



Committee on Ordinances

Regular Meeting

~ Agenda ~

Wednesday, November 15, 2017

5:00 PM

Committee "A" (City Hall 3rd Floor)

1. An Ordinance Amending Chapter 16, "Licenses", to add Section 23, "Keg Sales and Regulation."
2. An Ordinance amending Chapter 4, "Animals and Fowl," Section 22, "Dog Breeding," and establishing Section 23, "Keeping and Harboring Additional Dogs" and Section 24, "Prohibition of the Sale of Dogs and Cats."
3. Petition from John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, dated September 29, 2017, on behalf of Hidden Street LLC, requesting to re-zone Lot 546 on Assessor's Plat 10 from R-1 to I-2, for the property located on 234 Bowen Street.
4. Petition from John J. Garrahy, John J. Garrahy Law, LLC, 2088, Broad Street, Cranston, Rhode Island 02905, requesting to change the Official Zoning Map of the City of Providence by changing the zoning district for the property located at 37 South Angell Street and identified as Plat 15, Lot 327 from R-3 to C-2.

PER ORDER THE COMMITTEE ON ORDINANCES

Councilman Terrence M. Hassett, Chairman

The foregoing Committee may seek to enter into Executive Session.

Offices and City Council Chambers are accessible to individuals with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Office of Neighborhood Services at 421-7768 not less than 48 hours in advance of the hearing date.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 16, "LICENSES", TO ADD SECTION 23, "KEG SALES AND REGULATION"**

Be it ordained by the City of Providence:

SECTION 1. Chapter 16, "Licenses," Section 23 is hereby amended as follows:

Sec. 16-23. - ~~[Reserved.]~~ Keg Sales and Regulation

(a) Definitions.

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

Adult responsibility form means a statement to be signed by purchasers of kegs attesting under penalty of perjury that the information they provide under the requirements of this ordinance is accurate and that the purchaser will not allow consumption of any of the purchased alcoholic beverages in violation of the laws of the State of Rhode Island or the City of Providence.

Keg means any container capable of holding four (4) gallons or more of beer and designed to dispense beer directly from the container for purposes of consumption.

(b) Regulations.

(i) No person licensed to sell alcohol at retail for off-premises consumption shall sell a keg unless such keg has a complete keg label affixed, in accordance with Rhode Island General Laws 3-8-15.

(ii) Prior to the retail sale of beer by keg for off-premises consumption, the retail licensee shall collect a seventy-five dollar (\$75) deposit on each keg purchased. The registration deposit shall be collected in addition to the purchase price of the beer, taxes thereon, and any other deposit collected by the licensee. Upon the return of the keg to the licensee with the keg label intact, the registration deposit shall be returned to the purchaser. The registration deposit for each keg returned without its keg label or with a damaged keg label shall be forfeited. The registration deposit for any keg not returned to the retail licensee within thirty (30) days shall be forfeited.

(iii) Prior to the retail sale of beer by keg for off-premises consumption, the retail licensee shall cause the purchaser thereof to sign an adult responsibility form. The retail licensee shall retain a copy of the adult responsibility form in accordance with the requirements of subsection (d) of this ordinance. Any person in possession of a keg purchased under this ordinance shall be required to keep the associated adult responsibility form in the same location as the keg and shall have the form readily available for inspection until the keg is returned to the licensee.

(c) The licensee shall also record:

(i) the name and address of the purchaser;

(ii) form of identification used and the identification card number;

(iii) date and time of the purchase;

(iv) location, date, and approximate time of event where the beer from the purchased kegs

will be dispensed; and

(v) the number of kegs purchased and the individual identification numbers for each keg.

(d) Record retention.

All records and statements required by this ordinance, including copies of adult responsibility forms, shall be maintained by the licensee for no less than one hundred and eighty (180) days from the date the keg was returned. Such records and statements shall remain open to inspection by authorized officials, including law enforcement officers and liquor license authorities, during the licensee's normal business hours.

(e) Penalty

(i) Failure by licensees to adhere to the provisions of this section shall result in a fine of up to five hundred dollars (\$500) per offense. Each keg sold in violation of this ordinance shall constitute a separate violation.

(ii) Purchasers of kegs found to have provided false information in any of the requirements of subsections (b) or (c) of this ordinance shall be subject to fines of up to five hundred dollars (\$500) per offense.

(iii) Possession of a keg without a keg label or with a damaged keg label or without an adult responsibility form shall be punishable by a fine of up to five hundred dollars (\$500) per keg. If a keg is found on any residential premises, there shall be a rebuttable presumption that any resident of the dwelling unit in which the keg is found is in possession of the keg.

(iv) If any keg is used in the unlawful sale of alcohol, the unlawful furnishing of alcohol to a minor, or any other unlawful activity under the laws of the State of Rhode Island or the City of Providence, there shall be a rebuttable presumption that the person who signed the adult responsibility form associated with that keg is responsible for the unlawful activity and shall be subject to any fines and/or penalties related to that unlawful activity. The City shall have the burden of proving that the keg was used in the unlawful activity and the defendant was the person who signed the adult responsibility form. The defendant shall have the burden of proving that he or she had no knowledge of the unlawful activity and took reasonable means prevent the unlawful activity.

