

**PUBLIC HEARING NOTICE
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on the 15th day of November, 2021 at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 10 – ANIMALS**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and at www.Jamestownri.gov.

Section 1. The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code Of Ordinances, Chapter 10 – Animals, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, Article I -In General; Sections 1-2 Definitions; Article III Dogs and Cats, Section 10-67 Dogs Prohibited on school property, Section 10-70 Dogs Prohibited from Being at Large, 10-72 Removal of dog feces, 10-73 Leash provisions-where and when required, Section 10-74, Section 10-75 – Section 10-85 Reserved, as the same may have been heretofore amended.

The following is a summary description of the proposed amendments:

These Amendments are proposed to update and modernize the existing Dog Leash and Dog At Large ordinance.

NOTE: words set as ~~strike through~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference. NOTE: amendments to the terms and conditions set forth at Exhibit A may be made based on comments received during the public hearing.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

Ad Date(s): NOVEMBER 4, 2021
Publication Source: Jamestown Press
Hearing Date: NOVEMBER 15, 2021
Action: _____
Certified: _____

Exhibit A

Chapter 10 - ANIMALS^[1]

Footnotes:

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State Law reference— Animals, G.L. 1956, § 4-1-1 et seq.; authority to regulate dogs, maximum penalty, G.L. 1956, § 4-13-1; dog census, G.L. 1956, § 4-13-11; authority to regulate places for keeping of animals, G.L. 1956, § 23-19.2-1.

ARTICLE I. - IN GENERAL

Sec. 10-1. - 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:

Animal control officer means the person employed by the town as its officer to enforce this chapter, including any police officer of the town.

Animal shelter means any premises now or hereafter designated by the town for the impoundment, confinement, care and shelter of any animal in the enforcement of this article; such term shall be construed as synonymous with the term "pound."

Bite means the actual puncture or tearing of the skin inflicted by the teeth of any animal.

Collared means - a dog is properly collared when it wears a collar around its neck ~~a collar~~. If such dog is on or in any public street, sidewalk, way, beach, park, grounds or building, such collar shall bear a plate or tag whereon the name and address of its owner are displayed and, when appropriate, a license tag.

Direct command and control- A dog is under the direct command and control of the owner or keeper when:

- a) the dog returns upon voice command or when prompted by a remotely controlled electronic signal; and
- b) the owner or keeper maintains constant awareness of the dog's whereabouts and conduct; and
- c) the owner or keeper carries a leash and employs it when necessary; and
- d) the owner or keeper prevents the dog from interacting with any other person(s) or dog(s) unless and until said person(s) or owner(s) or keeper(s) of said dog(s) clearly communicate their assent to the interaction. Owners or keepers of dogs who are participating in off leash activity shall be presumed to have given their implied

1 consent to interaction with other owners, keepers, and dogs engaged in the same
2 activity at the same time and location.

3
4 Dog at large means a dog ~~or other animal will be deemed to be "at large"~~ when it is off
5 the property of its owner or keeper and not under the control of a competent person.

6
7 Exposed to rabies means an animal bitten by, or exposed to, any animal known to have been
8 infected with rabies.

9
10 In heat means sexual excitement in a female animal and such period of time when animals are
11 particularly attractive to male animals of the same species.

12
13 Kennel means the premises of any person engaged in breeding, buying, selling, training or
14 boarding of dogs.

15
16 Licensed means a dog, or other animal when appropriate, when it has lawfully attached or
17 affixed to its collar a tag or identifying device issued pursuant to law by any ordinance of the
18 town or statute of the state.

19
20 Neutered male (dog) means any male dog which has been surgically altered so as to effect the
21 removal of its testicles.

22
23 Owner or keeper means any person owning, keeping or harboring an animal who owns, keeps, or
24 harbors a dog, or who has charge and custody of a dog.

25
26 Restraint (of dog) means a dog controlled by leash, cord, or chain, fence or other physical,
27 natural, or electronic barrier, on a leash not to exceed seven feet , or is beside a competent person
28 and obedient to that person's commands, or under the command and control of a competent
29 person, or is within a vehicle being driven or parked on the streets, or within the property limits
30 of its owner or keeper.

31
32 Spayed female (dog) means any female dog which has been surgically altered so as to effect the
33 removal of its ovaries and uterus to prevent conception.

34
35 Veterinarian means a person licensed to practice veterinary medicine under the laws of the state.

36
37 (Code 1982, § 4-1; Code 2003, § 10-1)

38
39 **Sec. 10-2. - Vicious animal.**

40
41 (a) An animal, other than a dog, is deemed to be vicious when it is dangerously aggressive,
42 savage, ferocious or depraved in its attitude towards other animals or to persons to the extent that
43 it injures or is likely to injure or cause injury to such animal or persons. An animal shall be
44 deemed to be vicious if it has a propensity to want to attack or attempt to attack other animals or
45 persons. An animal shall not be deemed vicious if it is provoked, or bites, attacks, or attempts to
46 attack, any animal or person in self-defense or in defense of its owner or owner's property. ~~An~~

1 ~~animal shall not be deemed vicious merely by reason of growling or barking.~~

2
3 (b) A vicious dog shall be defined and determined pursuant to G.L. 1956, §§ 4-13.1-2 and 4-
4 13.1-11.

