

2010 -- S 2104

LC00397

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS

Introduced By: Senator P Fogarty

Date Introduced: February 04, 2010

Referred To: Senate Constitutional & Regulatory Issues

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-13-1 and 4-13-4 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:

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

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

33 (iii) A fine not exceeding fifty dollars (\$50.00) for the third and each subsequent offense
34 within one year of the first offense.

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

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

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

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

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

11 (14) (i) Smithfield 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) The Smithfield town council is authorized to enact an ordinance permitting the
19 animal control warden in the town to issue citations which may be paid by mail to the owners of
20 dogs for the violation of any dog ordinance in that town.

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

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

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

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

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

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

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

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

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

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

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

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

6 (iii) Prescribe pecuniary penalties as follows:

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

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

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

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

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

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

19 (iii) Prescribe pecuniary penalties as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (iii) Prescribing pecuniary penalties as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (A) A fine of not more than twenty-five dollars (\$25.00) for the first offense within a

1 calendar year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (B) To prescribe penalties for violation of the provisions of revised general ordinances,

1 [Town of Burrillville, Rhode Island, 2004, as amended, Chapter 4, entitled “Animals”; and](#)

2 [\(C\) Establishing an expense not to exceed ten dollars \(\\$10.00\) for the day during which](#)
3 [impoundment occurs plus five dollars \(\\$5.00\) every day the animal is detained and providing for](#)
4 [the payment to the town of the impoundment expense by the dog owner prior to removal of the](#)
5 [dog from the animal control facility.](#)

6 **4-13-4. Dog licenses -- Fees -- Penalties.** -- (a) (1) Every owner or keeper of a dog shall

7 annually in April obtain a license effective May 1 in the office of the city or town clerk of the city
8 or town in which the owner or keeper resides.

9 (2) The fees for the license shall be five dollars (\$5.00).

10 (3) No city or town shall issue any license under this section unless the dog has been
11 inoculated against rabies for the period of time which the license would be valid.

12 (4) All licenses issued under the provisions of this chapter shall be valid in every city or
13 town during the then current year.

14 (5) Any person who becomes the owner or keeper of a dog shall obtain a license within
15 thirty (30) days after he or she becomes the owner or keeper.

16 (6) (i) The Cumberland town clerk may issue a license renewable every two (2) years for
17 a licensing fee of six dollars (\$6.00).

18 (ii) Gloucester town council may provide for an annual licensing fee of fourteen dollars
19 (\$14.00) for all dogs except spayed or neutered females and males and for an annual licensing fee
20 of seven dollars (\$7.00) for spayed or neutered female and male dogs.

21 (iii) Jamestown town council may provide by ordinance for an annual licensing fee not
22 to exceed fifteen dollars (\$15.00) for neutered dogs, and not to exceed twenty-five dollars
23 (\$25.00) for unneutered dogs.

24 (iv) Newport city council may, however, provide by ordinance for an annual licensing
25 fee of not more than ten dollars (\$10.00) for all spayed and neutered dogs, and for an annual
26 licensing fee of not more than fifteen dollars (\$15.00) for unspayed females and unneutered
27 males.

28 (v) North Smithfield town council may provide by ordinance for an annual licensing fee
29 of five dollars (\$5.00) for all dogs.

30 (vi) (A) South Kingstown town council may provide for an annual licensing fee of
31 twelve dollars (\$12.00) for all dogs except spayed or neutered females and male dogs and for an
32 annual licensing fee of seven dollars (\$7.00) for spayed or neutered female and male dogs.

33 (B) The South Kingstown town council may assess an impound fee.

34 (vii) (A) Westerly town council may provide by ordinance for an annual license fee of

1 ten dollars (\$10.00) for unspayed female dogs and unneutered male dogs;

2 (B) May provide for a fee of one dollar (\$1.00) for the replacement of lost dog tags;

3 (C) May provide that no fee be charged to license guide dogs used by persons with
4 disabilities;

5 (D) May provide for the number of licenced dogs which may be kept at any single-
6 family residence, other than a breeding kennel; and

7 (E) May provide for pecuniary penalties not exceeding twenty-five dollars (\$25.00) for
8 violations.

9 (viii) Woonsocket city council may provide by ordinance for an annual licensing fee of
10 five dollars (\$5.00) for all dogs.

11 (ix) (A) West Warwick town council may provide by ordinance for an annual license fee
12 of seven dollars (\$7.00) for each neutered male or spayed female and fifteen dollars (\$15.00) for
13 each unneutered male and unspayed female.

14 (B) May provide by ordinance for a payment of a two dollars (\$2.00) fee for duplicate or
15 for replacement tags.

16 (x) (A) Pawtucket city council may provide by ordinance for an annual licensing fee not
17 to exceed fifteen dollars (\$15.00) for spayed or neutered dogs, and not to exceed twenty-five
18 dollars (\$25.00) for unspayed or unneutered dogs.

19 (B) May provide by ordinance for an annual licensing fee for dogs owned by residents
20 age 65 or older not to exceed five dollars (\$5.00) for spayed or neutered dogs, and not to exceed
21 ten dollars (\$10.00) for unspayed or unneutered dogs.

22 (xi) Scituate town council may provide by ordinance for an annual license fee not to
23 exceed twenty (\$20.00) dollars for all dogs.

24 (xii) Burrillville town council may:

25 (A) Provide by ordinance for an annual licensing fee of not more than ten dollars
26 (\$10.00) for all dogs; and

27 (B) Provide for pecuniary penalties not exceeding twenty-five dollars (\$25.00) for
28 violations.

29 (b) Every person, owning or keeping a dog not licensed and/or collared according to the
30 provisions of this chapter, shall be fined ten dollars (\$10.00) to be applied to the support of the
31 city or town, and that fine shall be in addition to all other lawful fees.

32 (c) Any city or town may waive the fee to be charged to license guide dogs used by
33 persons with disabilities.

34 (d) In the city of Woonsocket, every person owning or keeping a dog not licensed and/or

1 collared according to the provisions of this chapter shall be fined fifty dollars (\$50.00) for the
2 first offense, one hundred dollars (\$100) for the second offense and one hundred fifty dollars
3 (\$150) for the third and subsequent offenses.

4 SECTION 2. This act shall take effect upon passage.

=====
LC00397
=====

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

1 This act would authorize the Town of Burrillville to enact ordinances requiring an annual
2 licensing fee for dogs as well as the enforcement of animal control ordinances upon dog owners.

3 This act would take effect upon passage.

=====
LC00397
=====