

**AN ORDINANCE AMENDING CHAPTER 5, “ANIMAL SERVICES”, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Police Department of the City of Grand Prairie, on occasion, requests that an animal be impounded by the City of Grand Prairie Animal Services Division when the owner of the animal has been arrested or hospitalized, is missing, or has died, and there is no person present, eighteen (18) years of age or older, who will assume the duties of providing food, water, and shelter such animal; and

**WHEREAS** the animals impounded under those circumstances are not always reclaimed by their original owners; and

**WHEREAS** there is currently no provision in the Code of Ordinances to address the disposition of the animals impounded and abandoned under those circumstances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:**

**SECTION 1.** Section 5-58, “Animal Impounded at Police Request”, of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby amended to read as follows:

- A. The animal services manager shall impound an animal at the request of a peace officer when the owner of the animal has been arrested or hospitalized, is missing, or has died, and there is no person present, eighteen (18) years of age or older, who will assume the duties of providing food, water, and shelter for such animal.

**B. Disposition of Animal – Owner Arrested**

If an animal is seized under this section because the owner of the animal was arrested by the Grand Prairie Police Department and confined in the City of Grand Prairie municipal jail, the animal services manager, or an agent acting on his behalf, shall immediately provide notice of the seizure to the owner at the time of the owner’s confinement. Notice for this section shall be in writing and delivered in person, and it shall include: the amount of the accrued and estimated charges for all costs associated with the feeding, care, and housing of the animal; a demand for payment; and a statement that if the animal is not claimed before the end of six (6) days after the date of notice, it may be placed for adoption or humanely destroyed.

If the animal services manager fails to provide the notice while the owner is confined in the Grand Prairie municipal jail, and as required by subsection B, then notice shall be provided as required by either subsection C or D.

**C. Disposition of Animal – Owner’s Residence Known**

1. If an animal is seized under this section, the animal services manager shall, as soon as practical, but not later than six (6) days after the animal is seized, give notice to the owner if the owner’s residence is known to him.
2. If an animal seized under this section is not claimed by the twelfth (12<sup>th</sup>) day after seizure, and notice is provided as required, the animal shall become the property of the City of Grand Prairie, and it may be placed for adoption, transferred to organizations or individuals who rescue or foster animals, transferred to other humane organizations, or it may be humanely destroyed. If notice is provided later than six (6) days after seizure of the animal, then the animal shall not become the property of the City of Grand Prairie until the seventh (7<sup>th</sup>) day after notice is provided.
3. Notice for this section shall be in writing, sent by certified mail with return receipt requested, and shall include: the amount of the accrued charges for all costs associated with the feeding, care, and housing

of the animal; a demand for payment; and a statement that if the animal is not claimed within the prescribed period, it may be placed for adoption or humanely destroyed. If the owner is deceased, the estate of the deceased is considered to have received notice if the notice is mailed, in accordance with this section, to the owner's last known address. Notice shall also be posted on the Animal Services website. Notice is deemed to have occurred on the date that it is mailed. If postal mail notice is sent in compliance with this section, and the United States Postal Service returns the notice for a reason other than insufficient postage, the validity of the notice is not affected.

**D. Disposition of Animal – Owner's Residence Unknown**

If an animal is seized under this section, and the owner's residence is unknown, the animal services manager shall, as soon as practical, but not later than six (6) days after the animal is seized, post notice on the Animal Services website in the same manner as if the residence is known. If such animal is not claimed by the twelfth (12<sup>th</sup>) day after notice is posted, the animal shall become the property of the City of Grand Prairie, and it may be placed for adoption, transferred to organizations or individuals who rescue or foster animals, transferred to other humane organizations, or it may be humanely destroyed.

E. This section shall not apply to at large animals, dangerous animals, prohibited animals, or animals that are impounded as a result of allegations of cruelty."

**SECTION 2.** The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

**SECTION 3.** All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

**SECTION 4.** This Ordinance shall be and become effective immediately upon and after its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 21<sup>ST</sup> OF SEPTEMBER 2021.**

**APPROVED:**



**Ron Jensen, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**City Secretary**

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**City Attorney**