

Section 1. Chapters 126-8, 126-10, 126-16, 126-20, 126-26, 126-45, and 126-53 of the Smithfield Code of ordinances entitled "Animals" is hereby amended as follows.

§ 126-8 **Nuisance abatement.**

- A. The keeping or harboring of any dog, other animal or fowl, whether licensed or not, which by habitual, regular, prolonged and persistent howling, yelping, barking or other noise disturbs or annoys without provocation, a surrounding neighbor, upon verification of such nuisance by the Animal Control Warden is unlawful and is hereby declared to be a public nuisance; and each day shall constitute a separate offense.
- B. It shall be unlawful to allow or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value. The trespassing of any animal on private or public property is hereby declared to be a nuisance.
- C. Whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that any animal is a nuisance by reason of trespassing, howling, barking or other noise, damaging property, being vicious or by its actions potentially vicious, or in any other manner causing undue annoyance, without provocation, the animal control officer, if he/she finds such nuisance to exist, shall serve verbal or written notice upon the owner or custodian that such nuisance must be abated.
- D. If a dog growls, snaps at, runs after any person, runs after or chases any bicycles, motor vehicles, motorcycles, or any other vehicle being driven, the owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$50 plus applicable court costs.
- E. If a dog alone, in a pack, or in a park with other pets, bites or preys upon game animals, domestic animals, fowl, or human beings, the dog's owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$100 plus applicable court costs
- F. It shall be unlawful to allow or permit any animal to deposit feces on private or public property other than the property of the animal owner without immediately removing same. Any person that shall allow or permit any animal to deposit feces, without immediately removing same, on private or public property shall be punished by a fine of not less than \$50.00 nor more than \$75.00 for the first offense; not less than \$75.00 nor more than \$125.00 for the second offense; and not less than \$125.00 nor more than \$250.00 for the third and subsequent offense.
- (1) **Enforcement.** Any resident who witnesses a violation of the above section on their property or on a public sidewalk adjacent to their property may file a complaint with town animal control, providing all information necessary for a warning or citation to issue to the violator and promising to be available to testify in court should the complaint result in a citation being issued. The violator may receive a warning upon the first complaint. Upon the filing of a second or subsequent complaint against the same violator, a citation shall be issued, service of which shall be deemed sufficient if mailed to the last known address of the violator. For the purposes of penalties, it shall be deemed a first offense when the first citation was issued.
- G. It shall be unlawful to allow or permit any animal upon those public areas designated as sport playing, practice fields, playgrounds, beaches, or venues. Any violations shall be punished by a fine

of **Warning** for the first offense; not less than **\$50.00 nor more than \$100.00** for the second offense; and not less than **\$100.00 nor more than \$200.00** for the third and subsequent offense.

§ 126-10 Investigation and right of entry.

In the discharge of the duties imposed by this article, the Animal Control Warden or any police officer of this Town shall have the authority at all reasonable times to enter upon any premises outside of the curtilage of such premise (but such authority should not include the right to enter any residence on such premises) to examine a dog or other animal which is allegedly in violation of a provision of this article. Such officers shall have the further authority to take possession of any dog or other animal and remove it from such premises provided that such removal is necessary to protect the health and safety of the animal.

§ 126-16 Penalties for violations.

- A. Violations of the provisions of section § 126-14 or the written agreement executed pursuant thereto by an adopting party shall be punishable by a fine of \$50.00 for the first offense, \$150.00 for the second offense and \$400.00 for the third and subsequent offenses. Each and every incidence of noncompliance by an adopting party which continues un-remedied for 30 days after written notice of a violation hereunder shall constitute a subsequent offense and the attendant penalties will apply. Second and subsequent offenses may constitute grounds for seizure and forfeiture of the dog or cat, which seizure will be conducted by the Animal Control Warden or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the animal shelter from which it was adopted, which animal shelter will be free to adopt or euthanize the seized dog or cat. The adopting party shall lose all ownership rights in the seized dog or cat, shall forfeit all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the animal shelter or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of this article will be enforced against an adopting party by a dog officer, Animal Control Warden or a police officer for the city or town in which the adopting party resides.
- B. All fines collected under Subsection A of this section will be remitted to the Town Treasurer of Smithfield. Such fines shall be used by the Town only for enforcing animal control laws or ordinances or for programs to reduce the population of unwanted stray dogs and cats in the municipality, including humane education programs or programs for the spaying or neutering of dogs or cats.

§ 126-20 Penalties for violations.

- A. Any animal control officer may issue the person(s) in violation of sections §126-18 and §126-35 a fine of \$100.00 for a first violation, \$200.00 and seizure of animal for a second violation, and \$400.00 and the seizure of the animal for a third violation. Second and subsequent violations of sections §126-18 and §126-35 may be considered violation of R.I.G.L. § 4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of §126-18 and §126-35 , they may not be permitted to own, keep or harbor or have custody of any animal for a minimum of one year.
- B. In the event that any animal is in conditions or in an environment that, by the discretion of the animal control officer, may be harmful to the health and well-being of the animal, and for the first offense, the owner is not immediately available to correct the problem, the animal may be seized and impounded for safekeeping.

Article III

Dogs

§ 126-26 Dog restrictions; complaints.

- A. No dogs are allowed in school yards or on school property whether at large or under restraint; accompanied by its owner, a Service Dog, so-called, is accepted.
- B. No dogs are allowed in any stores or eating places within the Town whether at large or under restraint, unless allowed by the establishment. Service Dog, so-called, are accepted.
- C. It shall be unlawful to keep more than three dogs at the same residence, except as permitted by the Animal Control Warden and health representative. This provision shall not apply to licensed kennels, or to a litter of puppies under six months of age. Dogs kept on any tract of land devoted to commercial agricultural use or property larger than three (3) acres are exempt from the requirements of this section.
- D. All complaints made under the provisions of this article shall be made to the Animal Control Warden and may be made orally; provided, however, that such complaint is, within 48 hours, reduced to writing, and signed by the complainant, showing their address and telephone number.

Article V Animal Shelter

§ 126-45 Cremation fees.

- A. The following fees will be charged for any cremation performed through Tri-Town Animal Shelter. The fees shall be as follows:
 - (1) Town residents: \$20.00.
 - (2) Nonresidents: \$30.00.
- B. Any fees collected will be turned over to the Town of North Providence Finance Department.


Article VIII Harboring of Cats

§ 126-53 Number of cats; limitation.

It shall be unlawful for any person to own, keep or harbor more than three cats within or about their dwelling or place of abode. Cats kept on any tract of land devoted to commercial agricultural use or property large than three (3) acres are exempt from the requirements of this section. A grandfather clause is added for any persons having three or more cats prior to the adoption of the ordinance from which this section is derived. If, for any reason, the ACO is called to the premises, all paperwork must be given for each cat, so proof of the ownership be known prior to the adoption of the ordinance from which this division is derived.


Section 2. This ordinance will take effect thirty days after its adoption.

APPROVED AS TO ITS FORM AND LEGALITY:



TOWN SOLICITOR

ADOPTED: June 6, 2023



TOWN COUNCIL PRESIDENT



TOWN CLERK

