



**LAW DEPARTMENT
MEMORANDUM**

To: Animal Advisory Commission
From: Trish Link, Division Chief, Land Use and Real Estate
Date: June 10, 2022
Subject: Transfer of Ownership of Animals Impounded by the City

This memorandum addresses when ownership of an impounded animal that has not been surrendered by their owner is transferred to the City.

Pets are considered property and an owner's property rights are not automatically lost because their pet escapes or is lost. However, cities possess the power to enact ordinances that divest an owner of their ownership rights in their pets. A city that adopts such an ordinance must explicitly divest the owner of their ownership rights. See *Lira v. Greater Houston German Shepherd Dog Rescue*, 488 S.W.3d 300 (Tex. 2016).

The City Code establishes when ownership transfers for an impounded animal. In accordance with the decision in *Lira*, the City Code explicitly divests a person of their ownership rights. Specifically, City Code Section [3-1-25](#) provides that the ownership of an impounded animal transfers to the City after three business days (the "hold period"). City Code provides that a business day is a day in which the animal shelter is "open to the public for reclamation and adoption".

When calculating the hold period, the date of the initial impoundment is not included. The transfer of ownership occurs when the hold period expires. This means that beginning the fourth business day, ownership of the impounded animal automatically transfers to the City. However, if the third business day falls on a Saturday when the shelter is open to the public, the transfer occurs on the next business day that is not a Saturday, Sunday, or City holiday. See City Code Section [1-1-5](#) (*Calculation of Time*).

Allowing another person to adopt an impounded dog before the expiration of three business days does not determine whether liability would result. Whether the City would be liable in a particular instance is a fact-sensitive inquiry. Moreover, this would not be an offense under City Code Section [1-1-99](#) (*Offenses; General Penalty*).