



January 26, 2021

5:00 P.M.

CITY COUNCIL

TELECONFERENCE MEETING

AGENDA





**NOTICE OF MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, January 26, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. Invocation:

II. Pledge of Allegiance:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one state under God, one and indivisible.

III. Roll Call:

IV. Mayoral Proclamations and Presentations:

V. Consent Items:

1. Discuss and consider approving the minutes of the meetings held on January 12, 2021, and take the appropriate action.
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through March 2, 2021, and take the appropriate action.

VI. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. Public Hearings:

VIII. Old Business:

The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
Lynda Nash
Jody Nicholas

IX. New Business:

1. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to enter into a Contract with Civicplus to provide Parks and Recreation Software Services in the amount of \$17,661, and take the appropriate action. (Parks and Recreation Director)
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, Amending Section 90.01 - Definitions to the Code of Ordinances to add Definitions of "Backyard Chicken", "Chicken Coop", and "Exercise Yard"; Amending Section 90.39 to Authorize the Keeping of Backyard Chickens; Providing Regulations regarding the location and maintenance of Backyard Chickens; and prohibiting Backyards Chickens from walking or flying onto adjacent property; and take the appropriate action. (I.T. Director)

X. Reports of Advisory Boards & Commissions:

XI. Items from Council:

XII. Staff Reports:

1. Receive and discuss the City Manager's Report. (City Manager)

XIII. Announcements:

XIV. Closed Meeting:

1. Announce a closed meeting for the following purposes:
 - (A) Pursuant to 551.071 of the Texas Government Code to consult with City Attorney regarding Pending Litigation - Harker Heights Condominiums, LLC v. City of Harker Heights, et al and other confidential legal matters.
 - (B) Pursuant to 551.072 of the Texas Government Code to deliberate regarding lease of real property.

XV. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 22nd day of January 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number:

1-866-899-4679 and use Access Code: 830-274-957

To join the meeting from your computer, tablet, or smartphone, use the following meeting link:

<https://global.gotomeeting.com/join/830274957>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. This agenda is also available on the City of Harker Heights website at www.harkerheights.gov

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, January 12, 2021, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

Roll Call:	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

Mayoral Proclamations and Presentations:

1. The Mayor presented a Proclamation to Jeff Achee, Parks and Recreation Director, declaring January 12, 2021, to be "Mayors' Monarch Pledge Day".
2. Presentations and Recognitions:
 - (a) Mayor Smith presented a Certificate of Appreciation to Steve Moody for his work as the Election Official in the December 19, 2020, Municipal Runoff Election.
 - (b) The Mayor, City Councilmembers, and City Staff recognized departing Councilmember John Reider.

Installation of Officers:

1. Honorable Billy Ray Hall Jr., Municipal Court Judge, administered the Oath of Office to Lynda Nash to serve as Councilmember, Place 4, for a three year term ending May, 2023.

At 5:27 p.m. Mayor Smith called for a short break to reset.

Mayor Smith reconvened the meeting at 5:33 p.m.

2. Council discussed electing a Mayor Pro-tem. David Mitchell, City Manager, made the presentation. Councilmember Fountain made the motion to continue with the current Mayor Pro-tem Michael Blomquist until the May Election. Seconded by Nash. All in favor. Motion approved 5-0.

Consent Items:

1. Council discussed and considered approving the minutes of the meetings held on December 8, 2020, and December 29, 2020. McCann made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 5-0.

Presentations by Citizens:

1. Council received and discussed a presentation regarding the Child Safety Fund. Bobby Whitson, Bell County Commissioner, Precinct 2, was in attendance and presented the City with a check for \$32,166.76 from the Bell County Child Safety Fund. No action taken.

Mr. Steve Moody, 204 Elbert Lane, Harker Heights, Texas, stated that he has been elected Precinct Chair for Precinct 201 in Bell County and stated that if he could help out the City in any way to contact him.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from M-1 (Light Manufacturing District) to R-1 (One Family Dwelling District) on property described as a part of the Francis Hughes Survey, Abstract No. 396, 2.02 Acres, generally located at 1911 East Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Travis Mills, applicant, was present to represent the request. Blomquist made the motion to disapprove the request. Seconded by McCann. All in favor. Motion to disapprove the request was approved 5-0.
2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Lot Seven (7), Block One (1), Valley View Addition, an Addition to the City of Harker Heights, Bell County, Texas, according to the Plat of Record in Cabinet A, Slide 161-B, Plat Records of Bell County, Texas, generally located at 114 East Valley Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Raymond Hamden, applicant, was present to represent the request. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from B-4 (Secondary and Highway Business District) to R-1 (One Family Dwelling District) on property described as Block Seven (7), Lot One (1), Stillforest Addition Replat, generally located at 1003 South Roy Reynolds Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Richard Raymond, representative, was present to represent the request. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
4. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Evergreen Subdivision Phase Four, Block One (1), Lot Eleven (11), generally located at 2536 Jubilation Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Lynne Boehm, applicant, was present to represent the request. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered a request for a concept plan approval of the Village at Nolan Heights on property described as a 47.626 Acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 Acre tract of land conveyed to Robert Don Sutton, Trustee, generally located North of K.I.S.D. Middle School No.14 along Warriors Path, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Nicholas made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
2. Council discussed and considered approving a request by Remco Properties, LLC, for a Concept Plan Amendment of Amy Lane Addition Concept Plan, on property described as 6.917 Acres of land, more or less, part of the Cullendar Deelee Survey, Abstract No. 991, and the J.Thomlinson Survey, Abstract No. 813, generally located within the 700 Block of South Amy Lane, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Fountain made the motion to approve with Condition 1: A waiver is granted to allow a single access and secondary emergency access as depicted in Concept Plan. Seconded by Blomquist. All in favor. Motion approved 5-0.

