

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2010-7

**No. 144**

**AN ORDINANCE** AMENDING OF CHAPTER 4 OF THE  
CODE OF ORDINANCES ENTITLED "ANIMALS AND  
FOWL"

*Approved May 7, 2010*

***Be it ordained by the City of Providence:***

**SECTION 1.** The Code of Ordinances of the City of Providence is amended as follows:

**Article 1. In General.**

**Sec. 4-1. Establishment of public pound.**

The Dexter Asylum grounds, as enclosed by the existing wall around the same, are hereby designated as the public pound of the city.

**Sec. 4-2. Running at large.**

(a) No horse, sheep, swine, goats or cattle shall go at large, loose or unfastened in any public street or highway within the limits of the city, or on any land therein thrown open as a way for public travel and used by the public for travel although such way be not legally a public street or highway, or go at large elsewhere in the city.

(b) All swine found running at large within the limits of the city are hereby declared forfeited, and any person may seize, or cause to be seized, any swine found so running at large and convert the same to his own use, or deliver the same to the keeper of the Dexter Asylum for the use of the poor persons in that institution.

**Sec. 4-3. Keeping swine.**

No swine shall be kept within the limits of the city.

**Sec. 4-4. Keeping fowl.**

No owner or occupant of any dwelling house shall keep or permit to be kept, any live fowl, geese, ducks or pigeons in any dwelling house or in the cellar of any such house, nor shall any such fowl or pigeons be kept within the city limits.

**Sec. 4-5. Bins for manure and refuse, removal of manure and refuse.**

(a) Every person owning, leasing or occupying any stall, stable, shed, barn or apartment, wherein any horse or any cattle shall be kept, shall maintain a covered bin, vault or cellar, satisfactory to the superintendent of health, in which shall be placed all manure or refuse from such horse or cattle.

(b) No person shall, between the hours of 8:00 a.m. and 7:00 p.m. remove or suffer to be removed any such manure or refuse from said premises, except with the permission of the superintendent of health previously obtained in writing.

Sec. 4-6. Burying dead animals.

No person shall bury or cause to be buried the body of any horse, ass, mule, ox, cow, bull, hog or other large animal, within the limits of the city, unless in such manner that 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 in conformity with the requirements of the superintendent of health.

Sec. 4-7. Transporting dead animals.

No person shall remove, carry or transport over, upon or through any street or highway of the city the dead body of any horse, ass, mule, ox, cow, bull, hog or any other animal, not slaughtered and in condition for use as food unless specially authorized so to do by the superintendent of health.

Sec. 4-8. Contract for removal of dead animals.

The superintendent of health is hereby authorized and empowered, in his discretion, in the name and behalf of the city, from time to time, to contract for the faithful performance of the work of removing from the city, and through the streets thereof, any dead animal bodies, with such party as he shall authorize to make such removals, and upon such terms and conditions as he shall approve, provided the terms of any such contract shall not exceed five (5) years.

Sec. 4-9. Euthanization by lethal injection only.

Within the city any animal subject to destruction under the laws of the state or the ordinances of the city shall be euthanized by lethal injection only. No animal may be destroyed by use of a gas chamber. This enactment shall supersede the provisions of section 4-41 or any other relevant section of the Code of Ordinances.

Sec. 4-10. Disposition or destruction of animals.

Any animal relinquished to any animal shelter or pound by an individual claiming to be the animal's owner shall be held for not fewer than seventy-two (72) hours, excluding Saturday, Sunday and Holidays. A new or previous owner of said animal shall pay the reasonable and customary fees associated with the adoption process. The provisions of this section relating to the seventy-two-hour holding period shall not apply to any animal which, being impounded hereunder, is in need of immediate medical attention and which same animal has been examined by a licensed veterinarian or shelter staff who shall confirm in writing that the animal should be destroyed for humanitarian reasons.

Sec. 4-11. Minimum care of animals.