SECTION 2. This ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 4, "ANIMALS AND FOWL," SECTION 22, "DOG BREEDING," AND ESTABLISHING SECTION 23, "KEEPING AND HARBORING ADDITIONAL DOGS" AND SECTION 24, "PROHIBITION OF THE SALE OF DOGS AND CATS"**

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 22, is hereby amended as follows:

Sec. 4-22. - Dog Breeding

(a) Dog Breeding Permit

- (1) There shall exist a Dog Breeding Permit, issued by Animal Control at a cost of two hundred fifty dollars (\$250), which shall expire one (1) calendar year for the date it was issued. Permits shall be non-transferrable.
- (2) No Dog Breeding Permit shall be issued until and unless Animal Control has reviewed and inspected the premises where the dogs are being kept and found it to be in compliance with all applicable laws and suitable for the proper care and breeding of dogs.
- (3) Animal Control shall develop and maintain policies establishing the suitable conditions for proper care and breeding of dogs. Such polices shall be publicly posted on the Animal Control website.

(b) Regulation

Unless an individual has obtained a Breeding Permit from Animal Control, as described in Sub Sec. (a) of this Ordinance, or the dog is otherwise exempt under the provisions of subsection (d) of this Ordinance, it shall be unlawful to:

- (1) cause or allow any male or female dog, owned or harbored in the City, to breed;
- (2) cause or allow any male dog, aged six (6) months or older, to remain unneutered;
- (3) cause or allow any female dog, aged six (6) months or older, to remain unspayed;
- (4) keep or harbor more than three (3) dogs, aged three (3) months or older, whether or not owned by such person, unless the individual has obtained an Additional Dog Permit or is otherwise exempt under the provisions of Sec. 4-23 of the Code of Ordinances.

(c) Penalty

- (1) Each violation of this ordinance shall result in a penalty of one hundred dollars (\$100). Each dog breeding without a permit; each dog, aged six (6) months or older, unspayed or unneutered without a permit; and each dog, aged three (3) months or older, kept or harbored without a permit, shall count as a separate offense.
- (2) Animal Control shall have the authority to seize any and all dogs kept or harbored in violation of this ordinance.

(d) Exceptions

Dogs meeting the following criteria shall be exempt from the provisions of subsections (b)(1), (b)(2), and (b)(3) this ordinance:

- (1) The dog is a breed approved by and registered with a national or international breed registry or association which, at a minimum, requires identification of the breed, date of birth, names of registered sire and dam, the name of the breeder and recordkeeping relating to breeding, transfer of ownership and death. In addition, the dog must actively show or compete and shall have competed in at least one show or sporting competition hosted or staged by, or under the approval of, a national association, unless it is too young to compete. The owner shall provide verified proof to the satisfaction of the Animal Control Officer with each application for a new or renewal license. Animal Control is authorized to issue further guidelines for enforcement of this provision.
- (2) The owner of the dog provides a letter to Animal Control from a Rhode Island licensed veterinarian certifying that the dog is too sick or injured to be spayed or neutered and that the animal's health would be best served by spaying or neutering after a specified date; or that it is unsafe to spay or neuter the animal due to old age, a permanent and serious medical condition or permanent infirmity that would prevent the animal from reproducing. The letter shall include the veterinarian's license number.

SECTION 2. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 23, is hereby amended as follows:

Sec. 4-23. - ~~Reserved~~ Keeping and Harboring Additional Dogs

(a) Additional Dog Permit

- (1) There shall exist an Additional Dog Permit, issued by Animal Control, at a cost of twenty-five dollars (\$25), which shall allow individuals to keep and harbor additional dogs beyond the maximum established in Sec. 4-22(b)(4) of the Code of Ordinances. Each Additional Dog Permit issued shall specify the number of dogs kept or harbored by the individual at the time of issuance and the maximum number of dogs they are

allowed to keep or harbor in their current dwelling.

(2) No Additional Dog Permit shall be issued until and unless Animal Control has verified that all the dogs being kept and harbored by the applicant comply with the provisions of Sec. 4-22, subsections (b)(1), (b)(2), and (b)(3).

(3) Animal Control shall establish policies for the issuance of Additional Dog Permits. Such policies shall be public documents available on Animal Control’s website. Such policies shall include, but shall not be limited to the minimum dwelling area required for keeping and harboring additional dogs, minimum standards of care for additional dogs, and rules and regulations for the suspension and/or revocation of Additional Dog Permits.

(4) Additional Dog Permits shall continue to be valid until and unless the holder of the permit moves to a new address. It shall be the responsibility of permit-holders to inform Animal Control that they have moved. Permit-holders who inform Animal Control that they have moved shall, upon providing Animal Control with documentation verifying that the new dwelling where the dogs are kept or harbored meets the minimum standards for Additional Dog Permits established under this Ordinance, be issued a new Additional Dog Permit for the new dwelling at a cost of five dollars (\$5).

(b) The provisions of Sec. 4-22(b)(4) of the Code of Ordinances shall not apply to, nor shall an Additional Dog Permit be required of any individual fostering dogs as part of a formal agreement or affiliation with Animal Control or a non-profit organization whose mission and practice is, in whole or significant part, the rescue and placement of dogs.

SECTION 3. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, “Animals and Fowl,” Article II, “Dogs,” Section 24, is hereby amended as follows:

Sec. 4-24. - ~~Reserved~~ Prohibition of the Sale of Dogs and Cats.

(a) Definitions.

Commercial establishment means 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 means 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 or 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 City

of Providence shelter or humane society, whose mission is, in whole or significant part, the rescue and placement of dogs or cats.

Certificate of source means any document from the source city animal shelter or animal control agency, humane society, or non-profit rescue organization declaring the source of the dog or cat on the premises of the pet shop, retail business, or other commercial establishment.

(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 City of Providence. All pet stores, retail businesses or other commercial establishments selling dogs or cats shall maintain a certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement, or any other city employee charged with enforcing the provisions of this section.

(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 City of Providence from providing space and appropriate care for animals owned by a city 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.

(d) 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 two thousand dollars (\$2,000) for each separate offense or community service for a period of not more than ninety (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 4. This Ordinance shall take effect upon passage.