

CITY OF EAST PROVIDENCE  
DOCKET-REGULAR COUNCIL MEETING  
TUESDAY, DECEMBER 3, 2019  
CALL TO ORDER: 6:30 P.M.  
*Council May Call Executive Session in Room 101*  
145 TAUNTON AVENUE - CITY COUNCIL CHAMBERS  
EAST PROVIDENCE, RHODE ISLAND

**City Council:**

Council President, Robert Britto - Ward 1  
Council Vice-President: Bob Rodericks - At Large  
Councilwoman Anna Sousa - Ward 2  
Councilman Nate Cahoon - Ward 3  
Councilman Ricardo Mourato - Ward 4

I. **CALL TO ORDER** - Council President Britto called the meeting to order and requested a roll call by the City Clerk, Samantha Burnett. All present for the exception of Councilman Cahoon.

II. **INVOCATION OF EXECUTIVE SESSION - FOR VOTE**

The City Council of East Providence may meet in Executive Session pursuant to Rhode Island General Laws §42-46-S (a) (2) (3) Councilwoman Sousa made the motion to convene in Executive Session. Council Vice President Rodericks seconded the motion. Motion passes 4-0.

a) **Claims**

**Rhode Island General Laws §42-46-S (a) (2) (3)**

1. **Susan Jacobs Corria**
2. **Wayne E. Facteau, Jr.**
3. **Dorianne M. Girard**
4. **Michelle Marshall**
5. **Ethan Jacob Pacheco**
6. **Paula Prezioso**
7. **Rochelle Richard**
8. **Desiree Spitaleri**

b) **Sewer Abatements - FOR VOTE**


Pursuant to Rhode Island General Laws §42-46-S (a) (5)

1. **Antonio Arruda**
2. **Carol J. Beliveau**
3. **Richard Leonard**
4. **Robin Morse**
5. **John Sullivan**

c) **Property on Beach Point Road-Discussion and Potential Approval of Sale**

Legal Map 513, Block 59, Parcel 1  
Beach Point Park - Approximately 3,566 square feet

III. **OPEN SESSION**

IV. **PLEDGE OF ALLEGIANCE** 

V. **PROCLAMATIONS** 

Tess Farnsworth, Bryn Fournier, Brendan Cute and Kathleen Holahan  
(Community Service Recognition)

Presented by: Councilwoman Sousa and Councilman Cahoon

Councilwoman Sousa presented the proclamations. All parties were present.

VI. **COMMUNICATIONS** 

**1. Steve Costa – Brightridge Christmas Dinner**

*Mr. Costa announced the dinner which will be from 12:00-5:00 p.m. It is a free dinner and open to the public. There is also meal delivery as well. Lisa George and Tony Ferreira spoke regarding the event. Donations are still being accepted.*

**VII. APPROVAL OF CONSENT CALENDAR - FOR VOTE**

All items under, "Consent Calendar" are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on the items unless a Council members so requests, in which event the item will be removed from said Consent Calendar and will be considered in its normal sequence in the docket.

**a) SEWER ABATEMENTS**

2013	\$120.71
2014	\$25.15
2019	\$7,498.59
<b>TOTALS</b>	<b>\$7,644.45</b>

**b) COUNCIL JOURNALS**

October 29, 2019 - Regular Session and Executive Session

November 5, 2019 - Regular Session and Executive Session  
November 19, 2019 - Regular Session and Executive Session  
*Council Vice President Rodericks made the motion to approve. Councilwoman Sousa seconded the motion.  
Motion passes 4-0.*

**PUBLIC COMMENT**

All persons wishing to make public comment shall sign a public comment sheet stating their name, address and the subject of their docket related item to speak on. This sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting. Each speaker will be limited to three (3) minutes. The order of the speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting.

- Gina LaRoche spoke in favor of speed cameras in the City.*

**VIII. LICENSING AND EVENT APPROVALS**

**a) LICENSING NOT REQUIRING PUBLIC HEARING - FOR VOTE**

**1. Application For Victualing License – Proud Mary’s dba Union Burrito**

**FOR VOTE**

**Ruarri Miller**

*Party not present. City Clerk stated that all paperwork has been turned in.*

*Council Vice President Rodericks made the motion to approve.*

*Councilman Mourato seconded the motion.*

*Motion passes 4-0.*

**2. Application For Holiday Sales License- Proud Mary’s dba Union Burrito**

**FOR VOTE**

**Ruarri Miller**

*Party not present. City Clerk stated all paperwork has been turned in. Councilwoman Sousa made the motion to approve.  
Councilman Mourato seconded the motion.*

*Motion passes 4-0.*

**3. Application for Holiday Sales License - Work Out World**

**FOR VOTE**

**Elizabeth Beninati**

*Party was present. City Clerk stated all paperwork has been turned in. Council Vice President Rodericks made the motion to*

approve. Councilwoman Sousa seconded the motion.

Motion passes 4-0.

IX. MAYORAL APPOINTMENTS REQUIRING COUNCIL APPROVAL 

a) **John Pacheco – Board of Assessment FOR VOTE**

Term: 12/03/2019-12/02/2025

Councilwoman Sousa made the motion to approve the appointment. Council Vice President Rodericks seconded the motion.

Motion passes 4-0.

b) **Marilyn Walsh – Personnel Hearing Board FOR VOTE**

Term 12/03/2019-12/02/2025

Council Vice President Rodericks made the motion to approve the appointment. Councilman Mourato seconded the motion.

Motion passes 4-0.

c) **John Braga – Zoning Board FOR VOTE**

**Replacing the unexpired term of Antonio Cunha**

Term: 12/03/2019-05/16/2022

Motion to table to the December 17, 2019 meeting made by Council Vice President Rodericks. Motion seconded by Councilman Mourato.

Motion passes 4-0.

X. COUNCIL COMMUNICATIONS – DISCUSSION ONLY 

a) **Holiday Festivities Schedule in Rumford**

December 7th at 6:00 p.m. - Hoyt and Wilson Avenue

December 8th at 1:00 p.m. - 3:00 p.m. Hunts Mills Hayride

December 14th at 6:00 p.m. - Pawtucket and Centre Avenue

Council President Britto

Council President Britto made the announcement of the holiday events, making the correction of the December 14<sup>th</sup> event being moved to December 8<sup>th</sup> instead.

b) **Bread of Life Fundraiser**

Council President Britto

Council President Britto made the announcement that they will be collecting food for the Bread of Life Pantry at the Hunt's Mills Hayride this weekend.

c) **Holiday Announcements**

Winterfest – December 7, 2019 from 12:00-8:00 p.m. – Senior Center

Riverside Tree Lighting – December 6, 2019 from 6:00-9:00 p.m. – Borealis Coffee Roasters

Councilwoman Sousa

Councilwoman Sousa made the announcement for Winterfest.

