

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

Animal Services means the City of Wylie Animal Services as defined and appointed under section 18-1.

Animal Welfare Organization means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

Adoption Agency means an animal welfare organization or animal placement group approved by the animal services manager to take impounded dogs and cats from animal services for adoption to the public.

Retail Pet Store means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

PROHIBITING THE SALE OF DOGS AND CATS BY RETAIL PET STORES

A retail pet store commits an offense if the retail pet store sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away or transfer a dog or cat, regardless of age.

- (a) A retail pet store may provide space for the display of dogs or cats available for adoption by animal services, an animal welfare organization, or an animal adoption agency if the retail pet store does not have an ownership interest in any of the displayed dogs or cats and the retail pet store does not receive any fees or compensation associated with the display of the dogs or cats.

PROHIBITING THE SALE OF DOGS AND CATS FROM PUBLIC PLACES

- (a) A person commits an offense if he sells, exchanges, barter, or gives away, or offers to sell, exchange, barter, or give away, a dog or cat from:
 - (1) any public property; or

- (2) any property generally accessible by the public, regardless of whether such access was authorized.
- (b) It shall be unlawful for any manager, operator, or property owner to allow the conduct described in subsection (a).
- (c) This section does not apply to:
 - (1) animal services,
 - (2) an animal adoption agency; or
 - (3) animal welfare organization.
- (d) It is an affirmative defense to prosecution under subsection (a) and (b) above that the person is working on behalf of a veterinary clinic; animal hospital; bona fide zoological park; circus; educational institution; museum; licensed laboratory; publicly owned nature center; bona fide educational or scientific association or society approved by the director of health; or organization holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes.