

AN ORDINANCE AMENDING CHAPTER 13 “HEALTH AND SANITATION”, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS BY ADDING ARTICLE XXIV “GROUP LIVING RESIDENTIAL UNITS”, PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City of Grand Prairie, Texas (“City”) is a home-rule municipality having its own Charter under the laws and Constitution of the State of Texas; and

WHEREAS, the City of Grand Prairie desires to establish rules and regulations relating to the operation of group living residential units, and

WHEREAS, the City has a legitimate and compelling interest in identifying the location of dwelling units that are being used as Group Living Residential and the registration requirements set forth by this ordinance are intended to achieve that end; and

WHEREAS, the provisions set forth by this ordinance are relative to governing fire safety, zoning, and public health; and

WHEREAS, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Open Meetings Act, and

WHEREAS, the purposes of this Ordinance include protecting and promoting the public health, safety, and general welfare of the citizens of the City of Grand Prairie

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety

SECTION 2. That Chapter 13, “Health and Sanitation”, of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby amended by adding Article XXIV “Group Living Residential Units,” which shall read as follows:

“ARTICLE XIV. – GROUP LIVING RESIDENTIAL UNITS

Sec. 13-631. – Purpose

The purpose of this Article is to set forth a process through which certain dwelling units shall be registered with the City of Grand Prairie for use as Group Living Residential Unit under the stipulations set forth within the ordinance. The intent of the group living unit registration requirement is as follows: to maintain adequate health and safety standards to protect the residents, to ensure that adequate fire, police, and emergency response vehicles or patrols are available, and to identify and facilitate appropriate responses for residents who may require special assistance during an emergency.

Sec. 13-632. – Definitions

Director means the person designated by the City Manager to enforce this Article or their designee

Group Living Residential Unit means a dwelling unit that is used for any of those uses identified within the use category of “Group Living Residential” in Article 4, Section 21 of the Grand Prairie Unified Development Code

Operator means the person in control of a Group Living Residential Unit

Owner means any person, partnership, association, corporation, fiduciary, or other legal entity having a legal or equitable title or any interest in a Group Living Residential Unit

Sec. 13-633. – Registration Requirement

- (a) No person shall own, maintain, or operate a Group Living Residential Unit without first registering such unit with the City of Grand Prairie
- (b) Registration shall be in writing on a Group Living Residential Unit Registration form prescribed by the Director. The date of receipt of a registration form shall be recorded by the City in a manner sufficient to verify the date of submission. The Operator or Owner must submit a current copy of any applicable state-issued license along with the following information on the registration form:
 - 1 The physical address of the group living residential unit;
 - 2. If applicable, the name of the group living residential unit;
 - 3 The owner's name, address, email address, and telephone number,
 - 4 If the owner is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the owner,
 - 5 The operator's name, address, email address, and telephone number,
 - 6 If the operator is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the operator,
 - 7 The name, physical address, email address, and twenty-four hour telephone number of a local contact who shall be responsible and authorized to respond to complaints concerning the use of the group living residential unit within one-hour.
 - 8 The number of individuals who will reside at the location.
 - 9 The type of services which will be offered at the location.
 - 10 Any other information determined by the Director as necessary to ensure the health and safety of those occupying the Group Living Residential Unit.
- (c) There shall be no fee for registration of a Group Living Residential Unit

- (d) The owner or operator of a Group Living Residential Unit that was operating prior to the adoption of this Article shall register such unit before September 1, 2023

Sec. 13-634. – Registration Renewals and Updates

- (a) If the Group Living Residential Unit has all required licenses, including certificates of occupancy and state-issued licenses, is authorized to operate at the location pursuant to the Grand Prairie Unified Development Code, and is in compliance with applicable zoning, licensing, and certificate of occupancy requirements, the registration is valid from the date of the City's receipt of a completed registration form containing all the required information and shall remain valid for a period of one year or until withdrawn by the Operator or Owner
- (b) The Operator or Owner shall submit a registration renewal application at least fifteen (15) days prior to the current registration expiration date, but no earlier than sixty (60) days preceding said expiration date
- (c) The Operator or Owner shall provide the City updated information, in writing and within ten (10) days, when the information previously provided to the City on the registration form is no longer current.
- (d) If a registration form is determined to be incomplete, the Director shall notify the Owner or Operator, in writing, advising the Owner or Operator that the registration form is incomplete and resubmission of a completed registration form is required to comply with the requirements of this Article.
- (e) Registration as a Group Living Residential Unit does not negate any requirement which may exist to obtain a certificate of occupancy or authorize operation in violation of Article 4 of the Grand Prairie Unified Development Code or any other applicable state or local law.

Sec. 13-635 –Invalid Registration

- (a) A Group Living Residential Unit registration is invalid if the Group Living Residential Unit does not have the required license, including a certificate of occupancy, to operate the facility or is not authorized to operate at the location under Article 4 of the Grand Prairie Unified Development Code.
- (b) If the Director determines that the Group Living Unit registration is invalid pursuant to subsection (a), the Director shall provide written notification to the applicant stating the reasons the registration is determined to be invalid
- (c) A person who receives a notice of determination described in subsection (b) may appeal such determination no later than the 20th day after the date the Director determined the registration is invalid by filing a written appeal stating the grounds for the appeal with the Director and paying the appeal fee established in Article 22 of the Grand Prairie Unified Development Code. Such appeal shall be heard by the Zoning Board of Adjustment and Appeals in accordance with Article 1 of the Grand Prairie Unified Development Code.

Sec. 13-636. – Transferability

No registration shall be transferable under this Article

Sec. 13-637. – Offense; Penalty

- (a) It shall be an offense for any person to violate any provision of this article, including failing to perform a required act or performing a prohibited act
- (b) Any person, firm, corporation, or other entity violating any provision of this Article shall be deemed guilty of a misdemeanor and shall, upon conviction, thereof be fined an amount not to exceed five hundred (\$500 00) for each offense Each day a violation of this article continues shall constitute a separate offense
- (c) A culpable mental state is specifically negated and dispensed with and a violation under this Article is a strict liability offense

Sec. 13-638–13-660. – Reserved.”

SECTION 3. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas

SECTION 4 That Chapter 13, “Health and Sanitation”, of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance

SECTION 5 That 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 6 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 7. That this Ordinance shall be and become effective, after publication, on July 17, 2023


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS ON THIS THE 20TH DAY OF JUNE 2023.

APPROVED:




Ron Jensen, Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


City Attorney