Councilman Mourato made the announcement for the Riverside Tree Lighting.

XI. CONTINUED BUSINESS 

a) **Approval for Remaining Capital Projects – FOR VOTE**

Council Vice President Rodericks

This was not for a vote, but discussion only. Council Vice President Rodericks asked the Policy Director, Marc Furtado for follow up on items approved under the Capital Improvement Projects to date, as well as a dollar amount. They Council agreed this would be helpful to have in moving forward.

b) **Discussion of Council Rules, specifically Rule 5, "Miscellaneous Provisions"**

Councilman Mourato

City Solicitor Marcello made a suggestion to place his legal opinion on file for record keeping purposes and as a public record. A vote was made to do this.

There was a motion made by Councilman Mourato. No second was made.

Motion passed 4-0.

The City Clerk will include the opinion to the notes of the meeting so it be made as a public record.

XII. NEW BUSINESS 

**a) Beginning the Process for Revising the Charter/Budget Process**

Councilman Mourato

*Assistant Solicitor Dylan Conley was present for the discussion, at the request of Councilman Mourato. Mr. Conley and Councilman Mourato agreed to the first week of January 2020 of a drafted budget ordinance will be complete and submitted to the Council for review.*

**b) Providence River Dredging/South Quay Fill – Discussion Only**

Council Vice President Rodericks

*For information purposes, Council Vice President Rodericks stated that the dredging is a clean fill. It was asked that Planning Director, Bill Fazioli be present for tonight's meeting. The river is in need for dredging. Mr. Fazioli was asked to come to the podium and speak further on it.*

*Mr. Fazioli stated that the many organizations are overseeing this project and agreed that this was clean fill. He also offered that a group is meeting at 2:00 p.m. on Friday, December 6, 2019 and invited the Council to come out and see the process first hand. Council President Britto said that he would be interested.*

**c) Short Term Rental Regulations – Discussion Only**

Council Vice President Rodericks and Councilman Mourato

*This was addressed due to the uptick of the Air BnB of short term rentals in the city and wondered if there was any regulations. This was in response to a concern of a specific area that has a problem with people coming and going.*

*Assistant Solicitor Conley stated that at the state level is more to do with taxes than anything else. There are R1, R2, R3 zones are advantageous requires it to be owner occupant in order to rent out. Planning should be involved in the process as well.*

*Councilman Mourato stated that he would like to aim for the last meeting in January 2020 for introduction and first passage of the ordinance.*

**XIII. ORDINANCES** 

**a.) FIRST PASSAGE - FOR VOTE**

1. AN [ORDINANCE](#) IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS"

**Full ordinance on Clerkbase, under 12/03/2019 agenda:**

<https://clerkshq.com/EastProvidence-ri>

Sponsored by: Council President Britto

*Council President Britto introduced the second half of Chapter 3 for first passage.*

*There was discussion had by the Council. The motion to approve was made by*

*Councilman Mourato and seconded by Council Vice President Rodericks.*

*The motion was passed 4-0.*

*The City Clerk, Samantha Burnett will place this ordinance as a Legal Notice in time for second passage in time for the December 17, 2019 meeting.*

**1. SECOND AND FINAL PASSAGE - FOR VOTE (PUBLIC HEARING)**

1. AN [ORDINANCE](#) IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS"

Sponsored by: Council President Britto

**Full ordinance on Clerkbase, under 12/03/2019 agenda:**

<https://clerkshq.com/EastProvidence-ri>

*Council President Britto introduced the second passage, offered public hearing for the first half of Chapter 3, entitled, "Animals". There was some discussion by the Council.*

*No one exercised the right to speak during the public hearing and then it was closed. A motion was made to approve the ordinance by Councilwoman Sousa. It was seconded by Councilman Mourato.*

*Motion passes 4-0.*

2. AN [ORDINANCE](#) IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "VEHICLES AND TRAFFIC"

Sponsored by: Councilman Cahoon

**Full ordinance on Clerkbase, under 12/03/2019 agenda:**

<https://clerkshq.com/EastProvidence-ri>

*Council President spoke and introduced this for second passage and offered public hearing. No one exercised the right to speak during public hearing and then it was closed. A motion was made to approve by Councilwoman Sousa. Councilman Mourato seconded the motion. Motion passes 4-0.*

#### XIV. REPORTS OF OTHER CITY OFFICIALS

- a) Mayoral Communications – [Appointment](#) of Fire Chief Glenn Quick

*No announcement, just a written announcement. This will be included in the minutes.*

- b) City Solicitor, Mike Marcello - Claims Committee Report

City Solicitor Marcello shared the status what was voted on in Executive Session.

##### **Claims**

##### **Rhode Island General Laws §42-46-S (a) (2) (3)**

- 9. Susan Jacobs Corria - referred to RIDOT**
- 10. Wayne E. Facteau, Jr. - denied**
- 11. Dorianne M. Girard – referred to City’s insurance carrier**
- 12. Michelle Marshall - approved**
- 13. Ethan Jacob Pacheco – referred to City’s insurance carrier**
- 14. Paula Prezioso – referred to contractor**
- 15. Rochelle Richard - denied**
- 16. Desiree Spitaleri – referred to City’s insurance carrier**

##### **Sewer Abatements - FOR VOTE**

Pursuant to Rhode Island General Laws §42-46-S (a) (5)

- 6. Antonio Arruda - approved**
- 7. Carol J. Beliveau - approved**
- 8. Richard Leonard - approved**
- 9. Robin Morse – approved**
- 10. John Sullivan - approved**

#### XV. RESOLUTIONS - FOR VOTE

- a) **RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RECREATION DEVELOPMENT GRANT PROGRAM (Splash Pad)**

Sponsored by Council Vice President Rodericks

**For full resolution on Clerkbase under 12/03/2019 agenda:**

<https://clerkshq.com/EastProvidence-ri>

*Council Vice President Rodericks made the motion to approve this resolution. Councilman Mourato seconded the motion. Motion passes 4-0.*

- b) **RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RECREATION DEVELOPMENT GRANT PROGRAM (Grassy Plains)**

Sponsored by Councilman Mourato

**For full resolution on Clerkbase under 12/03/2019 agenda:**

<https://clerkshq.com/EastProvidence-ri>

*Council Vice President Rodericks made the motion to approve. Councilman Mourato seconded the motion. Motion passes 3-1. Aye: Rodericks, Mourato and Sousa. Naye: Council President Britto.*

