

**TOWN OF SMYRNA, TENNESSEE  
ORDINANCE NO. 23-7**

**AN ORDINANCE** relative to the amendment of Municipal Code Title 10 "Animal Control," Chapter 2 "Dogs and Cats," Section 209 to add a section entitled "Sale of Dogs and Cats."

**WHEREAS,** in accordance with the Charter of the Town of Smyrna, Tennessee, Article 2, Section 2.01(22), Town Council shall have the power to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers; and

**WHEREAS,** in accordance with the Charter of the Town of Smyrna, Tennessee, Article 2, Section 2.01(32), Town Council shall have the power to Plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans; and

**WHEREAS,** in accordance with the Charter of the Town of Smyrna, Tennessee, Article 2, Section 2.01(35), Town Council shall have the power to exercise and have all other powers, functions, rights, privileges and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in the Charter of the Town of Smyrna, Tennessee; and

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMYRNA:**

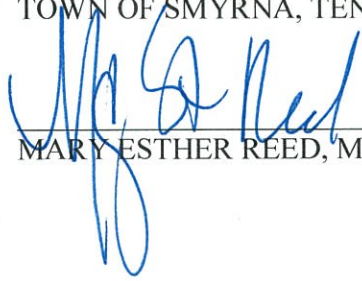
**Section 1.** That Smyrna Municipal Code Title 10 "Animal Control," Chapter 2 "Dogs and Cats," Section 209 be and hereby is amended as specified in Exhibit "A" attached hereto and incorporated herein by reference as if set forth at length verbatim, the health and welfare of the Town of Smyrna requiring it.

**Section 2.** This ordinance shall take effect immediately upon its adoption on second and final reading, the public health and welfare of the Town of Smyrna requiring it.

**PASSED** on first reading by the Town Council the 7<sup>th</sup> day of February, 2023.

**PASSED** on second reading by the Town Council the 7<sup>th</sup> day of March, 2023.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL  
PET STORES

**Section 1.**

NOW, THEREFORE, Be it ordained by the town council of the Town of Smyrna, that Chapter 2 (Dogs and Cats) of Title 10 (Animal Control) be amended to add the following NEW section, §§ 10 – 210 (Sale of Dogs and Cats), to read as follows:

§§ 10-209 SALE OF DOGS AND CATS

- (1) It shall be unlawful for a retail pet store to sell or offer for sale a dog or cat.
- (2) Nothing in subsection (1) shall prohibit a retail pet store from providing space to either an animal shelter or animal rescue organization, as those terms are defined in this section, for the purpose of showcasing dogs or cats available for adoption; provided that the pet store shall have no ownership interest in the animals offered for adoption, nor shall the pet store receive a fee for providing such space.
- (3) For purposes of this section, the following terms shall have the following meanings:

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. The term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation; any entity that breeds animals or that: (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

*Animal shelter* means a facility maintained by or under contract with any state, county, or municipality, for the purpose of impounding, boarding, or otherwise caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

*Cat* means any member of the species *Felis catus*.

*Dog* means any member of the species *Canis familiaris*.

*Retail pet store* means a commercial establishment that sells or offers for sale animals on its premises at retail.

*Sell or offer for sale* means to exchange for consideration, display for sale, adopt out, barter, trade, lease, or otherwise transfer.

(4) A retail pet store that violates any provision of this section shall be fined \$50 for each violation. Each sale or offer for sale of an individual dog or cat shall constitute a separate violation. Each day that a dog or cat is displayed for sale in violation of this section shall constitute a separate violation.

### **Section 2. Effective Date**

This ordinance shall become effective on \_\_\_\_\_ .

### **Section 3. Severability**

If any one (1) or more sections, clauses, sentences or parts of this Ordinance shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one (1) or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.