(a) An owner or guardian of any animal must provide proper nourishment and access to adequate water at a drinkable temperature, quality and quantity as required by the species, breed, size and age of said animal, which will allow and foster normal growth and maintenance of body weight.

(b) An owner or guardian of any animal must maintain a sanitary environment, which is dry and free of accumulated feces, and free of debris and garbage that may clutter the environment so as not to inhibit comfortable rest, normal posture and range of movement or pose a danger to or entangle an animal, this as set by the industry standard for the environmental health scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).

(c) An owner or guardian of any animal must maintain said animal's health with minimum veterinary care, and a healthy physical condition as set by the industry standard for the body condition scale TACC.

Secs. 4-12--4-18. Reserved.

## Article II. Dogs.

~~Sec. 4-19. Prohibited at large in event of danger of rabies.~~

~~It shall be unlawful for the owner or keeper of any dog licensed according to law, to permit such dog to run at large in the city whenever the superintendent of health declares that there is danger of rabies.~~

**Editor's note:** Sec. 4-38 provides for quarantine, examination, etc. of any animals which bites a person or another animal, and for the disposal of rabid animals and animals exposed to rabies; and § 4-46 provides for impounding and disposal of unvaccinated dogs. To the extent §§ 4-19--4-21 are in conflict therewith, §§ 4-19--4-21 have been superseded.

~~Sec. 4-20. Declaration of danger of rabies; rules and regulations for immunization.~~

~~The superintendent of health shall make a declaration that there is danger of rabies by advertising in one or more newspapers published in the city, stating therein the period of time during which said danger of rabies shall be considered to exist, and shall set forth such rules and regulations relative to proper immunization not inconsistent with the rules and regulations of the state veterinarian under the provisions of General Laws, Chapter 639, section 34.~~

~~Sec. 4-21. Impounding and destruction of unmuzzled or unimmunized dogs.~~

~~After the declaration and rules and regulations have been set forth, as provided for in section 4-20 hereof, any licensed and collared dog found during said period unleashed or unmuzzled, or not properly immunized against rabies in accordance with said rules and regulations of the superintendent of health, in any street, highway or other public place within the limits of the city shall be impounded by the special constable under the dog laws for a period of at least five (5) days, after which time it shall be the duty of said special constable to cause said dog to be destroyed.~~

~~Sec. 4-22. Recovery of possession of impounded dogs.~~

~~The owner or keeper of any dog impounded as provided herein, upon proof that such dog belongs to or is kept by him, within the period of five (5) days and upon the payment of three dollars (\$3.00) to the special constable, may recover possession of and remove said dog.~~

**Editor's note:** Secs. 4-35 and 4-36 also provides for redemption of impounded dogs and other animals, and prescribes the impoundment fees. To the extent § 4-22 is in conflict therewith, § 4-22 has been superseded.

~~Sec. 4-23. Quarantine of dog which has bitten person.~~

~~The superintendent of health may order the quarantine and confinement for observation for a period of not more than fifteen (15) days of any dog which has bitten a human being, and the exercise of such authority shall not require any declaration by the superintendent of health that there is any danger of rabies.~~

**Editor's note:** Sec. 4-38 provides for quarantine, examination, etc. of any animal which bites a person or another animal, and for the disposal of rabid animals and animals exposed to rabies. To the extent § 4-23 is in conflict therewith, § 4-23 has been superseded.

~~Sec. 4-24. Removal of barking, biting and howling dogs.~~

~~On complaint being made to the chief of police of any dog within the city, which shall, by barking, biting, howling or in any other way or manner, disturb the quiet of any person whomsoever, the chief of police shall forthwith issue notice thereof to the person owning or keeping such dog, or permitting such dog to be kept. In case such person shall neglect to cause such dog to be forthwith removed and kept beyond the limits of the city, or destroyed, he shall be deemed guilty of an offense.~~

**Editor's note:** Sec. 4-37(a) provides for confinement of fierce dangerous or vicious dogs, and § 4-37(b) provides for confinement of female dogs or other animals in heat. To the extent § 4-24 is in conflict therewith, § 4-24 has been superseded.