#### XVI. Reconvene In Executive Session (if necessary) to Complete Items

*This was not exercised.*

#### XVII. ADJOURNMENT - FOR VOTE

*Motion to adjourn made by Councilwoman Sousa. Motion seconded by Council Vice President Rodericks. Motion passes 4-0. Meeting adjourned.*



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

**SECTION I.** Section 3-41 entitled "Sheltering, tethering, and nourishment of dogs" of Article II entitled "Dogs" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" in amended to read as follows:

**Sec. 3-41 Sheltering, tethering, and nourishment Care of dogs.**

~~(a) No person shall allow a dog to be kept outside tethered, penned, caged, fenced, or otherwise confined for more than 30 minutes without access to adequate shelter or adequate water for use by such dog.~~

~~(b) No person shall allow a dog to be kept outside tethered, penned, caged, fenced, or otherwise confined for more than thirty minutes (30) when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).~~

**(a) It shall be a violation of this section for an owner or keeper to:**

**(1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at ground level.**

**(2) Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of any chain or tether shall not exceed one-eighth (1/8) of the dog's total body weight.**

**(3) Keep any dog tethered for more than ten (10) hours during a twenty-four-hour (24) period or keep any dog confined in an area or primary enclosure for more than fourteen (14) hours during any twenty-four-hour (24) period, and more than ten (10) hours during a twenty-four-hour (24) period, if the area is not greater than that which is required under the most recently adopted version of the department of environmental management's rules and regulations governing animal care facilities.**

**(4) Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.**

(5) Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).

(b) It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or adequate veterinary care as those terms are defined in R.I.G.L. § 4-19-2; provided however, that adequate veterinary care may be provided by an owner using acceptable animal husbandry practices.

(c) Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.

(d) The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:

(1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;

(2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;

(3) To any entity licensed by the state pursuant to Chapter 19 of Title 4 of the Rhode Island General Laws, or any veterinary facility; or

(4) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM);

(e) Any person in violation of this section shall be fined in accordance with Sec. 3-25. Each day of violation shall constitute a separate offense.

(f) General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the department of environmental management (DEM).



**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Given first passage \_\_\_\_\_ and referred to \_\_\_\_\_ at 7:00 p.m. for a hearing and consideration of final passage and adopted

Attest:

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City Clerk of the City of East Providence, Rhode Island

Introduced by: Council President Britto

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ANIMALS”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” in amended to read as follows:

Article I. In General

Sec. 3-1. Definitions.

Sec. 3-2. Keeping animals, fowl, generally.

Sec. 3-3. Running at large.

~~Sec. 3-4. Entry upon posted land.~~

Sec. 3-4. Reserved.

Sec. 3-5. Keeping rabbits, hares or pigeons.

~~Sec. 3-6. Reserved.~~

Sec. 3-6. Kennels, Licensure and Inspection, Fees.

Sec. 3-6.1 Right of entry for inspection.

Sec. 3-6.2 Revocation of license.

Sec. 3-6.3 Penalties for operation of a kennel without a license.

Sec. 3-7. Impounding, reclaiming, ~~destroying euthanizing~~ of animals.

Sec. 3-8. Impoundment fees.

Sec. 3-9. Certain dogs and other animals to be confined; keeping of wild animals.

Sec. 3-10. Nuisance abatement.

Sec. 3-11. Complaint procedure.

Sec. 3-12. Enforcement of chapter.

Sec. 3-13. Right of entry of officers.

Sec. 3-14. Interference with officer prohibited.

Sec. 3-15. Records of animal control officer.

Sec. 3-16. Penalty.

Sec. 3-17. Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.

Sec. 3-18. Forfeited deposits.

Sec. 3-19. Penalties for violations.

Sec. 3-20. Violation of persons feeding ~~waterfowl~~ wildlife.

Sec. 3-21. Euthanization by lethal injection only.

Sec. 3-22. Animal shelter.

Sec. 3-23. Giving false information – filing false report.

**Sec. 3-24. Minimum care of animals.**

**Sec. 3-24.1 Abandonment of Animals.**

**Sec. 3-25. Penalties for violations.**

**Sec. 3-26. Disposition of animals.**

**Sec. 3-27. Keeping of potentially dangerous species.**

**Sec. 3-28. Owner turn-in fees and policies; deceased animal disposal fees.**

**Sec. 3-29. Animal confinement in motor vehicles prohibited - Transporting animals. Sec. 3-**

**Sec. 3-30. Devocalization prohibited.**

## ARTICLE I. IN GENERAL

### Sec. 3-1. Definitions.

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

*Abandonment* means the relinquishment of all right, title, claim, or relinquishment of possession of an animal with the intention of not reclaiming it or resuming its ownership or possession.

*Adequate food* means the provision at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a sanitized receptacle, dish, or container.

*Adequate shelter* means access a structure that is the proper size for the dog, impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the entrance. This includes but is not limited to a dog house, barn, garage, shed or other structure sufficient to protect the animal from wind, rain, snow, or sun that has adequate bedding to protect against cold and dampness.

*Adequate water* means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner. ~~or provided at suitable intervals for the species and not to exceed twenty-four (24) hours at any interval.~~

*Adoptable animal* means any animal legally allowed to be kept in the custody of the East Providence Animal Control Center; (a) which has been held beyond the statutory period as set forth in G.L. 1956 §4-13-15 and §4-22-5 or section 3-26 of this Chapter; and (b) which has been deemed by the Animal Control Officer, under the direction of a veterinarian, to be of reasonably sound health; and (c) which does not pose a threat to public safety.

*Aggressive dog* means:

(1) Any dog which makes (or poses) a threat of harmful behavior directed at a person or domestic animal. This includes, but is not limited to, such behavior as snarling, growling, snapping, nipping biting, and lunging. *{Reference: article by Animal Behaviorist Dr. Nicholas*

*Dodman “Aggression in Dogs” from Tufts University Veterinary School.*

(2) Any dog which is deemed to be a potential threat to public safety, due to aggressive behavior observed by the Animal Control Officer.

*Ambient temperature* means the temperature surrounding the animal.

*Animal control officer* means the person employed by the city as its enforcement officer, including any police officer of the city.

*At large* means any unrestrained dog or other animal off the property of his owner. ~~and not under the control of a competent person.~~

*Breeder* means a person engaged in the propagation of purebred or crossbred dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, American Field Stud Book, or other breed or kennel club, or a registered cat breed association, or for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

*Common Property or Common Area* means:

(1) Real property owned by “tenants in common,” who each have an “undivided interest” in the entire property.

(2) Property managed by a homeowners association in a condominium project or a subdivision development, which all owners may use and each owns a percentage interest.

