

Section 1. Chapter 126 of the Code of Ordinances entitled “Animals” is hereby amended by adding thereto Article IX entitled “ Retail Sales of Dogs and Cats”.

Pet stores - Prohibition of the sale of dogs and cats.

126-51 [Generally.]

- a) **Definitions.** [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, including grooming parlors, canine day care, and boarding facilities.

NON-PROFIT RESCUE ORGANIZATION

Any Rhode Island non-profit 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 non-profit 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.

- 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.
- 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 non-profit rescue organization and maintain those animals at the pet store retail business or other commercial establishment for the purpose of public adoption.

126-52 Violations and penalties.

Any person who violates, fails or refuses to comply with the provisions of this section shall be subject to a fine of not more than \$500.00 for each separate offense or community service for a period of not more than 90 days or any combination of fine and/or community service. 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.

Section 2. This ordinance shall take effect thirty (30) days after its adoption.

Adopted:

Carol Aquilante, Town Clerk

Randy Rossi, Town Manager

Approved as to form and legality:

Anthony M. Gallone, Town Solicitor