At 6:34 p.m. Mayor Smith called for a short break.

Mayor Smith reconvened the meeting at 6:58 p.m.

3. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Wastewater Treatment Plant Main Lift Station Stairway Safety Improvements Project in the amount of \$64,000.00 to Primespec Construction, LLC; Authorize the City Manager to sign and act on behalf of the City. Mark Hyde, Public Works Director, made the presentation. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Participation in the No Place Like Home Challenge; Authorizing the City Manager to sign and act on behalf of the City. Gary Bates, IT Director, made the presentation. McCann made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
5. Council discussed and considered approving the Adoption of a Resolution of the City Council of the City of Harker Heights, Texas, awarding financing in the amount of \$405,000 for the purchase of computers and making certain findings thereto; authorize the City Manager to sign and act on behalf of the City. Ayesha Lealiiee, Finance Director, made the presentation. Nicholas made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
6. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, adopting the City of Harker Heights 2021-2022 Legislative Platform For the 87th Legislative Session. Jerry Bark, Assistant City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

Reports of Advisory Boards & Commissions:

Mayor Pro-tem Blomquist stated that since the last Council meeting the Bell County Health District Board has met and that he had sent out an email with a synopsis of what occurred at the meeting. There has been an explosion of the COVID-19 positive rate in Bell County with the total of cases over 3,000 and it is still growing. Blomquist encouraged everyone to please be aware to wear masks and avoid any kind of large gatherings.

Items from Council:

Councilmember Fountain wished everyone a Happy New Year.

Staff Reports:

1. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:42 p.m.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 26, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MARCH 2, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The State of Texas and Bell County both have issued disaster declarations that cover Harker Heights in relation to the COVID-19 pandemic. According to the Texas Municipal League (TML) guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for the City of Harker Heights on March 20, 2020.

The City Council approved an Ordinance during a special called meeting on April 7, 2020, to extend the Public Health Emergency Declaration to April 30, 2020.

On April 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until May 31, 2020.

On May 26, 2020, the Council approved an extension to the Public Health Emergency Declaration until June 30, 2020.

On June 23, 2020, the Council approved an extension to the Public Health Emergency Declaration until July 31st, 2020.

On July 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until August 31, 2020.

On August 25, 2020, the Council approved an extension to the Public Health Emergency Declaration until September 30, 2020.

On September 22, 2020, the Council approved an extension to the Public Health Emergency Declaration until October 31, 2020.

On October 27, 2020, the Council met again and approved another extension to the Public Health Emergency Declaration until January 31, 2021.

Action is now needed again by the Council to consider extending this declaration to match recent directives from the State and Bell County out to March 2, 2021.

This declaration continues to align with the City's COVID-19 response measures to those issued by Bell County and the State. If Bell County or the State modify their orders, then the City's requirements would automatically reflect these modifications, to include the Governor's staged initiatives of "Reopening Texas".

The Council may at any time choose to end, modify, and/or extend the declaration.

STAFF RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through March 2, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MARCH 2, 2021.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to extend the Public Health Emergency Declaration; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Ordinance 2020-06, 2, of the Code of Harker Heights is hereby appended with the following:

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until March 2, 2021.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on January 26, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 26, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CIVICPLUS TO PROVIDE PARKS AND RECREATION SOFTWARE SERVICES IN THE AMOUNT OF \$17,661, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

In November 2020, the Parks and Recreation Department cancelled the agreement with ActiveNet, the Department’s Recreation Software provider since 2012, and the service will end in November 2021. Throughout 2020, Parks and Recreation and Finance staff communicated with Recreation Software providers about their offerings. Three providers were chosen to demo their programs with Parks & Rec, Finance, and IT staff and have their services scored by Parks and Recreation staff: CivicRec (CivicPlus), RecTrac (Vermont Systems), and RecDesk.

The scoring criteria was based on the following:

1. Financials and Reporting (20 points)
2. User Interface (20 Points)
3. Facility Reservations (20 points)
4. Recreation Programming (20 points)
5. Park/Campground Management (20 points)

Providers in order of scoring
CivicRec (CivicPlus)
RecDesk
RecTrac (Vermont Systems)

- The contract with CivicPlus will be for one year, with automatic one-year term renewals in the event that neither party gives 60 days’ notice to terminate prior to the end of the term.

