

# SMITHFIELD TOWN COUNCIL MEETING

OPEN SESSION

**TUESDAY**  
**March 7, 2023**



**SMITHFIELD TOWN COUNCIL MEETING  
SMITHFIELD TOWN HALL  
COUNCIL CHAMBERS  
64 FARNUM PIKE  
TUESDAY, MARCH 7, 2023  
7:00 P.M.**

**7:00 P.M.      AGENDA**

- I. Regular meeting convened at 7:00 p.m.
- II. Prayer
- III. Salute to the Flag
- IV. Emergency Evacuation and Health Notification
- V. Presentations:
  - A. Lady Sentinels Division III Swim Team Champions
- VI. Minutes:
  - A. Move that the minutes of the February 21, 2023 executive session meeting held pursuant to Rhode Island General Laws Section 42-46-5(a)(1) Personnel; to interview Maxine Cavanagh, Dennis Flis, Catherine Lynn, James D'Ambra, Matthew DeAngelis, and Joe Siegel for possible appointment or reappointment to a Town board or commission be approved as recorded and sealed.
  - B. Move that the minutes of the February 21, 2023 open session meeting be approved as recorded.
- VII. Consider, discuss and act upon the following possible appointments and reappointments:
  - A. Board of Assessment Review reappointment with a term expiring in December of 2025.
  - B. Historic Preservation Commission reappointment with a term expiring in February of 2026.
  - C. Planning Board appointment with a term expiring in May of 2023.
- VIII. Public Hearings:
  - A. Conduct a public hearing to consider and act upon accepting the Year Nineteen (19) Town of Smithfield Annual Submission of the RIPDES Storm Water Pollution Prevention Program Annual Report to RI Department of Environmental Management.

- B. Conduct a public hearing to consider and act upon repealing and replacing Chapter 126 of the Code of Ordinances entitled “Animals” sponsored by Councilman John J. Tassoni.
- C. Schedule a public hearing on April 4, 2023 to consider and act upon adopting amendments to the Zoning Ordinance and Zoning Map.

IX. Licenses:

- A. Consider, discuss and act upon approving the annual renewal of four (4) Bingo Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.
  - 1. Georgiaville Tenants Association, 20 Higgins Lane (fee waived)
  - 2. Old County Road School, 200 Old County Road (fee waived)
  - 3. Smithfield Senior Center, 1 William J. Hawkins, Jr., Trail (fee waived)
  - 4. St. Philip Church, 622 Putnam Pike (fee waived)
- B. Consider, discuss and act upon approving the annual renewal of twenty-seven (27) Holiday Sales Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.
  - 1. 7-Eleven Store #32614A, d/b/a “7- Eleven #32614A”, 970 Douglas Pike
  - 2. Anjan Thapa d/b/a “Pick ‘n Pay Food Mart”, 619 Putnam Pike
  - 3. Bacon N Beanz Café, LLC d/b/a “Bacon N Beanz Café”, 345 Waterman Avenue
  - 4. Barnes & Noble Booksellers, Inc. d/b/a “Barnes & Noble #2082”, 371 Putnam Pike, Suite 330
  - 5. Broadway Appliance, Inc. d/b/a “J’S Broadway Appliance & TV”, 47 Cedar Swamp Road, #18
  - 6. CALM Enterprises, Inc. d/b/a “Del’s of Smithfield”, 115 Pleasant View Avenue
  - 7. Colbea Enterprises, LLC d/b/a “Seasons Corner Market”, 947 Douglas Pike
  - 8. Colbea Enterprises, LLC d/b/a “Shell #36”, 368 Putnam Pike
  - 9. Cumberland Farms, Inc. d/b/a “Cumberland Farms #1251”, 353 Waterman Avenue
  - 10. Dave’s Fruitland, Inc. d/b/a “Dave’s Marketplace of Smithfield”, 4 Cedar Swamp Road
  - 11. Dave’s Marketplace of Smithfield, Inc. d/b/a “Dave’s Marketplace”, 371 Putnam Pike, Suite 590
  - 12. Dick’s Sporting Goods d/b/a “Dick’s Sporting Goods”, 371 Putnam Pike, Suite 300
  - 13. DK Convenience, LLC d/b/a “DK Convenience”, 200 Pleasant View Avenue, Unit 3
  - 14. Ephraim Doumato Jewelers, Inc. d/b/a “Ephraim Doumato Jewelers”, 425 Putnam Pike
  - 15. Global Montello Group Corp., d/b/a “Alltown Smithfield”, 471 Putnam Pike
  - 16. Green, Inc. d/b/a “Honey Nail and Spa”, 375 Putnam Pike, #15

17. James Moscatelli d/b/a “Smithfield Smoke Shop”, 20B Cedar Swamp Road
18. JM of Smithfield, LLC d/b/a “Jersey Mike’s Subs”, 473 Putnam Pike
19. Mac’s Liquor, Inc. d/b/a “Mac’s Liquor Mart”, 200 Pleasant View Avenue
20. Marylou’s News, Inc. d/b/a “Marylou’s Coffee”, 368 Putnam Pike
21. Old Navy, LLC, d/b/a “Old Navy #6156”, 371 Putnam Pike
22. Anthony Polseno, Jr., d/b/a “Pleasant View Orchards”, 141 Pleasant View Avenue
23. Putnam Liquor, Inc. d/b/a “Putnam Pike Liquors”, 637B Putnam Pike
24. Putnam Pike Liquors, Inc. d/b/a “B & C Liquor”, 253 Putnam Pike
25. Rocky’s Ace Hardware, Inc. d/b/a “Rocky’s Ace Hardware”, 633 Putnam Pike
26. The Sherwin Williams Company d/b/a “The Sherwin Williams Company”, 400 Putnam Pike
27. The TJZ Companies, Inc. d/b/a “TJ Maxx #190”, 445 Putnam Pike

- C. Consider, discuss and act upon approving the annual renewal of a Private Detective License for Ralph Howe, 4 Anson Brown Road, Johnston, RI, for his business “Information Connection Unlimited”, 400D Putnam Pike, Suite 128, Smithfield, RI, as applied, subject to compliance with all State regulations and local ordinances.
- D. Consider, discuss and act upon approving the renewal of one (1) Mobile Food Truck License, as applied, subject to compliance with all State regulations and local ordinances.
1. Farm to Sandwich, LLC d/b/a “Farm to Sandwich”, to sell sandwiches and burgers from a truck with RI Reg. 45029, 14 Abbott Street, Cranston, RI
- E. Consider, discuss and act upon approving one (1) One-Day Beer/Wine License for the Smithfield Senior Center as follows:
- St. Patrick’s Day Party to be held on Thursday, March 16, 2023 from 12:00 p.m. to 3:00 p.m.
- The party will take place at the Smithfield Senior Center, 1 William J. Hawkins, Jr. Trail from 12:00 p.m. to 3:00 p.m., as applied, subject to all State regulations and local ordinances.
- F. Consider, discuss and act upon approving one (1) One-Day Beer/Wine License for the Smithfield Senior Center as follows:
- Spring Fling to be held on Thursday, April 20, 2023 from 12:00 p.m. to 3:00 p.m.
- The party will take place at the Smithfield Senior Center, 1 William J. Hawkins, Jr. Trail from 12:00 p.m. to 3:00 p.m., as applied, subject to all State regulations and local ordinances.

- G. Consider, discuss and act upon approving a new Victualling Only License for KelCarQ BBQ, LLC d/b/a “KelCarQ BBQ” 375 Putnam Pike, with the hours of operation to be Monday through Sunday 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations, local ordinances and final approval from the RI Department of Health.
- X. Old Business: None
- XI. New Business:
  - A. Consider, discuss, and act upon rescinding a request for proposals for construction of the new fire station on George Washington Highway.
- XII. Public Comment.
- XIII. Adjournment.

**AGENDA POSTED: FRIDAY, MARCH 3, 2023**

**The public is welcome to any meeting of the Town Council or its sub-committees. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager’s office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.**

**PLEASE SEE EXECUTIVE**  
**SESSION ENVELOPE**

**MINUTES OF SMITHFIELD TOWN COUNCIL MEETING**

**Date: Tuesday, February 21, 2023**

**Place: Smithfield Town Hall**

**Time: 6:00 P.M.**

**Present:**

Town Council President T. Michael Lawton  
Town Council Member Sean M Kilduff  
Town Council Member Michael P. Iannotti  
Town Council Member Rachel S. Toppi  
Town Council Member John J. Tassoni, Jr.  
Town Manager Randy R. Rossi  
Town Solicitor Anthony Gallone  
Acting Town Clerk Lyn M. Antonuccio

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**I. President Lawton calls the Tuesday, February 21, 2023 Smithfield Town Council Meeting to order at 7:00 p.m.**

At 6:00 p.m., a motion was made by Member Kilduff, seconded by Member Tassoni, to convene into executive session to consider, discuss, and act upon matters pursuant to Rhode Island General Laws Section 42-46-5(a)(1) Personnel; to interview Maxine Cavanagh, Dennis Flis, Catherine Lynn, James D'Ambra, Matthew DeAngelis, and Joe Siegel for possible appointment or reappointment to a Town board or commission.

At 7:08 a motion was made by Member, seconded by Member, to adjourn the executive session and seal the minutes. The motion was unanimously approved.

President Lawton reconvened the Town Council regular meeting at 7:10 p.m. and reported that no votes were taken in executive session that are required to be reported pursuant to RIGL § 42-46-4

**II. President Lawton offers a prayer.** President Lawton offers his condolences with a moment of silence to follow in honor of Kenneth Orabona's father who recently passed away.

**III. Salute to the flag.**

**IV. Emergency Evacuation and Health Notification**

**V. Presentations: None**

**VI. Minutes:**

**A. Move that the minutes of the February 7, 2023 executive session meeting held pursuant to Rhode Island General Laws Section 42-46-5(a)(1) Personnel; to discuss and act upon authorizing the application of an accidental disability retirement for Joseph R. Carlton (the employee having been advised in writing of his right to have this matter acted on in open session) and to interview Ken Sousa, Joan Penswick, June Carlton, Gail Dwyer, and Jeanne Verity for possible appointment or**

**reappointment to a Town board or commission be approved as recorded and sealed.**

**Motion** is made by Member Tassoni seconded by Vice President Iannotti, that the February 7, 2023 executive session meeting be approved as recorded and sealed. **Motion is approved by a unanimous 5/0 vote.**

- B.** Move that the minutes of the February 7, 2023 open session meeting be approved as recorded.

Motion is made by Member Tassoni, seconded by Vice President Iannotti, that the February 7, 2023 open session meeting be approved as recorded. **Motion is approved by a unanimous 5/0 vote.**

**VII. Consider, discuss and act upon the following possible appointments and reappointments:**

- A. Juvenile Hearing Board appointment with a term expiring in September of 2023.**

**Motion** is made by Vice President Iannotti, seconded by Member Toppi, that the Smithfield Town Council hereby appoints Gail Dwyer as alternate on the Juvenile Hearing Board for a term expiring in September of 2023. **Motion is approved by a unanimous 5/0 vote.**

- B. Juvenile Hearing Board reappointment with a term expiring in September of 2025.**

**Motion** is made by Vice President Iannotti, seconded by Member Tassoni, that the Smithfield Town Council hereby reappoints June Carlton to the Juvenile Hearing Board for a term expiring in September of 2025. **Motion is approved by a unanimous 5/0 vote.**

- C. Budget and Financial Review Board reappointment with a term expiring in January of 2028.**

**Motion** is made by Vice President, seconded by Member Kilduff, that the Smithfield Town Council hereby reappoints Ken Sousa to the Budget and Financial Review Board for a term expiring in January of 2028. **Motion is approved by a unanimous 5/ 0 vote.**

- D. Housing Authority reappointment with a term expiring in January of 2028.**

**Motion** is made by Vice President Iannotti, seconded by Member Tassoni, that the Smithfield Town Council hereby reappoints Joan Penswick to the Housing Authority for a term expiring in January 2028. **Motion is approved by a unanimous 5/0 vote.**



**E. Water Supply Board Advisory Commission reappointment with a term expiring in December of 2025.**

**Motion** is made by Vice President Iannotti, seconded by Member Toppi, that the Smithfield Town Council hereby reappoints Jeanne Verity to the Water Supply Advisory Board Commission for a term expiring in December of 2025. **Motion is approved by a unanimous 5/0 vote.**

**VIII. Public Hearings:**

- A. Continue a public hearing to consider, discuss and act upon approving the renewal of an Intoxicating Beverage License, as applied, subject to compliance with all State regulations, local ordinances and a Certificate of Good Standing from the RI Division of Taxation.**

**INTOXICATING BEVERAGE LICENSE RENEWAL 2022-2023**

- 1. Copperfield’s Inc. d/b/a “Copperfield’s Bar & Grill”, 9 Cedar Swamp Road (approved for outdoor bar service)**

Acting Town Clerk Antonuccio states that this license is in order for approval.

Attorney Stefanie DiMaio representing “Copperfield’s”, Karim Menebhi, owner of “Copperfield’s” and Attorney Jason Dixon-Acosta are present. Attorney DiMaio explains to the members that this matter was on the council’s agenda for February 7, 2023, however, she was unaware of that.

Mr. Menebhi states that he was never notified of the continuance.

Hearing no further comments, President Lawton closes the public hearing.

Member Tassoni questions whether this establishment was unable to serve alcohol until the council approved the renewal. Solicitor Gallone states that this establishment was not able to serve alcohol until the council approved the renewal. Member Tassoni asks if alcohol was served prior to this meeting. Attorney DiMaio states that alcohol has not been served since receiving the letter. Member Tassoni questions if alcohol was served today. Attorney DiMaio no alcohol was served today.

**Motion** is made by Vice President Iannotti, seconded by Member Kilduff, that the Smithfield Town Council approve the renewal of an Intoxicating Beverage License, as applied, subject to compliance with all State regulations, local ordinances and a Certificate of Good Standing from the RI Division of Taxation.

**INTOXICATING BEVERAGE LICENSE RENEWAL 2022-2023**

- 1. Copperfield’s Inc. d/b/a “Copperfield’s Bar & Grill”, 9 Cedar Swamp Road (approved for outdoor bar service)**

**Motion is approved by a 4/1 vote. Member Tassoni votes nay.**

**XI. Licenses:**

**A. Consider, discuss and act upon approving the renewal of three (3) Mobile Food Truck Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.**

- 1. Palagi 2000, Inc. d/b/a “Palagi’s Ice Cream”, to sell only frozen lemonade and ice cream from a truck with RI Reg. 109950, 55 Bacon Street, Pawtucket, RI**
- 2. Rhode Island Kona, LLC d/b/a “Rhode Island Kona Ice” to sell only frozen from a truck with RI Reg. 21700, 4 Cider Lane, Smithfield, RI**
- 3. Stephanie Sebring d/b/a “Phlip Phlop’s Lobster Cart”, to sell lobster rolls from a truck with OR Reg. 508959, 25 Cherry Street, North Providence, RI**

**Motion** is made by Member Tassoni, seconded by Member Kilduff, that the Smithfield Town Council approve the renewal of three (3) Mobile Food Truck Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

2. Palagi 2000, Inc. d/b/a “Palagi’s Ice Cream”, to sell only frozen lemonade and ice cream from a truck with RI Reg. 109950, 55 Bacon Street, Pawtucket, RI
3. Rhode Island Kona, LLC d/b/a “Rhode Island Kona Ice” to sell only frozen ice from a truck with RI Reg. 21700, 4 Cider Lane, Smithfield, RI
4. Stephanie Sebring d/b/a “Phlip Phlop’s Lobster Cart”, to sell lobster rolls from a truck with OR Reg. 508959, 25 Cherry Street, North Providence, RI

**Motion is approved by a unanimous 5/0 vote.**

**B. Consider, discuss and act upon approving the renewal of two (2) Victualling Only Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.**

- 1. The Level 10 Nutrition Club, LLC d/b/a “The Level 10 Nutrition Club”, 10C Cedar Swamp Road**
- 2. The Sevigny Group, LLC d/b/a “Smithfield Fitness”, 970 Douglas Pike**

**Motion** is made by Member Tassoni, seconded by Vice President Iannotti, that the Smithfield Town Council approve the annual renewal of two (2) Victualling Only Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

1. The Level 10 Nutrition Club, LLC d/b/a “The Level 10 Nutrition Club”, 10C Cedar Swamp Road
2. The Sevigny Group, LLC d/b/a “Smithfield Fitness”, 970 Douglas Pike

**Motion is approved by a unanimous 5/0 vote.**

- C. Consider, discuss and act upon approving a new Victualling Only License for Smithfield Foods, LLC d/b/a “Sonic Drive In”, 393 Putnam Pike, with the hours of operation to be Monday through Sunday 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations and local ordinances.**

**Motion** is made by Member Tassoni, seconded by Vice President Iannotti, that the Smithfield Town Council approve a new Victualling Only License for Smithfield Foods, LLC d/b/a “Sonic Drive In”, 393 Putnam Pike, with the hours of operation to be Monday through Sunday 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a unanimous 5/0 vote.**

- D. Consider, discuss and act upon approving a new Victualling Only License for Plant City X Bryant, LLC d/b/a “Plant City X Bryant” 1150 Douglas Pike, with the hours of operation to be Monday through Sunday 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations and local ordinances.**

**Motion** is made by Member Toppi, seconded by Member Tassoni, that the Smithfield Town Council approve a new Victualling Only License for Plant City X Bryant, LLC d/b/a “Plant City X Bryant” 1150 Douglas Pike, with the hours of operation to be Monday through Sunday 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a unanimous 5/0 vote.**

**X. Old Business:** None

**XI. New Business:**

- A. Consider, discuss, and act upon potential next steps concerning a recent amendment to RI General Laws Chapter 3-5 entitled “Licenses Generally”.**

Town Manager Rossi explains that this item was brought to the Town’s attention by the Speaker about deciding what to do with the additional liquor license that was provided to the Town. Town Manager Rossi further explains that after speaking with the council members, possible options have been provided: repeal RIGL Chapter 3-5 subset D or create a process to come back to the council at a later date to determine how to issue that additional license.

President Lawton states this was supported by a previous council with a vote of 4/0. Town Manager Rossi states that a resolution was then passed and sent to the Speaker and Senate President.

Vice President Iannotti explains that he reviewed the statute and it does not make sense because the Town would be entitled to more licenses if the Town has less people because when you reach

a population of over 20,000, which we are over, you are entitled to only one (1) license per 6,000 residents, however, if you are below the population of 20,000, you are entitled to one license per 4,000.

Vice President Iannotti further explains that the General Assembly gave the Town an additional license because someone applied for, however, this license is now “hanging” and the Speaker has indicated the state would like it back, and he has also indicated that if another liquor license is necessary, the Town can reapply.

