

**ORDINANCE NO. 2026-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES, THROUGH THE AMENDMENT OF CHAPTER 26, “ANIMAL CONTROL”- ARTICLE VI “ANIMAL CONTROL IMPOUNDMENT” BY AMENDING SECTIONS (1) 26-36 “IMPOUNDMENT; NOTICE; DISPOSITION” AND (2) 26-37 “IMPOUNDMENT TIME; FEES; REDEMPTION OF ANIMAL”; PROVIDING FOR HEARINGS; PROVIDING FOR NOTICE OF HEARINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of McKinney, Texas (the “City”) is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City’s Home Rule Charter; and

**WHEREAS**, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

**WHEREAS**, Collin County Commissioners Court has adopted new rules and regulations for “Animal Services Impounded Animal Holding” related to the Collin County Animal Shelter; and

**WHEREAS**, the City Council of the City of McKinney seeks to adopt such animal control impoundment regulations in the City’s Code of Ordinances to reflect such new regulations and procedures; and

**WHEREAS**, the City Council of the City of McKinney believes that the adoption of such regulations will safeguard the public health and safety with regard to animal control in the City of McKinney.

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

**Section 1.** Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2.** Chapter 26 Section 26-36 of the City of McKinney Code of Ordinance, entitled “Impoundment; notice; disposition”, is hereby amended and restated to read as follows:

**“Sec. 26-36. - Impoundment; notice; disposition.**

- (a) Animals may be impounded by the animal control manager, or his or her designee, under any of the following circumstances when:
  - (1) An animal is at large or running at large;
  - (2) An animal is reasonably suspected of having inflicted bodily injury on any person or animal, or poses a threat to public safety or constitutes a public nuisance;
  - (3) A dog, cat, or ferret does not have a valid, current rabies vaccination tag;
  - (4) The animal is prohibited under this chapter;
  - (5) An animal is not cared for in violation of sections 26-38 or 26-46;
  - (6) An animal that has rabies or symptoms that could reasonably indicate rabies, or that bites, scratches, or otherwise creates a condition that may expose or transmit rabies to any human being or animal;
  - (7) An animal is not kept in conformity with this chapter or state law; or
  - (8) An animal is held in protective custody, as that term is defined in section 26-1.
- (b) If, by vaccination tag or other means, the owner of an impounded animal can be identified, the animal control manager shall, as soon as practicable after impoundment, notify the owner, if reasonably possible, that if the impounded animal is not redeemed within three (3) days after impoundment, disposition of the impounded animal shall occur in accordance with this chapter, and that the owner has a right to a hearing on the validity of the impoundment and applicable fees, and the disposition of the impounded animal in accordance with this chapter.
- (c) On request of the owner of an impounded animal prior to the disposition of the animal as provided in this chapter, the animal control manager shall conduct a hearing on the validity of the impoundment and the applicable fees, and the disposition of the impounded animal.
  - (1) The hearing must be held as soon as practicable;
  - (2) Any interested person may provide evidence in person, in writing, or by other means;
  - (3) The animal control manager shall make a decision at the conclusion of the hearing and promptly inform the owner of his or her decision;
  - (4) The owner may appeal the animal control manager's decision within three (3) days to the municipal court.

**Section 3.** Chapter 26 Section 26-37 of the City of McKinney Code of Ordinance, entitled “Impoundment time; fees; redemption of animal”, is hereby amended and restated to read as follows:

**“Sec. 26-37. - Impoundment time; fees; redemption of animal.**

- (a) Impounded animals, including those released from quarantine, shall be kept for three (3) days from the date of impoundment. In calculating the length of this time, the first day after impoundment shall be day one. If the owner of such impounded animal does not redeem the impounded animal within three (3) days after impoundment, disposition will be in accordance with this chapter. The animal may be disposed of prior to the expiration of such time if in the professional opinion of the animal control department disposition is necessary to avoid the unnecessary suffering of a sick or injured animal.
- (b) Impounded and quarantined animals, except for prohibited animals, shall be available for immediate redemption upon meeting the requirements as set forth by the animal care and control center.
- (c) When an owner cannot provide proof to the animal control department at the time of release from impoundment that the impounded animal is currently vaccinated against rabies, then the owner must meet the requirements of the animal care and control center. Proof of rabies vaccination for redeemed animals must be provided to the animal control department within 48 hours of release. Failure to comply with the provisions of this section is a violation of this chapter.
- (d) A schedule of the current applicable fees for reclaiming impounded or quarantined animals is available for review at the animal care and control center.
- (e) It is not a defense to prosecution of any citations that applicable impoundment, bite, boarding, vaccination, microchip or registration fees have been paid.
- (f) If an animal is not redeemed within three (3) days from the date of impoundment as provided in this section, the animal shall be disposed of by offering it to a local humane group for adoption or by humanely destroying the animal.”

**Section 4. SEVERABILITY CLAUSE**

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**Section 5. REPEALER CLAUSE**

All provisions of the Code of Ordinances of the City of McKinney, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effort.

**Section 6. SAVINGS CLAUSE**

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 7. PUBLICATION OF CAPTION**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.

**Section 8. EFFECTIVE DATE** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

[Signature Page Follows]

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 21<sup>st</sup> DAY OF JULY, 2026.**

CITY OF MCKINNEY, TEXAS

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BILL COX, Mayor  
RICK FRANKLIN, Mayor Pro Tem

ATTEST:

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EMPRESS DRANE, City Secretary  
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER, City Attorney  
BENJAMIN SAMPLES, First Assistant City Attorney  
ALAN LATHROM, Assistant City Attorney