STAFF RECOMMENDATION:

Staff recommends approving a resolution authorizing the City Manager to sign an agreement with CivicPlus to provide Parks and Recreation Software services in the amount of \$17,661.00 for the first year and \$4,776 annually in subsequent years.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution authorizing the City Manager to sign a contract with CivicPlus to provide Parks and Recreation Software Services in the amount of \$17,661.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. CivicRec Statement of Work

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CIVICPLUS TO PROVIDE PARKS AND RECREATION SOFTWARE SERVICES.

WHEREAS, the Parks and Recreation Department communicated with and received online software demonstrations from various Recreation Software providers; and

WHEREAS, Parks and Recreation staff evaluated online recreation software providers based on their capabilities in the following: financials and reporting, user interface, facility reservations, recreation programming, and park/campground management; and

WHEREAS, CivicRec by CivicPlus was rated the highest of the top three service providers.

NOW, THEREFORE, BE IT RESOLVED by the City of Harker Heights, Texas, to:

1. Authorize the City Manager to sign a contract with CivicPlus to provide Parks and Recreation software and services.
2. Authorize and instruct the City Manager to act in the name and behalf of the City of Harker Heights, Texas, to execute and deliver such contract and to do and perform every other act as he may deem necessary and appropriate in his sole discretion to accomplish the purposes of this resolution.

PASSED AND APPROVED on this 26th day of January, 2021, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas, at which meeting a quorum was present, held in accordance with the provisions of Texas Government Code, Chapter 551.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-13650-1

Date:

12/16/2020 11:44 AM

Expires On:

3/31/2021

Product:

CivicRec

Client:

Harker Heights TX - CivicRec

Bill To:

Harker Heights TX - CivicRec

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Jessica Kehler	x	kehler@civicplus.com		Net 30

CivicRec - Statement of Work

QTY	Product Name	DESCRIPTION	PRODUCT TYPE
1.00	CivicRec Premium	Premium Package -Project Coordination -Branded Public Portal -Help Center Access -Access to Live Project Support -Named Implementation Consultant	One-time
4.00	CivicRec Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours	One-time
1.00	CivicRec Virtual Consulting (Half Day Block)	Consulting (Virtual) - half day, up to 4 hours	One-time
1.00	CivicRec Annual Fee	CivicRec Annual Fee	Renewable
1.00	CivicRec CP Pay Annual Fee	CP Pay Annual Fee	Renewable
1.00	CivicRec CP Pay Implementation	CP Pay Implementation Fee	One-time
1.00	CivicRec Lighting Integration	CivicRec can schedule lighting at ball fields that are controlled by Skylogix or Musco lighting systems.	One-time
1.00	CivicRec GIS Integration	GIS Integration - Integrate with GIS software to continually provide updated address information into the new system. ArcGIS from ESRI is only option. We do not support other GIS options.	One-time
Total Investment - Year 1			USD 17,661.00
Annual Recurring Services – Year 2			USD 4,776.00

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicRec Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.

2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced upon signing.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in the third year of service. Client will pay all invoices within 30 days of the date of such invoice.
5. The Client's Annual Recurring Services Fees agreed upon herein are based on Client processing up to USD 240,000.00 of revenue per year ("Predicted Processing Volume"). Starting with the first Renewal Term of this SOW, CivicPlus reserves the right (but not the obligation) to audit Client once every 12 months to determine Client's actual processing volume ("Actual Processing Volume"). In the event Client's Actual Processing Volume exceeds the Predicted Processing Volume, CivicPlus will notify client within 30 days of the audit of the Actual Processing Volume and the applicable increase in the Annual Fees resulting from such Actual Processing Volume. The increase in the Annual Fees shall be implemented the first of the month following the notice.
6. For the purposes of obtaining merchant account services through CP Pay, Client may utilize the designated merchant account for CivicRec through an integrated partnership with Global Payments Integrated (fka) OpenEdge ("CP Pay Merchant"). In the event Client chooses CP Pay Merchant, Client will enter into a merchant account agreement with Global Payments. Such agreement's terms and conditions will solely enure to the benefit and obligation of Client; CivicPlus shall not be a party to such agreement. In the event Client chooses CP Pay Merchant, CivicPlus will facilitate Client and CP Pay Merchant communication for contracting purposes, and shall integrate the CP Pay Merchant account processor at no charge to Client. If Client desires to use an integrated merchant account processor gateway besides the designated CP Pay Merchant, CivicPlus will provide Client with a list of approved processors, an integration fee will be included in Client's implementation fees. Client agrees to comply with all terms and conditions of the resulting merchant account agreement and pay all fees required to maintain the services. Client acknowledges that the fees set forth in this SOW do not include any transaction, processing or other fees imposed by Client's merchant account processor. Client is fully responsible for their relationship with their selected processor. In no event will CivicPlus: (i) take part in negotiations, (ii) pay any fees incumbent on the Client or merchant account, or (iii) acquire any liability for the performance of services of any chosen merchant account processor, including CP Pay Merchant.
7. When Client uses CP Pay, then Client may take online credit card payments for certain services or products they provide via the Client websites supported by CivicPlus. As such, through CP Pay, CivicPlus facilitates an automated process for redirecting credit card payments to Client's chosen payment gateways / merchant account processors. For card payments, CivicPlus will redirect any payments processing to the Client's merchant account processor gateway, and the merchant account processor gateway presents the payment form page and processes the card payment. CivicPlus does not transmit, process or store cardholder data and does not present the payment form. CivicPlus implements and maintains PCI compliant controls for the system components and applications that provide the redirection services only.
8. Client understands and agrees that CivicPlus is not liable for any failure of service or breach of security by any merchant account processor gateway provider selected by Client, whether it is CP Pay Merchant or otherwise.