5
6 A dog shall not be deemed vicious merely by reason of growling or barking.

7
8 (Code 1982, § 4-1; Code 2003, § 10-2)

9
10 **State Law reference**— Regulation of vicious dogs, G.L. 1956, § 4-13.1-1 et seq.

11
12 **Sec. 10-3. - Vicious dogs; assault.**

13
14 If any dog declared vicious under G.L. 1956, § 4-13.1-11, when unprovoked, attacks, assaults,
15 wounds, bites, or otherwise injures, kills or seriously injures a human being, the owner or keeper
16 shall be fined the maximum amount provided in G.L. 1956, § 4-13.1-9(c) to be used as such
17 town council may prescribe. No such fine shall be imposed unless that officer responsible for
18 enforcement shall have conducted an investigation of such assault and shall have certified that
19 such dog was off the property of its owner or keeper and at large at the time such assault
20 occurred or that such assault resulted from the negligence of such owner or keeper, pursuant to
21 G.L. 1956, § 4-13-1.1.

22
23 (Code 1982, § 4-30; Code 2003, § 10-3)

24
25 **State Law reference**— Regulation of vicious dogs, G.L. 1956, § 4-13.1-1 et seq.; penalty of
26 \$1,000.00 authorized for vicious dog assault on a person, G.L. 1956, § 4-13.1-9(c).

27
28 **Sec. 10-4. - Unlawful deposit of dead animal.**

29
30 No person shall throw, place or put, or cause to be thrown, placed or put, the body or remains of
31 any dead animal into any of the ponds, streams or waters within the town, or shall leave any such
32 body or remains of any such animal to decay on any surface of the ground insufficiently buried
33 therein.

34
35 (Code 1982, § 4-24; Code 2003, § 10-4)

36
37 **Sec. 10-5. - Wild animals.**

38
39 No wild animal may be kept within the town, except under such conditions as shall be affixed by
40 the animal control officer; provided, however, that wild animals may be kept for exhibition
41 purposes by circuses, zoos and educational institutions in accordance with such regulations as
42 shall be established by the animal control officer or any police officer of this town.

43
44 (Code 1982, § 4-25; Code 2003, § 10-5)

45
46 **Sec. 10-6. - Abandonment.**

1 It shall be unlawful for any person to abandon any dog or other animal within the town.

2
3 (Code 1982, § 4-26; Code 2003, § 10-6)

4
5 **State Law reference**— Cruelly abandoning animals, G.L. 1956, § 4-1-3; abandonment of infirm
6 animal, G.L. 1956, § 4-1-4.

7
8 **Sec. 10-7. - Unlawfully injuring, killing, etc.; duties in case of accident.**

9
10 (a) No person shall run down any dog or domestic animal with a vehicle, or willfully kill,
11 abandon, injure or abuse any dog or domestic animal, except as may be permitted by law.

12
13 (b) Any person who kills or injures a dog or domestic animal, while driving a car, shall stop at
14 the scene of the accident and render such assistance as is practicable and shall make a report of
15 such death or injury to the animal control officer or to a police officer.

16
17 (c) No person shall poison any dog or domestic animal. In addition to the penalties provided in
18 this chapter, any person alleged to have poisoned any dog or domestic animal shall be reported to
19 the Society for the Prevention of Cruelty to Animals (SPCA).

20
21 (Code 1982, § 4-16; Code 2003, § 10-7)

22
23 **State Law reference**— Cruelty to animals, G.L. 1956, § 4-1-1 et seq.

24
25 **Sec. 10-8. - Hitching animals to trees, fences or posts.**

26
27 No person shall leave any horse, cow, ox or other animal upon any highway, road or lane
28 attached, tied, hitched or secured to any fence, tree, post or other structure unless such horse,
29 cow, ox or other animal shall be hitched or harnessed to a vehicle for the purpose of drawing the
30 vehicle.

31
32 (Code 1982, § 4-17; Code 2003, § 10-8)

33
34 **State Law reference**— Cruelty to animals, G.L. 1956, § 4-1-1 et seq.

35
36 **Sec. 10-9. - Penalties.**

37
38 (a) There shall be imposed a penalty for the violation of any provision of this chapter as follows:

39
40 (1) First violation: \$25.00.

41
42 (2) Second violation in same year: \$50.00.

43
44 (3) Third and each subsequent violation in same year: \$100.00.

1 (b) The animal control officer or any police officer shall have the authority to issue a notice of
2 violation of this chapter to any person in violation of the provisions of this chapter. Upon receipt
3 of service of a notice of violation, the violator shall have five days from the date of service to pay
4 the penalty at the police department. The notice may be served upon the violator in any
5 reasonable manner. If a person fails to pay the penalty within such time, then the violator may be
6 served with a complaint and warrant for appearance in court.

7
8 (Code 1982, § 4-29; Code 2003, § 10-9)

9
10 **State Law reference**— Maximum penalty as to dogs, G.L. 1956, § 4-13-1.

11
12 **Secs. 10-10—10-25. - Reserved.**

13
14 ARTICLE II. – ADMINISTRATION

15
16 DIVISION 1. – GENERALLY

17
18 **Secs. 10-26—10-40. - Reserved.**

19
20 DIVISION 2. - ANIMAL CONTROL OFFICER

21
22 **Sec. 10-41. - Enforcement.**

23
24 The provisions of this chapter shall be enforced by the animal control officer and any police
25 officer of the town.