Town Manager Rossi states that Vice President Iannotti is correct in his interpretation, and the interested party was part of a development in Town that was looking to add on a high-end establishment at that time. Town Manager Rossi further states that, upon issuance, the Town received an application before a process was in place. Town Manager Rossi also states that at the time, the council tabled the issuance of that license with no end date. Town Manager Rossi feels that an end date should be established if a process is created.

Vice President Iannotti questions if there are currently any applicants. Town Manager Rossi states that there is one (1) applicant that applied. Acting Town Clerk Antonuccio states that other applications were received, and the Clerk’s Office occasionally receives calls about applying for that additional license.

Town Manager Rossi states that this additional license is not a common situation, which is why there was never a process established, and an applicant would only be able to apply if the license were to be transferred.

Director of the RI Liquor Operators Collaborative Nicholas Fede, Jr. explains that he represents all of the independent liquor retailers in the state, and is also a retailer himself. Mr. Fede further explains that these statutes exist because in the 60’s many municipalities over issued licenses.

Mr. Fede also explains that the 20,000 person threshold was for rural communities, and that statute states that a Town within that threshold can issue two (2) licenses without a limit. Mr. Fede states to limit drunk driving in rural communities the threshold was lowered to one (1) in 4,000. Mr. Fede further states that Smithfield is increasing their population base, and based on a review of the Town map, each quadrant is serviced by a liquor store. Mr. Fede also states that Smithfield would not be able to issue another license until the threshold of 30,000 residents.

Mr. Fede feels that in the spirit of lowering DUIs, public safety, and limiting access to alcohol, it would be prudent to not issue this license and allow the state to have it back.

Town Manager Rossi states that currently the Town could issue that license because of the legislation, however, if that language were to be removed, the Town would require 30,000 residents in order to be eligible for an additional license.

Vice President Iannotti questions the attempt made in 2020 by Senator Archambault to “pull back” the license in the General Assembly. Mr. Fede states that during the 2020 session the state was in flux, and he was not informed about this license because he would have testified.

Member Toppi reads the August 12, 2020 Valley Breeze article into the record.

Member Tassoni is in agreement with Vice President Iannotti. Member Tassoni feels that the law is inconclusive to “doing the right thing”.

Vice President Iannotti feels that if people are concerned about drunk driving and other alcohol related issues, the license should be given back to the state, and when the need arises, the Town can reapply.

Noberto Alvarato of 149 Mountaindale Road states that he was the former owner of “B & C Liquor”. Mr. Alvarato wants the members to be aware of potential legislation that would allow beer/wine to be sold in grocery stores and convenience stores, and should this legislation pass, the Town’s additional liquor license will be null and void. Mr. Alvarato suggests that the council repeal this legislation.

President Lawton questions whether the license will have to be issued if the council develops a process. Solicitor Gallone explains that the license does not need to be issued, but there will be a process place. President Lawton suggests having a work session. Solicitor Gallone states that a council could have a work session to discuss the process they would like to establish.

Vice President Iannotti does not feel that a “need” has been shown for an additional license.

Town Manager Rossi explains that there was a Senate bill introduced on July 16, 2020 by Senator Archambault to eliminate the provision. Member Tassoni states that the Senate was not in session at that time.

Kenneth Sousa of 2 Williams Road expresses his concern about the location. Mr. Sousa states the Route 7/116 is already a mess, and there are people in the area of the hotels that walk along these routes, jaywalking and there are no sidewalks. Mr. Sousa feels that his council needs to be very careful. Mr. Sousa also expresses his concerns about additional traffic due to another transactional business.

Mr. Fede states that the original applicant currently has a license, therefore, the need for this license has been quelled with that individual.

Member Tassoni states that a process needs to be developed, and everyone will be required to follow what the council puts in place in order to apply. Member Tassoni feels that argument is off the table.

Member Toppi questions why a process needs to be developed now when the Town’s population may be met in the coming years. Vice President Iannotti explains that the council will only develop a process if they decide to keep the license.

**Motion** is made by Member Tassoni, seconded by Member Kilduff, that the Smithfield Town Council hereby develop a process to issue that additional Class A liquor license created under RIGL 3-5-16 (d). **Motion is approved by a 3/2 vote. Member Toppi and Vice President Iannotti vote nay.**

**B. Consider, discuss, and act upon approving uncollectable motor vehicle and tangible tax abatements for tax years 2008 through 2012 in the amount of two hundred, seventy-seven thousand, seventy-nine dollars and twenty-seven cents (\$277,079.27).**

Town Manager Rossi explains that based on the Statute of Limitations on motor vehicle and tangible taxes, once ten (10) years is complete, they become uncollectable, and no legal action can be taken. Town Manager Rossi further explains that these abatements were not brought before the council during COVID, which is why there are additional years listed.

**Motion** is made by Member Tassoni, seconded by Member Kilduff, that the Smithfield Town Council approves the abatement of uncollectable motor vehicle and tangible tax accounts from 2008 to 2012. **Motion is approved by a unanimous 5/0 vote.**

**XII. Public Comment.**

Alfred Costantino of 16 Totem Pole Trail prefaces his comment with the following statements:

- His son bid on the new fire station located on Routes 7/116.
- It does not matter how long someone has lived in Town; everyone has the same rights. The present council has the responsibility to correct things that were done wrong. It is the council fiduciary responsibility to do that.
- The St. Onge family gave the corner lot to the Town for a fire station, and for years the Town did nothing with the land. It was later sold to Navigant Credit Union for \$400,000. Mr. Costantino questions where the \$400,000 went.

Mr. Costantino feels that the Town should have used that money to purchase another piece of property. Mr. Costantino states that in 2002 there was a fire station bond that was approved by the voters, and this bond was drawn from and interest is paid every year. Mr. Costantino further states there was another bond in 2018 in the amount not to exceed \$4.5M.

Mr. Costantino refers back to 2019 when the bid was advertised, and he put together the best bid proposal package together for the Town because his son's land was the best location for the fire station. Mr. Costantino states that there were only two (2) bidders, and his son had the lowest bid. Mr. Costantino further states that on February 2, 2016 a consultant's report costing \$15,000 which identified the Route 7/116 corridor as the best location for the fire station.

Mr. Costantino also states that he received an engineer's stamped plans, biologist's report, site plans, drench calculations, and DEM approval. Mr. Costantino explains that the land that was purchased only has wetlands delineation, which means nothing. Mr. Costantino further explains that his plans were ready to go out for site work.

Mr. Costantino reads the RFP which states that "the Town reserves the right to negotiate price and other terms with the selected bidder in a manner not prejudicial to fair competition".

Mr. Costantino explains that his son was the low bidder, and he had the ability to lower the price and do the site work to build the fire station. Mr. Costantino further explains that no letter was ever received. It is Mr. Costantino's opinion that the Town "ran away" from his son's proposal.

Mr. Costantino states that the Town then purchased the current property with solicitation, therefore, the process was not competitive. Mr. Costantino further states that he knows the owner and abutter of the property that was purchased and questioned why they never purchased the property, and the response was that there are numerous issues with it. Mr. Costantino feels if money has to be put into the property before work can commence, then you have the wrong piece of property. Mr. Costantino believes that with the site restraints on the property will not allow for the same size building as what could have been built on the property located on Route 7/116.

Mr. Costantino states that he had our two (2) State Representatives meet with the DOT, and he expected the Town to setup meetings with RI Economic Development, the Governor's Office, and anyone to see what could be done with the corner property. Mr. Costantino further states the Town never made an effort to purchase the corner property.

Mr. Costantino also states that the purchasers of the property when it was at auction had an obligation to the taxpayers and to build the fire station on the best suitable site, and this did not happen. Mr. Costantino does not understand why the Town was not at the auction.

Mr. Costantino explains with a bond in the amount of \$4.5M in place and the property, this has become a burden to the taxpayers of over \$10M. Mr. Costantino wanted the Town to have the best site for less money, which was his son's property, however, he was told the deal did not work. Mr. Costantino states that the deal could have worked because he had the ability to draft a lease or whatever the Town wanted.

Mr. Costantino expresses that he never received a letter and feels that is why others do not submit bids in this Town. Mr. Costantino believes that the Town should sell the land now to save the taxpayers money. Mr. Costantino also believes the Town should take its loss and get rid of it because this is turning into the same "false folly" as the Tasca Sand & Gravel Pit" that was purchased. Mr. Costantino reminds the members that once this complete, the traffic will become worse and it is not the best location. Mr. Costantino believes this was handled incorrectly, and he expects the council to do the right thing.

### **III. Adjournment.**

**Motion** is made by Member Kilduff, seconded by Vice President Iannotti, to adjourn the meeting.  
**Motion is approved by a unanimous 5/0 vote.**

Meeting adjourns at 8:15 p.m.

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Acting Town Clerk





# Town of Smithfield

64 FARNUM PIKE  
SMITHFIELD, RHODE ISLAND 02917  
Telephone: (401) 233-1041 - Fax: (401) 233-1091

## **ENGINEERING DEPARTMENT**

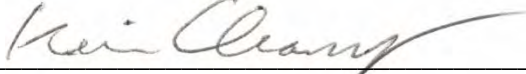
**Kevin Cleary, PE, LSIT**  
**Town Engineer**

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February 28, 2023

## **MEMORANDUM**

**TO:** Smithfield Town Council

**FROM:**   
Kevin Cleary, PE, LSIT, Town Engineer

**RE:** *2022 RIPDES Small MS4 Annual Report, Year 19*

Honorable Council:

### **SUBJECT:**

The year nineteen (19) Rhode Island Pollution Discharge Elimination System (RIPDES) Small Municipal Separate Storm Sewer System (MS4) Annual Report for 2022 has been completed in conformance with RIDEM's Phase II Storm Water Regulations.

### **BACKGROUND:**

In accordance to the Town Engineer's Memo dated January 23, 2023, the annual stormwater report has been made publicly available for comment through March 3, 2023. An advertisement was placed in the Observer/Valley Breeze and on the Town's website to notify the public that the draft annual report was available for comment.

A public hearing was requested at the February 7, 2023 Town Council meeting and scheduled for the March 7, 2023 Town Council meeting. This public hearing was scheduled in the event the Town received public comments from twenty-five (25) or more individuals, a governmental agency, a subdivision or an association having no less than twenty-five (25) members, on or before 4:00 PM, March 3, 2023 to discuss any comments.

### **FINANCIAL IMPACT:**

The Town allocates \$30,000 annually from the General Fund to support this required program.

### **BENEFITS:**

Maintain communication between the Town and the public and meet the RIPDES General Permit requirement section IV.G.2.h and IV.G.2.i.

**MOTION:**

*Move that the Smithfield Town Council accept the Year 19, 2022 RIPDES Small MS4 Annual Report as submitted including any attachments and amendments and authorize the Town Manager to submit to RIDEM, as required.*

ATTACHMENTS: A FULL copy of the Year Nineteen (19), 2022 RIPDES Small MS4 Annual Report is available on the Town's website or in the Town Engineer's Office. <https://www.smithfieldri.com/engineer/>

Cc: Randy R. Rossi, MBA, CGFM, Town Manager  
Gene Allen, Public Works Director

# WADSWORTH

From Page 1

\$838 per month for three bedrooms without utilities, according to Clare Fortin, director of Gemini Housing.

Tudino said the Wadsworth Avenue property's proposed purchase price is \$600,000 and in addition to the town's funds, Gemini will seek Rhode Island Housing Acquisition grant funding to complete the purchase. It would secure Rhode Island Low Income Housing Tax Credits and other available funding for the project.

Should Gemini not secure the property or grant funds to develop the project, Tudino said the non-profit will return the \$204,000 to the town.

The council voted 4-1 to approve the spending, with Councilor Rachel

Toppi against it. Toppi questioned Tudino and Fortin on why the developers chose not to build units for ownership, and Fortin explained that the Smithfield market needs affordable rental units.

Toppi added that she would prefer to see projects where there is less need for tree clearing.

Tudino said Gemini is looking for those types of projects, but they haven't been successful yet.

Smithfield currently has 435 affordable housing units representing 5.54 percent of the total housing stock, according to Town Planner Michael Phillips.

Phillips said in a memo that Smithfield needs developments such as this to make all of the proposed units available to be low-to-moderate-income housing for individuals and families if the town is going to

meet the 10 percent state-mandated goal.

During the Feb. 7 meeting, Phillips said that most developments propose 25 percent LMI. While he conceded that 38 units is not going to raise the LMI percentage very much, it's a step in the right direction.

"Every project that is 100 percent affordable, we're better off. We're never going to achieve that unless we get that 100," he said.

By his estimates, Smithfield will not meet the 10 percent state mandate until the year 2060, though Phillips said this project may get them there "marginally quicker."

The Wadsworth Avenue project will go before the Smithfield Planning Board for approval as a comprehensive permit plan, which promotes the development of LMI housing and helps push projects through.

## COLLEGE NEWS

**Mackenzie Jutras**, of Greenville, has been named to the fall semester dean's list at Providence College.

Smithfield residents **Ryan Borges**, **Paige McCreight** and **Caitlyn Cacador** have been named to the fall semester dean's list at Eastern Connecticut State University.

**Kathryn Rich**, of Smithfield, has been named to the fall semester dean's list with honors at Quinnipiac University.

The following local students have been named to the fall semester dean's list at Worcester Polytechnic Institute: **from Scituate**: Joseph Cardarelli and Tessa Phillips; **from Smithfield**: Mia Holroyd, Timothy Hutzley, Simon Rees, and Elijah Kennedy; **from Foster**: Julie Vieira.

**Nicole Corsi**, of Smithfield, has been named to the fall semester dean's list at the University of New England.

**David S. Ciancio**, of Scituate, and **Jacob R. Lincourt** and **Mia E. Gardner**, both of Smithfield, have been named to the fall semester dean's list at St. Michael's College.

**Kayla Krupa**, of Foster, and **Blaze Ras** and **Sean Rego**, both of Glocester, have been named to the fall semester dean's list at the College of the Holy Cross.

**Jordan Mcguire**, of Scituate, has been named to the fall semester dean's list at the University of Vermont.

**Alexander Dumas**, of Glocester, has been named to the fall semester dean's list at Siena College.

**Serena Roy**, of Smithfield, has been named to the fall semester dean's list at Hofstra University.

**Julia Olson**, of Scituate, has been named to the University of Saint Joseph dean's list for the fall semester.

**Joshua Ucran**, of Smithfield, has been named to the fall semester dean's list at Stonehill College.

## THE VALLEY BREEZE & Observer ABOUT US

The Valley Breeze is a locally owned newspaper

**Office location:** 6 Blackstone Valley Place, Suite #204, Lincoln, RI 02865  
**Hours:** 8:30 a.m. to 5 p.m. weekdays. Closed weekends and holidays.  
**Call us:** 401-334-9555  
**Fax:** 401-334-9994  
**Online:** www.valleybreeze.com

### READER SERVICES

#### DO YOU HAVE A STORY IDEA?

Contact Jacquelyn Moorehead at jackie@valleybreeze.com or call 401-334-9555, ext. 125. 24-hour, 7-day voice mail.

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• **Deadline:** Entertainment news is Friday at noon. All other news is Monday 3 p.m.

• **Submit:** We prefer receiving news via e-mail. Send yours to news@valleybreeze.com. You may also fax or mail your item. Receipt does not guarantee publication. Event marketing by for-profit businesses requires paid advertising.

#### DO YOU HAVE SOMETHING TO CELEBRATE?

Share the good news of your births, engagements, weddings and anniversaries. This is a free service. Pictures will be returned upon request.

• **Get forms:** Visit www.valleybreeze.com, click on "Celebrations" at left, and select a form; or call 401-334-9555; or stop by the office during business hours.

**OBITUARIES** - Obituaries cost \$99-\$138. They are posted online immediately, and placed in the first available paper. Check with your funeral director for details.

#### ARE YOU LOOKING FOR A PREVIOUSLY PUBLISHED STORY?

All current stories remain free online for one week after print publication. Older stories are now archived online back to July 2001. We're sorry, but we have few back issues of papers in our offices and cannot provide free library services.

• **Online:** Visit www.valleybreeze.com, and click on "Search The Breeze Archive." Use keywords to find old stories. Single stories cost \$2.95 through our Newsbank partners. Multi-story packages, which provide lower costs per story, are also available.

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## FOSTER-GLOCESTER REGIONAL SCHOOL DISTRICT PUBLIC HEARING

Ponaganset High School Library  
 137 Anan Wade Road  
 Glocester, Rhode Island

March 7, 2023 • 8:00 pm

To Discuss the Proposed 2023-2024 Budget

### TOWN OF SMITHFIELD NOTICE OF PUBLIC HEARING

Public Hearing Date: Tuesday, March 7, 2023  
 Time: 7:00 p.m.  
 Place: Smithfield Town Hall, 64 Farnum Pike, 2nd Floor

#### Repealing and Replacing Chapter 126 of the Code of Ordinances Entitled "Animals"

The public is welcome to any meeting of the Town Council or its subcommittees. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.

To view the full text of the proposed Ordinance for Chapter 126 entitled "Animals", please visit the office of the Smithfield Town Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.) or visit the Town's Web Site at: www.smithfieldri.com.

By order of the Town Council:  
 Lyn Antonuccio, MPA, CMC  
 Acting Town Clerk

### TOWN OF SMITHFIELD PUBLIC NOTICE OF PUBLIC HEARING DRAFT RIPDES PHASE II STORMWATER ANNUAL REPORT

A draft Phase II Stormwater Annual Report, prepared in accordance with the Rhode Island Pollution Discharge Elimination System (RIPDES) program general permit for facilities operated by regulated small MS4s, will be available for review at the Town Engineer's Office and at the Town's website starting February 17, 2023.

RIPDES Permit No.: RIR040034

Copies of the Phase II Stormwater Year Nineteen (19) Annual Report may be obtained at no cost by visiting the Town's website at www.smithfieldri.com/engineer and follow the links for the 2022 RIPDES Small MS4 Annual Report.

For any questions, contact:

Engineering Department, Town of Smithfield  
 64 Farnum Pike, Smithfield, RI 02917  
 Telephone Number 233-1041

The administrative record containing all documents is on file and may be inspected by appointment at the Town Engineer's Office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. **Should public comments be received, in writing on or before 4:00 p.m. March 3, 2023, a public hearing will be scheduled for the March 7, 2023, Town Council meeting at 7:00 p.m. in the Smithfield Town Hall.**

## Make a Woven Rainbow Fish at Hope Library

SCITUATE - Hope Library, 374 North Road, will host a Woven Rainbow Fish craft on Wednesday, Feb. 22, at 4 p.m.

Weave a colorful rainbow fish using construction paper strips. This session is for children ages 5-12. Call 401-821-7910 to register.

## Glocester Heritage Society meets Monday

GLOCESTER - The next meeting of the Glocester Heritage Society, located in the historic 1814 Job Armstrong Store, 1181 Main St., Chepachet, will be held on Monday, Feb. 20, at 2 p.m.

