

CHAPTER 2018-37

No. 382 AN ORDINANCE AMENDING CHAPTER 4, "ANIMALS AND FOWL," SECTION 22, "DOG BREEDING," AND ESTABLISHING SECTION 23, "KEEPING AND HARBORING ADDITIONAL DOGS" AND SECTION 24, "PROHIBITION OF THE SALE OF DOGS AND CATS"

Approved July 10, 2018

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 22, is hereby amended as follows:

Sec. 4-22. - Dog Breeding

(a) Dog Breeding Permit

- (1) There shall exist a Dog Breeding Permit, issued by Animal Control at a cost of two hundred fifty dollars (\$250), which shall expire one (1) calendar year for the date it was issued. Permits shall be non-transferrable.
- (2) No Dog Breeding Permit shall be issued until and unless the applicant has obtained a breeder permit from the Rhode Island Department of Environmental Management (DEM), in compliance with to R.I. Gen. Laws § 4- 19-5.1, and Animal Control has reviewed and inspected the premises where the dogs are being kept and found it to be in compliance with all applicable laws and suitable for the proper care and breeding of dogs.
- (3) Animal Control maintain and enforce policies established by DEM for the suitable conditions for proper care and breeding of dogs. Such polices shall be publicly posted on the Animal Control website.

(b) Regulation

Unless an individual has obtained a Dog Breeding Permit, issued by Animal Control, as described in Sub Sec. (a) of this Ordinance, or the dog is otherwise exempt under the provisions of subsection (d) of this Ordinance, it shall be unlawful to:

- (1) cause or allow any male or female dog, owned or harbored in the City, to breed;
- (2) cause or allow any male dog, aged six (6) months or older, to remain unneutered;
- (3) cause or allow any female dog, aged six (6) months or older, to remain unspayed;
- (4) keep or harbor more than three (3) dogs, aged three (3) months or older, whether or not owned by such person, unless the individual has obtained an Additional Dog Permit or is otherwise exempt under the provisions of Sec. 4-23 of the Code of Ordinances.

(c) Penalty

- (1) Each violation of this section shall result in a penalty of one hundred dollars (\$100). Each dog breeding without a permit; each dog, aged six (6) months or older, unspayed or unneutered without a permit; and each dog, aged three (3) months or older, kept or harbored without a permit, shall count as a separate offense.
- (2) Animal Control shall have the authority to seize any and all dogs kept or harbored in violation of this ordinance.

(d) Exceptions

Dogs meeting the following criteria shall be exempt from the provisions of subsections (b)(1), (b)(2), and (b)(3) this ordinance:

(1) The dog is otherwise exempt from a kennel license or license fee pursuant to R.I. Gen. Laws § 4-13-10; or

(2) The owner of the dog provides a letter to Animal Control from a Rhode Island licensed veterinarian certifying that the dog is too sick or injured to be spayed or neutered and that the animal's health would be best served by spaying or neutering after a specified date; or that it is unsafe to spay or neuter the animal due to old age, the animal suffers from a permanent and serious medical condition, or the animal suffers from a permanent infirmity that would prevent the animal from reproducing. The letter shall include the veterinarian's license number.

SECTION 2. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 23, is hereby amended as follows:

Sec. 4-23. Keeping and Harboring Additional Dogs

(a) Additional Dog Permit

- (1) There shall exist an Additional Dog Permit, issued by Animal Control, at a cost of twenty-five dollars (\$25) each, which shall allow individuals to keep and harbor one additional dog beyond the maximum established in Sec. 4-22(b)(4) of the Code of Ordinances. An Additional Dog Permit shall be required for each dog owned in excess of the maximum established in Sec. 4-22(b)(4) of the Code of Ordinances. Each Additional Dog Permit issued shall specify the number of dogs kept or harbored by the individual at the time of issuance and the maximum number of dogs they are allowed to keep or harbor in their current dwelling.
- (2) No Additional Dog Permit shall be issued until and unless Animal Control has verified that all the dogs being kept and harbored by the applicant comply with the provisions of Sec. 4-22, subsections (b)(1), (b)(2), and (b)(3).
- (3) Animal Control shall establish policies for the issuance of Additional Dog Permits. Such policies shall be public documents available on Animal Control's website. Such policies shall include, but shall not be limited to, specifications relating to the minimum dwelling area required for keeping and harboring additional dogs, the minimum standards of care for additional dogs, and the rules and regulations for the suspension and/or revocation of Additional Dog Permits.
- (4) Additional Dog Permits shall continue to be valid until and unless the holder of the permit moves to a new address. It shall be the responsibility of permit-holders to inform Animal Control that they have moved. Permit-holders who inform Animal Control that they have moved shall, upon providing Animal Control with documentation verifying that the new dwelling where the dogs are kept or harbored meets the minimum standards for Additional Dog Permits established under this Ordinance, be issued a new Additional Dog Permit for each dog owned in excess of the maximum established in Sec. 4-22(b)(4) of the Code of Ordinances, for the new dwelling, at a cost of five dollars (\$5) each.

- (b) The provisions of Sec. 4-22(b)(4) of the Code of Ordinances shall not apply to, nor shall an Additional Dog Permit be required of any individual fostering dogs as part of a formal agreement or affiliation with Animal Control or a non-profit rescue organization, as defined in Sec. 4-24(a).

SECTION 3. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 24, is hereby amended as follows:

Sec. 4-24. Prohibition of the Sale of Dogs and Cats.

(a) Definitions.

Commercial establishment means any for profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats, including grooming parlors, canine day care, and boarding facilities.

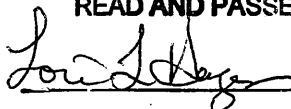
Non-profit rescue organization means any animal shelter or animal rescue, duly registered pursuant to R.I. Gen. Laws § 4-19-4.

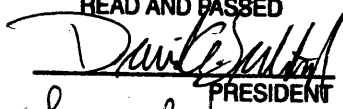
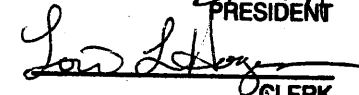
Certificate of source means any document from the source city animal shelter or animal control agency, humane society, or non-profit rescue organization declaring the source of the dog or cat on the premises of the pet shop, retail business, or other commercial establishment.

- (b) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat in any pet store, retail business, or other commercial establishment located in the City of Providence.
- (c) Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other commercial establishment located in the City of Providence from providing space and appropriate care for animals owned by a city animal shelter or animal control agency, humane society, or non-profit rescue organization and maintain those animals at the pet store, retail business, or other commercial establishment for the purpose of public adoption. Such store, retail business, or other commercial establishment must confirm that the animals provided originate from entities that are duly registered under R.I. Gen. Laws § 4-19-3 or R.I. Gen. Laws § 4-19-4 and failure to do so shall constitute a violation of this section.
- (d) Violations and penalties.

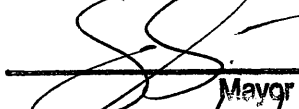
Any person or commercial establishment who violates, fails or refuses to comply with the provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500) for each separate offense or community service for a period of not more than ninety (90) days or any combination of fine and/or community service. After the City of Providence issues a notice of violation of this section, a person or commercial establishment shall be considered to violate the provisions of this section, and shall be subject to an additional cumulative civil penalty of five hundred dollars (\$500), for each fourteen (14) day period the violation is not remedied following the issuance of the first notice of violation.

SECTION 4. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
JUN 21 2018
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
JUL 05 2018
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

I HEREBY APPROVE.



Mayor
Date: 7/10/18