26
27 (Code 1982, § 4-2; Code 2003, § 10-41)

28
29 **Sec. 10-42. - Complaints.**

30
31 All complaints made under the provisions of this chapter shall be made to the animal control
32 officer or any police officer and may be made orally; provided, however, that such complaint
33 shall be reduced to writing within 48 hours and shall be signed by the complainant showing such
34 complainant's address and telephone number, if any.

35
36 (Code 1982, § 4-22(b); Code 2003, § 10-42)

37
38 **Sec. 10-43. - Recordkeeping.**

39
40 (a) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and
41 detailed records of the impoundment and disposition of all animals coming into such officer's
42 custody.

43
44 (b) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and
45 detailed records of all the bite cases reported to such officer and all investigations of such cases.
46

1 (c) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and
2 detailed records of any and all complaints made to such officer or the police and his investigation
3 of such complaints.
4

5 (d) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and
6 detailed daily records of all the animals that are seized or come into custody as well as the
7 disposition of each animal impounded.
8

9 (e) It shall be the duty of the animal control officer to keep a record of all seized and impounded
10 dogs as prescribed by the state department of environmental management, as required by G.L.
11 1956, § 4-19-12.
12

13 (f) It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and
14 detailed records of any and all money in his possession belonging to the town. Such records shall
15 be open to inspections at reasonable times by such persons responsible for similar records of the
16 town, and they shall be audited by the town annually in the same manner as other town records
17 are audited.
18

19 (Code 1982, § 4-3; Code 2003, § 10-43)
20

21 **State Law reference**— Disposition of animals impounded, G.L. 1956, § 4-19-12.
22

23 **Sec. 10-44. - Right of entry.**
24

25 In the discharge of the duties imposed by this chapter, the animal control officer or any police
26 officer shall have the authority at all reasonable times to enter upon any premises, but such
27 authority should not include the right to enter any residence on such premises without the
28 owner's permission to examine a dog or other animal which it is reasonable to suspect is in
29 violation of a provision of this chapter. Such officer shall have the further authority to take
30 possession of any such dog or other animal and remove it from such premises.
31

32 (Code 1982, § 4-4; Code 2003, § 10-44)
33

34 **Sec. 10-45. - Interference with officers by others.**
35

36 No person shall interfere with, hinder or molest the animal control officer or any police officer of
37 the town in the performance of such officer's duties, or seek to release any animal in the custody
38 of the animal control officer or any police officer, except as provided in this article.
39

40 (Code 1982, § 4-5; Code 2003, § 10-45)
41

42 **State Law reference**— Obstructing officer in execution of duty, G.L. 1956, § 11-32-1.
43

44 **Sec. 10-46. - Destruction of animal under emergency circumstances.**
45

46 Under emergency circumstances, the animal control officer or any police officer may destroy any

1 injured or maimed animal after making reasonable efforts to contact the owner of such animal if
2 the owner's identification is present on the animal.

3
4 (Code 1982, § 4-8(c); Code 2003, § 10-46)

5
6 **State Law reference**— Disposition of animals in emergencies, G.L. 1956, § 4-19-12(a).

7
8 **Secs. 10-47—10-65. - Reserved.**

9
10 **ARTICLE III. - DOGS AND CATS**

11
12 **DIVISION 1. – GENERALLY,**

13
14 **Sec. 10-66. - Confinement of certain dogs.**

15
16 (a) It is unlawful for any owner or keeper to maintain a dog that has been declared vicious upon
17 any premises which does not have a locked enclosure. It is unlawful for any owner or keeper to
18 allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the
19 enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious
20 dog or to comply with commands or directions of the dog officer with respect to the vicious dog,
21 or to comply with the provisions of G.L. 1956, § 4-13.1-3(a)(1) or G.L. 1956, § 4-13.1-3 (a)(2).
22 In this event, the vicious dog shall be securely muzzled and restrained with a leash or chain
23 having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and
24 shall be under the direct control and supervision of the owner or keeper of the vicious dog.

25
26 (b) The owner of every female dog, cat or other animal in heat shall keep it confined in a
27 building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that
28 such female dog, cat or other animal cannot come in contact with another dog or other animal
29 except for intentional breeding purposes, provided that no female dog, cat or other animal in heat
30 shall be kept in a motel or an apartment.

31
32 (c) Any dog described in subsections (a) and (b) of this section, found at large, shall be
33 impounded by the animal control officer and may not be reclaimed by owners, unless such
34 reclamation is authorized by any court having jurisdiction.

35
36 (d) Any dog may, the first time it is impounded under the provisions of division 3 of this article,
37 pertaining to nuisance abatement, be reclaimed as provided in section 10-102(a), but may not be
38 reclaimed when so impounded on second or subsequent occasion unless such reclamation is
39 authorized by a court having jurisdiction in the matter.

40
41 (Code 1982, § 4-6; Code 2003, § 10-66)

42
43 **State Law reference**— Control of vicious dogs, G.L. 1956, § 4-13.1-4.

44
45 **Sec. 10-67. - Dogs prohibited on school property.**

1 (a) Except as provided in G.L. 1956, ch. 40-9.1 (G.L. 1956, § 40-9.1-1 et seq.), it shall be
2 unlawful for an owner or keeper to allow such person's dog to be in schoolyards or on school
3 property, including the recreational fields between Melrose Avenue and Lawn Avenue from
4 Watson Avenue to Arnold Avenue.