Planning of events for the upcoming year, including the fundraiser "Father Misgivings," with Dave Kane, that will be held at the Chepachet Grange on March 25, will be discussed. The meeting is open to the public and all are invited to attend and share fundraising ideas.

**Recommended Motion:**

That the Smithfield Town Council hereby authorizes the repealing and replacing of Chapter 126 of the Code of Ordinances entitled “Animals” sponsored by Councilman John J. Tassoni.

Section 1. Chapter 126 of the Smithfield Code of ordinances entitled “Animals” is hereby repealed in its entirety and replaced with a new chapter 126 entitled “Animals”.

## Article I General Provisions

### § 126-1 **Definitions.**

As used in this Chapter the following terms mean:

#### **ABANDONMENT**

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**

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**

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**

A constant access to a supply of clean, fresh, potable water provided in a sanitary manner.

#### **ADOPT**

When an adopting party voluntarily acquires and assumes responsibility for a dog or a cat from the animal shelter.

#### **ADOPTING PARTY**

Any person who enters into a contract acquiring a dog or cat from the animal shelter.

#### **AGGRESSIVE DOG**

- (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.
- (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**

The temperature surrounding the animal.

#### **ATTENDANT**

A person 16 years or older who brings a dog to the dog park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the outdoor facility.

#### **ATTRACTANT**

Any substance which could reasonably be expected to attract, or does attract, coyotes or other non-

domesticated animals, including, but not limited to, garbage, food products, pet food, carcasses, feed, grain.

### **ANIMAL CONTROL OFFICER or ANIMAL CONTROL WARDEN**

Any person employed, contracted, or appointed by the Town of Smithfield for the purpose of aiding in the enforcement of this article or any law or ordinance relating to the licensing of dogs, control of dogs, or seizure and impoundment of dogs and includes any state or municipal peace officer, animal control officer, animal control warden whose duties in whole or in part include assignments which involve the seizure or taking into custody of any dog.

### **ANIMAL SHELTER**

Any premises designated by action of the Town Council for the purpose of impounding and caring for animals found running at large in violation of this article.

### **AT LARGE**

Any animal shall be deemed to be at large when off the property of its owner and not under leash control of a competent person.

### **BREEDER**

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.

### **EXPOSED TO RABIES**

An animal has been exposed to rabies within the meaning of this article if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

### **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 PARK**

An enclosed-fence facility designated by the Town of Smithfield for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

### **FEEDING**

- (1) To give food to, or the act of giving sustenance or nourishment to,
- (2) The leaving of food of any kind where it is accessible to coyotes or other non-domesticated animals.

### **FOOD**

Any nutritious substance that animals eat or drink in order to maintain life and growth, for the context of article VI, all substances consumed by humans or animals for nourishment except grass and other vegetation, growing crops, and food that is canned or stored in sealed or closable containers

### **HOBBY BREEDER**

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 20 dogs or cats, or three 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**

Any person, group of persons, or corporation engaged in the commercial business of breeding, buying,

selling, or boarding dogs, or other animals commonly referred to as domesticated pets.

### **MEMBERSHIP CARD**

A membership card is necessary for entry and use of the Smithfield Dog Park. The membership card can be obtained through the Town Clerk's Office.

### **MINIMUM CARE**

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 § 126-16 .

### **MINIMUM VETERINARY CARE**

Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

### **NEUTER**

To surgically render a male dog or cat unable to reproduce.

### **OWNER**

Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs, or other animal or animals.

### **PROVOCATION**

The act of provoking. Something that provokes, especially by inciting, instigating, angering, or irritating.

### **RESTRAINT**

A dog is under restraint within the meaning of this article when such dog is restrained, and controlled by a leash; and/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.

### **SEXUAL MATURITY**

When a female dog or cat reaches six months of age and when a male dog or cat reaches eight months of age; in all instances the releasing agency will determine the age of the dog or cat.

### **SPAY**

To surgically render a female dog or cat unable to reproduce.

### **VISUAL CONTROL**

The attendant can see the dog(s) and is within 75 feet of the dog(s) at all times, while at the dog park.

### **VOICE CONTROL**

The attendant is within 75 feet of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant when so commanded, while at the dog park.

### **§ 126-2 Livestock at large.**

No horses, cows, sheep, swine, goats, fowl or other such animals shall go at large, loose, unfastened or alone, in any public highway, street, lane or byway, or on the land of any other person than the owner of such animals.

**§ 126-3 Permitted disposal of dead animals.**

The owner or person in charge of any horse, ox, mule, cow, sheep, dog or other large animal which shall die, shall, within 24 hours from the time the owner or person in charge of said animal shall learn of the death of said animal, bury the carcass of said animal in such manner that every part thereof shall be at least three feet beneath the natural surface of the earth, or shall within said 24 hours remove said carcass from the Town, or cause the same to be removed from the Town.

**§ 126-4 Prohibited disposal of dead animals.**

No person shall throw, place, put, leave or cause to be thrown, placed, put or left, the carcass, or any part thereof, of any dead animal, in any pond, stream, brook, river, lake or other body of water within the Town.

**§ 126-5 Confinement of certain dogs and other animals.**

- A. The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and shall not take such dog out of such building or secure enclosure unless such dog is leashed and securely muzzled.
- B. Every female dog or other animal in season shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a 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** above, found at large, shall be impounded by the Animal Control Warden and may not be reclaimed by its owner, unless such reclamation be authorized by any court having jurisdiction.
- D. Any dog or other animal, the first time it is impounded for being in violation of this article, may be reclaimed as provided in § **126-22A** above, but may not be reclaimed when impounded on second or subsequent occasion unless such reclamation is authorized by court having jurisdiction in the matter.
- E. When in the judgment of the Animal Control Warden, or any police officer in this Town, an animal should be destroyed for humane reasons, such animal may not be reclaimed. Humane reasons, in this case, shall be construed to mean animals severely injured or ill due to accident or mistreatment, or where it has been established by repeated violations of this article that the owner or owners have not properly cared for the animal.
- F. No wild animal may be kept within the Town limits. Any wild animal that are found at large and are a threat to humans or other animals, may be destroyed by the Animal Control Warden or any police officer of this Town, or captured and returned to its owner, or to the SPCA.

**§ 126-6 Cruelty to animals.**

A. Mistreatment of animals.

- (1) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to subject, or cause to be subjected, any animal to cruel treatment. It shall likewise be unlawful for any person to deprive, or cause to be deprived, any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.
- (2) Adequate food, water and shelter shall be provided as follows:
  - i. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
  - ii. All animals shall have access to a constant supply of clean, fresh water.



- iii. All animals shall be provided with adequate shelter from the weather and humanely clean conditions at all times.
- (3) Medical care. It shall be unlawful for any person in contact with or having knowledge of a sick, diseased or injured animal to fail or refuse to provide proper medical treatment for the animal or notify the animal control officer of the condition.
- B. Cruel treatment. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare or to procure any such actions to be inflicted upon any animal. Examples of cruel treatment include, but are not limited to, the following:
- (1) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
  - (2) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
  - (3) Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.
  - (4) Intentionally allowing animals to engage in a fight.
  - (5) Allowing animals to live in unsanitary conditions.
  - (6) Allowing animals to live in crowded conditions.
  - (7) Failure or refusal to obtain medical treatment for an animal when, in an animal control officer's opinion, such treatment is needed.
  - (8) Using lethal force against an animal, either on or off the owner's property, unless the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal.
- C. Impoundment. It shall be the duty of the chief of police, the animal control officer(s), any police officer, or their designees to seize and impound, subject to the provisions of this chapter, all animals that have been subjected to cruel treatment as defined herein whether such animal shall be in the immediate custody of its owner or otherwise. The animal control officer shall provide for suitable care, including medical care, as he/she deems necessary. Any animal impounded under the provisions of this section may not be reclaimed unless such reclamation is authorized by the animal control officer.
- D. Penalties.
- (1) Animal or animals owned or harbored by persons found in violation of this section shall be surrendered to the animal control officer; and/or
  - (2) Any person violating the provisions of this section shall be cited to appear before the Smithfield Municipal Court and be subject to fines as follows:
    - i. First offense: A fine of not less than \$100.00 nor more than \$500.00
    - ii. Second offense: A fine of not less than \$200.00 nor more than \$500.00
    - iii. Third offense: A fine not in excess of \$500.00, in accordance with section § 60-8 of the ordinances of the Town of Smithfield.
  - (3) Any person violating the provisions of this section shall reimburse the Town of Smithfield for expenses incurred in providing care required by this section.

#### § 126-7 **Traveling circuses**

- A. It shall be unlawful for any person or organization to conduct, sponsor, walk, exhibit, or operate a traveling show or circus that includes live wild or exotic animals on any public or private land within the town.

- B. This section shall not apply to domestic animals including, but not limited to, dogs, cats, horses, donkeys, and farm animals.
- C. This section shall not apply to educational exhibits.
- D. Violations of this section shall result in a fine not less than \$50.00, and not more than \$500.00, per animal. Each day the violation continues shall constitute a separate and additional violation.

§ 126-8 **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 without provocation, 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:
- C. Whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that any animal is a nuisance by reason of trespassing, howling, barking or other noise, damaging property, being vicious or by its actions potentially vicious, or in any other manner causing undue annoyance, without provocation, the animal control officer, if he finds such nuisance to exist, shall serve verbal or written notice upon the owner or custodian that such nuisance must be abated.
- D. If a dog growls, snaps at, runs after any person, runs after or chases any bicycles, motor vehicles, motorcycles, or any other vehicle being driven, the owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$50 plus applicable court costs.
- E. If a dog alone, in a pack, or in a park with other pets, bites or preys upon game animals, domestic animals, fowl, or human beings, the dog's owner or keeper will be cited and it will result in a mandatory appearance before the Smithfield Municipal Court and shall be subject to a fine not to exceed \$100 plus applicable court costs
- F. It shall be unlawful to allow or permit any animal to deposit feces on private or public property other than the property of the animal owner without immediately removing same. Any person that shall allow or permit any animal to deposit feces, without immediately removing same, on private or public property shall be punished by a fine of not less than \$50.00 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 **§126-6F** and penalties will be pursuant to section **§126-6F**.
  - (2) **Enforcement.** Any resident who witnesses a violation of the above section on their property or on a public sidewalk adjacent to their property may file a complaint with town animal control, providing all information necessary for a warning or citation to issue to the violator and promising to be available to testify in court should the complaint result in a citation being issued. The violator may receive a warning upon the first complaint. Upon the filing of a second or subsequent complaint against the same violator, a citation shall be issued, service of which

shall be deemed sufficient if mailed to the last known address of the violator. For the purposes of penalties, it shall be deemed a first offense when the first citation was issued.

- (3) **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.

- G. It shall be unlawful to allow or permit any animal upon those public areas designated as sport playing, practice fields, playgrounds, beaches, or venues. Any violations shall be punished by a fine of **Warning** for the first offense; not less than **\$50.00** for the second offense; and not less than **\$100.00** for the third and subsequent offense.

§ 126-9 **Enforcement of chapter.**

The provisions of this chapter shall be enforced by the Animal Control Warden of the Town of Smithfield and any police officer of the Town.

§ 126-10 **Investigation and right of entry.**

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

§ 126-11 **Interference with officer prohibited.**

No person shall interfere with, hinder or molest the Animal Control Warden or any police officer of this Town in the performance of duties, or seek to release any animal in the custody of the Animal Control Warden or any police officer, except as provided in this article.

§ 126-12 **Records of animal control officer.**

- A. it shall be the duty of the Animal Control Warden to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into custody.
- B. It shall be the duty of the Animal Control Warden to keep, or cause to be kept, accurate and detailed records of all animal bite cases reported and the investigation of the same.

§126-13 **Violations and penalties.**

- 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:
- (1) First offense \$50.00
  - (2) Second offense within a year \$75.00
  - (3) Third offense within a year \$125.00 impoundment of animal mandatory court summons
  - (4) Fourth offense within a year \$200.00 impoundment of animal, mandatory court summons
- B. Harboring an unlicensed dog
- (1) First offense within a year \$50.00
  - (2) Second offense within a year \$100.00, impoundment plus microchip of animal

(3) Third offense within a year \$200.00, impoundment plus microchip at owner's expense

C. Harboring an un-vaccinated animal

(1) First offense within a year \$100.00

(2) Second offense within a year \$200.00, impoundment of animal, mandatory vaccination at owner's expense

(3) Third offense within a year \$300.00, impoundment of animal, mandatory vaccination at owner's expense

D. All fines can be paid by mail within fifteen (15) days to the clerk of the municipal court, or if not paid within a fifteen-day period, a court summons is to be issued in the municipal court.

**§ 126-14 Mandatory spaying and neutering of dogs and cats adopted from animal shelter.**

A. Release of animal.

(1) The animal shelter shall not 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 animal shelter and/or the Animal Control Warden 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 adoption fee of such spaying or neutering to be the responsibility of the adopting party. 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 animal shelter's name, address, phone number, and the dollar amount of the cost to reimburse the town for previous spay and neuter or to have the animal spayed or neutered.

(2) Alternatively, the animal shelter 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. Exemptions.

(1) The following are exemptions from the provisions of Subsection A:

(2) The animal shelter returns a stray dog or cat to its owner;

(3) The animal shelter 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 such health condition is likely to be permanent;

(4) The animal shelter 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 animal shelter 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.

(5) The exemptions provided in Subsection A(1)(b) and (c) above shall only be applicable if the animal shelter receives said written report from a licensed veterinarian within the thirty-day period during which the spaying or neutering would otherwise be required, or in the case of a report contemplated by Subsection A(1)(b) above, said report may be provided to the animal shelter during any temporary extension period provided by Subsection A(1)(c) above if the health condition of the dog or cat has changed.

- (6) If requested to do so, the animal shelter shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal shelter 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.

**§ 126-15 Forfeited adoption fees.**

Adoption fees required by § **126-14** which are unused after 60 days from the date of adoption or 60 days from when the dog or cat reaches sexual maturity, whichever is later, or which any animal is returned to the animal shelter for any reason after 15 days, will be forfeited by the adopting party and retained by the animal shelter and shall be used for the following purposes:

- A. A public education program to prevent overpopulation in dogs and cats;
- B. A program to spay and neuter dogs and cats that are available for adoption by the animal shelter;
- C. A follow-up program to assure that dogs and cats adopted from the animal shelter are spayed or neutered; and
- D. To defray additional costs incurred by the animal shelter in complying with § **126-14**.

**§ 126-16 Penalties for violations.**

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

**§ 126-17 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.

**§ 126-18 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, this 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).

#### **§ 126-19 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.

#### **§ 126-20 Penalties for violations.**

- A. Any animal control officer may issue the person(s) in violation of sections §126-18 and §126-35 a fine of \$100.00 for a first violation, \$200.00 and seizure of animal for a second violation, and \$400.00 and the seizure of the animal for a third violation. Second and subsequent violations of sections §126-18 and §126-35 may be considered violation of R.I.G.L. § 4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of 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 well-being of the animal, and for the first offense, the owner is not immediately available to correct the problem, the animal may be seized and impounded for safekeeping.

#### **§ 126-21 Wild/exotic animals.**

Importing and/or possession of certain wild/exotic animals, as defined by the Rhode Island DEM Rules and Regulations Regarding Wild Animal Importation and Possession, are subject to permitting in accordance with rules and regulations promulgated by the Department of Environmental Management (DEM). The owner of any such wild/exotic animal that is found in the town and which has not been permitted by DEM shall be subject to a penalty of \$500.00, and confiscation as required by DEM.

#### **§ 126-22 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. It shall be the determination of the Animal Control Officer or police officer on scene if a violation has occurred and if extraction of said animal is required by any means necessary. Determination shall be made by simple observation or with the use of a thermometer.

- 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 R.I.G.L. § 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. (R.I.G.L. § 31-22-28)

**§ 126-23 Exemptions.**

- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where expressly stated.
- B. The licensing and vaccination requirements of this article shall not apply to any dog belonging to a nonresident of the Town and kept within the Town for not longer than 30 days, provided such dog shall at all times while in the Town be kept within a building, enclosure or vehicle, or be under leash restraint by the owner.

**Article III  
Piggery**

**§ 126-24 Prohibition.**

It shall be unlawful for any person to establish a piggery of any kind (that is, any place used for the keeping or slaughtering of pigs) in the Town, except as provided in § **126-23**.

**§ 126-25 Exception.**

Section **126-24** shall not apply to the raising of no more than two pigs in a Farming F Zone to be used as

show animals or for fairs and other similar exhibitions.

### Article III Dogs

#### § 126-26 **Dog restrictions; complaints.**

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

#### § 126-27 **Restraint.**

The owner shall keep their dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless such dog is under leash and under control.

#### § 126-28 **Impoundment.**

- A. Any dog found running at large shall be taken up by the Animal Control Warden and impounded in the animal shelter there confined in a humane manner for a period of not less than seven days, and will thereafter be disposed of in a humane manner if not claimed by its owner. Dogs not claimed by owners before the expiration of seven days, may be disposed of at the discretion of the Animal Control Warden except as hereinafter provided in the cases of certain dogs.
- B. The Animal Control Warden may transfer title of any dog held at the animal shelter to the Society for the Prevention of Cruelty to Animals after the legal seven-day detention period has expired and such dog has not been claimed by its owner.
- C. When a dog is found running at large, and its ownership is known to the Animal Control Warden, such dog need not be impounded, but such officer may cite the owner of such dog to appear in court to answer to charges of violation of this article.
- D. Immediately upon impounding a dog, the Animal Control Warden shall make every possible reasonable effort to notify the owner of such dog so impounded, and inform such owner of the conditions whereby custody of such dog may be regained.
- E. Any animal, other than a dog, found running at large within the Town 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 Town. The provisions of this section apply as well to any animal other than dogs, but to include dogs.

#### § 126-29 **Redemption of impounded dogs.**

- A. The owner shall be entitled to regain possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon the payment of impoundment fees set forth herein. (Proof of ownership might include a license receipt, affidavits of neighbors, a photograph, etc.)
- B. Any other animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- C. Any dog or other animal impounded under the provisions of this article, and not reclaimed by its owner within seven days, may be humanely destroyed by the Animal Control Warden, have its title transferred to the Society for the Prevention of Cruelty to Animals as provided in § **126-28B** above,



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 article and such other regulations as shall be fixed by the Town. Provided, however, 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.

**§ 126-30 Impoundment fees.**

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Warden or Animal Control Officer on duty of the sum of \$50.00 and the additional sum of \$5.00 for each full day such animal has been kept in the animal shelter. Impoundment fees set forth and such additional sums as herein provided for keeping animals shall be collected by the Animal Control Warden or Animal Control Officer on duty and turned over to the Town of North Providence Finance Department.

**§ 126-31 Temporary licenses.**

The Animal Control Warden is hereby authorized to issue temporary licenses for dogs owned or kept in the Town.

