

Became inactive after state legislature passed a preemption law in 2013

*City of Pawtucket, RI
Tuesday, September 1, 2015*

Chapter 116. Animals

Article IV. Dogs and Other Animals

§ 116-37.1. Pit bulls prohibited.

[Added 12-11-2003 by Ch. No. 2708]

- A. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City any pit bull dog.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

KEEPER

Any person who possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull, whether or not that person is the owner.

OWNER

Any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull.

PIT BULL

Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier; or any dog of mixed breed displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, the characteristics being identifiable even if there are technical deficiencies in any particular dog's conformance thereto; or any dog identifiable by a licensed veterinarian, animal control officer or any other knowledgeable person whose identification is deemed credible by the Public Safety Director or the Animal Control Officer, as having any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier as any element of its breeding.

SECURE TEMPORARY ENCLOSURE

A secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.

- C. Exceptions. The prohibition of this section shall not apply in the following enumerated circumstances.

- (1) The owner or keeper of a pit bull that is registered and licensed with the City Clerk on the date of passage of the ordinance enacting § **116-37.1** may apply for a pit bull license, to be renewed annually. After this date no pit bull licenses will be issued. Any owner or keeper, who has applied for and received a pit bull license in accordance with Subsection **D** of this section, and who maintains the pit bull at all times in compliance with the pit bull license requirements of Subsection **D** of this section and all other applicable requirements of this section, may keep a pit bull within the City. Notwithstanding the prohibition of Subsection **A**, in the event of the death of a licensed pit bull that was registered and licensed with the City Clerk on the date of the passage of this section, the owner or keeper may own another pit bull and must apply for an annual pit bull license, provided that the owner or keeper has not at any time violated any provision of this section.
 - (2) The City's municipal animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this section.
 - (3) Any humane society operating an animal shelter which is registered and licensed by the City may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the City's municipal animal shelter and either turn the pit bull over to the municipal animal shelter employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of Subsection **E**.
 - (4) A person may temporarily transport into and hold in the City a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the City Council, must obtain any other permits or licenses required by City ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the City to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure," as defined in Subsection **B**.
 - (5) (Reserved)^[1]
[1] Editor's Note: Former Subsection C(5), which provided for a temporary transport permit, was repealed 9-8-2004 by Ch. No. 2740.
 - (6) Failure by the owner or keeper to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and/or disposal pursuant to Subsection **E** of this section and shall operate to prevent the owner or keeper from asserting such exception as a defense in any prosecution under Subsection **A**.
- D. Pit bull license requirements. The owner or keeper of any pit bull which had been licensed on or before the date of passage of the ordinance enacting this (§ **116-37.1**), and that is allowed to apply for an annual pit bull license shall at the time of application for the annual pit bull license comply with or otherwise provide sufficient evidence that the owner or keeper is in compliance with all of the following regulations:
- (1) The owner or keeper of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license. A pit bull license tag will be issued to the owner or keeper at the time of issuance of the license. Such license tag shall be attached to the pit bull

by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a \$20 fee.

- (2) The owner or keeper must be at least 21 years of age.
- (3) The owner or keeper shall present to the City Clerk proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000, covering any damage or injury which may be caused by a pit bull during the twelve-month period covered by the pit bull license. The policy shall contain a provision requiring the insurance company to provide written notice to the City Clerk of Pawtucket not less than 15 days prior to any termination of the policy and not less than five days subsequent to cancellation or expiration of the policy.
- (4) The owner or keeper, at the owner's or keeper's own expense shall have had the pit bull spayed or neutered and shall present to the City Clerk documentary proof from a licensed veterinarian that this sterilization has been performed. This requirement shall be waived upon a written statement from a licensed veterinarian that the procedure should not or cannot be performed for reasons of the health or age of the animal. If funds are available through the Animal Control Office spay/neuter account, the Animal Control Officer will assist owners or keepers who are residents of the City seeking assistance for the spay/neuter of their dog(s),
- (5) The Animal Control Officer and the City Clerk shall each maintain a file containing the license numbers, pit bull tag numbers, and the names and addresses of the owner or keepers. The owner or keeper shall notify the Animal Control Officer and the City Clerk in writing of any change of address.
- (6) At all times when a pit bull is at the property of the owner or keeper, the owner or keeper shall keep the pit bull confined, either in a secure, temporary enclosure, or within the premises of the owner or keeper, or within a fenced enclosure from which the dog cannot escape. At all times when a pit bull is away from the property of the owner or keeper, the owner or keeper shall keep the pit bull either securely leashed and muzzled, or in a "secure temporary enclosure," as that term is defined in Subsection B(3) of this section.
- (7) The owner or keeper shall not sell or otherwise transfer the pit bull to any person except a member of the owner's or keeper's immediate family who will then become the owner or keeper and will be subject to all of the provisions of this section. The owner or keeper shall notify the City Clerk within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner or keeper must deliver the puppies to the Pawtucket Municipal Animal Shelter for destruction or permanently remove the puppies from the City of Pawtucket and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner or keeper be allowed to keep in Pawtucket a pit bull puppy born after the date of passage of this section, § **116-37.1**, that is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to Subsection **E** of this section.
- (8) The owner or keeper shall have posted at each possible entrance to the owner or keeper's property where the pit bull is kept a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by 10 inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less

