greenwich does not except turn-in of dogs, cats, ferrets and other animals. Owners are responsible for finding suitable homes for their pets or turning pets in to out-of-town shelters at owner's expense. Animal control is responsible for stray animals. It is unlawful to abandon pets per RI General Law 4-1-3. Animal Control does not provide transportation for animals with a known owner to vet appointments, cremations etc., unless unusual circumstances arise and known owner is responsible for all fees/costs.

Section 48-32 Notice to owner of impounded animal

- a. Immediately upon impounding any dog under this ordinance, the Animal Control Officer shall make a reasonable effort to notify the owner of such dog or other animal and inform him/her of the conditions whereby he/she may regain possession of the animal.

- b. No animal shall be destroyed, transferred to the Society for the Prevention of Cruelty to Animals or otherwise disposed of, or delivered to anyone other than the owner, by the Animal Control Officer pursuant to this ordinance until five days have elapsed after written notice to the owner of the animals that the animal is impounded and informing the owner of the conditions under which custody of the animal may be regained. Such written notice shall be delivered to the owner by a police officer or be sent by certified mail, return receipt requested.

Section 48-33 Redemption

- a. The owner of any animal impounded under this ordinance may, within five (5) days after such impoundment, regain possession of such animal upon payment of the impoundment fee and any penalty for violation of this ordinance as prescribed in Section 48-60 (penalty for violation of ordinance) and upon proof of ownership. Proof of ownership may include a license receipt, affidavits of neighbors, a photograph, or other evidence satisfactory to the Animal Control Officer.
- b. If an animal is impounded under Section 48-31 subsection (d) as creating or constituting a nuisance, it may be redeemed by the owner thereof pursuant to subsection (a) of this section the first time it is so impounded. An animal so impounded a second or subsequent time may not be redeemed unless such redemption is authorized by a court having jurisdiction in the matter.
- c. In addition to any other requirement of this section, a dog impounded under this ordinance may not be redeemed or released until it has been vaccinated as required by Section 48-50 (Vaccination of Dogs, Cats and Ferrets). When an unvaccinated dog is impounded, it may be held for a period not exceeding fifteen (15) days, during which time it may be redeemed in accord with this section.
- d. Any animal described in Section 48-12 (Confinement of dangerous or vicious animals and female animals in heat) may not be reclaimed by the owner unless such reclamation is authorized by a court having jurisdiction within fifteen (15) days after the date of impoundment.
- e. Notwithstanding any other provision of this section, when, in the judgment of the Animal Control Officer, an animal should be destroyed for humane reasons, such animal may not be reclaimed.
- f. The Animal Control Officer shall require any unlicensed impounded dog to be licensed prior to accepting the impounding fee.

Section 48-34 Disposition of unredeemed animals

Any dog or other animal impounded under the provisions of this ordinance and not reclaimed by its owner within the time prescribed by Section 48-33. (Redemption) may be humanely destroyed by the Animal Control Officer, have its title transferred to the Society for the Prevention of Cruelty to Animals, or be placed in the custody of someone deemed to be a responsible and suitable owner who shall agree to comply with the provisions of this ordinance and such regulation as shall be fixed by the Town Council; 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.

Sections 48 35-49 Reserved

ARTICLE III RABIES CONTROL

Section 48-50 Vaccination of Dogs, Cats and Ferrets

- a. The owner of any animal shall have the animal vaccinated not earlier than three months of age nor later than four months of age and at regular intervals thereafter as prescribed by the regulations made by the most current compendium of animal rabies control. No dog, cat or ferret shall be permitted within the Town limits unless such dog, cat or ferret shall have been vaccinated or inoculated in the manner set forth in this ordinance.
- b. Any animal vaccinated prior to one year of age or receiving the primary vaccination at any age, shall be given a booster rabies vaccination one (1) year after then at intervals not to exceed every (3) years thereafter. All ferrets shall be vaccinated against rabies at yearly intervals.
- c. The vaccination or immunization required by this section shall be by a vaccine approved by the State Department of Health or the Rabies Control Board and shall be certified by a licensed veterinarian. Such certificate shall meet the minimum standards approved by the Rabies Control Board, which shall include the following: the veterinarians name, practice name, address and telephone number; the pet's name, species, sex, coloration and age, the rabies vaccine manufacturer's name; the date of inoculation, the rabies tag number, and whether the vaccine given is the one-year vaccine or the three-year vaccine; and the signature of the veterinarian who administered or directed the administration of the rabies vaccine. For dogs and cats, there shall be records kept which list 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 State Director of Health or the Veterinarian administering the vaccine.

Section 48-51 Quarantine of animal that has bitten person or been exposed to rabies

- a. Every animal that 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 (10) days. The animal shall not be released from such quarantine except by written permission of the Animal Control Officer. Quarantine may be carried out pursuant to Rhode Island Rabies Protocol as established by the Rhode Island Rabies Commission. The case of stray animals or of animals whose ownership is not known, such quarantine shall be at the pound. If the owner is later located the said owner is responsible for all expenses incurred by the animal.
- b. The owner, upon demand by the Animal Control Officer, shall forthwith surrender any animals which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine, at the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner if it is determined to be free of rabies, upon payment of the same fees as are prescribed in Section 48-60 (Penalty for Violation of Ordinance).