**§ 126-32 Permanent license and registration.**

Every owner or keeper of a dog shall annually in the month of April cause that dog to be licensed from the first day of the ensuing May in the office of the Town Clerk or The Town Animal Shelter; and shall pay to the Town Clerk or Animal Control Officer for a license so issued \$8.00, and all licenses issued under this provision shall be valid during the then current year; provided that any person who shall become the owner or keeper of a pet shall cause the same to be licensed as aforesaid within 30 days after he or she becomes the owner or keeper; provided, further, that no license shall be issued under this section unless the pet has been inoculated against rabies for the period during which said license would be valid.

**§ 126-33 Additional license fee; collection and disposition.**

In addition to the fee otherwise required by law for the issuance of a dog license, there shall be an additional charge of \$3.00 for each such license. Said \$2.00 fee shall be retained by the Town Treasurer in a separate account which shall be expended at the direction of the Town Council for the enforcement of laws pertaining to animals. The Town is required to collect a one-dollar (\$1.00) surcharge on each dog license issued by the municipality. The revenue generated by this surcharge shall be deposited in the town's spay/neuter account to fund low-cost spay/neuter programs.

**§ 126-34 Registration of aggressive dogs required**

- A. Any person having custody, ownership or control of an aggressive dog as defined in this article must register said dog with the town on a form provided by the town.
- B. Said form shall require the following information:
  - (1) Name, address and telephone number of the dog's owner;
  - (2) The address where said dog is harbored, if different from the owner's address; and
  - (3) Dog sex, color, rabies certificate, tag number and other distinguishing characteristics of the dog.
- C. No such dog shall be licensed for any licensing period, unless the owner or keeper of such dog shall meet the requirements set forth by the animal control officer.
- D. Any person having custody, ownership or control of a vicious dog as defined in this article must register said dog with the town on a form provided by the town.

E. Said form shall require the following information:

- (1) Name, address and telephone number of the dog's owner;
- (2) The address where said dog is harbored, if different from the owner's address; and
- (3) Dog sex, color, rabies certificate, tag number and other distinguishing characteristics of the dog.

F. No such dog shall be licensed for any licensing period unless the owner or keeper of such shall meet the requirements set forth by the animal control officer, and the restrictions pursuant to R.I.G.L. § 4-13.1.

### § 126-35 Care of dogs

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 113 square feet, or less than a six-foot 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 of the dog's total body weight.
- (3) Keep any dog tethered for more than ten hours during a twenty-four-hour period or keep any dog confined in an area or primary enclosure for more than 14 hours during any twenty-four-hour period, and more than ten hours during a twenty-four-hour 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 10:00 p.m. to 6:00 a.m., except for a maximum of 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).
- (6) 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. 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 minimum veterinary care as those terms are defined in section § 126-1.

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 section § 126-18. 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).

## Article IV Rabies Control

### § 126-36 **Quarantine procedure**

- A. Every animal which bites a person or animal shall be promptly reported to the Animal Control Warden, shall thereupon be securely quarantined at the direction of the Animal Control Warden as set forth in the State of Rhode Island Manual for Rabies Management and Protocols, and shall not be released from such quarantine except by written permission of the Animal Control Warden. At the discretion of the Animal Control Warden, such quarantine may be on the premises of the owner, at the Town animal shelter (at the owner's expense) the sum of \$50.00 impoundment, and \$15.00 per day the animal is secured at the animal shelter, or (at the owner's option and expense) in an approved veterinary hospital of choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at a shelter designated by the Animal Control Officer.
- B. The animal owner, upon demand by the Animal Control Officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, and upon payment of fees set forth in § 126-30.
- C. When rabies has been diagnosed in an animal under quarantine, or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the Animal Control Warden shall immediately send the head of such animal to the State Health Department for a pathological examination and shall notify the proper public Health Officer of reports of human contacts and the diagnosis.
- D. When one or both reports indicate a positive diagnosis of rabies, the Animal Control Warden shall

recommend an area-wide quarantine for a period of 90 days, and upon invoking of such emergency quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such quarantine, no animal may be taken or shipped from the Town without written permission of the Animal Control Warden. During this quarantine period, and as long afterward as necessary to prevent the spread of rabies, the Health Officer shall require all dogs, three months of age and older, to be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of US Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for 30 days after vaccination. During the quarantine period, the Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the Town. Any animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be claimed during the period of the rabies emergency quarantine, by special authorization of the Health Officer and the Animal Control Warden.

- E. Dogs or cats exposed to wildlife shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, shall be quarantined or strictly confined as set forth in the State of Rhode Island Manual for Rabies Management and Protocols to include the above mentioned fees for quarantine at the Animal Shelter.
- F. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.
- G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided; nor remove any such animal from the Town limits without written permission from the Animal Control Warden.
- H. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Warden.
- I. The Animal Control Warden shall direct the disposition of any animal found to be infected with rabies.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Warden.

#### § 126-37 **Reports of bite cases.**

It shall be the duty of every physician or other medical practitioner to report to the Animal Control Warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

#### § 126-38 **Responsibilities of veterinarians.**

It shall be the duty of every licensed veterinarian to report to the Animal Control Warden any animal considered to be a rabies suspect.

#### § 126-39 **Vaccination.**

No dog or cat over four (4) months old shall be permitted within the Town limits unless such dog or cat shall have been vaccinated or immunized in the manner set forth in this article within a period of 12 months, if such dog or cat shall have been vaccinated or immunized with the one-year vaccine; or within a period of 36 months, if such dog or cat shall have been vaccinated or immunized by the three-year vaccine.

#### § 126-40 **Use of approved vaccine; certification.**

The vaccination or immunization referred to in § 126-39 shall be by a vaccine approved by the State Department of Health and shall be certified to by a licensed veterinarian. Such certificate shall be dated as of the date of inoculation or vaccination, shall show the rabies tag number, the sex and breed of dog and the owner thereof, and whether the vaccine given is the one-year vaccine or the three-year vaccine, together with

such other information as may reasonably be required by the Health Officer or the veterinarian administering the same.

§ 126-41 **Certificate prerequisite to license.**

No license shall be issued for any dog required to be licensed in the Town unless the person making application therefor shall first present the person duly authorized to issue such license a current certificate of vaccination or inoculation, as provided in this section, for the dog for which the license is requested. Such certificate shall certify that the dog for which the license is to be issued has been properly vaccinated or inoculated in accordance with the provisions of this article.

§ 126-42 **Unlawful ownership of unvaccinated dogs.**

It shall be unlawful for any person to own, keep or harbor any dog over six months old within the Town, unless such dog shall have been vaccinated or inoculated in accordance with the provisions of this article.

§ 126-43 **Impounding of unvaccinated dogs.**

- A. Any dog over six months old found within the limits of the Town without evidence that such dog has been vaccinated or inoculated in accordance with the provisions of this article shall be impounded by any police officer of the Town or other authorized person for a period not exceeding seven days, during which time such dog may be returned to its owner upon proof of ownership, vaccination of the dog and payment by such owner of the fees provided in § 126-30 hereof.
- B. At the expiration of the seven-day period above mentioned, any dog not so claimed by its owner shall be disposed of in accordance with § 126-29.

## Article V **Animal Shelter**

§ 126-44 **Reserved.**

§ 126-45 **Cremation fees.**

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

## Article VI **Feeding of Non-Domesticated Animals**

§ 126-46 **Feeding non-domesticated animals.**

**A. Purpose.**

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

**B. Prohibitions.**

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

or other enclosure.

- b. No person shall leave, store, or maintain any food or attractant in a manner, area, or location accessible to coyotes or other non-domesticated animals.
- c. The feeding of any waterfowl, duck, or swimming game bird on any park, playground, conservation area, lake, pond, or waterway, owned or under the control of the Town or any of its agencies is hereby prohibited.

**C. Exceptions.**

- a. Food for birds that is in a feeder located within 100 feet of the resident of the person establishing the feeder and elevated to be inaccessible to coyotes and other non-domesticated animals.
- b. Any lawful trapping by a property owner, licensed nuisance wildlife control specialist (NWCS), animal control officer or RI DEM official or other purpose approved by the animal control officer.

**D. Penalty for violation.**

Violations of any provisions of this article are punishable by a fine of \$100.00 for the first offence and \$500.00 for second and subsequent offences; each day of violation shall constitute a separate offence.

## Article VII

### **Spay and Neuter Program for Cats**

**§ 126-47 Findings, purpose and intent**

A. The town council finds and determines that:

- (1) Due to the large number of stray and abandoned cats, euthanasia is not a cost effective, acceptable or ethical solution to the threats of public health and safety posed by large populations of stray domestic animals.
- (2) Stray and abandoned pets, specifically cats, create numerous public health and safety problems, including transmission of disease and traffic hazards created by cats running loose on public streets.
- (3) A permit system for breeding of cats owned or harbored in the town combined with a program for spaying/neutering is a reasonable and effective means of reducing the population of abandoned or stray cats, and for eliminating the practice of euthanizing homeless cats except those for whom euthanasia is an escape from suffering or necessary to protect people and/or other animals from vicious behavior.

B. *Declaration of intent.* The town council hereby finds and declares that it intends to provide for the public health, safety and welfare through a program requiring spaying and neutering cats unless appropriate permits are acquired.

**§ 126-48 Spaying/neutering.**

- A. No person shall own or harbor, within the town any cat over the age of six months which has not been spayed or neutered, unless such person holds either a license to keep an unaltered cat or a license and permit for breeding cats issued by the town animal control officer, or the owner submits to the animal control officer a letter from a licensed veterinarian stating that it would be

inappropriate to spay/neuter the cat due to age, health, or illness. The owner of any cat over the age of six months is responsible to provide proof of spay/neuter through records or certificate of examination by a licensed veterinarian to the animal control officer within seven days of a request for said records by the animal control officer.

- B. An "intact" permit shall be issued for an unaltered cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit. An "intact" permit may be issued by the ACO to an individual who refuses to spay or neuter their cat. The fee for such a permit shall be \$100.00 per year. All funds from "intact" permits shall be deposited in the town's spay/neuter account.
- C. Any person, who keeps, has custody, owns, maintains, harbors, provides care or sustenance for, has control or charge of or responsibility for a cat or who permits a cat to habitually be or remain on or be lodged or fed within such person's property or premises, and any refusal to permit any animal control officer to impound such cat shall be deemed evidence of ownership unless ownership of the cat by another party is established pursuant to Rhode Island General Law § 4-22-2.
- D. Subsection (C) above shall not be interpreted to apply to a person caring for a colony of feral cats if such person:
  - (1) Registers (at no charge) with the town as a caretaker for feral cats;
  - (2) Regularly feeds or arranges for the feeding of the colony, including on weekends and holidays;
  - (3) Traps all feral cats over the age of eight weeks in their care, and has them spayed or neutered or identifies to animal control those cats deemed unable to be trapped;
  - (4) Has all trapped cats tested for feline aids and leukemia and has those who test positive humanely euthanized or isolated indoors;
  - (5) Identifies feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging;
  - (6) Has all trapped cats vaccinated according to state and local laws.

§ 126-49 **Breeding permits.**

- A. No person shall cause or allow any cat owned or harbored in the town to breed without first obtaining a breeding permit under this section.
- B. Town animal control shall administer a permit program to allow breeding of cats consistent with criteria and according to procedures contained in the town ordinances.
- C. Each applicant who is issued a permit to breed cats under this section shall pay an annual breeding permit fee of \$100.00 per cat.
- D. No person shall cause or allow the breeding of a male or female cat without first obtaining a breeding permit issued by animal control. Breeding permits shall be valid for 12 months, renewable on an annual basis. Fees for such permit shall be as set forth. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:
  - (1) No offspring may be sold or adopted and permanently placed until reaching an age of at least eight weeks.

- (2) No offspring may be sold or adopted until immunized against common diseases.
- (3) If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six months, the permit holder shall accept return of the animal if healthy and shall become fully responsible for its care.
- (4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing any animal bred by the permit holder.
- (5) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the animal control and state law.

**§ 126-50 Revocation of permit.**

- A. Any permit issued may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:
  - (1) The permittee has violated any state or local ordinances relating to the keeping, care or use of any animal.
  - (2) The permittee is in violation on any state health or safety law or regulation regarding animal care or control;
  - (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this article;
  - (4) The permittee refuses to allow inspection, upon 48 hours' written notice, of any cat covered by the permit or the premises on which the animal is kept; or
  - (5) The permittee has transferred, sold or otherwise disposed of the cat for which the permit was issued.
- B. If, after investigation, the animal control officer concludes that it is probable that one or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of the permit and shall specify a date and time for an informal hearing to be held before an animal control officer. Said date shall be not less than five days subsequent to the date the notice is mailed. If the health or well-being of the animal is in danger, the animal control officer may take custody and control of the animal until such time that a hearing is conducted. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit.

**§ 126-51 Penalty for violation.**

Any person who violates the provisions of this act shall be subject to a \$100.00 fine. In the case of an unneutered cat said person shall have no more than 30 days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating that arrangements have been made to spay or neuter their cat(s). The ACO may inform persons subject to this law to the availability of reduced cost or free of cost spay/neuter programs sponsored by local humane organizations. If an animal is not spayed or neutered within 30 days of notice, they shall be subject to a \$100.00 fine for each 30 days the subject animal is not spayed or neutered.

**Article VIII**



## **Harboring of Cats**

### **§ 126-52 Purpose.**

It is the purpose of this division for the town to adopt, by ordinance, guidelines and limits with regard to the harboring of cats within the town in order to improve the quality of life in the town, to reduce conditions that adversely affect the public health, safety and general welfare of the town and its inhabitants and to generally promote public health, safety, and welfare of the town.

### **§ 126-53 Number of cats; limitation.**

It shall be unlawful for any person to own, keep or harbor more than three cats within or about their dwelling or place of abode. A grandfather clause is added for any persons having three or more cats prior to the adoption of the ordinance from which this division is derived. If, for any reason, the ACO is called to the premises, all paperwork and license must be given for each cat, so proof of the ownership be known prior to the adoption of the ordinance from which this division is derived. Only one litter of offspring may be kept on the premises until the age of four months.

### **§ 126-54 Impoundment of excess cats.**

If an owner keeps or harbors more than three cats within or about their dwelling or place of abode, then said cats shall be impounded by any police officer or any other authorized person for a period, not exceeding five days, during which period such cat may be returned to the owner upon proof that said owner has reduced the number of cats within or about their dwelling or place of abode to a number in accordance with this division. At the expiration of a five-day impoundment, if the owner has not reduced the number in accordance with the limits set forth in this division so as to allow the return of the cats in the town's possession, then said cats shall be held for a 30-day period from the time of the town's possession to allow time for adoption or fostering, unless otherwise medically proven sick or feral. This pertains to all cats. Each cat adopted from said shelter or organization shall have all paperwork on the foster care person's premises stating that each cat has been altered/feline, tested negative for leukemia and up to date on all shots. Also, that each foster parent has papers of permission on the premises from the shelter or organization from where the cats belong, stating that they are solely responsible for said cats while in their care. All foster homes must be registered with the town animal control office. At the expiration of the five-day impoundment and the 30-day foster/adoption period, if the owner has not reduced the number in accordance with the limits set forth in this division so as to allow the return of the cats in the town's possession, or, in the alternative, said cats have not been adopted or fostered as provided herein, then said cats can be disposed of at the discretion of the animal control officer in the same manner as provided by the article for dogs.

### **§ 126-55 Reclamation.**

Any cat impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Warden or Animal Control Officer on duty the sum of \$50.00 and the additional sum of \$5.00 for each full day such animal has been kept in the animal shelter. Impoundment fees set forth and such additional sums as herein provided for keeping animals shall be collected by the Animal Control Warden or Animal Control Officer on duty and turned over to the Town of North Providence Finance Department.

### **§ 126-56 Enforcement.**

The animal control officer and/or police department shall be responsible for the enforcement of this article.

## **Article IX Smithfield Dog Park**

### **§ 126-57 Establishment of park.**

There is hereby established within the Town of Smithfield a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an attendant who is competent and

knowledgeable relative to the behavior of said dog(s).

**§ 126-58. Committee established.**

There is hereby established a Smithfield Dog Park Committee with the powers set forth in this chapter.

**§ 126-59. Membership.**

The Smithfield Dog Park Committee shall consist of three (3) members, appointed by the Town Council from among the qualified voters of the Town, each to serve a term of three years, with the terms so arranged that the term of at least one of the members shall expire each year. In the event of a vacancy on the Committee, the Town Council shall make an interim appointment for the remainder of the unexpired term. Members of the Committee shall represent the dog community in the Town of Smithfield.

**§ 126-60. Organization.**

The Committee shall organize annually and, by election, shall select from its membership a Chair and Vice-Chair and may adopt any rules of procedure deemed necessary in discharging its duties.

**§ 126-61. Quorum.**

Two members of the Board shall constitute a quorum.

**§ 126-62. Duties and purposes.**

The general duties and purposes of the Smithfield Dog Park Committee are as follows:

- A. Volunteer and recruit additional volunteers to help maintain the condition of the park to ensure cleanliness, health and safety.
- B. Recommend to the Town Council necessary rules and regulations for the dog park.
- C. Promote education on dog safety.
- D. Plan special events.
- E. Develop fundraising strategies and solicit donations to fund improvements to the park.

**§ 126-63. Advisory nature of Committee.**

The Committee shall be advisory in nature and shall not replace or duplicate the duties of the Town Council. The Committee may seek municipal assistance through the Town Manager.

**§ 126-64 Park operations.**

- A. The Town of Smithfield Animal Control under the direction of the Police Department shall have authority to control the dog park and to make reasonable rules for its operation that are consistent with this article. The dog park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather.
- B. Dog park rules:
  - (1) Owners/attendants must obey all posted park rules. Anyone to be found in violation is subject to removal and may be subject to fines.
  - (2) The dog park is open from sunrise to sunset. Use is prohibited after 9:00 p.m. Owners/attendants must obey posted park hours.
  - (3) Owners/attendants must be registered and obtain a membership card from the Town Clerk's Office.
  - (4) Owners/attendants must be 16 years of age to enter the park.
  - (5) Children under the age of 16 must be accompanied by an adult and be closely supervised.
  - (6) No more than two dogs per owner/attendant shall be allowed in the park.