5
6 (b) ~~Except as provided in G.L. 1956, ch. 40-9.1 (G.L. 1956, § 40-9.1-1 et seq.), no dogs shall be~~
7 ~~allowed in any stores or eating places, whether at large or under restraint.~~

8
9 (c) ~~All dogs, if permitted, must be kept on a leash at all times while in any of the town~~
10 ~~recreational facilities.~~

11
12 (Code 1982, § 4-15; Code 2003, § 10-67)

13
14 **Sec. 10-68. - Barking dogs prohibited in apartments.**

15
16 It shall be unlawful for a person to keep barking dogs in apartment structures.

17
18 (Code 1982, § 4-11; Code 2003, § 10-68)

19
20 **Sec. 10-69. - Number of dogs at residences.**

21
22 It shall be unlawful for a person to keep more than three dogs over six months of age at the same
23 residence. This section shall not apply to licensed kennels.

24
25 (Code 1982, § 4-14; Code 2003, § 10-69)

26
27 ~~Sec. 10-70.— Dogs at large.~~

28
29 ~~No person being the owner or keeper of a dog, or having the charge or custody of a dog, shall~~
30 ~~allow such dog to run at large off its owner's or keeper's property within the town unless such~~
31 ~~dog is properly leashed or under the direct command and control of its owner or keeper between~~
32 ~~the hours of 7:00 a.m. and 4:00 p.m. Any such dog found not properly leashed or under the~~
33 ~~control of its owner or keeper and off its owner's or keeper's property running loose shall be~~
34 ~~impounded by the animal control officer, and such dog shall be held at the animal shelter~~
35 ~~(pound) until such owner or keeper is located. The owner or keeper of such dog shall be issued a~~
36 ~~citation by the animal control officer, or police officer, for allowing such dog to run loose.~~

37
38 (Code 1982, § 4-23; Code 2003, § 10-70)

39
40 Sec. 10-70. Dogs Prohibited from Being at Large.

41
42 (a) The owner or keeper of a dog shall not allow that dog to move at large beyond the owner's or
43 keeper's property limits. It shall be the responsibility of the owner or keeper of a dog to employ
44 whatever measures are necessary and adequate to prevent the dog from leaving the property
45 unrestrained and from moving about at large within the town. The owner or keeper of a dog may
46 allow the dog to be outside the residence and within the limits of the owner's or keeper's

1 property provided that:

2
3 (1) the dog returns upon the voice commands of a competent person who is present; or

4
5 (2) the dog returns when prompted by an electronic signal controlled remotely by a
6 competent person who is present; or

7
8 (3) the dog is attached to a leash controlled by a competent person; or

9
10 (4) the dog is attached to a rope, cord, or chain of reasonable and adequate length which
11 is affixed to a stationary object; or

12
13 (5) the dog is prevented by a physical, natural, or electronic barrier from exiting the
14 property; or

15
16 (6) the dog is prevented in any other reasonable and adequate way from roaming beyond
17 the property limits.

18
19 (b) The owner and keeper of a dog may allow the dog to be outside the residence and within the
20 limits of the property of another person in the manner described in Sec.10-70 (a) provided that
21 the owner of said property expresses assent to the owner or keeper of the dog, and the owner or
22 keeper of the dog is responsible for ensuring that the dog does not move unrestrained beyond the
23 limits of that property.

24
25 (c) Any dog found moving about at large within the town shall be impounded by any police
26 officer or other person employed by the town to enforce this chapter, and such dog shall be held
27 at the animal shelter (pound) until the owner or keeper of the dog is located.

28
29 (d) The owner or keeper of a dog who fails to prevent the dog from leaving the property and
30 roaming at large as set forth in Sec. 10-70 (a) or (b) shall be in violation of this section and
31 chapter.

32
33 **State Law reference**— Authority to prohibit dogs running at large, G.L. 1956, § 4-13-15.1.

34
35 **Sec. 10-71. - Census.**

36
37 It shall be the duty of the animal control officer or the town sergeant to conduct a complete
38 annual dog census in the town.

39
40 (Code 1982, § 4-27; Code 2003, § 10-71)

41
42 **State Law reference**— Animal census, G.L. 1956, § 4-13-11.

43
44 **Sec. 10-72. - Removal of dog feces.**

45
46 ~~No person in control of a dog~~ The owner or keeper of a dog shall not knowingly permit such dog

1 to defecate on any sidewalk, park, public or private place or building. The ~~person in control of~~
2 ~~any dog~~ owner or keeper of any dog which defecates on any of these sites must immediately
3 remove the feces and shall immediately and properly dispose of any bag (or other container or
4 receptacle) into which the removed feces has been placed.

5
6 An owner or keeper of a dog who fails to comply with the requirements of Sec. 10-72 shall be in
7 violation of this section and subject to the penalties provided in sec. 10-9.