(3) Lands owned by the government for public (common) use, like parks and national forests.

(4) Any area where access is permitted and/or necessary by more than one resident of a property, or an area of shared property, i.e., a single yard at a two family house, or the grounds of a housing or condominium complex, or a hallway of an apartment building.

*Collared* means the wearing around the neck of a collar with a dog license attached and a valid rabies tag attached and/or a separate tag with the name, address, and phone number of the owner or keeper distinctly impressed thereon.

*Disability* has the same meaning as set forth in the federal “Americans with Disabilities Act of 1990,” 42 U.S.C. Sec. 12101 et seq., as amended.

*Dog Pound* means 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 chapter. The terms Pound, Animal Pound, Animal Control Center will have the same meaning as Dog Pound; these terms may be used interchangeably.

*Enclosure* means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine an aggressive or vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the aggressive or vicious dog. Such enclosure shall be securely enclosed and locked.

*Exposed to rabies* shall be defined by the current legal guidelines set forth by the Rhode Island Rabies Management Protocol.

*Guardian* shall mean a person(s) having the same rights and responsibilities of an owner, and both terms shall 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.

*Hobby breeder* means those persons whose regular occupation is not the breeding and raising of dogs or cats and whose method of sale is at retail only. A hobby breeder shall not exceed selling twenty (20) dogs or cats, or three (3) litters, whichever is greater, in a single calendar year. Any person who sells at retail a number in excess of these limits or who sells any number of pets commercially shall be considered a breeder.

*Kennel* means a place or establishment, other than a pound or animal shelter, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

*Leashed* means a dog has a cord or chain, no longer than six feet in length, attached to its collar or harness and is held in the hand by the owner or a competent person leading such dog.

*Minimum care* means care sufficient to preserve the health and well-being of an animal and, except for emergency circumstances beyond the reasonable control of the owner and/or guardian, includes, but is not limited to the requirements set forth in section 3-24.

*Minimum veterinary care* means veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

*Neutered Male* means any male animal surgically rendered unable to reproduce.

*Owner* means:

(1) any person who keeps, has permanent custody, owns, maintains, harbors, provides care or sustenance for, has control or charge of or responsibility for an animal or permits an animal to habitually remain on or be lodged or fed within such person's property or premises, and

(2) any person who refuses to permit any animal control officer to impound such animal shall be deemed as evidence of ownership unless ownership of the animal by another party is established.

*Restraint* means when a ~~dog~~ pet is leashed, carried, contained in a crate or 'pet carrier'

designed to hold animals, or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

*Service dog* has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et seq.

*Service dog in training* means a dog or puppy that has been selected for service dog work and is being handled by a service dog trainer.

*Service dog trainer* means a competent dog trainer who is providing individual training of a dog or puppy with the intention of having the dog or puppy become a working service dog that will perform tasks for a disabled person.

*Spayed female* means any female ~~dog~~ animal which has been operated upon to prevent conception.

*Tether* means ~~a rope to chain or otherwise halter a dog allowing in a reasonable range in which to move.~~ the practice of fastening a dog to a stationary object or stake by a chain, rope or other cord type device as a means of controlling or restraining the dog. A dog being walked on a leash is not tethered.

*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* means:

(1) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, common property or common area, or any public grounds or places, or which has been determined to be vicious according to G.L. §4-13.1-11.

(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, or which has been determined to be vicious according to G.L. §4-13.1-11.

(3) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private or common property or which has been determined to be vicious according to G.L. §4-13.1-11.

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**Cross References:** Definitions generally, G.L. §4-1-2; §4-13.1; 4-19.

### **Sec. 3-2. Keeping animals, fowl, generally.**

No owner or occupant of any dwelling shall keep or permit to be kept any sheep, hogs, goats, cattle, horses, fowl, geese or ducks in any dwelling house, cellar or garage, nor shall any person have any such animals kept within the city, except under such special conditions as may be prescribed by the animal control officer.

### **Sec. 3-3. Running at large.**

It shall be unlawful for any horses, goats, hogs or cattle of any kind or for any geese, turkeys, hens, ducks or domestic fowl of any kind to go at large within the city.

### ~~Sec. 3-4. Entry upon posted land.~~

~~No person having charge or custody of any sheep, goats, cattle, horses, swine or fowl shall willfully suffer or permit them to enter, pass over or remain on any orchard, garden, mowing land or other improved or enclosed land of another after being forbidden in writing or by notice posted thereon by the owner or occupant thereof or by the authorized agent of such owner or occupant.~~

~~(Rev. Ords. 1987, § 3-4)~~

~~—————State Law References: Damage by animals generally, G.L. 1956, §§ 4-14-1-4-14-19.~~

### ~~Sec. 3-4. Reserved.~~

### **Sec. 3-5. Keeping rabbits, hares or pigeons.**

(a) No person shall keep, maintain, cause or permit to be kept or maintained more than three live rabbits or hares upon any lot, parcel or premises within the city.

(b) No person shall keep, maintain, cause or permit to be kept or maintained pigeons upon any lot, parcel or premises within the city which create a nuisance.

(1) A nuisance shall exist whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that the pigeons are a nuisance by reason of defecating on their property, cooing, or in any other manner causing undue annoyances.

(2) The animal control officer is empowered, if he finds such nuisance to exist, to serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(a) Should the nuisance continue unabated beyond a reasonable amount of time, set forth by the animal control officer, the owner of said animal may be punished by payment of the fines as set forth by ~~sub~~ section 3-10(b) and/or be required to remove the animals from the City.

(i) Each additional animal shall constitute a separate offense.

(ii) Each additional day that the nuisance continues unabated shall constitute a separate offense.

- (c) The owner of any such animal convicted of violating this provision may be punished by payment of the fines as set forth by section 3-10(b). Each additional animal shall constitute a separate offense.

**Sec. 3-6. Kennels, Licensure and Inspection, Fees.**

All municipal kennel licenses shall expire annually on December 1. All license applications must be submitted to the office of the City Clerk.

(a) Kennel license fee \$100.00 Annually

- (1) All kennel licenses shall be approved by the City Council.
- (2) All kennels must be located in an area consistent with the East Providence Zoning Ordinances.
- (3) All kennels must be inspected by the Animal Control Officer (A.C.O) prior to the granting of a license by application, and annually thereafter upon renewal.
- (4) All kennels must also maintain a state license in accordance with G.L. 1956 §4-19-6.

(B) Animal control is hereby authorized and directed to make kennel inspections to protect the health, safety and welfare of the pets and of the general public.

(a) The A.C.O. shall make yearly inspections of kennels or locations applying for license renewal within the three-month period prior to effective license renewal date of December 1 of each year, or upon receiving a complaint.