- (7) Owners/attendants must ensure all dogs are current on all required vaccinations.
- (8) All dogs must be free of diseases, parasite free, and have no visible wounds or injuries.
- (9) Owners/attendants enter the park at their own risk and are legally and financially responsible for any damage caused by their dogs to another person, dog or park property.
- (10) Owners/attendants must have visual and voice control of their dogs and control excessive barking at all times.
- (11) Owners/attendants must clean up after their dogs.
- (12) Dogs with a known history of dangerous/aggressive behavior are prohibited.
- (13) Dogs must wear collars or harnesses at all times.
- (14) Food of any kind, toys, and glass containers are not permitted inside the park.
- (15) Smoking and the consumption of alcohol are prohibited inside the park.
- (16) Dogs under four months of age are prohibited.
- (17) Dogs must be spayed or neutered.
- (18) Leaving dogs unattended is prohibited.
- (19) Owners/attendants must carry a leash for each dog at all times and must attach the leash to the dog(s) when outside of the park.
- (20) Aggressive owners/attendants and dogs will be asked to leave the park and may be prohibited from future use.
- (21) Owners/attendants must report all bites to the Smithfield Animal Control Officer immediately by calling 233-1055. Dogs who bite will be removed and the owner/attendant shall be subject to fines.
- (22) The use of bicycles, rollerblades/skates, skateboards and similar equipment is prohibited.
- (23) Motorized vehicles and devices, except for wheelchairs for the disabled, are prohibited.
- (24) Professional dog trainers are prohibited from using the park for the operation of their business.
- (25) Camera surveillance is in use. If any known violations of park rules is witnessed, please immediately report to the Smithfield Police Department by calling 231-2500.

**§ 126-65 Responsibilities of dog park users.**

- A. Each attendant using the park is responsible for reading the rules of the dog park on first entering it.
- B. The attendants must ensure that their dogs are legally licensed and are current on all vaccinations, to include: rabies, distemper/parvovirus, and Bordetella (kennel cough), and that their dogs are spayed or neutered. Proof of current licensing, vaccinations, and spaying/neutering must be presented at registration, in order to be issued a membership card to access the park. Registration sites, dates and times are subject to the discretion of the Police Department and Animal Control and may take place at annual rabies clinics and/or additional times throughout the year. Attendants are required to register and sign a liability waiver to utilize the park each year, at which time their membership cards will be issued for their dog(s). Said membership cards will expire within one year. Requirements can be checked periodically by the Smithfield Police Department and Animal Control, who may establish rules relative to the periodic renewal of membership cards.
- C. An annual membership registration is required by all attendant for use of the dog park. A membership card will be generated electronically at the time of registration and should be available when using the park. Non-Smithfield residents will be charged \$25 per household annually at the time of registration or renewal. Said fee will be deposited into the Town of Smithfield dog park fund or an alternative fund utilized specifically for annual costs of maintenance, supplies, and other costs associated with the dog park.

- D. All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries. Requirements can be checked periodically by the Smithfield Police Department and Animal Control, who may establish rules relative to the periodic renewal of membership cards.
- E. No more than two dogs per attendant shall be allowed in the dog park.
- F. The attendant of the dog(s) shall remain inside the enclosed dog park and have visual and voice control of their dog(s) at all times. Dogs shall not be left unattended at or inside the facility.
- G. All dogs must be wearing a collar or a harness.
- H. The attendant of any dog(s) using the facility must have in their possession a leash that must be attached to said dog(s) when outside the facility area.
- I. The attendant must also have in their possession at all times while inside the park the membership card issued by the Town of Smithfield.
- J. The attendant shall control excessive barking.
- K. Food, toys, and glass containers are not permitted in the dog park. Smoking is prohibited in the dog park.
- L. The attendant is responsible for destruction caused by their dog, which includes the responsibility of filling in any holes the dog digs while in the park.
- M. The attendant must remove their dog(s) when they become engaged in excessive barking or are fighting with other dogs.
- N. The attendants of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated receptacles.

**§ 126-66 Regulations regarding minor children.**

While inside the facility, children under the age of sixteen (16) shall be accompanied by an adult attendant who shall be responsible for the child's proper behavior and safety. Such children are not permitted to excite or antagonize any dogs using the facility by any means, including, but not limited to, shouting, screaming, waving their arms, throwing objects, or running at or chasing dogs.

**§ 126-67 Prohibited actions.**

To ensure the safety of the dogs and attendants, the following shall not be permitted at or within the dog park facilities:

- A. Animals that are not dogs.
- B. Dogs under the age of four months.
- C. Any sexually intact dog, male or female. (All dogs must be spayed or neutered and supply proof upon registration.
- D. Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans.
- E. The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment.
- F. Motorized vehicles and devices, except for wheelchairs for the disabled.
- G. Glass bottles and similar breakable containers.
- H. Alcoholic beverages.
- I. Smoking or vaping.
- J. Food of any type, including dog biscuits/treats.

K. Professional dog trainers may not use the facility in conjunction with the operation of their business.

**§ 126-68 Liability.**

- A. All individuals who utilize the dog park shall comply with all rules and regulations governing the use of the facility.
- B. The owners and/or attendants are responsible for and liable for all injuries and damages caused by their dog(s).
- C. The use of the dog park shall constitute the implied consent of the dog owner and/or attendant to abide by all of the rules and regulations of this article and shall constitute a waiver of liability to the Town of Smithfield for any and all violations of any provisions of this article. All individuals utilizing the dog park agree and undertake to protect, indemnify, defend, and hold the Town of Smithfield harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is (are) unleashed at the facility or for the violation of any of the provisions of this article.

**§ 126-69 Dangerous dogs.**

Any owner or handler of a dog that has been designated as dangerous, or which he or she has reason to know is dangerous, shall not bring such a dog into a dog park or off-leash area. Violation of this provision shall be cause for termination of any privileges associated with the use of the facility and shall be subject to a fine of \$100.00. This provision shall not negate any other penalties that may apply for harboring a dangerous dog.

**§ 126-70 Dog bites.**

A dog bite occurring in a dog park or off-leash area shall be reported to the local police or Animal Control Officer by anyone involved or anyone witnessing such event, or by a physician or veterinarian or other health service provider treating the victim of a bite. A set of rules governing the operation of the facility shall be posted at the entrance to the dog park and shall include the phone number of the Smithfield Animal Control Division and Smithfield Police Department. Each dog bite occurring at the facility shall be reported to Smithfield Animal Control, and the owner shall be subject to the following: for a first violation, a fine of \$50.00; for a second or subsequent violations, a fine of \$100.00. Said fines will be deposited into the Animal Control Fines and Fees Fund. The Smithfield Police Department and Smithfield Animal Control Officers shall be authorized to enforce the provisions of this article.

**§ 126-71 Dog parks and off-leash areas: general provisions.**

- A. The Town of Smithfield may establish and maintain parkland to be designated for off-leash dog areas and dog parks.
- B. No person shall use a dog park for any commercial purpose. Professional dog walkers, whose business is to walk dogs for private individuals, may bring no more than two registered dogs at any one time. Violation of this restriction shall be subject to a fine of \$50.00 per incident.
- C. The Town of Smithfield may designate hours for the use of the dog park, which shall preclude use of the park after 9:00 p.m. and before 7:00 a.m., or during hours of daylight. The Town of Smithfield may specify times when the park will be closed so that the park can be cleaned and the park authority may mow the lawn and take care of any plants or facilities inside of a dog park or off-leash area.
- D. The Town of Smithfield may close the park for an extended time if necessary for repairs and maintenance and other necessary modifications. Notice of such closure shall be posted at the entrance of the dog park or off-leash area at least one week before the first day of such closure and shall state the reason and expected duration of the closure.
- E. The Town of Smithfield shall provide or assure the installation of appropriate fencing, with a double-gated entrance area for each section of the dog park. Dog parks may be divided into large- and small-dog sections, with the difference between the sections determined by the weight of the dog, such weight to be 25, 30, or 35 pounds. Dog park rules may specify that individuals with both small and large dogs must use the large-dog area if one of the dogs fits in the large-dog category.

- F. The Town of Smithfield must post a notice stating that all handlers using a dog park or off-leash area do so at their own risk, and that the Town of Smithfield shall not be liable for any injury or damage caused at the dog park. This provision does not preclude a handler from seeking damages from another user of the park under either statutory or common law.

**§ 126-72 Dog park site guidelines and specifications.**

- A. Dog parks in the Town of Smithfield shall be no less than 5,000 square feet in area, though off-leash areas can be of any size satisfactory to the needs of the area. Parks of less space can be considered on prior approval of the Town.
- B. A dog park shall be located on well-drained land to prevent soil erosion and shall sit at least 50 feet from surface waters that drain into any river or creek; the surface shall allow for drainage away from the site in a manner that mitigates waste management issues. Where possible, under-utilized areas should be considered.
- C. A dog park may be located near a water supply line for drinking fountains (dog and human) and for maintenance purposes.
- D. The Smithfield Dog Park Committee and Town Council will adopt and post rules for the Dog Park or off-leash area in type large enough to be easily read by those entering the park.
- E. A dog park must be ADA compliant and meet all design standards as well as laws required by ADA regulations.

**§ 126-73 Enforcement and safety/security.**

- A. A person found to be in violation of this article and/or the dog park rules is subject to removal from the facility and may be prohibited from future use of the dog park.
- B. A person who violates any provision of this article or the dog park rules shall, for a first violation, be subject to a fine of \$50.00. A person who violates any provision of this article or dog park rules shall, for second or subsequent violations, be subject to a fine of \$100.00 and shall authorize the Smithfield Police Department and Animal Control the ability to immediately seize their membership card and call for immediate removal as well as all privileges associated with any future use of the dog park. Said fines will be deposited into the Animal Control Fines and Fees Fund.
- C. Any act of aggression by a dog(s), including dog bites inflicted on another dog or a human(s), shall authorize the Smithfield Police Department and Animal Control the ability to immediately seize the membership card and call for immediate removal as well as all privileges associated with any future use of the dog park.
- D. The attendant must have in their possession at all times while inside the park the membership card issued by the Town of Smithfield. The membership card shall be displayed in such a manner that it is plainly visible on the attendant's outer clothing.
- E. The Dog Park Committee and designated dog park monitors shall be empowered to contact the police and the animal control authority to enforce dangerous and vicious dog rules and to arrange for the removal of abandoned dogs and dogs that should be impounded to determine the possibility of disease.
- F. The Smithfield Police Department and Smithfield Animal Control Officers shall be authorized to enforce the provisions of this article. Law enforcement authorities and the local animal control authority may enforce all state and municipal laws under their jurisdictions that apply to dog parks, which shall include the authority to remove and impound dangerous dogs, restrain and impound dogs biting individuals or other dogs for rabies inspections, arrest individuals for violations occurring in dog parks, and all other aspects of their authority that may be exercised in the area of the dog park.

## **Retail Sales of Dogs and Cats**

### **§ 126-74 General provisions.**

#### **A. Definitions.**

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

#### **COMMERCIAL ESTABLISHMENT**

Any for-profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats.

#### **NONPROFIT RESCUE ORGANIZATION**

Any Rhode Island nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501(c)(3) whose mission and practice is, in whole and significant part, the rescue and placement of dogs or cats; or any nonprofit organization that is not exempt from taxation under Internal Revenue Code Section 501(c)(3) but is currently an active rescue partner with a Town shelter or humane society, whose mission is, in whole and significant part, the rescue and placement of dogs or cats.

- (2) The definitions set forth in Rhode Island General Law § 4-19-2 and § 4-25-1, as may be amended from time to time, are hereby incorporated, adopted and specifically included in this definitions section as if set forth in full at all times.
- B.** It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat in any pet store, retail business or other commercial establishment located in the Town of Smithfield.
- (1) Persons qualifying as a hobby breeder under Rhode Island General Law § 4-19-2(17) and considered exempt as a seller under § 4-25-1(4) shall be exempt from the provisions of this article.
- C.** Nothing in this section shall prevent the owner, operator, or employees of a pet store, retail business, or other commercial establishment located in the Town from providing space and appropriate care for animals owned by a Town animal shelter or animal control agency, humane society, or nonprofit rescue organization and maintain those animals at the pet store retail business or other commercial establishment for the purpose of public adoption.

### **§ 126-75 Violations and penalties.**

Any person, firm, or corporation who or that violates any provision herein is subject upon conviction, plea of guilty, or plea of nolo contendere to a fine of \$500.00 for the first offense and not to exceed \$1,000.00 for the second and subsequent offense and loss of animal(s) and revocation of license and/or certificate after a public hearing. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense. See <http://webserver.rilin.state.ri.us/Statutes/TITLE4/4-19/4-19-11.3.HTM>. Violations of this article will be adjudicated in the Smithfield Municipal Court.

### **§ 126-76 Enforcement.**

The provisions of this article shall be enforced by the Animal Control Warden or any police officer of the Town of Smithfield.

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



# Town of Smithfield

64 FARNUM PIKE  
SMITHFIELD, RHODE ISLAND 02917

PLANNING DEPARTMENT

Telephone (401)233-1017  
Fax (401)233-1091

## MEMORANDUM

**DATE:** March 7, 2023  
**TO:** Smithfield Town Council  
**FROM:** Michael Phillips, Town Planner  
**RE:** Proposed amendments to Zoning Ordinance and Map

Attached are a number of proposed amendments to the Zoning Ordinance. Some of the amendments are proposed to comply with changes in State statutes and enabling legislation (Accessory Dwelling Units and Zoning Board voting provisions), some are proposed to implement actions called for in the Comprehensive Plan (Addition of the Open Space Zone) and others are proposed to eliminate inconsistencies or to update the ordinance (Zone Boundary section, Solar provisions & In-lieu of Fees).

The Planning Board reviewed the proposed amendments at a number of meetings and made a positive recommendation to the Town Council to adopt the amendments.

**Recommended Motion:** That the Smithfield Town Council hereby schedules a public hearing on April 4, 2023 to consider adopting amendments to the Zoning Ordinance and Zoning Map.

**Attachments:**

Proposed Amendments  
Public Hearing Notice



# Proposed Zoning Amendments- April 2023

## ARTICLE 1- GENERAL PROVISIONS

### 1.3 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the Town is divided into zoning districts designated and described as follows:

...

Open Space (OS) - This district is established for land held by the Town, State or private conservation organizations such as the Audubon Society of Rhode Island, and home owners associations with dedicated open space that is currently or, is planned to be used for recreation or conservation purposes. Permitted uses in the Open Space zone would be those agricultural uses allowed in the R-80 and R-200 zoning districts, certain open recreation and public and semi-public uses.

## ARTICLE 4 – USE REGULATIONS

### ZONING DISTRICT ABBREVIATIONS

#### Residential Zoning Districts

...

R-20MA Multi-Family Residential Affordable (For permitted uses see Section 9.3)

Open Space - Land held by the Town, State or private conservation organizations for open space, recreation or conservation purposes will be zoned Open Space.

### 4.4 Supplementary Use Regulations

A-10. Open Space – Uses allowed by right in the Open Space district include, passive recreation, conservation and customary outdoor sports facilities. On municipal property, indoor sports facilities, restroom facilities, exhibition space, maintenance buildings and other facilities for educational and/or instructional purposes are also allowed by right.

### 1.5 ZONE BOUNDARIES

Where uncertainty exists as to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

...

C. Where the street layout...

D. When a lot is transected by a Zoning District Boundary, the zoning regulations applicable to the larger part of the lot by area shall govern the entire lot, except where doing so is inconsistent with the general purposes of zoning ordinances set forth in R.I.G.L. §45-24-30 as well as inconsistent with the Town’s Comprehensive Plan, including the Future Land Use Map.

## Article 2.2 Specific Definitions

### 2. Accessory Dwelling Unit (ADU)

~~A dwelling unit: (i) Rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence; or (ii) Reserved for rental occupancy by a person or a family where the principal residence is owner occupied and that meets the following provisions:~~

~~A. In zoning districts that allow residential uses, no more than one ADU may be an accessory to a single family dwelling.~~

~~B. An ADU shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The ADU shall be within, or attached to, the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a one family residence.~~

A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

**B-1. Accessory Dwelling Unit (ADU)**—~~A dwelling unit: (i) Rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence; or (ii) Reserved for rental occupancy by a person or a family where the principal residence is owner occupied and that meets the following provisions:~~ A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. An ADU located in a single family residence, to extent practicable should retain the appearance one-family residence.

~~A. In zoning districts that allow residential uses, no more than one ADU may be an accessory to a single-family or, multifamily dwelling.~~

~~B. An ADU shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The ADU shall be within, or attached to, the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a one family residence.~~

~~B. C. An ADU shall not be less than 400 square feet in area and not greater than 800 square feet of interior floor area~~

~~C. D. At a minimum, the ADU must share the following utilities with the principal structure: water, electric and sewer/OWTS.~~

- D. ~~E.~~ Provide proof that the on-site wastewater treatment system (OWTS) is suitable for the increase in the number of bedrooms.
- E. A lot containing an ADU shall provide for one (1) parking space above that which is required for the principal structure as called for in Section 7.4 (A) herein.
- F. ADU's approved subject to the requirement that there be a familial relationship between the occupant of the principal residence and the occupant of the ADU are not considered Non-Conforming uses based solely on the lack of the familial relationship. Amendments to R.I.G.L. 45.24 and to this ordinance removed the requirement for a familial relationship.
- ~~F. An application for an accessory dwelling unit shall be filed annually with the Official and recorded in the Smithfield Land Evidence Records.~~

**ARTICLE 5 DIMENSIONAL REGULATIONS**

**5.10 INCLUSIONARY ZONING**

**M. In-Lieu-of Fees:**

The Town of Smithfield prefers that Inclusionary Units be constructed on site. However, the fee in lieu of the construction or provision of affordable housing shall be the choice of the developer or builder applied on a per-unit basis and may be used for new developments, purchasing property and/or homes, rehabilitating properties, or any other manner that creates additional low-or-moderate income housing as defined in § 45-53-3(9). If a developer opts to pay a fee in lieu, the number of units the developer may build on site is reduced by the number of units for which the builder pays the fee in lieu. Under no circumstances may a developer pay the fee in lieu to avoid building an LMI unit on site and also convert the LMI unit included in the calculation of total units into a market rate unit.

**5.11.2 Definitions.**

- A. Accessory solar energy system: A solar energy system that is incidental and subordinate to the principal use(s) of the parcel and generates no more energy than 125% of the energy that is necessary to support the principal use of the parcel and occupies less than 20,000 square feet of area, inclusive of inter-row and panel/collector spacing.
- D. Large-scale solar energy system: A principal solar energy system that occupies ~~40,000~~ 20,000 square feet of area or more, inclusive of inter-row and panel/collector spacing.
- ~~G. Medium-scale solar energy system: A principal solar energy system that occupies more than 1,750 square feet but less than 40,000 square feet of surface area, inclusive of inter-row and panel/collector spacing.~~

### 5.11.3 Permitted Uses And Review Process.

- B. All new principal solar energy systems shall be subject to Technical Review, and/or ...
  - a. ~~Medium-scale and~~ Large-scale solar energy systems shall be subject to Technical Review and review pursuant to the Town's Land Development and Subdivision Review Regulations.
- G. Applications which require Technical Review and/or Major Land Development Project review...
- 16. An Environmental Impact Assessment including a carbon sequestration analysis shall be submitted for all ~~medium and~~ large-scale solar energy systems that propose to clear more than 10 acres of forest land.