Signature Page to Follow

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization		URL
Street Address		
Address 2		
City	State	Postal Code
CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.		
Emergency Contact & Mobile Phone		
Emergency Contact & Mobile Phone		
Emergency Contact & Mobile Phone		
Billing Contact		E-Mail
Phone	Ext.	Fax
Billing Address		
Address 2		
City	State	Postal Code
Tax ID #	Sales Tax Exempt #	
Billing Terms	Account Rep	
Info Required on Invoice (PO or Job #)		
Are you utilizing any external funding for your project (ex. FEMA, CARES):		
Y [] or N []		
Please list all external sources:		
Contract Contact		Email
Phone	Ext.	Fax
Project Contact		Email
Phone	Ext.	Fax



COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 26, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 90.01 – DEFINITIONS TO THE CODE OF ORDINANCES TO ADD DEFINITIONS OF “BACKYARD CHICKEN,” “CHICKEN COOP,” AND “EXERCISE YARD;” AMENDING SECTION 90.39 TO AUTHORIZE THE KEEPING OF BACKYARD CHICKENS; PROVIDING REGULATIONS REGARDING THE LOCATION AND MAINTENANCE OF BACKYARD CHICKENS; AND PROHIBITING BACKYARDS CHICKENS FROM WALKING OR FLYING ONTO ADJACENT PROPERTY; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

Residents of the City of Harker Heights have expressed an interest in keeping of chickens to provide fresh eggs for their family. These requests have increased since March of 2020. Primary the increase has been due to the recent pandemic.

Currently, the City Ordinance Chapter 90.39 restricts the ownership of chickens, along with other fowl and other types of animals such as cows and horses to property owners that have a 250 ft. offset from where the animals are housed to their neighbor’s place of dwelling. This offset can be waived down to 75ft with the approval of a waiver by the City Manager.

During the City Council Workshop on October 6th, 2020 staff presented a draft ordinance to the City Council to modify sections 90.01 and 90.39 of the City Ordinance to establish a backyard chicken program.

The ordinance in summary implements the following:

- Establishes the following definitions:
 - Backyard Chicken – a female chicken (hen) possessed or harbored to provide eggs and egg production for personal consumption by persons residing on the lot or tract where the Backyard Chicken is kept.
 - Chicken Coop – an enclosed structure constructed with three or more sides, with a roof or other cover capable of allowing chickens kept inside the coop to remain dry and protected from the elements and which provides direct access by an enclosed passage between the roosting area and any adjacent Exercise Yard. A Chicken Coop must have a floor and a door that allows the chickens to move back and forth between the Chicken Coop and the adjacent Exercise Yard.

- Exercise yard – an enclosed pen outside of the Chicken Coop in which chickens can move about in a confined space. The Exercise Yard must be covered with wire or solid material to ensure that chickens remain confined and are unable to escape. An Exercise Yard must have more than ten (10) square feet of surface area for each Backyard Chicken that is kept within the Exercise Yard and shall not exceed a total of one hundred twenty (120) square feet in area.
- The ordinance modifies section 90.39 to include the provisions of Backyard Chickens while keeping the rest of the code to include the 200 ft offset and the waiver requirements for all other animals at 75 ft.
- The ordinance establishes 90.39 (B) which adds the following requirements:
 - A property owner or occupant of the property with written permission of the property owner may have no less than 3 chickens and no more than 6 chickens provided that the Backyard Chickens are confined in a Chicken Coop with an Exercise Yard; and provided they have a minimum of 75ft from any building or dwelling occupied by a person other than the owner of the Backyard Chickens.
 - The ordinance stipulates that the Chicken Coop and Exercise Yard must be maintained in a sanitary condition and accumulation of chicken waste on the property is prohibited.
 - Any person building a permanent non-moveable Chicken Coop and/or Exercise yard must obtain the proper permits and inspection through the City prior to construction.
 - Requires proper food, water and medical treatment be provided.
 - Allows for the chickens to “free roam” in the backyard of the property provided an individual of 18 years of age or older is physically present to supervise the Backyard Chickens to prevent the chickens from leaving the owners property or cross property boundary lines.