Section 48-52 Refusal to surrender animal for quarantine or destruction

No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this ordinance when demand is made therefore by the Animal Control Officer

Section 48-53 Veterinarians to report suspected rabies cases

It shall be the duty of every licensed veterinarian to report to the Animal Control Officer any animal considered by him/her to be a rabies suspect.

Section 48-54 Death of quarantined animal

When rabies has been diagnosed in an animal under quarantine, or when rabies is suspected in such an animal 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 Department of Health for pathological examination, and shall notify the proper public health officials of reports of human contacts and the diagnosis.

Section 48-55 Surrender of carcass of animal exposed to rabies

The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.

Section 48-56 Unauthorized destruction or removal of rabid animals, animals exposed to rabies or animals biting persons

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 provided in this article, nor remove such an animal from the Town limits without written permission from the Animal Control Officer.

Section 48-57 Disposition of rabid animals

The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

Section 48-58 Destruction, isolation or restraint of dog/cat/domestic animal bitten by rabid animal

Any dog/cat/domestic animal that is bitten by a known rabid animal shall be immediately destroyed or, if the owner is unwilling to destroy the dog, it shall be quarantined in a state approved kennel/facility/pound for six (6) months. If such dog/cat/domestic animal has previously been vaccinated within the time limits established by the State Director of Health based on the kind of vaccine use, revaccination, and restraint by leashing and Strict Confinement for forty-five (45) days shall be carried out in lieu of the six month quarantine.

Section 48-59 Area-wide quarantine when rabies diagnosed; emergency vaccination of dogs/domestic animals

- a. When any report made pursuant to this ordinance indicates a positive diagnosis of rabies the Animal Control Officer shall recommend an area-wide quarantine for a period of ninety (90) days and, upon invoking of such emergency quarantine, no animal may be taken or shipped from the Town without written permission of the Animal Control Officer.

- b. During the quarantine period provided for in subsection (a) of this section, and as long afterward as her/she decides it is necessary to prevent the spread of rabies, the Animal Control Officer shall require all dogs/domestic animals three (3) months of age and older to be vaccinated against rabies with a rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The type of approved anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the State Director of Health. All vaccinated dogs/domestic animals shall be restricted by leashing and confinement on enclosed premises for forty-five (45) days after vaccination. During the quarantine period, the State Director of Health shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine/domestic animal rabies vaccination clinics strategically located throughout the Town.
- c. No animal which has been impounded by reason of its being a stray or unclaimed by its owner shall be allowed to be claimed during the period of a rabies emergency quarantine invoked under this section except by special authorization of the State Director of Health and the Animal Control Officer.
- d. If there are additional positive cases of rabies occurring during the period of a quarantine invoked under this section, such quarantine may be extended for an additional six (6) months.

Section 48-60 Penalty for violation of ordinance

Except as otherwise provided in this ordinance, each violation of any provision of this ordinance may be punished by the payment of a fine of \$25.00 for the first offense, \$50.00 dollars for the second offense, and \$100.00 dollars for the third and any subsequent offense within a year.

For a violation of any provision of this chapter, the enforcing officer may be permitted to issue a citation which may be paid by mail. Should the recipient of the citation fail to pay the citation within seven (7) days, a summons will be issued to appear in a Court of competent jurisdiction.

INDIVIDUAL FINE CHARGES: Per Calendar Year (January to January)

First Impoundment	\$10.00
Second Impoundment	\$15.00
Third Impoundment	\$20.00 for each impoundment thereafter.
Holding Fee per day First Impoundment	\$10.00
Holding Fee per day Second Impoundment	\$15.00
Holding Fee per day Third Impoundment	\$20.00 for each impoundment thereafter.
First Nuisance Offense	\$25.00
Second Nuisance Offense	\$50.00
Third Nuisance Offense	\$100.00
Unlicensed Dog	\$25.00
At Large First Offense	\$25.00
At Large Second Offense	\$50.00
At Large Third Offense	\$100.00 and for each at large offense thereafter.
Dog license	\$7.00 Section 48-16 (a) Plus an additional \$1.00 surcharge pursuant to RIGL 4-24-9.
Dog license Late Fee	\$2.00 assessed after May 15th
Replacement dog tags	\$5.00
Unvaccinated Dog, Cat, Ferret	\$200.00 Section 48-17
Quarantine- Daily Board	Varies Section 48-51

This ordinance shall take effect upon its passage.

Received by Town Clerk: March 12, 2014

First Reading: May 14, 2014

Date of Initial Posting: May 23, 2014

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Second Reading: June 11, 2014

Council Action: X Adopted _____ Rejected

Date of Final Posting, if adopted: June 18, 2014