### 5.11.4 Accessory Solar Energy Systems.

- A. Accessory solar energy systems shall be permitted in the zones indicated in the Smithfield Zoning Ordinance, Article 4.3, Table of Uses and, reviewed pursuant to the requirements of this section. A solar energy system that generates more than the 125% of the energy needed for the principal use on the property shall be considered Major Land development Project and reviewed as a new principal solar energy systems pursuant to 5.11.3 Permitted Uses And Review Process (B).
- B. Accessory solar energy systems less than 1,750 square feet in size, inclusive of inter-row and panel/collector spacing shall not be constructed, installed, or modified as provided in this Section before all required building permits are obtained from the Building Department.
- ~~C. Applications for an accessory solar energy system shall be submitted to the Smithfield Building and Zoning Officer unless it is an application for an accessory solar energy system governed by Section 4 (D), in which case the application shall be submitted to the Administrative Officer for the Planning Board.~~
- ~~D.C.~~ D.C. New, or expanded ground mounted accessory solar energy systems greater than 1,750 square feet in size, inclusive of inter-row and panel/collector spacing, shall be subject to Technical Review, as specified in Section 10.9 herein. The review of new, or expanded accessory solar energy systems of ~~40,000~~ 20,000 square feet or more in size, inclusive of inter-row and panel/collector spacing, shall be as a Large Scale Solar Energy System and is subject to the provisions of 5.11.5 Principal Solar energy Systems herein. ~~include a public hearing, advertised and noticed pursuant to the requirements for public notice contained within the Smithfield's Land Development and Subdivision Review Regulations. Technical Review shall be conducted pursuant to and shall meet the standards set forth by the provisions of Section 3, Permitted Uses And Review Process, and the Town's Land Development and Subdivision Review Regulations.~~

### 5.11.6 General Requirements For Accessory And Principal Solar Energy Systems.

~~M. All medium and~~ Large scale ground-mounted solar energy systems shall be designed and installed to ensure that:

### 5.11.7 Additional Requirements For Principal Solar Energy Systems In Residential Zoning Districts (R-20, R-20M, R-Med, R-80 And R-200).

~~B. Medium scale solar energy systems in the R-Med, R-80, and R-200 zoning districts, and that otherwise meet the requirements of this Ordinance, shall only be allowed on parcels of ten (10) acres or more and by Special Use Permit.~~

~~B~~ Large-scale solar energy systems in the R-Med, R-80, and R-200 zoning districts, and that otherwise meet the requirements of this Ordinance, shall only be allowed on parcels of ~~fifteen (15)~~ ten (10) acres or more and by Special Use Permit.

~~C~~ Unless the ~~Medium scale or~~ Large-scale solar energy system is roof-mounted, it shall not be permitted on any parcel in a Residential Zoning District that has an existing principal residential use as identified by the Smithfield Zoning Ordinance, Article 4.3(B) Residential Uses.

E. A residential use as identified by the Smithfield Zoning Ordinance, Article 4.3(B) Residential Uses, shall not be permitted on any parcel in a Residential Zoning District that has an existing ~~Medium Scale or~~ Large-scale solar energy system.

## 10.7 ZONING BOARD OF REVIEW

### J. Voting

The Board shall be required to vote as follows:

1. ~~Four (4)~~ Five (5) active members, which may include alternates, shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall take no part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue.
2. The concurring vote of ~~three (3) of the five (5)~~ a majority members of the Board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the Planning Board or any zoning administrative officer from whom an Appeal was taken.
3. The concurring vote of ~~four (4) of the five (5)~~ a majority of members of the Board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under this Ordinance, including Variances and Special Use Permits.

ARTICLE 4 – USE REGULATIONS – 4.3 TABLE OF USES

D. PUBLIC & SEMI-PUBLIC USES (cont'd.)	R-200	R-80	R-Med	R-20	R-20M	MU	V	C	HC	LI	I	PC	PD
17. Accessory Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P
19. Medium-Scale Solar Energy System	S	S	S	N	N	N	N	S	P	P	P	P	P

# TOWN OF SMITHFIELD, RHODE ISLAND PUBLIC HEARING

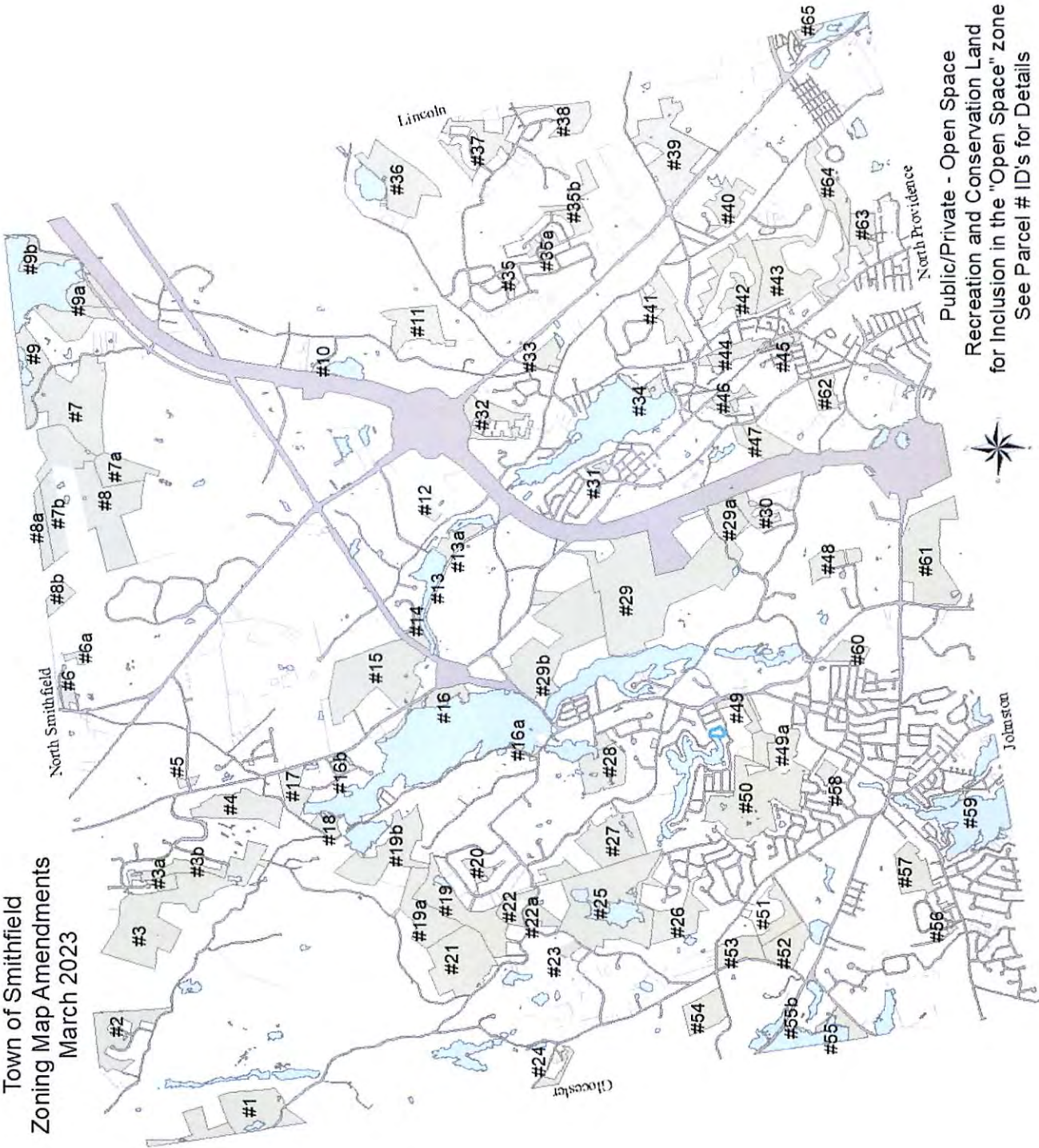
NOTICE IS HEREBY GIVEN that the Smithfield Town Council will hold a Public Hearing at the Smithfield Town Hall, 64 Farnum Pike, Smithfield, RI on **Tuesday, April 4 at 7:00 PM**. The purpose of the Public Hearing is to consider and act upon proposed amendments to the following Article(s) and Section(s) of the Smithfield Zoning Ordinance and Zoning Map:

Amendments to the Zoning Ordinance include changes to the following articles and sections: amend by adding a new Zoning District entitled "*Open Space (OS)*" in Article 1 General Provisions, §1.3 Establishment of Zoning Districts, Article 4 – Use Regulations, Zoning District Abbreviations and, in §4.4 Supplementary Use Regulations, "*A-10 Open Space*". Additional amendments include: adding a new sub section "D." dealing with split lots in Article 1, §1.5 Zone Boundaries; amending a definition in Article 2, §2.2, Specific Definitions, Item 2. *Accessory Dwelling Unit (ADU)*; amending the provisions in Article 4, §4.4 Supplementary Use Regulations, *B-1. Accessory Dwelling Unit (ADU)*; Article – 5 Dimensional Regulations, §5.10 Inclusionary Zoning, *M. In-Lieu-of Fees*; §5.11 Solar Energy Systems, Subsection 2 Definitions, *A. Accessory solar energy system*; and removing definition *G. Medium-scale solar energy system*; amending language in §5.11.3 *Permitted Uses And Review Process*; 5.11.4 *Accessory Solar Energy Systems*; 5.11.6 *General Requirements For Accessory And Principal Solar Energy Systems*; 5.11.7 *Additional Requirements For Principal Solar Energy Systems In Residential Zoning Districts (R-20, R-20M, R-Med, R-80 And R-200)*; and, Article 10.7 Zoning Board Of Review, *J. Voting*.

The proposed Zoning Map amendment involves changing the zoning designation the following lots with the Map ID #s as show on the enclosed map to the newly create Open Space (OS) district:

**Map ID #1** – AP 50 / Lots 5, 7 & 8; **Map ID #2** – AP 50 / Lot 43; **Map ID #3** – AP 49 / Lot 6B; **Map ID #3a** – AP 49 / Lot 256; **Map ID #3b** – AP 49 / Lot 178; **Map ID #4** – AP 49 / Lot 13; **Map ID #5** – 49D / Lots 11 & 12; **Map ID #6 & #6a** – AP 49 / Lots 60 & 250; **Map ID #7, #7a & #7b** – AP 48 / Lots 14 & 15 and AP 49 / Lots 90 & 94; **Map ID #8, #8a & #8b** – AP 49 / Lots 82, 87 & 89; **Map ID #9, #9a & #9b** – AP 48 / Lots 17, 17A, 26B & 27; **Map ID #10** – AP 45 / Lot 19; **Map ID #11** – AP 45 / Lot 40; **Map ID #12** – AP 46 / Lot 382; **Map ID #13** – AP 46 / Lot 226; **Map ID #13a** – AP 46 / Lot 108; **Map ID #14** – AP 46 / Lot 288; **Map ID #15** – AP 46 / Lot 70; **Map ID #16** – AP 46 / Lot 49; **Map ID #16a** – AP 46 / Lot 45; **Map ID #16b** – AP 49 / Lot 177; **Map ID #17** – AP 49 / Lot 139; **Map ID #18** – AP 49 / Lot 164; **Map ID #19** – AP 47 / Lot 193; **Map ID #19a** – AP 47 / Lot 219; **Map ID #19b** – AP 46 / Lot 18; **Map ID #20** – AP 47 / Lot 168; **Map ID #21** – AP 47 / Lot 29; **Map ID #22 & #22a** – AP 47 / Lots 33 & 45A; **Map ID #23** – AP 47 / Lot 61; **Map ID #24** – AP 47 / Lot 13A; **Map ID #25** – AP 47 / Lot 46; **Map ID #26** – AP 47 / Lot 56A; **Map ID #27** – AP 47 / Lot 276; **Map ID #28** – AP 46 / Lots 9 & 327; **Map ID #29** – AP 43 / Lot 72 and AP 46 / Lots 156 & 166; **Map ID #29a** – AP 43 / Lot 71; **Map ID #29b** – AP 46 / Lot 215; **Map ID #30** – AP 43 / Lot 165; **Map ID #31** – AP 51 / Lot 1A; **Map ID #32** – AP 46 / Lot 83A; **Map ID #33** – AP 45 / Lot 9B; **Map ID #34** – AP 22 / Lot 1 and AP 23 / Lot 39; **Map ID #35, #35a & #35b** – AP 45 / Lots 177 & 216, AP 45C / Lot 17 and AP 45D / Lots 21, 22 & 23; **Map ID #36** – AP 45 / Lot 59; **Map ID #37** – AP 45 / Lot 61; **Map ID #38** – AP 45 / Lot 27; **Map ID #39** – AP 42 / Lot 18; **Map ID #40** – AP 42 / Lot 213; **Map ID #41** – AP 42 / Lot 254; **Map ID #42** – AP 42 / Lot 110; **Map ID #43** – AP 42 / Lot 127; **Map ID #44** – AP 23 / Lot 70A and AP 24 / Lots 61B & 61C; **Map ID #45** – AP 24 / Lot 69 and AP 25 / Lots 47B & 47C; **Map ID #46** – AP 24 / Lot 116, AP 32 / Lots 14 & 15 and AP 33 / Lot 31; **Map ID #47** – AP 32 / Lot 10 and AP 33 / Lot 1; **Map ID #48** – AP 43 / Lots 21 & 118; **Map ID #49 & #49a** – AP 11 / Lots 4 & 7, AP 12 / Lots 1A & 2 and AP 43 / Lots 79 & 79A; **Map ID #50** – AP 44 / Lot 33; **Map ID #51** – AP 44 / Lot 107; **Map ID #52** – AP 44 / Lot 107A; **Map ID #53** – AP 44 / Lot 10; **Map ID #54** – AP 47 / Lot 4; **Map ID #55** – AP 44 / Lot 3; **Map ID #55a** – AP 44 / Lot 6; **Map ID #56** – AP 44 / Lot 167 & 168; **Map ID #57** – AP 44 / Lot 70; **Map ID #58** – AP 7 / Lot 80; **Map ID #59** – AP 5 / Lot 70; **Map ID #60** – AP 43 / Lot 16A; **Map ID #61** – AP 43 / Lot 4; **Map ID #62** – AP 31 / Lot 38; **Map ID #63** – AP 42 / Lot 130A; **Map ID #64** – AP 42 / Lot 99; and **Map ID #65** – AP 42 / Lot 39.

Town of Smithfield  
Zoning Map Amendments  
March 2023



Public/Private - Open Space  
Recreation and Conservation Land  
for Inclusion in the "Open Space" zone  
See Parcel # ID's for Details



These amendments are proposed to be made in accordance with the provisions of 45-24-53 of the General Laws of the State of Rhode Island (1956, as amended).

At said Hearing opportunity will be given to all interested persons to be heard upon the proposed amendments. The proposed amendments may be 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 Hearing.

A complete copy of the proposed amendments and map are available for inspection or copying at the Smithfield Planning Office, Town Hall, 64 Farnum Pike, Smithfield, Rhode Island during regular business hours (8:30 AM - 4:30 PM, Monday - Friday). Interested persons requiring special accommodations or assistance are requested to notify the Town Manager's Office (401-233-1010) at least 48 hours in advance of the Hearing.

BY ORDER OF THE TOWN COUNCIL.  
T. Michael Lawton, President

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Please publish as a display ad in the March 17<sup>th</sup>, March 24<sup>th</sup> and March 31st editions of the Breeze using type size at least as large as the normal type size used in news articles.

March 1, 2023

Public/Private - Open Space/Recreation and Conservation Land						
Map ID	Name	Location	AC	Uses	Owner	Plat/Lot
1	Unnamed Tarkiln Road	181 Tarkiln Road	70.2	Audubon Property	Audubon Property	50/08, 50/07
2	Laurelwoods Sub.	19 Laurelwoods Drive	32.1	Subdivision Donation	Town	50/43
3	Latham Brook	Latham Farm Road	123	Trails	Land Trust	49/6B
3a	Burlingame Estates	Cedar Forest Drive	9.43	Conservation	Land Trust	49/256
3b	Wionkhedge Homeowners Assoc.	Burlingame Road	16	Other Private Open Space	HO Assoc.	49/178
4	Mowry Conservation Area	Old forge Road	46	Active Conservation	Town	49/13
5	Rogler Farm/Farnum Pike Lots	39, 40 Rogler Farm Road	2.9	Unimproved Conservation	Town	49D/12, 49D/11
6, 6a	Mowry Farms	Mowry Farms Lane	10.3	Conservation Development	HO Assoc.	49/60, 49/250
7,7a, 7b	Unnamed Hanton City/Rocky Hill Rd	Hanton City Trail	174	Audubon Property	Audubon Property	48/15, 48/14, 49/94, 49/90
8, 8a, 8b	Hanton City	Hanton City Trail	105.3	Unimproved Conservation	Land Trust	49/82, 49/89, 49/87
9, 9a, 9b	Woonsocket Reservoir	Rocky Hill & West Reservoir Rd	107.76	Other Private Open Space	City of Woonsocket	48/17, 48/26B, 48/27, 48/17A
10	Harris Pond	Ryan Court	5.6	Subdivision Donations	Town	45/19
11	Harris Farm	141 Harris Road	38	Farmland Conservation Easement	State Airport Corp.	45/40
12	Stillwater/Thurber Blvd. Lot	277 Stillwater	4	Unimproved Conservator	Town	46/382
13	Stillwater Scenic Trail	Farnum Pike/Capron Rd.	12.96	Active Conservation	Lease by Town	46/226
13a	Stillwater Pond/dam/ fishing area	300 Stillwater Road	25.5	Land Development Donation	Lighthouse Preservation	46/108
14	Washington Grove/Appian Way	100 Washington Highway	1.8	Unimproved Conservation	Town	46/288