8
9 (Code 1982, § 4-28; Code 2003, § 10-72)

10
11 **Sec. 10-73. Leash provisions-where and when required**

12
13 **(a)Leash Requirement-** Whenever a dog moves about on the public streets, sidewalks, ways,
14 parks, grounds, buildings, and other property within the town, the owner or keeper of the dog
15 shall securely attach (or cause to be securely attached) a leash not exceeding seven feet in length
16 to the identification collar affixed to the dog. The owner or keeper of the dog shall ensure that
17 said leash is held and controlled by a person competent to handle the dog.

18
19 (b) The only exceptions to the leash requirements of sec. 10-73 (a) are set forth in sec. 10-73 (c)
20 and (d).

21
22 **(c) Exceptions to the Leash Requirement** At those locations and within the dates delineated in
23 sec. 10-73 (d), the owner or keeper of a dog may cause or allow the dog to move about without
24 being attached to a leash, provided that the owner or keeper of said dog exercises and maintains
25 direct command and control of the dog.

26
27 (d) The locations and times at which off leash activity in accordance with sec. 10-73(c) is
28 permitted include, and are limited to, the following:

29
30 (1) At Fort Getty Park dogs are permitted to be off leash under the direct command and
31 control of the owner or keeper in accordance with sec. 10-73 (c) from October 1st through
32 May 15th daily from 7 a.m until 11 a.m and from 3 p.m until 7p.m. Dogs are permitted at
33 Fort Getty at any time the park is open from October 1st through May 15th, but must be
34 leashed in accordance with sec. 10-73 (a) outside the hours of 7 a.m. to 11 a.m. and 3
35 p.m. to 7 p.m. From May 16th through September 30th dogs are permitted at Fort Getty,
36 but must be leashed in accordance with sec. 10-73 (a).

37
38 (2) At Mackerel Cove Beach dogs are permitted to be off leash under the direct command
39 and control of the owner or keeper in accordance with sec. 10-73 (c) from October 1st
40 through May 15th. From May 16th through September 30th dogs are not permitted on the
41 beach at any time.

42
43 (3) At Potters Cove Beach dogs are permitted to be off leash under the direct command
44 and control of the owner or keeper in accordance with sec. 10-73 (c) from October 1st
45 through May 15th. From May 16th through September 30th dogs are not permitted on the
46 beach at any time.

1 (4) At Head's Beach dogs are permitted to be off leash under the direct command and
2 control of the owner or keeper in accordance with sec. 10-73 (c) from October 1st through
3 May 15th. From May 16th through September 30th dogs are not permitted on the beach at
4 any time.

5
6 (5) At Park Dock dogs are permitted to be off leash under the direct command and
7 control of the owner or keeper in accordance with sec. 10-73(c) from October 1st through
8 May 15th. From May 16th through September 30th dogs are not permitted to be on the
9 beach at any time.

10
11 (6)At Battery Park dogs are permitted to be off leash under the direct command and
12 control of the owner or keeper in accordance with sec. 10-73 (c) from January 1st
13 through December 31st.

14
15 (7)At Eldred Avenue Recreation Complex dogs are permitted to be off leash under the
16 direct command and control of the owner or keeper in accordance with sec. 10-73(c)
17 from November 15th through March 31st. From April 1st through November 14th, dogs are
18 permitted at the complex but must be leashed in accordance with sec. 10-73 (a).

19
20 (8)At Taylor Point dogs are permitted but must be leashed in accordance with sec. 10-
21 73(a).

22
23 (e) An owner or keeper of a dog who fails to meet the requirements of sec. 10-73 (a) or sec. 10-
24 73 (c) or sec. 10-73 (d) shall be in violation of this section and subject to the penalties provided
25 in sec. 10-9.

26
27 **Sec. 10-74.**

28
29 Town staff designated by the Town Administrator shall continually and periodically
30 monitor, assess, and report to the Town Council whether the health, welfare, and safety of the
31 town's residents are adequately protected in the execution of this chapter.

32
33 **Secs. ~~10-73~~ 10-75 -10-85. - Reserved.**

34
35 DIVISION 2. - LICENSE^[2]

36
37 **Footnotes:**

38
39 --- (2) ---

40
41 **State Law reference**— Dog license fees for the Town of Jamestown, G.L. 1956, § 4-13-4.

42
43 **Sec. 10-86. - Required; fee.**

44
45 (a) The owner or keeper of every dog over the age of six months living in the town limits shall be
46 licensed by the town clerk during the month of April. A fee as provided in appendix C shall be

1 paid for all neutered dogs and a fee as provided in appendix C shall be paid for all unneutered
2 dogs. A late fee as provided in appendix C shall be paid for the licensing of any dog after April
3 30, pursuant to G.L. 1956, § 4-13-4.

4
5 (b) The late fee may be waived by the town clerk for those persons who have newly acquired a
6 dog or who have newly moved to the town.

7
8 (Code 1982, § 4-12; Code 2003, § 10-86)

9
10 **State Law reference**— Dog license fees for the Town of Jamestown, G.L. 1956, § 4-13-4.

11
12 **Secs. 10-87—10-100. - Reserved.**

13
14 DIVISION 3. - IMPOUNDMENT^[3]

15
16 **Footnotes:**

17
18 --- (3) ---

19
20 **State Law reference**— Impoundment of animals at large, G.L. 1956, § 4-15-3; letting team go
21 at large, G.L. 1956, § 11-22-9; authority to adopt regulations regarding dogs, G.L. 1956, § 4-13-
22 15.1; municipal pounds, G.L. 1956, § 4-19-1 et seq.