During the City Council Workshop on October 6th, 2020, several questions and concerns were raised by the City Council with regards to this ordinance.

- The first concern was with the distance requirement being changed from 75ft to 50ft. Staff, also, queried the Animal Advisory Committee on October 30th, 2020 with regards to their thoughts on the distance requirement. The Animal Advisory Committee, also, had a concern about changing the distance requirement to 50ft. Therefore, staff changed the ordinance to reflect a distance requirement of 75ft which was in the original code.
- The second concern was with the impact to health and was asked to query Bell County Health with regards to keeping of backyard chickens. Staff reached out to Dr. Amanda Robinson-Chadwell with Bell County Public Health and she referred us to a Centers for Disease Control and Prevention (CDC) webpage that best lays out the health concerns with backyard chickens. Staff has attached the CDC webpage. Most of the CDC recommendation are your basic sanitary requirements. Examples include washing your hands after handling the chickens; supervising children; not drinking or eating in the area that the poultry live; etc. To mitigate the risks of backyard chickens, staff will add the CDC information to the Pet Adoption Center’s webpage and advise anyone wishing to have backyard chickens of the health concerns and refer them to the CDC webpage.

- The final concern was disposal of chickens that have passed away. The Pet Adoption Center will accept the deceased chicken as we do any domestic animal such as dogs or cats at the fee rate listed in the City's Fee Schedule.

RECOMMENDATION

City staff recommends approving the Ordinance.

ACTION BY COUNCIL

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, amending Section 90.01 Definitions to the Code of Ordinances to add definitions of "Backyard Chicken", "Chicken Coop", and "Exercise Yard"; Amending Section 90.39 to Authorize the Keeping of Backyard Chickens; Providing Regulations regarding the Location and Maintenance of Backyard Chickens; and Prohibiting Backyards Chickens from Walking or Flying onto adjacent property.
2. Any other actions desired by the Council.

ATTACHMENT:

1. CDC Webpage
2. Backyard Chicken Ordinance

Healthy Pets, Healthy People

Backyard Poultry

Poultry includes any domesticated bird kept for producing eggs or meat, such as chickens, ducks, geese, guinea fowl, and turkeys. Find information about pet birds on the [birds page](#). Find information about wild birds on the [wildlife page](#).

Overview

Diseases

Healthy People

Healthy Poultry

FAQs

Resources

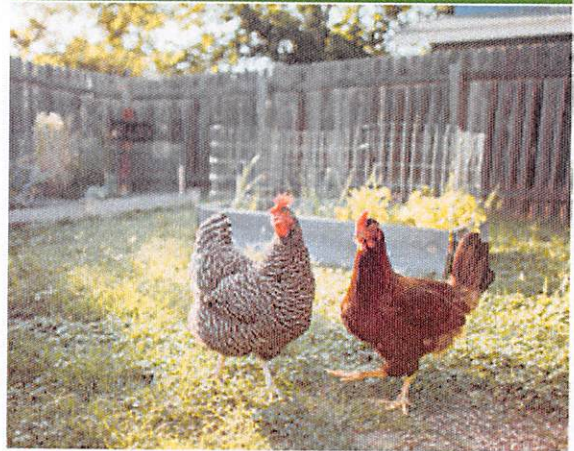
Keeping backyard poultry (chickens, ducks, geese, guinea fowl, and turkeys) is becoming more popular. People enjoy raising baby poultry including chicks, ducklings, goslings, and poults. Many people keep chickens to have fresh eggs. Although keeping backyard poultry can be fun and educational, owners should be aware that poultry can sometimes carry harmful germs that make people sick.

These germs can cause a variety of illnesses in people, ranging from minor skin infections to serious illnesses that could cause death. One of the best ways to protect yourself from getting sick is to [wash your hands](#) thoroughly right after touching poultry or anything in the area where they live and roam.

Whether you are building your first coop or are a seasoned backyard poultry owner, you should know the risks of keeping poultry and the simple things you can do to stay safe.

Follow the [Healthy People](#) and [Healthy Poultry](#) tips to keep yourself and your flock healthy.

Recent Outbreaks



See the latest outbreaks linked to backyard poultry

Healthy Pets, Healthy People

Backyard Poultry

Poultry includes any domesticated bird kept for producing eggs or meat, such as chickens, ducks, geese, guinea fowl, and turkeys. Find information about pet birds on the [birds page](#). Find information about wild birds on the [wildlife page](#).

[Overview](#) [Diseases](#) [Healthy People](#) [Healthy Poultry](#) [FAQs](#) [Resources](#)

Read below to learn about diseases that can be spread by poultry and visit the [Healthy People](#) section to learn about staying healthy around backyard poultry.

Bird flu (Avian influenza)

Avian influenza, or bird flu, is a contagious respiratory illness caused by influenza viruses. Some avian influenza viruses that primarily circulate in animals have infected people on rare occasion. When influenza viruses that normally circulate in animals cause an infection in people, this is called a “novel” virus infection. Not all influenza viruses found in birds are known to cause human infections.