(i) It shall be the responsibility of the property owner or his designated agent to arrange for inspections by the building inspector, minimum property inspector, animal control and the fire marshal.

(ii) It shall be the responsibility of the property owner to pay any fees incurred as a result of these inspections.

(iii) It shall be the responsibility of the property owner to present documentation of approved inspections from the building inspector, minimum property inspector, animal control, and fire marshal upon application for license or license renewal.

(b) Kennels shall be open to inspection at any time for the purpose of checking the well-being of pets being kept on the premises.

(c) Breeder permits as provided in section 3-62 of this Chapter.

- 4. Require any facility that boards any animals for more than 24 hours that does not have staffing for more than 24 hours that a sprinkler system be required for the safety and welfare of the animals.



### **Sec. 3-6.1. Right of entry for inspection.**

The building inspection division or any person designated by it for that purpose, the fire marshal, and animal control are hereby authorized to enter and inspect all licensed kennels, animal day care, breeding or grooming facilities or those locations applying for such license.

### **Sec. 3-6.2. Revocation of license.**

A kennel licensee may have its license revoked at any time, after a hearing, for:

- (1) Failure to maintain a clean, safe environment for any animals in their care. The current Tufts Animal Care and Condition (TACC) or similar scale or the observations of the Animal Control Officer or other official may be used for determining the level of care.
- (2) Conviction or plea of nolo contendere of license holder or any staff member of any violation of R.I.G.L. Chapter 4-1 entitled Cruelty to Animals, or conviction of any animal cruelty statutes in other states, or conviction of any violations of Sections 3-14, 3-23, 3-24, 3-24.1, 3-29, 3-30.1, 3-41, 3-51, or 3-54 of this Chapter.
- (3) Failure to maintain proper state licensing.

### **Sec. 3-6.3. Penalties for operation of a kennel without a license.**

- (a) Any person or organization who operates as a kennel without a currently valid license shall, upon conviction, plea of guilty, or plea of nolo contendere, be subject to the penalties in section 1-16 of the Code of Ordinances. Each day of operation shall constitute a separate offense. Advertisement of services consistent with the operation of a kennel shall be sufficient evidence of operation of a kennel.
- (b) Any animals being held by any person or in any facility that is operating as an unlicensed kennel or whose license has been revoked, may be impounded for safekeeping.
  - (1) All pound fees and costs associated for the keeping of pets held due to violation of this section shall be paid by the operator or owner of the unlicensed entity. All fees to be recovered in the manner provided in section 3-8 of this Chapter.
  - (2) Any animals may be released to their owners upon providing proof of ownership.
  - (3) All pet dispositions shall be as provided in section 3-26 of this Chapter.

### **Sec. 3-7. Impounding, reclaiming, ~~destroying~~ euthanizing of animals.**

(a) Any animal other than a dog found running at large within the city limits may be impounded or disposed of according to law when such action is required, either to protect the animal or to protect the residents of the city.

(b) Any animal other than a dog impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of impoundment fees, unless the animal in question

is one deemed to be unlawful to be kept, in which case the owner will have no claim to said animal, and the animal may be disposed of according to law. Owner shall be liable for all pound fees and costs associated with the impounding and disposition of said animal(s).

(c) Any animal other than a dog impounded under the provisions of this chapter and not reclaimed by its owner within five days may be humanely destroyed by the animal control officer, have its title transferred to the Society for the Prevention of Cruelty to Animals as provided for in section 3-32 or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter and such other regulations as shall be fixed by the city, provided 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.

### **Sec. 3-8. Impoundment fees.**

Any animal impounded under the provisions of this chapter may be reclaimed upon payment by the owner to the clerk, or animal control officer, at the animal control center the sum of \$20.00 and the additional sum of \$5.00 for each day such animal is kept. The owner shall be responsible for impoundment fees and any other additional fees incurred by the City; such payment shall be collected by the clerk or animal control officer at the animal control center. Any owner who refuses to pay or is unable to pay these fees and/or costs shall be given a court summons with the total amount owed for assessment and review by municipal court.

### **Sec. 3-9. Certain dogs and other animals to be confined; keeping of wild animals.**

(a) The owner of every fierce, dangerous, aggressive, or vicious dog or other animal shall confine such animal within a building or secure enclosure and not take it out of such building or secure enclosure except as provided in G.L. 1956, § 4-13.1-4.

(b) Every female dog or other animal in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog or other animal cannot come in contact with another dog or animal, except for intentional breeding purposes.

(c) Any animal described in subsections (a) and (b) of this section found at large shall be impounded by the animal control officer and may not be reclaimed by the owner, keeper or person having charge or custody of the animal until payment to the clerk, or animal control officer, at the animal control center has been made as provided in section 3-8. Any dog or other animal may, the first time it is impounded for being a public nuisance, be reclaimed as provided in section 3-32, but such animal may not be reclaimed when so impounded on the second or subsequent occasions, unless such reclamation is authorized by a court having jurisdiction in the matter, provided that when in the judgment of the animal control officer or any police officer in the city an animal should be destroyed for humane reasons, such animal may not be reclaimed.

(d) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the animal control officer, provided that wild animals may be kept for

exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the animal control officer. Any wild animal that escapes and is found at large may be destroyed by the animal control officer or any police officer of the city.

(e) Any owner, custodian or person harboring any fierce, dangerous or vicious animal that shall bite or otherwise inflict any injury on any person shall be subject to a fine of \$125.00 for the first offense, a fine of \$150.00 and ten days in jail for the second offense, and a fine of \$175.00 and 30 days in jail for the third and any subsequent offense.

### **Sec. 3-10. Nuisance abatement.**

(a) The keeping or harboring of any dog, other animal or fowl, whether licensed or not, which by howling, yelping, barking or other noise disturbs or annoys a surrounding neighbor 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. The owner of any such animal convicted of violating this provision may be punished by payment of the following fine:

(1) 1<sup>st</sup> offense \$50.00

(2) 2<sup>nd</sup> offense \$75.00

(3) Upon the 3<sup>rd</sup> offense, the owner must pay a \$100.00 fine and such animal may be impounded by the animal control officer.

(c) [Reserved.]

(d) 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, the animal control officer, if he finds such nuisance to exist, shall serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(e) 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 for the first offense; not less than \$75.00 for the second offense; and not less than \$125.00 for the third and subsequent offense.

(1) Means of removal. The owner or custodian must carry on their person some means of feces removal when walking a dog off of the owner's property or on common property, whether it be a "pooper-scooper," plastic bag, latex or other type of glove, etc. Failure to

carry means of removal will be considered the same as violating section 3-10(e) and penalties will be pursuant to section 3-10(e).

