

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.

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.

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.

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

Except as provided in this section, 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.

(b) It is a defense to prosecution under this section if an individual sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer only dogs or cats bred by that individual.

PROHIBITING THE SALE OF ANIMALS FROM PUBLIC PLACES

(a) A person commits an offense if he sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog, cat or other animal from:

(1) any public property, including but not limited to public right-of-way and City-owned property; or

(2) any property generally accessible by the public that does not have a valid certificate of occupancy allowing the sale of animals on the property, regardless of whether such access was authorized.

(b) It shall be unlawful for a retail pet store or any manager, operator, or property owner to allow the conduct described in subsection (a).

(c) This section does not apply to, and it is a defense to prosecution under this section if, the person is working on behalf of:

(1) animal services,

(2) an animal adoption agency; or

(3) an animal welfare organization.

(d) It is a defense to prosecution under subsection (b) above that the person is not a retail pet store and 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.