How it spreads: Flu viruses are highly contagious. People can get infected through contact with saliva, nasal secretions, and droppings (poop) from infected animals. People also can get infected through contact with virus-contaminated surfaces, poultry coops, pig pens, and supplies. Less often, people can get infected by touching an infected animal and then touching their own eyes, nose, or mouth.

Who is at risk: It is rare for avian flu to spread to people. Anyone can get the flu, but children younger than 5 years of age, pregnant women, adults 65 years of age and older, and people with weakened immune systems are at high risk for serious flu complications.

People who work closely with large numbers of birds, such as producers, are more likely to get bird flu if their animals are infected.

Signs in poultry: Birds can be infected with flu viruses without showing symptoms. Signs that poultry may be infected range from decreased egg production to extremely high death rates.

Symptoms in people: People infected with avian flu viruses can have symptoms similar to the human seasonal flu, such as fever, fatigue, lack of appetite, and coughing. They may also have red eyes, nausea, abdominal pain, diarrhea, and vomiting. Some people can have serious flu complications, including inflammation of the heart (myocarditis), brain (encephalitis), or muscle (myositis, rhabdomyolysis) tissues, and multi-organ failure (for example, respiratory and kidney failure).

Campylobacteriosis (*Campylobacter* spp.)

Campylobacter are bacteria that can make people and animals sick with a disease called campylobacteriosis.

How it spreads: *Campylobacter* most often spread to animals and people through the feces (poop) of infected animals, contaminated food, or the environment. People can get infected if they don't [wash their hands](#) after touching an animal or its poop, food, toys, habitats (including coops, pens, and cages), or equipment used around these animals.

Who is at risk: Anyone can get a *Campylobacter* infection, but children younger than age 5, adults aged 65 and older, and people with weakened immune systems are more at risk for serious illness.

Signs in poultry: Poultry usually don't show signs of *Campylobacter* infection. Even if they look healthy and clean, poultry can still spread the bacteria to people.

Symptoms in people: People can have diarrhea (can be bloody), fever, and abdominal cramps. The diarrhea may be accompanied by nausea and vomiting. Symptoms usually start within 2–5 days after infection and last about 1 week.

E. coli (*Escherichia coli*)

E. coli are bacteria found in the environment, foods, and intestines of people and animals. Although most kinds of *E. coli* are harmless, others can make people sick.

How it spreads: *E. coli* most often spreads to animals and people through the poop of infected animals, contaminated food, or the environment. People can get infected if they don't wash their hands after touching an animal or its poop, food, toys, habitats (including coops, pens, and cages), or equipment used around these animals.

Who is at risk: Anyone can get sick from *E. coli*, but children younger than 5 years of age, adults 65 years of age and older, and people with weakened immune systems are at risk for more serious disease.

Signs in poultry: Poultry naturally have *E. coli* in their gut, and don't usually show signs of illness. Even if they look healthy and clean, poultry can still spread the bacteria to people.

Symptoms in people: Symptoms depend on the [kind of *E. coli*](#) causing the infection. Shiga toxin-producing *E. coli* (STEC) infection is one of the most commonly diagnosed *E. coli* infections in the United States. Symptoms of STEC infection include stomach cramps (can be severe), diarrhea (can be bloody), and sometimes vomiting or a low fever. Symptoms usually start within 3–4 days after infection and last 5–7 days. Some people with STEC infection develop a life-threatening complication called [hemolytic uremic syndrome \(HUS\)](#), a type of kidney failure.

Salmonellosis (*Salmonella* spp.)

Every year people get *Salmonella* infections after handling poultry, such as chicks and ducklings. Visit the [Healthy People](#) section for more information on how to prevent becoming sick.

Who is at risk: Anyone can get a *Salmonella* infection, but children younger than 5 years of age, adults 65 years of age and older, and people with weakened immune systems are more at risk for serious illness.

Signs in poultry: Poultry usually don't show signs of *Salmonella* infection. Even if they look healthy and clean, poultry can still spread the bacteria to people.

Symptoms in people: People may experience diarrhea, fever, and abdominal cramps. Symptoms usually start within 6 hours to 4 days after infection and last 4 to 7 days.

Healthy Pets, Healthy People

Backyard Poultry

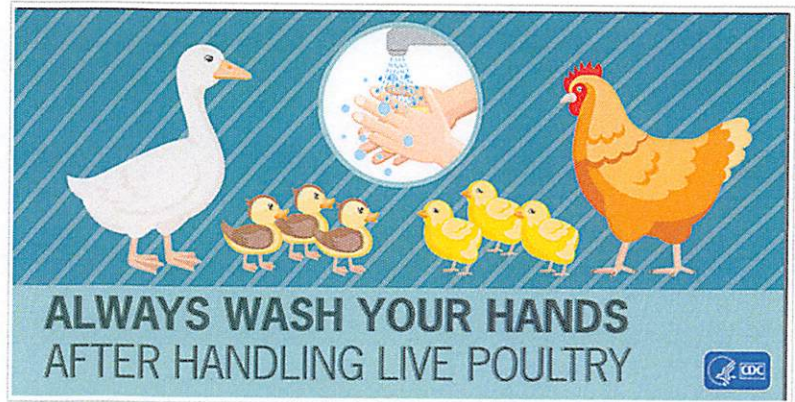
Poultry includes any domesticated bird kept for producing eggs or meat, such as chickens, ducks, geese, guinea fowl, and turkeys. Find information about pet birds on the [birds page](#). Find information about wild birds on the [wildlife page](#).