(2) Enforcement. Any resident who witnesses a violation of the above section on his/her property or on a public sidewalk adjacent to his/her property may file a complaint with East Providence 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.

(a) Failure to appear. Should any witness to a violation in this chapter who makes promise to testify in court for citation to be issued, who does not appear in court for the court date issued, in addition to any other penalties for failure to appear, shall be punished by a fine of \$50.00.

(f) It shall be unlawful to allow or permit any animal upon those areas of public parks designated as sport playing fields.

### **Sec. 3-11. Complaint procedure.**

All complaints made under the provisions of this chapter shall be made to the animal control officer and may be made orally, provided that such complaint is reduced to writing on forms provided by the animal control officer and signed by the complainant showing his address and telephone number, if any, within 48 hours.

### **Sec. 3-12. Enforcement of chapter.**

The provisions of this chapter shall be enforced by the animal control officer, who will, after appointment, become a special police officer of the city, and by any police officer of the city.

### **Sec. 3-13. Right of entry of officers.**

In the discharge of the duties imposed by this chapter, the animal control officer or any police officer of the city shall have the authority at all reasonable times to enter upon any premises to examine a dog or other animal that is allegedly in violation of a provision of this chapter. Such authority shall not include the right to enter any residence on the premises. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from such premises.

### **Sec. 3-14. Interference with officer prohibited.**

No person shall interfere with, hinder or molest the animal control officer or any police

officer of the city in the performance of his duties or seek to release any animal in the custody of the animal control officer or any police officer, except as provided in this chapter nor shall any person refuse to surrender an animal for quarantine. Any person who so interferes with, hinders, or molests any officer of the city or refuses to release a dog from quarantine shall be punished by a fine of two hundred dollars (\$200.00).

**Sec. 3-15. Records of animal control officer.**

(a) It shall be the duty of the animal control officer to keep or cause to be kept, in an accurate and detailed manner, the following records:

- (1) The impoundment and disposition of all animals coming into his custody;
- (2) All bite cases reported to him and his investigation of these cases;
- (3) All impoundment and keeping fees received by the city.

(b) Such records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited.

**Sec. 3-16. Penalty.**

(a) Except as otherwise provided in this chapter any person convicted of violating any provision of this chapter may be punished by payment of the following fine schedules:

- a. First offense..... \$30.00
  - b. Second offense within a year .....\$60.00
  - c. Third offence within a year ..... \$120.00
  - d. Fourth offence within a year ..... \$300.00
- (1) Allowing dog to run at large or harboring a dog which is a nuisance:
    - a. First offense ..... \$30.00
    - b. Second offense within a year ..... \$60.00
    - c. Third offence within a year .....\$120.00
    - d. Fourth offence within a year ..... \$300.00
  - (2) Harboring an unlicensed dog:
    - a. First offense ..... \$50.00
    - b. Second offense ..... \$200.00 & microchip of dog
    - c. Third offense ..... \$500.00 & microchip of dog  
{State law reference R.I.G.L. §4-13.1-9(4)(d)(2)}
  - (3) Allowing a dog on school property ..... \$25.00

(b) The fine can be paid by mail within seven days to the clerk of the municipal court, or if not paid within a seven-day period, a court summons is to be issued in the municipal court.

**Sec. 3-17. Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.**

- (a) (1) No licensed releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the licensed releasing agency to have the dog or cat spayed or neutered within 30 days of the adoption date or within 30 days from the date that the dog or cat reaches sexual maturity, with the cost of the spaying or neutering to be the responsibility of the adopting party.
  - (2) The written agreement must include the dog or cat's age, sex, and general description; the date of adoption and the date by which the dog or cat must be spayed or neutered; the adopting party's name, address, phone number, and signature; the licensed releasing agency's name, address, phone number, and the dollar amount of the deposit remitted.
  - (3) There shall be a spay/neuter program at the city animal shelter for animals, which program shall be adopted by the animal control officer with the approval of the city manager. There shall be an adoption fee for animals adopted from the city animal shelter set by the animal control officer subject to the approval of the ~~city manager~~ Mayor.
  - (4) Alternatively, the licensed releasing agency shall make appropriate arrangements for the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery completed before releasing the dog or cat to the adopting party.
- (b) The following are exemptions from the provisions of subsection (a):
- (1) a. A licensed releasing agency returns a stray dog or cat to its owner.
  - b. A licensed releasing agency receives a written report from a licensed veterinarian stating that the life of the dog or cat would be jeopardized by the surgery and that this health condition is likely to be permanent.
  - c. A licensed releasing agency receives a written report from a licensed veterinarian stating that there is a temporary health condition, including sexual immaturity, which would make surgery life threatening to the dog or cat or impracticable, in which instance the licensed releasing agency shall grant the adopting party an appropriate extension of time in which to have the dog or cat spayed or neutered based on the veterinarian's report.
  - d. A licensed releasing agency transfers a dog or cat to another licensed releasing agency.
- (2) The exemptions provided in subsections (1)b. and (1)c. ~~of this section~~ above are

only applicable if the licensed releasing agency receives a written report from a licensed veterinarian within the 30-day period during which the spaying or neutering would otherwise be required, or in the case of a report contemplated by subsection (1)b. ~~of this section~~, the report may be provided to the licensed releasing agency during any temporary extension period provided by ~~subdivision~~ **subsection** (1)c. if the health condition of the dog or cat has changed.

(c) If requested to do so, a licensed releasing agency shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the dog or cat died before the expiration of the period during which the spaying or neutering was required to be completed.

(d) Any and all licensed releasing agencies:

- (1) May enter into cooperative agreements with each other and with veterinarians in carrying out this section; and
- (2) Shall make a good faith effort to cause an adopting party to comply with this section.

### **Sec. 3-18. Forfeited deposits.**

Deposits required by section 3-17 which are unclaimed after 60 days from the date of adoption or 60 days from when the dog or cat reaches sexual maturity, whichever is later, will be forfeited by the adopting party and retained by the licensed releasing agency and shall be used for the following purposes:

- (1) A public education program to prevent overpopulation in dogs and cats;
- (2) A program to spay and neuter dogs and cats that are available for adoption by the licensed releasing agency;
- (3) A follow-up program to assure that dogs and cats adopted from the licensed releasing agency are spayed or neutered; and
- (4) To defray additional costs incurred by the licensed releasing agency in complying with section 3-17.