than two inches in height.

- E. Impoundment and disposal of unlicensed pit bull. Notwithstanding any provisions of this chapter, the Animal Control Officer is authorized to immediately impound any pit bull found in the City of Pawtucket which does not fall within the exceptions listed in Subsection **C** above, and the municipal animal shelter may house or dispose of such pit bull in such manner as the Animal Control Officer may deem appropriate, except as the procedures in Subsection **F**, below, otherwise require.
- F. Appeal procedure; Pit bull classification.
- (1) When the Animal Control Officer has impounded any pit bull dog pursuant to this section, and the owner or keeper of such dog disputes the classification of such dog as a pit bull, the owner or keeper of such dog may appeal the decision by filing a written petition with the Animal Control Officer for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Animal Control Officer will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than 10 days prior to the date of the hearing. Where the Animal Control Officer receives no written request from the owner or keeper for a hearing within seven days of impoundment, the pit bull shall be destroyed.
 - (2) The hearing, if any, will be held before the panel regarding dogs created by RIGL § 4-13.1-11. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The panel shall make a final determination whether the dog is a pit bull as defined in Subsection B(2) of this section. Such final determination shall be considered a final order of the City Council, subject to review under the state rules of civil procedure.
 - (3) If the dog is found to be a pit bull, it shall be destroyed, unless the owner or keeper produces evidence deemed sufficient by the City Council that the pit bull is to be permanently taken out of Pawtucket and the owner or keeper pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner or keeper, with no impoundment fees imposed, unless the animal was impounded as a result of being at large. The procedures in this Subsection **F** shall not apply and the owner or keeper is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled and the procedures governed by the provisions of RIGL § 4-13.1-1 et seq.
- G. Enforcement and penalties.
- (1) The Animal Control Officer shall receive the assistance of the Police Department in carrying out the enforcement provisions of this section.
 - (2) Upon warrant issued by the district court, the Animal Control Officer may enter any residence or business for the enforcement of this section.
[Amended 9-8-2004 by Ch. No. 2740]
 - (3) Any pit bull, after the effective date of this section,^[2] which is found by the Animal Control Officer not to be licensed as defined in Subsection **C** above, or kept according to the provisions of Subsection **D** above, is subject to immediate impoundment.
^[2] *Editor's Note: The effective date of the ordinance adopting this section is 1-1-2004.*

- (4) The owner or keeper of any pit bull which is not subject to the prohibition of Subsection **A** above, whose dog is found in violation of any part of this section, shall be subject on a first offense to a fine of not more than \$250; on a second offense to a fine of not more than \$500; and on a third offense to a fine of not more than \$1,000. [Amended 9-22-2004 by Ch. No. 2741]
- (5) The owner or keeper of any pit bull which is subject to the prohibition of Subsection **A** above, and which is found in violation of any part of this section, shall on a first offense be subject to a fine of not more than \$500; on a second or subsequent offense to a fine of not more than \$1,000; and the dog shall be subject to immediate impoundment pursuant to Subsection **E**. [Amended 9-22-2004 by Ch. No. 2741]
- (6) The owner or keeper of any pit bull which is found in violation of any part of this section shall be subject to a term of imprisonment of not more than 30 days. [Added 9-22-2004 by Ch. No. 2741]