Overview Diseases **Healthy People** Healthy Poultry FAQs Resources

How to stay healthy around backyard poultry

Wash your hands

- **Wash your hands** with soap and running water after touching backyard poultry or anything in the area where they live and roam. This includes:
 - After collecting eggs
 - After handling food or water containers or other equipment used for poultry
 - After being in areas near poultry even if you did not touch the birds
- Adults should supervise handwashing for young children.
- Use hand sanitizer if soap and water are not readily available. You can also put hand sanitizer near your coop for easy access.



Be safe around poultry

- Don't kiss backyard poultry or snuggle them and then touch your face or mouth.
- Don't let backyard poultry inside the house, especially in areas where food or drinks are prepared, served, or stored.
- Don't eat or drink in areas where poultry live or roam.
- Set aside a pair of shoes to wear while taking care of poultry and keep those shoes outside of the house.
- Stay outdoors when cleaning any equipment or materials used to raise or care for poultry, such as cages or food and water containers.

Handle eggs safely

Eggshells may become contaminated with *Salmonella* and other germs from poultry droppings (poop) or the area where they are laid. To keep your family healthy, follow the tips below when collecting and handling eggs from a backyard flock:

- Always wash your hands with soap and water right after handling eggs, chickens, or anything in their environment.
- Keep a clean coop. Cleaning the coop, floor, nests, and perches regularly will help to keep eggs clean.
- Collect eggs often. Eggs that sit in the nest can become dirty or break.
- Throw away cracked eggs. Bacteria on the shell can more easily enter the egg through a cracked shell.
- Eggs with dirt and debris can be cleaned carefully with fine sandpaper, a brush, or a cloth.
- Don't wash warm, fresh eggs because colder water can pull bacteria into the egg.
- Refrigerate eggs after collection to maintain freshness and slow bacterial growth.
- Cook eggs until both the yolk and white are firm. Egg dishes should be cooked to an internal temperature of 160°F (71°C) or hotter. Raw and undercooked eggs may contain *Salmonella* bacteria that can make you sick.
- Know local regulations for selling eggs. If you sell eggs, follow local licensing requirements.

- Know local regulations for selling eggs. If you sell eggs, follow local licensing requirements.



Supervise kids around poultry

- Always supervise children around poultry and while they wash their hands afterward.
- Don't let children younger than 5 years of age handle or touch chicks, ducklings, or other poultry. Young children are more likely to get sick from germs like *Salmonella*.
- Don't give chicks and ducklings to young children as gifts.
 - Because their immune systems are still developing, children are more likely to get sick from germs commonly associated with poultry, such as *Salmonella*, *Campylobacter*, and *E. coli*.
- Live poultry should not be kept in [schools](#), childcare centers, and other facilities with children younger than 5 years of age.

Prevent bird bites and scratches

Backyard poultry and waterfowl do not have teeth, but their bills and beaks can still cause a lot of damage if they bite you. Germs can spread from poultry bites, pecks, and scratches, even when the wound does not seem deep or serious.

- Avoid bites and scratches from your backyard poultry or waterfowl.
- If poultry scratch or bite you:
 - Wash wounds with soap and warm water immediately.
 - Seek medical attention and tell your doctor you were bitten or scratched by a bird, especially if:
 - The bird appears sick or is acting unusual.
 - The wound or injury is serious (uncontrolled bleeding, unable to move, extreme pain, muscle or bone is showing, or the bite is over a joint).
 - The wound or site of injury becomes red, painful, warm, or swollen.

It has been more than 5 years since your last tetanus shot.

HEALTHY FAMILIES AND FLOCKS

Live poultry, such as chickens, ducks, geese, and turkeys, often carry harmful germs such as *Salmonella*. While it usually doesn't make the birds sick, *Salmonella* can cause serious illness when it is passed to people.

HANDWASHING PROTECTS YOU FROM GERMS



- Always wash your hands with soap and water right after touching live poultry or anything in the area where they live and roam.
- Adults should supervise handwashing for young children.
- Use hand sanitizer if soap and water are not readily available.

HANDLE BIRDS SAFELY



- Children younger than 5 years, adults older than 65 years, and people with weakened immune systems should not handle or touch chicks, ducklings, or other live poultry.
- Do not bring chicks, ducklings and other live poultry to schools, childcare centers, or nursing homes.
- Do not snuggle or kiss the birds, touch your mouth, or eat or drink around live poultry.