### **Sec. 3-19. Penalties for violations.**

(a) Violations of the provisions of section 3-17 or the written agreement executed pursuant to section 3-17 by an adopting party are 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 non-compliance by an adopting party which continues unremedied for 30 days after written notice of a violation under this section constitutes 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 a dog officer or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the licensed releasing agency from which it was adopted, which licensed releasing agency will be free to adopt out or euthanize the seized dog or cat. The adopting party loses all ownership rights in the seized dog or cat, forfeits all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the licensed releasing agency or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of section 3-17 and section 3-19 will be enforced against an adopting party by a city dog officer or a police officer and prosecution shall be before the municipal court.

(b) Violations of section 3-17 or section 3-18 by a licensed releasing agency are punishable by a fine of \$100.00 for the first offense, \$250.00 for the second offense and \$500.00 for the third and subsequent offenses. The third and subsequent offenses may result in the temporary or permanent revocation of the licensed releasing agency's license to operate.

(c) All fines collected under subsection (a) will be remitted to the city clerk. These fines shall be used by the municipality 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. All fines collected under subsection (b) will be remitted to the general treasurer and placed in a separate fund within the general fund to be called the "animal health fund" which shall be administered by the general treasurer in the same manner as the general fund. All funds deposited in the "animal health fund" shall be made available to the department of environmental management division of agriculture to defray any costs or expenses incurred by the state veterinarian in the enforcement of G.L. 1956 §§ 4-19-16, 4-19-17 and 4-19-18.

### **Sec. 3-20. Violation of persons feeding ~~waterfowl~~ wildlife.**

(a) No persons shall deposit, place, distribute, or leave any food items of any kind or nature on public property or property subject to the city right-of-way, or property subject to easement or other agreement giving the city control or use of the property, save and except in a receptacle provided by the city for that purpose.

(b) No person shall feed any animal, including but not limited to, birds, **wildlife** or waterfowl, on public property, or property subject to the city right-of-way, or property subject to easement or other agreement giving the city control or use of the property.

(c) Any person who shall violate or fail to comply with any provision of this section shall be punished ~~by a fine of not more than ten dollars~~ as provided in section 3-16 of this Chapter.

### **Sec. 3-21. Euthanization by lethal injection only.**

Within the city, any domestic 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, domestic or wild, may be destroyed by use of a gas chamber. In an emergency situation where the animal



will needlessly suffer, the Animal Control Officer (ACO) or any Police Officer, may at his discretion euthanize said animal by use of firearm.

### **Sec. 3-22. Animal pound.**

The operation of the city animal pound shall be under the supervision of the ~~public works~~ police department. The ~~public works~~ police department shall exercise such powers and duties as may be necessary to properly maintain and operate the animal pound.

### **Sec. 3-23. Giving false information – filing false report.**

Every person who shall knowingly make or cause to be made a false statement, either oral or written, with intent that it be relied upon by animal control, including information giving regarding animal ownership, shall be deemed guilty of obstructing or hindering an officer and shall be punished by a fine of \$200.00.

### **Sec. 3-24. Minimum Care of Animals.**

(a) An owner or guardian of any animal must provide daily proper nourishment and access to adequate water at a drinkable temperature, quality and quantity as required by the species, breed, size, and age of the 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, 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, and physical care scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).

#### **Sec. 3-24.1. Abandonment of Animals.**

If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure, in addition to any other lawful penalties, he or she shall pay a fine of \$200.00.

### **Sec. 3-25. Penalties for violations.**

(a) Any animal control officer may issue the person(s) in violation of sections 3-24; 3-25; 3-27; 3-41 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 section 3-24 or section 3-41 may be considered violation of G.L. 1956 §4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of this Chapter, 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 wellbeing 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.

### **Sec. 3-26. Disposition of animals.**

- (a) Any animal seized in the enforcement of any law or court order that does not already have rules for the disposition of that animal shall be impounded and, if the identity of owner is known by animal control, the animal control officer shall make every possible, reasonable effort to notify the owners of such animals so impounded and to inform the those owners of the conditions whereby they may regain custody of their animal. Animal(s) seized will then be held for a period of 10 days, at the owner's expense, unless (i) a release is signed by owner or guardian relinquishing ownership of the animal to the City, (ii) the animal is euthanized for humane reasons or (iii), the owner remedies the problem for which the animal was seized, and the animal control officer sees it fit to return the animal to the owner upon payment of fees. Upon conclusion of the 10 day hold period, if the owner has not come forward, the animal may be humanely destroyed, have its title transferred to the Rhode Island S.P.C.A., or be placed in a suitable home or with a rescue group. The owner/guardian shall be accountable for all fines, fees, and costs to the city for the minimum care of the animal.
- (b) In addition to any other applicable law regarding the disposition of domestic animals, the animal shelter shall meet the following conditions before euthanizing an adoptable animal pursuant to this section:
- (1) There are no empty cages, kennels, or other living environments in the shelter suitable for the animal; and
  - (2) Another municipal or private animal shelter or Rhode Island incorporated animal organization is unwilling to accept the animal; and
  - (3) The Animal Control Officer or manager of the animal shelter has certified that the above conditions have been met or that he/she has no reasonable alternative.
- (c) Section (b) above shall not apply under the following exceptions:
- (1) There is an emergency situation where an animal will needlessly suffer. The Animal Control Officer (ACO) or any Police Officer may immediately, at his/her discretion, euthanize said animal by use of firearm.
  - (2) The existence of any law or court order that requires the euthanasia of an animal.

- (3) A licensed veterinarian certifies that an animal must be euthanized for humane reasons.

**Sec. 3-27. Keeping of potentially dangerous species.**

It shall be unlawful for any person to keep or permit to be kept any "potentially dangerous species," defined as any exotic mammals, birds, reptiles, or amphibians, or non-game species which, in the opinion of the city, is capable of inflicting serious or fatal injury or which has the potential to become an agricultural pest, or a menace to public health, or indigenous wildlife populations, including but not limited to the following:

CLASS/ ORDER	FAMILY
Primates	Cebidae--New world monkeys
Cercopithecidae--Old world monkeys	
Baboons	
Pongidae--Apes	
Carnivora	Canidae--Non-domestic dogs (or) domestic/non-domestic mixes
Urisdae--Bears	
Felidae--Non-domestic cats	
Saura (Venomous)	Helodermatidea--Gila monsters
Elapidae--Coral snakes and cobras	
Serpentes (Venomous)	Elapidae--Coral snakes and cobras
Viperidae--Vipers	
Crotalidae--Pit Vipers	
Crocodilla	Alligatoridae--Alligators & Caiman
Crocodylidae--Crocodiles	
Gavialidae--Gavials	
Psittaciformes (Quaker)	Myiopsitta spp.--Monk
Parakeets	
Rodentia	Spermophilus spp.--Ground squirrels

**Sec. 3-28. Owner turn-in fees and policies; deceased animal disposal fees.**

- (a) Owners who turn in animals over three months of age must have a current rabies vaccination as mandated by the state of Rhode Island's Compulsory Rabies Vaccination Law (G.L. §4-13-30).
- (b) Animals which have bitten a human or domestic animal must be quarantined for a period of ten days or more.