Sec. 4-25. Molesting, injuring, interfering with dogs of police department.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department of the city in the performance of the functions or duties of such department, or to interfere with or meddle with any such dog while being used by said department or any officer or member thereof in the performance of any of the functions or duties of said department or of such officer or member.

Sec. 4-26. Fees for special constable destroying, listing dogs.

The special constable appointed annually by the commissioner of public safety to kill or destroy or cause to be killed or destroyed, all dogs going at large and not licensed or collared according to law shall receive therefore from the city treasurer a fee of six hundred seventy-five dollars (\$675.00) each month, to be charged to the police department appropriation. The special constables appointed annually by the commissioner of public safety to ascertain and make a list of the owners or keepers of dogs and return such lists to the said commissioner of public safety on or before the last day of May shall receive no fees for making such lists and returns.

Sec. 4-27. Canine waste and its removal.

(a) *Duties to dispose.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

(b) *Duty to possess means of removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Further more, no person who owns, possesses or controls such dog shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

(c) *Method of removal and disposal.* For the purpose of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, to a place specifically reserved for the disposal of canine feces, or to a place so designated as appropriate by the department of public works.

(d) *Fines for violation.* Violation of this regulation shall be punishable by a fine not exceeding ten dollars (\$10.00) for the first offense, not exceeding fifteen dollars (\$15.00) for the second offense within a year, not exceeding twenty-five dollars (\$25.00) for the third and any subsequent offenses within a year to be recovered by action of debt or by complaint or warrant, to use as such city council may prescribe.

(e) *Exemption.* This regulation shall not apply to a licensed dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirement of this section.

(f) *Severability.* The provisions of this section are severable and if any of the provisions of this section shall be held unconstitutional or in conflict with any other section of the City Charter or ordinances of the City of Providence or state law, then such section shall be void without affecting or impairing any of the remaining provisions.

Sec. 4-28. Sheltering, tethering and nourishment of dogs.

(a) No person shall allow a dog to be kept outside either tethered, penned, caged, fenced or otherwise confined without access to a shelter when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of TACC if the dog is showing signs of poor health due to the weather conditions.

(b) No person shall keep any dog on a permanent tether less than ten feet (10')

(c) No person shall tether a dog with a choke-type collar or prong-type collar.

(d) No person shall keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour period or keep any dog confined in a pen, cage or other outdoor housing structure for more than fourteen (14) hours during any twenty-four (24) hour period.

(e) No person shall fail to provide proper food, proper water, or proper veterinary care as defined in section 4-31. An owner who allows an animal to become emaciated due to a malabsorption problem, disease, parasitic infestation or any illness or chronic illness when the animal is not under the direct and continued care of a veterinarian for those problems shall be as guilty as an owner who does not provide proper food.

(f) The provisions of this section shall not apply if:

(1) the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island which must be renewed annually and an outdoor shelter is provided; or

(2) such tethering or confinement is authorized in writing by the director of the Providence Animal Control Center; or

(3) to a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with RIGL § 4-19-5, animal shelter, municipal pound or veterinary facility.

Sec. 4-29. Penalty for violation of Secs. 4-11 and 4-28.

Any person in violation of Sec. 4-11 or Sec 4-28 shall be given a warning for the first violation. The second violation shall result in a fine of two hundred dollars (\$200), and the third violation shall result in a fine of four hundred dollars (\$400). At any time after the first violation, if the dog is showing signs of poor health due to the weather conditions, second and subsequent violations may result in seizure of the animal.

Sec. 4-30. Reserved.

Art. III. Control of Dogs and Other Animals

Sec. 4-31. Definitions.

As used in this article the following terms shall mean:

Animal means any living creature other than a human being.