23
24 **Sec. 10-101. - Required; notice to owner.**

25
26 (a) Any dog not in compliance with or in violation of section 10-66 or section 10-152 shall be
27 subject to impoundment by the animal control officer. Dogs not claimed by their owners within
28 five days of impoundment may be disposed of at the discretion of the animal control officer,
29 except as provided in this division in the cases of certain dogs.

30
31 (b) The animal control officer may transfer title to any dog held at the dog pound after five days
32 have expired and such dog has not been claimed by its owner.

33
34 (c) Immediately upon impounding dogs, the animal control officer shall make reasonable efforts
35 to notify the owners of such dogs, so impounded, and inform such owners of the conditions
36 whereby they may regain custody of such dogs.

37
38 (d) Any dog running at large within the town limits may be impounded or disposed of according
39 to law when such action is required either to protect the dog or to protect the residents of the
40 town.

41
42 (Code 1982, § 4-7; Code 2003, § 10-101)

43
44 **Sec. 10-102. - Redemption of impounded dogs; other disposition.**

45
46 (a) The owner shall be entitled to regain possession of any impounded dog, except as provided in

1 this section in the cases of certain dogs, upon the payment of impoundment fees set forth in
2 appendix C and establishing proof of ownership which may include license receipt, affidavits of
3 ownership and/or a photograph of the dog.
4

5 (b) Any dog impounded under the provisions of this chapter and not reclaimed by its owner
6 within five days may be humanely destroyed by the animal control officer, or may be placed by
7 the animal control officer in the custody of some person for adoption deemed to be a responsible
8 and suitable owner, who will agree to comply with the provisions of this chapter and with such
9 other regulations as shall be fixed by the town council. Upon adoption, a fee as provided in
10 appendix C shall be charged, and all impoundment fees shall be waived. Under no circumstances
11 shall the ownership of any dog be transferred to an entity prohibited by G.L. 1956, § 4-19-12.
12

13 (Code 1982, § 4-8(a), (b); Code 2003, § 10-102)
14

15 **State Law reference**— Gift to dealer or research facility prohibited, G.L. 1956, § 4-19-12(b).
16

17 **Sec. 10-103. - Mandatory spaying and neutering of dogs and cats; exemptions.**
18

19 (a) The animal control officer shall not release, sell, trade, give away, exchange, adopt out or
20 otherwise transfer, with or without a fee, any dog or cat that has not been spayed or neutered
21 unless the adopting party executes a written agreement with the animal control officer to have
22 the dog or cat spayed or neutered within 30 days of the adoption date or within 30 days from the
23 date that such cat or dog reaches sexual maturity, with the cost of such spaying or neutering to be
24 the responsibility of the adopting party. The written agreement must include the dog's or cat's
25 age, sex and general description; the date of adoption and the date by which the dog or cat must
26 be spayed or neutered; the adopting party's name, address, telephone number and signature; and
27 the animal control officer's name, address, telephone number and the dollar amount of the
28 deposit remitted. In addition to executing the written agreement, the adopting party must leave
29 with the animal control officer a deposit in the amount provided in appendix C. Such deposit
30 shall be refunded by the animal control officer to the adopting party upon presentation of a
31 written statement or receipt from a licensed veterinarian of the adopting party's choice where the
32 dog or cat was spayed or neutered providing that the spaying or neutering was performed with
33 the 30-day period. Alternatively, the animal control officer shall make appropriate arrangements
34 for the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery
35 completed before releasing the dog or cat to the adopting party.
36

37 (b) The following are exemptions from the provisions of subsection (a) of this section:
38

39 (1) The animal control officer returns a stray dog or cat to its owner.
40

41 (2) The animal control officer receives a written report from a licensed veterinarian
42 stating that the life of the dog or cat would be jeopardized by the surgery and that such
43 health condition is likely to be permanent.
44

45 (3) The animal control officer receives a written report from a licensed veterinarian
46 stating that there is a temporary health condition, including sexual immaturity, which

1 would make surgery life threatening to the dog or cat or incapable of being done, in
2 which instance the animal control officer shall grant the adopting party an appropriate
3 extension of time in which to have the dog or cat spayed or neutered based on the
4 veterinarian's report.

5
6 (4) The animal control officer transfers a dog or cat to another state-licensed releasing
7 agency.

8
9 (c) The exemptions provided in subsections (b)(2) and (b)(3) of this section shall only be
10 applicable if the animal control officer receives such written report from a licensed veterinarian
11 within the 30-day period during which the spaying or neutering would otherwise be required, or
12 in the case of a report contemplated by subsection (b)(2) of this section, such report may be
13 provided to the animal control officer during any temporary extension provided by subsection
14 (b)(3) of this section if the health condition of the dog or cat has changed.

15
16 (d) If requested to do so, the animal control officer shall refund deposited funds to the adopting
17 party upon reasonable proof being presented to the animal control officer by the adopting party
18 that the dog or cat died before the expiration of the period during which the spaying or neutering
19 was required to be completed.

20
21 (Code 1982, § 4-8(d)—(f); Code 2003, § 10-103; Ord. of 4-9-1994, § 4-8)

22
23 **State Law reference**— Mandatory spaying or neutering of dogs and cats adopted from the town
24 pound, G.L. 1956, § 4-19-16.