**Note:** The owner of the animal is responsible for the boarding and impoundment fees for the entire quarantine period (per G.L. §4-13-29). All fees for veterinary examination, decapitation for rabies testing at the state laboratory are also at the owners expense (G.L.

§4-13-29). Fee for rabies quarantine is \$20.00 impoundment fee plus \$5.00 per day, and also any additional costs to the city.

(c) Proof of ownership and East Providence residency are required to turn in an animal.

(d) Turn-in fees and deceased animal disposal fees shall be set by the animal control officer subject to the approval of the ~~city manager~~ Mayor.

### **Sec. 3-29. Animal confinement in motor vehicles prohibited - Transporting animals.**

(a) No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life or health threatening situation by exposure to prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

(b) A law enforcement officer or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death. Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(c) A law enforcement officer or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(d) A law enforcement officer or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(e) Any animal control officer may issue the person(s) in violation of this section a fine of \$100.00 for a first violation, \$200.00 and seizure of the animal for a second violation, and \$400.00 and the seizure of the animal for the third violation. Second and subsequent violations of this section may be considered a violation of G.L. 1956 § 4-1-2.

(f) It shall be unlawful for any person to transport any animal or animals either for business or pleasure on or in an open air motor vehicle unless the animal or animals being transported:

(1) Is kept in an enclosed area of the motor vehicle;

(2) The animal or animals are under the physical control of a person other than the operator of the motor vehicle; or

(3) The animal or animals are placed in the motor vehicle and safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.

(4) Any person violating the provisions of this subsection shall be punished by a fine of not more than \$50.00 for a first offense, nor more than \$200.00 for each subsequent offense. (G.L. 1956 §31-22-28)

### **Sec. 3-30. Devocalization prohibited.**

(a) No person shall surgically debark or silence a dog or cat, or cause the surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in the State of Rhode Island has filed a written certification with the city animal control officer stating that the surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical harm or pain.

(b) The written certification described in subsection (a) shall contain the date and description of the veterinarian's examination and evaluation of the dog or cat, a statement certifying that surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any supporting diagnosis and findings, the name and current address and telephone number of the dog or cat's owner or keeper, and the name and current address and telephone number, state license number, and signature of the veterinarian.

(c) No person except a veterinarian licensed in this state, using anesthesia, may surgically debark or silence a dog or cat.

(d) Any person in violation of this section shall be subject to the penalties in section 1-16 of the Code of Ordinances. The municipal court shall have jurisdiction to hear cases involving violations of this section. In addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of ~~time up to one year, if deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the court.~~ **time up to one year, if deemed appropriate by the court.**

(e) Any person or business selling a dog or cat for profit shall disclose whether or not the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy of

the veterinarian certification required by subsection (a) above.

**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Given first passage \_\_\_\_\_ and referred to \_\_\_\_\_ at 7:00 p.m. for a hearing and consideration of final passage and adopted

Attest:

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City Clerk of the City of East Providence, Rhode Island

Introduced by: Council President Britto

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**CHAPTER**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
“VEHICLES AND TRAFFIC”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I.** Subsection (b) of Sec. 18-269 entitled “Stop and yield intersections designated; when stops required” is amended by adding thereto the following:

Curve Avenue (southbound traffic) at Waterview Avenue

**SECTION II.** This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Given first passage and referred to at 7:00 p.m. for a hearing and  
consideration of final passage; and adopted

Attest:

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City Clerk of the City of East Providence, RI

Introduced by: Councilman Cahoon



# City of East Providence Mayor's Office

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145 TAUNTON AVENUE  
EAST PROVIDENCE, RHODE ISLAND 02914-4505  
TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633  
[WWW.EASTPROVIDENCERI.NET](http://WWW.EASTPROVIDENCERI.NET)

**ROBERTO L. DASILVA**  
MAYOR

November 19, 2019

**RE: Appoint of Fire Chief Glenn Quick**

Dear Council President Britto and Members of the City Council:

In accordance with Article III, Section 3-5(2) of the City of East Providence Home Rule Charter, this letter is to inform you that I have appointed Glenn Quick to the vacant position of Chief of the East Providence Fire Department.

The appointment is made effective as of November 19, 2019 in accordance with the authority vested in me as Mayor pursuant to Article VIII, Section 8-1 of the City's Charter.

Thank you.

Very truly yours,

  
Roberto L. DaSilva  
Mayor

RLD/mfa

Cc: City Clerk



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION  
TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
RECREATION DEVELOPMENT GRANT PROGRAM**

**WHEREAS**, funds are available for recreation improvements under the Rhode Island Recreation Development Grant Program administered by the Department of Environmental Management to match local funds dollar for dollar; and

**WHEREAS**, the City's 2019-2020 Capital Improvement budget includes \$26,000 in matching funds allocated for a Splash Pad at Pierce Field; and

**WHEREAS**, it is in the interest of the citizens of the City of East Providence that application be made to improve recreation areas within the City; and

**WHEREAS**, the City Council of the City of East Providence desires grant assistance from the Rhode Island Department of Environmental Management for a Splash Pad at Pierce Field.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Providence hereby authorizes the Planning Department to submit the necessary grant application to the State of Rhode Island Department of Environmental Management Recreation Development Grant Program for a Splash Pad at Pierce Field.

This resolution shall take effect upon passage.

Adopted by City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Rodericks

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION  
TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
RECREATION DEVELOPMENT GRANT PROGRAM**

**WHEREAS**, funds are available for recreation improvements under the Rhode Island Recreation Development Grant Program administered by the Department of Environmental Management to match local funds dollar for dollar; and

**WHEREAS**, the City's 2019-2020 Capital Improvement budget includes \$150,000 in matching funds allocated for improvements to Grassy Plains Park; and

**WHEREAS**, it is in the interest of the citizens of the City of East Providence that application be made to improve recreation areas within the City; and

**WHEREAS**, the City Council of the City of East Providence desires grant assistance from the Rhode Island Department of Environmental Management for improvements to Grassy Plains Park.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Providence hereby authorizes the Planning Department to submit the necessary grant application to the State of Rhode Island Department of Environmental Management Recreation Development Grant Program for improvements to Grassy Plains Park.

This resolution shall take effect upon passage.

Adopted by City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Mourato