At large: Any dog shall be deemed to be at large when he is off the property of his owner and not under restraint as hereinafter defined.

Director means the director of the Animal Control Center.

Dog officer: The person or persons employed by the city as its enforcement officer and shall include any police officer of said city.

Dog pound: Any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this article, also known as the Animal Control Center.

Enclosure: A fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children. Such enclosure shall be securely enclosed and locked and designed with secure sides sufficient to prevent the animal from escaping.

Exposed to rabies: A dog has been exposed to rabies within the meaning of this article if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

Guardian means a person having the same rights and responsibilities of an owner. and both terms may be used interchangeably. A guardian shall also mean a person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal and who is responsible for an animal's safety and well-being.

Kennel: Any person, group of persons or corporations engaged in the commercial business of breeding, buying, selling or boarding dogs or for hobby and recreation.

Leashed: A dog is properly leashed when it has a cord or chain attached to its collar or harness and held in the hand by the owner or competent person restraining a dog.

Owner: Any person, group of persons or corporation owning, keeping or harboring a dog or dogs; or having charge or control of or responsibility for control of an animal; or any person or agency which permits any dog, cat, ferret or domestic animal to habitually be fed within that person's yard or premises. This term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet shop or animal shelter.

Proper food means access to a sufficient quality and quantity of wholesome foodstuff suitable for that species that will allow for normal growth and maintenance of the animal's body weight and body condition. Wholesome foodstuff is food intended for that species of animal or food that is accepted for that species of animal under acceptable animal husbandry practices. The interval between feeding shall not be more than twenty-four (24) hours.

Proper water means access to clean, fresh, drinkable potable water sufficient to maintain the health of the animal.

Proper veterinary care means providing each animal that is suffering from an illness, injury or medical condition with veterinary care sufficient to prevent unnecessary or unjustified physical pain or suffering by the animal; provided, that nothing herein shall be construed to prevent an owner from treating an animal using acceptable animal husbandry practices.

Restraint: A dog is under restraint within the meaning of this article if he is leashed or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

Shelter for a dog means a structure, doghouse of the appropriate size for the breed and size of the dog, or other adequate protection from inclement weather, as required to maintain the dog in a state of good health, and prevent unnecessary or unjustified suffering of the dog.

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

Tether means the practice of fastening a dog to a stationary object or stake by a chain, rope or other tethering device as a means of keeping the animal under control. The tether must remain tangle-free and not restrict the movement of the dog. The term tether does not refer to the periods when an animal is walked on a leash.

Veterinarian means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an accredited veterinary medical, surgical, and dental school or college of a standard recognized by the Rhode Island Veterinary Medical Association.

Vicious dog:

(1) Any dog that when unprovoked, inflicts bites or attacks a human being or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or

(2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

Sec. 4-32. Enforcement.

The provisions of this article shall be enforced by the dog officer of the City of Providence and any police officer of said city.

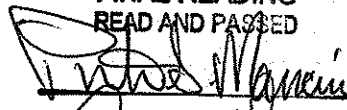
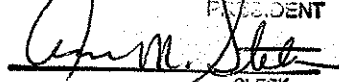
[No changes to the balance of Chapter 4, Article III]

**SECTION 2.** These amendments shall take effect upon passage.

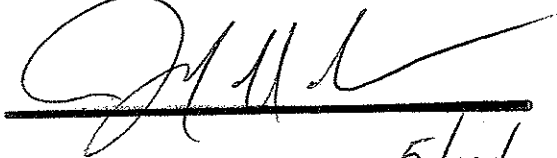
IN CITY COUNCIL  
APR 15 2010  
FIRST READING  
READ AND PASSED

 CLERK

IN CITY  
COUNCIL  
MAY 6 2010  
FINAL READING  
READ AND PASSED

 PRESIDENT  
 CLERK

**APPROVED**



**MAYOR**

5/7/10