15	Washington Grove	Route 116/Route 104	100	State Conservation Property	State of RI	46/70
16	Stillwater Reservoir Dam	320 Farnum Pike	16	State Conservation Property	State of RI	46/49
16a	Stillwater – Fishermen’s Access	Log Road	4	State Conservation Property	State of RI	46/45
16b	Mowry Fly Fishing Area	6 Industrial Dr. So.	3.01	State Conservation Property	State of RI	49/177
17	Smithfield Land Trust/Revive the Roots	Old Forge Road	19.7	Active Conservation	Land Trust	49/139
18	Cavanagh	251 Log Road	11.35	Conservation Easement	Land Trust	49/164
19	Connors Farm Conservation Area	Connors Farm Drive	56.8	Active Conservation	Town	47/193
19a	Shipman Purchase	Burlingame Road	42.6	Smithfield Land Trust	Land Trust	47/219
19b	Judson Farm	Williams Road	55.6	Active Conservation	Land Trust	46/18
20	Connors Farm Assoc.	Connors Farm Drive	10	Other Private Open Space	HO Assoc.	47/168
21	Hyde Tree Farm	Mann School Road	60	Conservation Easement	Land Trust	47/29
22, 22a	Sasso	5, 146 Mann School Rd	23.3	Conservation Easement	Land Trust	47/33, 47/45a
23	Mapleville Highlands	Kristen Dr./Colwell Rd	5.2	Conservation Easement	Town	47/61
24	Pavao	Evans Road	6.49	Subdivision Donation	Land Trust	47/13A
25	Deerfield Park	Blackhawk Trail	97.2	Active Conservation/Rec.	Town	44/33
25	Camp Shepard	Colwell Road	125	Trails, Fishing Boating	Town	47/46
26	Sprague Village	Baldwin Drive	41.2	Subdivision Donations	Town	47/56A
27	Matteo Farm	Swan Road	51.29	Farmland Conservator	Land Trust	47/276
28	Sand Trace	Clarence Thurber	38.4	Trails	Town	46/9, 46/327
29	Wolf Hill Forest Preserve	Mountindale Road/Farnum Pike,	293	Smithfield Land Trust/Conservation-Trails	Land Trust	43/72, 46/166, 46/156
29a	Mercer Lookout	Wolf Hill Road	24	Active Conservation	Town	43/71
29b	Leo Bouchard Conservation Center	5 Waterview Drive	2	Active Conservation	Town	46/215

30	Wolf Hill-Mountaindale Road	Mountaindale Road/Carlton's Way	12.8	Trails	Town	43/165
31	Circle Drive Lot	12 Russell Lane	2.3	Unimproved Conservator	Town	51/1A
32	Sleepy Acres	Tristan Court	25.5	Subdivision Donations in Process	HO Assoc.	46/83a
33	La Perche Recreation Area	Limerock Road	12.9	Rec Field W/ OS	Town	45/9b
34	Georgiaville Beach, Dam & Gorge & Islands	Stillwater Road	12.2	Active Conservation	Town	23/39, 22/1
35, 35a, 35b	Hilldale/Highview & Rolling Woods/ Lots	Redfern, Karen Ann, Forestwood Dr., Vera Drive	24.4	Unimproved Conservation	Town	45C/17, 45D/23, 45D/21, 45/177, 45/216
36	Blackbird Farm	Limerock Road	57	Ag & Forestland Conservator	Land Trust	45/059
37	Deer Run- Sub. Dedicatior	West Farm Road	34.3	Subdivision Donation	Land Trust	45/61
38	Angel Farm/Clark Road	Clark Road / Victoria Drive	8.8	Subdivision Donation	Land Trust	45/27
39	Sleboda Farm	Whipple Rd. Route 7	61	Conservation Easement	Land Trust	42/18
40	Deerhill Homeowners Assoc.	Deerhill Drive	24.4	Other Private Open Space	HO Assoc.	42/213
41	High Ridge/Gallo	Ridge Road/Crest Circle	30.85	Active Conservation	Land Trust	42/254
42	Pheasant Run	Pheasant Run	50.8	Other Private Open Space	HO Assoc.	42/110
43	Village at Summerfield	Cambridge Circle	50.8	Other Private Open Space	HO Assoc.	42/127
44	Whipple Field Conservation Area	Fenwood Avenue	8	Unimproved Conservation	Town	23/70A, 24/61B, 24/61C
45	Esmond Park	Farnum Pike@Esmond St.	4.85	Active Conservation	Town	25/47C, 25/47B, 24/69
46	Mendes Field/Town Hall	64 Farnum Pike	6.7	Unimproved Conservation	Town	33/31, 32/15, 24/116, 32/14
47	Old County School Lot	200 Old County Road	21.5	Unimproved Conservator	Town	33/1, 32/10
48	Unnamed	Ledgemont Drive	20	Audubon Property	Audubon Property	43/21, 43/118

49, 49a	High School/Middle School	Pleasant View Ave.	30.3	Rec Field W/ OS	Town	12/1A, 12/2,11/4, 11/7, 43/79, 43/79A
50	Deerfield Park	Blackhawk Trail	97.2	Active Conservation/Rec.	Town	44/33
51	Village in The Woods	Aspen Lane/Austin Ave.	26.5	Other Private Open Space	HO Assoc.	44/107
52	Cascade Brook	Mapleville Road (Pig Road)	27.28	Active Conservation	Town	44/107A
53	Steere Orchard	Austin Avenue	20.46	Farmland Easement	Land Trust	44/10
54	ELEANOR HOAR	Austin Avenue	25.2	Farmland Conservator	Land Trust	47/4
55	Booker/Steere Farm	West Greenville Road	5	Farmland Conservation	Land Trust	44/3
55a	Waterman Reservoir	44-6, 44-76	6.9	Other Private Open Space	HO Assoc.	44/6
56	Greenville Terrace	Sophia Lane	5	Other Private Open Space	HO Assoc.	44/167, 44/168
57	Sophia Lane	Smith Ave/Sophia Lane	28.33	Subdivision Donation	Land Trust	44/70
58	Burgess Field	Douglas Circle	6.22	Conservation/Rec.	Town	7/80
59	Slacks Beach	Greenlake Drive	0.6	Town Beach	Town	5/70
60	Willow Field	Willow Road	15	Rec Field W/ OS	Town	43/16A
61	Powder Mill Ledges	Sanderson Road	87	Audubon Property	Audubon Property	43/04
62	Dangelo	Old County Road	15.4	Farmland Conservation Easement	Land Trust	31/38
63	Hanson Property	13 Wadsworth Drive	16.42	Unimproved Conservator	Town	42/130A
64	Summerfield Donation	Between 209 & 223 Ridge Road	28.55	Unimproved Conservation	Town	42/99
65	Wenscott Conservation Area	Douglas Pike	7.6	Unimproved Conservation	Town	42/39



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** Annual renewal of four (4) Bingo Licenses for the March 7<sup>th</sup> Town Council Meeting

---

## **BACKGROUND:**

Georgiaville Tenants Association, Old County Road School, Smithfield Senior Center and St. Philip Church have submitted their applications for the renewal of their Bingo Licenses.

## **TOWN REVENUE:**

The fee for the renewal of a Bingo License for the Smithfield Senior Center and St. Philip Church has been customarily waived.

## **APPROVAL STATUS:**

All paperwork is complete for Town Council approval.

## **RECOMMENDED MOTION:**

Move that the Smithfield Town Council act upon approving the annual renewal of four (4) Bingo Licenses for Georgiaville Tenants Association, located at 20 Higgins Lane, Old County Road School, located at 200 Old County Road, Smithfield Senior Center, located at 1 William J. Hawkins, Jr. Trail, St. Philip Church, located at 622 Putnam Pike, as listed, as applied, subject to compliance with all State regulations and local ordinances. Fee waived.



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** Annual renewal of twenty-seven (27) Holiday Sales Licenses for the March 7<sup>th</sup> Town Council Meeting

---

## **BACKGROUND:**

The businesses listed below have filed their applications for renewal.

## **TOWN REVENUE:**

The cost to renew the Holiday Sales License is \$50.00 per year.

## **APPROVAL STATUS:**

Applications are complete for approval by the Town Council.

## **RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve the annual renewal of twenty-seven (27) Holiday Sales Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

1. 7-Eleven Store #32614A, d/b/a “7- Eleven #32614A”, 970 Douglas Pike
2. Anjan Thapa d/b/a “Pick ‘n Pay Food Mart”, 619 Putnam Pike
3. Bacon N Beanz Café, LLC d/b/a “Bacon N Beanz Café”, 345 Waterman Avenue
4. Barnes & Noble Booksellers, Inc. d/b/a “Barnes & Noble #2082”, 371 Putnam Pike, Suite 330
5. Broadway Appliance, Inc. d/b/a “J’S Broadway Appliance & TV”, 47 Cedar Swamp Road, #18
6. CALM Enterprises, Inc. d/b/a “Del’s of Smithfield”, 115 Pleasant View Avenue

7. Colbea Enterprises, LLC d/b/a "Seasons Corner Market", 947 Douglas Pike
8. Colbea Enterprises, LLC d/b/a "Shell #36", 368 Putnam Pike
9. Cumberland Farms, Inc. d/b/a "Cumberland Farms #1251", 353 Waterman Avenue
10. Dave's Fruitland, Inc. d/b/a "Dave's Marketplace of Smithfield", 4 Cedar Swamp Road
11. Dave's Marketplace of Smithfield, Inc. d/b/a "Dave's Marketplace", 371 Putnam Pike, Suite 590
12. Dick's Sporting Goods d/b/a "Dick's Sporting Goods", 371 Putnam Pike, Suite 300
13. DK Convenience, LLC d/b/a "DK Convenience", 200 Pleasant View Avenue, Unit 3
14. Ephraim Doumato Jewelers, Inc. d/b/a "Ephraim Doumato Jewelers", 425 Putnam Pike
15. Global Montello Group Corp., d/b/a "Alltown Smithfield", 471 Putnam Pike
16. Green, Inc. d/b/a "Honey Nail and Spa", 375 Putnam Pike, #15
17. James Moscatelli d/b/a "Smithfield Smoke Shop", 20B Cedar Swamp Road
18. JM of Smithfield, LLC d/b/a "Jersey Mike's Subs", 473 Putnam Pike
19. Mac's Liquor, Inc. d/b/a "Mac's Liquor Mart", 200 Pleasant View Avenue
20. Marylou's News, Inc. d/b/a "Marylou's Coffee", 368 Putnam Pike
21. Old Navy, LLC, d/b/a "Old Navy #6156", 371 Putnam Pike
22. Anthony Polseno, Jr., d/b/a "Pleasant View Orchards", 141 Pleasant View Avenue
23. Putnam Liquor, Inc. d/b/a "Putnam Pike Liquors", 637B Putnam Pike
24. Putnam Pike Liquors, Inc. d/b/a "B & C Liquor", 253 Putnam Pike Rocky's Ace Hardware, Inc. d/b/a "Rocky's Ace Hardware", 633 Putnam Pike
25. Rocky's Ace Hardware, Inc. d/b/a "Rocky's Ace Hardware", 633 Putnam Pike
26. The Sherwin Williams Company, d/b/a "The Sherwin Williams Company", 400 Putnam Pike
27. The TJX Companies, Inc. d/b/a "TJ Maxx#190", 445 Putnam Pike





# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** Annual renewal of one (1) Private Detective License for the March 7<sup>th</sup> Town Council Meeting

---

## **BACKGROUND:**

The individual listed below has filed his application for the renewal of his Private Detective License.

## **TOWN REVENUE:**

The cost to renew the Private Detective License is \$150.00 per year.

## **RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve the annual renewal of a Private Detective License for Ralph Howe, 4 Anson Brown Road, Johnston, RI for his business “Information Connection Unlimited”, 400D Putnam Pike, Suite 128, Smithfield, RI, as applied, subject to compliance with all State regulations and local ordinances.

Smithfield Town Clerk's Office  
Application for Private Detective License

PLEASE COMPLETE APPLICATION AND  
RETURN WITH FEE TO THE OFFICE OF TOWN  
CLERK BY:

Date: 2/6/23  New Application  
Name: Rept Howe  Renewal Application  
Address: 4 Anson Brown Rd Home Phone: 401-497-3071  
Johnston RI 02919 Business Phone: 401-949-9900  
Date of Birth: 12-5-1958 Weight: 240  
Height: 6'0" Hair Color: Brown  
Eye Color: Brown

Have any prior or similar licenses ever been issued to you?  Yes  No

If you answered yes to the previous question, have such licenses ever been denied, revoked or suspended in any other municipality or state?  Yes  No

If you answered yes to the previous question, please identify the municipality or state in which your license was denied, revoked or suspended. \_\_\_\_\_

**Qualifications:**

I have experience that has been gained through: (Circle those that apply)

1. At least five years experience as an investigator or as a police officer with a state, county or municipal police department or with an investigative agency of the United States of America or of any state, county or municipality; or
2. Receipt of a degree in criminal justice from an accredited college or university; or
3. Employment by a private detective or an investigator for at least five years; or
4. Substantively equivalent training or experience.

**The above information is true and exact, to the best of my knowledge.**

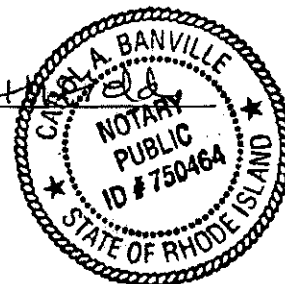
Rept Howe  
Applicant's Signature

2-6-23  
Date

Signed and sworn before me on this 6th day of February in Smithfield

Carol A Banville  
Notary (Signature)

Carol A Banville  
(Print)



My commissioner expires: 4/22/2025

(Over)

Application Requirements:

1. A certification by each of three reputable citizens and residents of the Town that they have personally known the applicant for at least three years, that they have read the application and believe each of the statements made thereon to be true, that they are not related to the applicant by blood or marriage and that the applicant is honest and of good moral character;
2. Criminal background check to be conducted by the Smithfield Police Department;
3. Two sets of fingerprints taken at the Smithfield Police Department; (new applications only)
4. Two photographs taken at the Smithfield Police Department;
5. Signature on medical release forms authorizing the Smithfield Police Department to determine if the applicant has any history of psychological disorder.

Requirements Upon Private Detective License Approval by the Smithfield Town Council:

- New license fee - \$200
- Renewal license fee- \$150
- Bond: \$5000 with Corporate Surety

The Smithfield Police Department's investigation of this applicant ~~has~~ has not revealed any information suggesting that this application be denied.

Chief of Police

Date

2/27/23

SMITHFIELD POLICE DEPARTMENT  
 215 Pleasant View Avenue, Smithfield, RI 02917  
 (401-231-2500)

**NO Criminal  
 Record**

**POLICE CLEARANCE REPORT FOR  
 LICENSE APPLICATION**

DATE: 2/6/2023

1. NAME OF CANDIDATE: (PRINT)

Howe                      Ralph                      d.  
 LAST                              FIRST                              MIDDLE

MAIDEN NAME  
N/A

2. DATE OF BIRTH  
12-05-58

3. PLACE OF BIRTH  
Hartford Ct.

4. CURRENT ADDRESS  
4 Anson Brown Rd Johnston RI

5. NAME OF BUSINESS  
Information Connection Unlimited

6. TYPE OF BUSINESS  
Private Investigations

7. BUSINESS ADDRESS  
400 d Putnam Pk Exte 128

8. IS BUSINESS INCORPORATED  
Yes

IF SO, LIST OFFICERS

Ralph Howe

9. BUSINESS PHONE  
401-849-9900

10. HOME PHONE  
401-497-3071

11. List below each address which you have maintained beginning with your current address:

From Mo./Yr.	To: Mo./Year	St. No. & Name	City & State
<u>9/2013</u>	<u>Present</u>	<u>4 Anson Brown</u>	<u>Johnston RI</u>
<u>9/05-08</u>	<u>9/13</u>	<u>39 Susan Rd</u>	<u>Johnston</u>

12. Have you ever been arrested or detained by any police agency?  YES  NO

If the answer to question 12 is yes, give details below. Include date, place and charge or reason for detention. DUI ~ 2011

13. List below two (2) character references

- Kent King  
 NAME                              ADDRESS                              PHONE
- Dennis Paul  
 NAME                              ADDRESS                              PHONE

CANDIDATE'S SIGNATURE: Ralph Howe      Witness: Carol Ramirez



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** Mobile Food Truck License Renewal for the March 7<sup>th</sup> Town Council Meeting

---

## **BACKGROUND:**

The business listed below has filed their application for renewal.

## **TOWN REVENUE:**

The cost for a Mobile Food Truck License is \$75.00 per year, however, if the Mobile Food Truck applicant has an existing restaurant then the fee would be \$50.00 per year.

## **APPROVAL STATUS:**

All paperwork is complete for renewal by the Town Council.

## **RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve the renewal of one (1) Mobile Food Truck License, as applied, subject to compliance with all State regulations and local ordinances.

1. Farm to Sandwich, LLC d/b/a “Farm to Sandwich”, to sell sandwiches and burgers from a truck with RI Reg. 45029, 14 Abbott Street, Cranston, RI



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** One (1) One –Day Beer/Wine License for the Smithfield Senior Center for the March 7<sup>th</sup>  
Town Council Meeting

---

**BACKGROUND:**

The Smithfield Senior Center has applied for one (1) One-Day Beer/Wine License.

**TOWN REVENUE:**

The fee for a Beer/Wine License is \$15.00 per day. Under State Law this fee cannot be waived.

**SUPPORTING DOCUMENTS:**

Copy of License Application  
Copy of BCI – No record  
TIP Cards  
Letter of explanation

**RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve one (1) One-Day Beer/Wine License as follows:

- St. Patrick’s Day Party to be held on Thursday, March 16, 2023 from 12:00 p.m. to 3:00 p.m.

The party will take place at the Smithfield Senior Center, One William J. Hawkins, Jr. Trail from 12:00 p.m. to 3:00 p.m., as listed, as applied, subject to compliance with all State regulations and local ordinances.

TOWN OF SMITHFIELD  
 PAYMENT CERTIFICATION TOWN OF SMITHFIELD

1. AMOUNT CLAIMED VERIFIED BY \_\_\_\_\_ OFFICE OF THE TOWN CLERK  
 2. ~~\$1500~~ SERVICES RECEIVED LICENSE APPLICATION  
 3. Rec Day NUMBER 9920  
 4. ACCOUNT NUMBER 74-07-51  
 5. CERTIFIED FOR PAYMENT

PLEASE COMPLETE APPLICATION AND RETURN WITH FEE TO THE OFFICE OF THE TOWN CLERK BY:

PLEASE PRINT: Yvonne Kelly DATE 2/27/23  
 Note: Please fill in ALL the necessary information.

Date of Application: 2/24/23

Type of License: CLASS-1 (BEER & WINE) Check One: New  Renewal  Transfer

Name of Applicant: [Signature] Date of Birth: 8/25/75  
 Resident Address: [Signature] Business Address: 1 William J. Harkins Jr Dr Plat Lot  
 Operating Under Trade Name of: \_\_\_\_\_ Resident Telephone: \_\_\_\_\_ Business Telephone: 949-450

If incorporated, fill in necessary information: State: Title, Date of Birth, Partner's/Owner's (Other than person applying) (Pres., Vice Pres., Sec., Treas.)

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_

Describe operation of business: St. Patrick's Day Party from 12:00 p.m. to 3:00 p.m.