25
26 **Sec. 10-104. - Fees.**

27
28 (a) Any impounded dog may be reclaimed as provided in this division upon payment by the
29 owner to the animal control officer of a fine the sum of \$25.00 for the first offense and the
30 additional sum as provided in appendix C for each day such animal is kept, and the sum of
31 \$50.00 for any subsequent offense within a fiscal year and the additional sum as provided in
32 appendix C for each day such animal is kept. Impoundment fees set forth in this section, and
33 such additional sums as provided for keeping animals, shall be collected by the animal control
34 officer, or police officer for use of the town.

35
36 (b) Upon impoundment for any violation of this chapter, the animal control officer shall issue a
37 citation to the owner of the animal for the violation for which the animal was impounded.

38
39 (Code 1982, § 4-9; Code 2003, § 10-104)

40
41 **State Law reference**— Livestock impoundment fees, G.L. 1956, § 4-15-7.

42
43 **Sec. 10-105. - Voluntary disposition of dogs.**

44
45 It shall not be the responsibility of the animal control officer to dispose of dogs at an owner's

1 request. The owner of a dog or any domestic animal who wishes to dispose of such animal shall
2 assume all costs and the responsibility for such disposal.

3 (Code 1982, § 4-10; Code 2003, § 10-105)

4

5 **Secs. 10-106—10-125. - Reserved.**

6

7 ARTICLE IV. - RABIES CONTROL^[4]

8

9 **Footnotes:**

10

11 --- (4) ---

12

13 **State Law reference**— Treatment and control of rabies, G.L. 1956, § 4-13-29 et seq.

14

15 **Sec. 10-126. - Required reports of bite cases.**

16

17 It shall be the duty of every physician or other medical practitioner to report to the animal control
18 officer or to the police department the names and addresses of persons, and bitten persons treated
19 for bites inflicted by animals, together with such other information as will be helpful in rabies
20 control.

21

22 (Code 1982, § 4-13(a); Code 2003, § 10-126)

23

24 **Sec. 10-127. - Suspect animals.**

25

26 (a) Report. It shall be the duty of every licensed veterinarian to report to the animal control
27 officer any animal considered by such veterinarian to be a rabies suspect.

28

29 (b) Death of animal under quarantine. When rabies has been diagnosed in an animal under
30 quarantine or when rabies is suspected in such an animal by a licensed veterinarian, and the
31 animal dies while under observation, the animal control officer shall immediately send the head
32 of such animal to the state department of environmental management for pathological
33 examination and shall notify the proper health official of reports of human contacts and the
34 diagnoses.

35

36 (Code 1982, § 4-13(b), (c); Code 2003, § 10-127)

37

38 **Sec. 10-128. - Biting of humans; quarantine procedures.**

39

40 Every animal which bites a person shall be promptly reported to the animal control officer and
41 shall thereupon be securely quarantined at the direction of the animal control officer or police
42 officer for a period of no less than ten days, and shall not be released from such quarantine
43 except by written permission from the chief of police or the animal control officer. At the
44 discretion of the animal control officer, such quarantine may be on the premises of the owner or
45 at the pound, or at the owner's option and expense, in a veterinary hospital of their choice. In

1 case of stray animals, or of animals whose ownership is not known, such quarantine shall be at
2 the town-designated animal shelter.

3
4 (Code 1982, § 4-13(d); Code 2003, § 10-128)

5
6 **Sec. 10-129. - Surrender of animal; quarantine expenses; reclamation of animal.**

7
8 The owner, upon demand by the animal control officer, shall forthwith surrender any animal
9 which has bitten a human, or which is suspected as having been exposed to rabies, for supervised
10 quarantine, the expense of which shall be borne by the owner. Such animal may be reclaimed by
11 the owner if it is determined to be free of rabies, upon payment of the same fees levied upon such
12 animal for the time it is interned at the animal shelter.

13
14 (Code 1982, § 4-13(e); Code 2003, § 10-129)

15
16 **Secs. 10-130—10-150. - Reserved.**

17
18 **ARTICLE V. - NUISANCES^[5]**

19
20 **Footnotes:**

21
22 --- (5) ---

23
24 **State Law reference**— Damage by animals, G.L. 1956, § 4-14-1 et seq.; damage by dogs, G.L.
25 1956, § 4-13-16 et seq.; animals at large, G.L. 1956, § 4-15-1 et seq.

26
27 **Sec. 10-151. - Trespass and destruction of property by animal.**

28
29 It shall be unlawful to allow or permit any animal to trespass on private or public property so as
30 to damage or destroy any property or thing of value. Such destruction is hereby declared to be a
31 nuisance, and any such animal may be impounded by the animal control officer.

32
33 (Code 1982, § 4-8(c); Code 2003, § 10-151; Ord. of 6-10-1996, § 4-21(c))

34
35 **Sec. 10-152. - Harboring or keeping of noisy or vicious animals.**

36
37 It shall be unlawful to keep or harbor any animal, whether licensed or not, whenever it shall be
38 affirmed in writing and signed by two or more residents of separate dwellings of this town or by
39 two or more persons regularly employed in the neighborhood, or such complaint has been
40 affirmed in writing and signed by one or more residents of this town and the complaint has been
41 verified by the animal control officer, that any animal is a habitual nuisance by reason of
42 repeated howling or barking or making other noise, or being vicious or by its acting potentially
43 vicious. Such keeping or harboring is hereby declared to be a public nuisance.

44
45 (Code 1982, § 4-21(a); Code 2003, § 10-152; Ord. of 6-10-1996, § 4-21(a))

46

1 **Sec. 10-153. - Abatement by owner and town.**

2
3 (a) Whenever an animal is a nuisance by reason of habitual trespassing, howling, barking or
4 other noise, or by reason of doing damage to property, or by being vicious or by its acting
5 potentially vicious or in any other manner causing undue annoyance, the animal control officer,
6 if such officer finds such nuisance to exist, shall serve notice upon the owner of such animal, that
7 such nuisance must be abated. It shall be unlawful for an owner not to abate such nuisance. In
8 addition to all other penalties, if such nuisance is not thereupon abated, the animal control officer
9 shall impound such animal.

10
11 (b) The animal control officer shall serve notice upon the owner or keeper of the animal that the
12 nuisance must be abated within a period of three days after the service of the notice. Each day
13 shall constitute a separate offense. After the third day such public nuisance continues, a fine of
14 \$25.00 per day shall be imposed.

15
16 (Code 1982, §§ 4-21(b), 4-22(a); Code 2003, § 10-153; Ord. of 6-10-1996, § 4-21(b))

17
18 **Secs. 10-154—10-175. - Reserved.**

19
20 **ARTICLE VI. - FARM ANIMALS**

21
22 **DIVISION 1. – GENERALLY**

23
24 **Secs. 10-176—10-190. - Reserved.**

25
26 **DIVISION 2. – SWINE**

27
28 **Sec. 10-191. - Permit.**

29
30 (a) Required to keep. No person shall keep swine within the town unless such person shall first
31 have obtained a permit from the town council to do so, and only subject to such rules and
32 regulations as the town council may from time to time prescribe.

33
34 (b) Required to feed swill. No person shall feed any swill or other household offal to any swine
35 which are kept within the town unless such person shall have received a permit to do so, and
36 subject only to such rules and regulations as the town council shall from time to time prescribe.

37
38 (Code 1982, §§ 4-18, 4-19; Code 2003, § 10-191)

39
40 **State Law reference—** State permit to feed garbage, G.L. 1956, § 4-3-3.

41
42 **Sec. 10-192. - Location of pig sty.**

43
44 No pig sty shall be built or maintained on marshy ground or land subject to overflow, nor within
45 300 feet of any inhabited house or public meeting house other than that of the proprietor of the
46 pig sty.

1
2 (Code 1982, § 4-20; Code 2003, § 10-192)

3
4 **Secs. 10-193—10-199. - Reserved.**

5
6 **ARTICLE VII. - NON-DOMESTICATED ANIMALS**

7
8 **Sec. 10-200. - Feeding non-domesticated animals—Purpose.**

9
10 The purpose of this article is to protect the health and safety of residents in the town with respect
11 to dangers associated with coyotes and other non-domesticated animals by minimizing
12 opportunities for such animals to obtain food from sources controlled or controllable by humans.

13
14 (Ord. of 10-3-2016, § 1(Exh. A))

15
16 **Sec. 10-201. - Definitions.**

17
18 Words and phrases used in this chapter shall have the following meanings, unless otherwise
19 clearly indicated by the context:

20
21 Attractant means any substance which could reasonably be expected to attract or does attract
22 coyotes or other non-domesticated animals.

23
24 Feeding means the leaving of food of any kind where it is accessible to coyotes or other non-
25 domesticated animals.

26
27 Food means all substances consumed by humans or animals for nourishment except grass and
28 other vegetation, growing crops, and food that is canned or stored in sealed or closable
29 containers.

30
31 (Ord. of 10-3-2016, § 1(Exh. A))

32
33 **Sec. 10-202. - Prohibitions.**

34 (a) No person shall feed or in any manner provide an attractant to coyotes or other non-
35 domesticated animals; provided that domestic pets are not attractants, and feeding pets outdoors
36 does not create an attractant if the pet eats all the food immediately, or the remaining food is
37 removed as soon as the pet stops eating, or the pet is fed in a secure cage or other enclosure.

38
39 (b) No person shall leave, store, or maintain any food or attractant in a manner, area, or location
40 accessible to coyotes or other non-domesticated animals.

41
42 (Ord. of 10-3-2016, § 1(Exh. A))

43
44 **Sec. 10-203. - Exceptions.**

45
46 (a) Food for birds or squirrels that is in a feeder located within 100 feet of a residence and

1 elevated to be inaccessible to coyotes.

2

3 (b)Outdoor feeding of farm animals, provided (1) animal food, when not being fed to animals, is
4 stored in a building or a closed container; (2) excessive amounts of food, based on the animals'
5 eating history, are not provided to the animals; (3) injured, old, feeble, or pre-sized animals are
6 not left outside unattended; and (4) all other reasonable efforts are made to reduce attractants to
7 coyotes and other non-domesticated animals.

8

9 (Ord. of 10-3-2016, § 1(Exh. A))

10

11 Sec. 10-204. - Enforcement.

12

13 Violations of this article are punishable by a civil penalty of from \$100.00 to \$500.00 for each
14 day of violation.

15

16 (Ord. of 10-3-2016, § 1(Exh. A))

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