Hours of Operation:

Signature of Applicant: [Signature] Title: Acting Coordinator

Applies to business establishments only:

In case of emergency/person to contact

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Police Chief: [Signature] Fire Chief: \_\_\_\_\_  
 Building Official: SIGNATURE NOT REQUIRED Owner of premises: [Signature]  
 RI Dept. of Health: SIGNATURE NOT REQUIRED

At a meeting of the Smithfield Town Council, held on \_\_\_\_\_ the above stated application was:

( ) Approved ( ) Denied License #: \_\_\_\_\_ Date Issued: \_\_\_\_\_

SMITHFIELD POLICE DEPARTMENT  
 TOWN OF SMITHFIELD  
 215 Pleasant View Avenue, Smithfield, RI 02917  
 PAYMENT CERTIFICATION (#01-231-2500)

**NO Criminal Record**

1. AMOUNT CLAIMED VERIFIED BY POLICE CLEARANCE REPORT FOR  
 2. GOODS/SERVICES RECEIVED LICENSE APPLICATION  
 3. VOUCHER NUMBER 9920 DATE: 2/24/23

ACCOUNT NUMBER 74-07-51  
 1. NAME OF CANDIDATE: (PRINT)  
 CENTRE OF SENIOR SERVICES Karen Armstrong 2/27/23  
 BY: LAST McLellan FIRST Kathleen MIDDLE Elizabeth

MAIDEN NAME McLellan  
 2. DATE OF BIRTH 8-25-75  
 3. PLACE OF BIRTH Providence RI  
 4. CURRENT ADDRESS 94 Waterman Ave  
 5. NAME OF BUSINESS Smithfield Senior Center  
 6. TYPE OF BUSINESS Senior Center  
 7. BUSINESS ADDRESS William J. Hawkins Jr. Rd  
 8. IS BUSINESS INCORPORATED \_\_\_\_\_ IF SO, LIST OFFICERS \_\_\_\_\_

9. BUSINESS PHONE 949-4590  
 10. HOME PHONE 349-2495

11. List below each address which you have maintained beginning with your current address:

From Mo./Yr.	To: Mo./Year	St. No. & Name	City & State

12. Have you ever been arrested or detained by any police agency? YES  NO

If the answer to question 12 is yes, give details below. Include date, place and charge or reason for detention.  
 \_\_\_\_\_  
 \_\_\_\_\_

13. List below two (2) character references
- |                                |                              |                       |
|--------------------------------|------------------------------|-----------------------|
| 1. NAME <u>Karen Armstrong</u> | ADDRESS <u>Senior Center</u> | PHONE <u>949-4590</u> |
| 2. NAME <u>Ann St. Laurent</u> | ADDRESS <u>Senior Center</u> | PHONE <u>949-4590</u> |

CANDIDATE'S SIGNATURE: \_\_\_\_\_ Witness: \_\_\_\_\_



**tips** On Premise **CERTIFIED**  
Issued: 2/24/2020 Expires: 2/11/2023  
ID# 5310706  
KATHLEEN LANCADAM-PRICKETT  
1395 Anwood Ave Ste 208  
Johnston, RI 02918-4831  
For service visit us online at [www.gettips.com](http://www.gettips.com)  
Renee Desrosiers, 59028



**CERTIFIED**

Issued: 2/24/2020  
ID#: 5310702

Expires: 2/11/2023

**STEVEN D BEAULIEU**  
1395 Atwood Ave Ste 208  
Johnston, RI 02919-4931

For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Renee Desrosiers, 59028



**CERTIFIED**

Issued: 2/24/2020  
ID#: 5310704

Expires: 2/11/2023

**KAREN L ARMSTRONG**  
1395 Atwood Ave Ste 208  
Johnston, RI 02919-4931

For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Renee Desrosiers, 59028



**TOWN OF SMITHFIELD  
SMITHFIELD SENIOR CENTER  
KAREN ARMSTRONG  
DIRECTOR**

ONE WILLIAM J. HAWKINS JR. TRAIL, SMITHFIELD, RI  
02828  
TELEPHONE (401) 949-4590

February 27, 2023

Town of Smithfield  
Office of the Town Clerk  
64 Farnum Pike  
Smithfield, RI 02917

Members of the Town Council:

The Smithfield Senior Center will be hosting a St. Pats Party on March 16, 2023, and a Spring Fling on April 20, 2023. I am asking for your approval for a permit for these functions. Thank you. The parties will take place from 12:00p.m. to 3:00 p.m.

*Sincerely,*

**Kate McAdam-Prickett**

**Assistant Director/Activity and Program Coordinator**



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** One (1) One –Day Beer/Wine License for the Smithfield Senior Center for the March 7<sup>th</sup>  
Town Council Meeting

---

**BACKGROUND:**

The Smithfield Senior Center has applied for one (1) One-Day Beer/Wine License.

**TOWN REVENUE:**

The fee for a Beer/Wine License is \$15.00 per day. Under State Law this fee cannot be waived.

**SUPPORTING DOCUMENTS:**

Copy of License Application  
Copy of BCI – No record  
TIP Cards  
Letter of explanation

**RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve one (1) One-Day Beer/Wine License as follows:

- Spring Fling to be held on Thursday, April 20, 2023 from 12:00 p.m. to 3:00 p.m.

The party will take place at the Smithfield Senior Center, One William J. Hawkins, Jr. Trail from 12:00 p.m. to 3:00 p.m., as listed, as applied, subject to compliance with all State regulations and local ordinances.

PAYMENT CERTIFICATION

1. AMOUNT CLAIMED VERIFIED BY TOWN OF SMITHFIELD  
OFFICE OF THE TOWN CLERK  
LICENSE APPLICATION

2. GOODS/SERVICES RECEIVED  
FEE: \$15.00  
3. VOUCHER NUMBER 9920  
Per Day  
4. ACCOUNT NUMBER 74-07-51

5. CERTIFIED FOR PAYMENT  
BY Kron Aulon DATE 2/24/23

PLEASE COMPLETE APPLICATION AND RETURN WITH FEE TO THE OFFICE OF THE TOWN CLERK BY:

PLEASE PRINT:  
Note: Please fill in ALL the necessary information.

Date of Application: 2/24/23

Type of License: CLASS-N (BEER & WINE) Check One: New  Renewal  Transfer

Name of Applicant: [Signature] Date of Birth: 8/2/75

Resident Address: [Signature] Business Address: William J. Harkins Jr 511 Pst Lot  
Operating Under Trade Name of: \_\_\_\_\_ Resident Telephone: \_\_\_\_\_ Business Telephone: 949-450

If incorporated, fill in necessary information: State: Title, Date of Birth, Partner's/Owner's (Other than person applying) (Pres., Vice Pres., Sec., Treas.)

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_  
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_  
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_

Describe operation of business: Spring Fling from 12:00 p.m. to 3:00 p.m.  
Hours of Operation: \_\_\_\_\_

Signature of Applicant: [Signature] Title: Acting Director

Applies to business establishments only: In case of emergency/person to contact

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Police Chief: \_\_\_\_\_ Fire Chief: \_\_\_\_\_  
Building Official: \_\_\_\_\_ Owner of premises: Karen Armstrong  
RI Dept. of Health: \_\_\_\_\_

At a meeting of the Smithfield Town Council, held on \_\_\_\_\_ the above stated application was:  
( ) Approved ( ) Denied License #: \_\_\_\_\_ Date Issued: \_\_\_\_\_

SMITHFIELD POLICE DEPARTMENT  
 TOWN OF SMITHFIELD  
 215 Pleasant View Avenue, Smithfield, RI 02917  
 PAYMENT CERTIFICATION (#01-231-2500)

**NO Criminal  
 Record**

1. AMOUNT CLAIMED VERIFIED BY POLICE CLEARANCE REPORT FOR  
 2. GOODS/SERVICES RECEIVED LICENSE APPLICATION  
 3. VOUCHER NUMBER 9920 DATE: 2/24/23

ACCOUNT NUMBER 74-07-51  
 1. NAME OF CANDIDATE: (PRINT) Karen Armstrong 2/27/23  
 BY: LAST Mellham FIRST Kathleen MIDDLE Elizabeth

MAIDEN NAME Mellham  
 2. DATE OF BIRTH 8-25-75  
 3. PLACE OF BIRTH Providence RI

4. CURRENT ADDRESS 94 Waterman Ave  
 5. NAME OF BUSINESS Smithfield Senior Center

6. TYPE OF BUSINESS Senior Center  
 7. BUSINESS ADDRESS William J. Hawkins Jr. Trl

8. IS BUSINESS INCORPORATED \_\_\_\_\_ IF SO, LIST OFFICERS \_\_\_\_\_

949-4590  
 9. BUSINESS PHONE

349-2495  
 10. HOME PHONE

11. List below each address which you have maintained beginning with your current address:

From Mo./Yr.	To: Mo./Year	St. No. & Name	City & State

12. Have you ever been arrested or detained by any police agency? YES  NO

If the answer to question 12 is yes, give details below. Include date, place and charge or reason for detention.  
 \_\_\_\_\_  
 \_\_\_\_\_

13. List below two (2) character references
- |                           |                      |                 |
|---------------------------|----------------------|-----------------|
| 1. <u>Karen Armstrong</u> | <u>Senior Center</u> | <u>949-4590</u> |
| NAME                      | ADDRESS              | PHONE           |
| 2. <u>Ann St. Laurent</u> | <u>Senior Center</u> | <u>949-4590</u> |
| NAME                      | ADDRESS              | PHONE           |

CANDIDATE'S SIGNATURE: \_\_\_\_\_ Witness: \_\_\_\_\_

**tips** On Premise **CERTIFIED**  
Issued: 2/24/2020 Expires: 2/11/2023  
ID# 5310706  
KATHLEEN E. MCADAM-PRICKETT  
1395 Alwood Ave Ste 208  
Johnston, RI 02819-4931  
For service visit us online at [www.gettips.com](http://www.gettips.com)  
Renee Desrosiers, 59028



**CERTIFIED**

**Issued: 2/24/2020  
ID#: 5310702**

**Expires: 2/11/2023**

**STEVEN D BEAULIEU  
1395 Atwood Ave Ste 208  
Johnston, RI 02919-4931**

**For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Renee Desrosiers, 59028**



**CERTIFIED**

**Issued: 2/24/2020  
ID#: 5310704**

**Expires: 2/11/2023**

**KAREN L ARMSTRONG  
1395 Atwood Ave Ste 208  
Johnston, RI 02919-4931**

**For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Renee Desrosiers, 59028**





**TOWN OF SMITHFIELD  
SMITHFIELD SENIOR CENTER  
KAREN ARMSTRONG  
DIRECTOR**

ONE WILLIAM J. HAWKINS JR. TRAIL, SMITHFIELD, RI  
02828  
TELEPHONE (401) 949-4590

February 27, 2023

Town of Smithfield  
Office of the Town Clerk  
64 Farnum Pike  
Smithfield, RI 02917

Members of the Town Council:

The Smithfield Senior Center will be hosting a St. Pats Party on March 16, 2023, and a Spring Fling on April 20, 2023. I am asking for your approval for a permit for these functions. Thank you. The parties will take place from 12:00p.m. to 3:00 p.m.

*Sincerely,*

*Kate McAdam-Prickett*

*Assistant Director/Activity and Program Coordinator*



# Memorandum

**DATE:** March 1, 2023

**TO:** Smithfield Town Council

**FROM:** Carol Banville – License Coordinator

**SUBJECT:** New Victualling License for KelCarQ BBQ, LLC d/b/a “KelCar Q BBQ” for the March 7<sup>th</sup> Town Council Meeting

---

## **BACKGROUND:**

KelCarQ, LLC d/b/a “KelCarQ BBQ”, has applied for a new Victualling License for their business located at 375 Putnam Pike.

## **TOWN REVENUE:**

Fee for a Victualling License is \$50.00 per year

## **SUPPORTING DOCUMENTS:**

Copy of application  
Copy of BCI – No Record  
Retail Sales Permit

## **RECOMMENDED MOTION:**

Move that the Smithfield Town Council approve a new Victualling License for KelCarQ BBQ, LLC d/b/a “KelCarQ BBQ”, located at 375 Putnam Pike, with the hours of operation to be Monday through Sunday from 6:00 a.m. to 2:00 a.m., as applied, subject to compliance with all State regulations and final approval from the RI Department of Health.

TOWN OF SMITHFIELD  
OFFICE OF THE TOWN CLERK  
LICENSE APPLICATION

FEE: \$0.00

PLEASE PRINT:

Note: Please fill in ALL the necessary information.

Date of Application: 02-10-23

Type of License: Virtualing - ONLY Check One:

New  Renewal  Amended

Name of Applicant: Michael D. Street

Date of Birth: 03-29-1956

Resident Address: 24 Barbent Hill Rd  
Cumberland RI 02864  
Operating Under Trade Name of: KelCar & BBR

Business Address: 375 Putnam Pike Smithfield  
Resident Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_

If incorporated, fill in necessary information: State, Title, Date of Birth, Partner's/Owner's (Other than person applying) (Pres., Vice Pres., Sec., Treas.)

Name: Michael D. Street Address: 24 Barbent Hill Rd Title: Pitmaster DOB: 03-29-1956

Name: \_\_\_\_\_ Address: Cumberland RI 02864 Title: \_\_\_\_\_ DOB: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Title: \_\_\_\_\_ DOB: \_\_\_\_\_

Describe operation of business: BBR Takeout + Catering

Requested Hours of Operation: 11 AM - 10 PM Sun - Sat

Signature of Applicant: [Signature] Title: Pitmaster

Applies to business establishments only:

In case of emergency/person to contact

Name: Janice Street Address: 24 Barbent Hill Rd Cumberland Phone: 401-952-9005

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

For Official Use Only

Police Chief: X [Signature]  
Building Official: X [Signature]  
RI Dept. of Health: X

Fire Chief: X Capt. Martin Poon  
Owner of premises: X Catherine M. Nollard  
Representative of 375 Putnam Pike

At a meeting of the Smithfield Town Council, held on 3/7/2023

( ) Approved ( ) Denied

License #: \_\_\_\_\_ Date Issued: \_\_\_\_\_

the above stated application was:

SMITHFIELD POLICE DEPARTMENT  
 215 Pleasant View Avenue, Smithfield, RI 02917  
 (401-231-2500)

**NO Criminal  
 Record**

**POLICE CLEARANCE REPORT FOR  
 LICENSE APPLICATION**

DATE: 02-10-23

1. NAME OF CANDIDATE: (PRINT)

Street Michael Donald  
 LAST FIRST MIDDLE

MAIDEN NAME n/a

2. DATE OF BIRTH 03-29-1956

3. PLACE OF BIRTH Newburyport MA

4. CURRENT ADDRESS 24 Barbours Hill Rd Cumberland

5. NAME OF BUSINESS Reliance BBQ

6. TYPE OF BUSINESS BBQ Tubercal

7. BUSINESS ADDRESS 375 Putnam Pike Smithfield

8. IS BUSINESS INCORPORATED LLC

IF SO, LIST OFFICERS Singh Member

9. BUSINESS PHONE 401-475-4227

10. HOME PHONE 508-954-7726

11. List below each address which you have maintained beginning with your current address:

From Mo./Yr.	To: Mo./Year	St. No. & Name	City & State
<u>11-01-2001</u>	<u>Current</u>	<u>24 Barbours Hill</u>	<u>Cumberland RI</u>

12. Have you ever been arrested or detained by any police agency? YES  NO

If the answer to question 12 is yes, give details below. Include date, place and charge or reason for detention.

13. List below two (2) character references

- 1. Ryan Sullivan Prohobeth MA 401-255-8749  
 NAME ADDRESS PHONE
- 2. Steve Houde Cumberland RI 401-449-7079  
 NAME ADDRESS PHONE

CANDIDATE'S SIGNATURE: [Signature]

Witness: [Signature]



State of Rhode Island  
 Division of Taxation  
 One Capitol Hill  
 Providence, RI 02908-5800



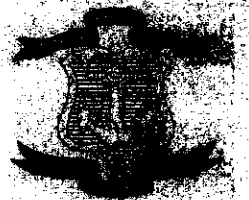
Phone: (401) 574-8955  
 TTY Via 711  
 Fax: (401) 574-8914  
 Email: Tax.Excise@tax.ri.gov

KELCARQ, LLC  
 24 BARBERRY HILL RD  
 CUMBERLAND, RI 02864-5035

State of Rhode Island  
 DIVISION OF TAXATION

RETAIL SALES PERMIT

Valid From: 07/01/2022 to 06/30/2023



ID: 2-4608-2409

ISSUED TO:  
 KELCARQ, LLC  
 375 PLUTNAM PIKE STE 25  
 SMITHFIELD, RI 02917-2455

This permit, which authorizes the holder to collect the sales/use tax, is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated. When the holder of this permit ceases to conduct the business for which it is issued at the place named, the permit must be returned to the Tax Administrator for cancellation. The ID number, which appears in the upper left-hand corner of this permit is your license number for this place of business. Do not use this number to file returns. Every holder of a Retail Sales Permit issued pursuant to R.I. Gen. Laws § 44-19-1 shall keep complete and accurate records of every sales transaction. These records shall be made available for examination, inspection, and copying by agents of the Division of Taxation as required by R.I. Gen. Laws § 44-19-27 and 280-RICR-20-70-12. The failure to maintain or produce required records can result in the estimated determination of sales tax liabilities based on the best available information, the imposition of penalties and interest, and the revocation of this permit.

THIS PERMIT MUST AT ALL  
 TIMES BE PROMINENTLY  
 DISPLAYED AT THE LOCATION  
 FOR WHICH IT IS ISSUED.

NEENA S. SAVAGE  
 TAX ADMINISTRATOR

DATE ISSUED: 01/26/2023



ROBERT W. SELTZER  
CHIEF OF DEPARTMENT

## SMITHFIELD FIRE DEPARTMENT

*"To Help People"*  
HEADQUARTERS, STATION NO. 1  
607 PUTNAM PIKE  
SMITHFIELD, RHODE ISLAND 02828  
www.smithfieldfire.com



TEL. (401) 949-1330  
FAX (401) 949-1192

To: Honorable Town Council

From: Chief Robert Seltzer

Date: March 2, 2023

RE: RFP for Smithfield Fire Station – New Construction - **RESCINDED**

Dear Town Council Members,

You had previously approved a bid proposal for the construction of a new Smithfield Fire Station at 321 George Washington Highway.

The bid package was advertised and two bids were received. The two proposals were as follows.

- 1) Ahlborg Construction Company @ a bid price of \$10,123,000.00
- 2) Tower Construction Corporation @ a bid price of \$8,727,000.00

Both bid proposals are high even when taking into consideration economic inflation related to the COVID pandemic. We are working with the architect to review the bids received. From the review and revisions to the building to implement cost reductions, we will present a new bid package for Town Council consideration.

The SFD Fire Station Building Committee asks that the Town Council rescind the previously approved Fire Station New Construction Bid Proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Seltzer".

Robert W. Seltzer  
Chief of Department

Motion: The Smithfield Town Council rescinds the previously approved RFP for Smithfield Fire Station – New Construction.

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*"We will be the most effective and proactive emergency service and disaster mitigation organization to make Smithfield the safest community to live, work and play."*