SAFELY CLEAN COOPS

- Clean any equipment used to care for live poultry outside, such as cages or feed or water containers.
- Set aside a pair of shoes to wear while taking care of poultry and keep those shoes outside of the house.



POULTRY BELONG OUTSIDE

- Do not let live poultry inside the house, especially in kitchens.
- Do not let live poultry in areas where food or drink is prepared, served, or stored.

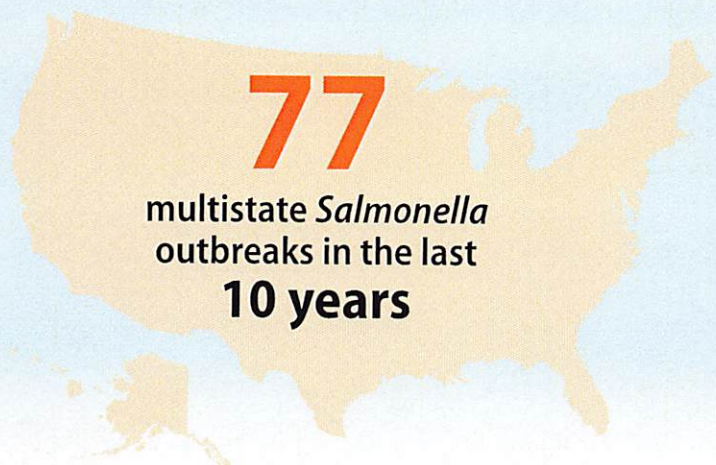


U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

Have a Backyard Flock? Don't Wing it.
Visit www.cdc.gov/features/salmonellapoultry
for more information

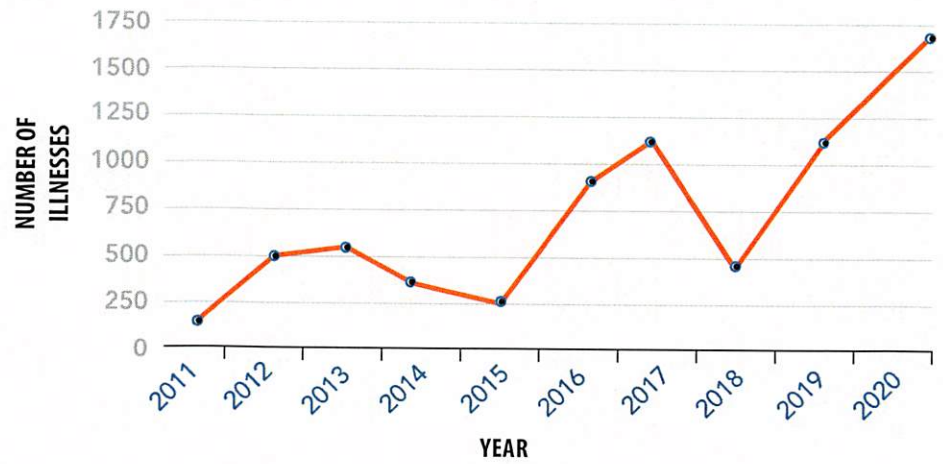
BACKYARD FLOCKS & SALMONELLA

Chickens and ducks in backyard flocks can carry germs that can make people sick even if they look healthy and clean.



7,264 PEOPLE SICK
1,424 HOSPITALIZATIONS
9 DEATHS

The number of illnesses is **INCREASING** over time.



Backyard flock owners can take simple steps to prevent getting sick from *Salmonella*.



Wash hands after touching flock and flock supplies



Don't kiss or snuggle the birds



Keep flock and flock supplies outside the house



Cook eggs all the way through

Learn more at www.cdc.gov/backyardpoultry



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

CS320753-A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 90.01 – DEFINITIONS TO THE CODE OF ORDINANCES TO ADD DEFINITIONS OF “BACKYARD CHICKEN,” “CHICKEN COOP,” AND “EXERCISE YARD;” AMENDING SECTION 90.39 TO AUTHORIZE THE KEEPING OF BACKYARD CHICKENS; PROVIDING REGULATIONS REGARDING THE LOCATION AND MAINTENANCE OF BACKYARD CHICKENS; AND PROHIBITING BACKYARDS CHICKENS FROM WALKING OR FLYING ONTO ADJACENT PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:

Section 1. Section 90.01 of the Code of Ordinances is amended to add the following definitions:

BACKYARD CHICKEN means a female chicken (hen) which is possessed or harbored to provide eggs and egg production for personal consumption by persons residing on the lot or tract where the Backyard Chicken is kept.

CHICKEN COOP means an enclosed structure constructed with three or more sides, with a roof or other cover capable of allowing chickens kept inside the coop to remain dry and protected from the elements and which provides direct access by an enclosed passage between the roosting area and any adjacent Exercise Yard. A Chicken Coop must have a floor and a door that allows the chickens to move back and forth between the Chicken Coop and the adjacent Exercise Yard.

EXERCISE YARD means an enclosed pen outside of the Chicken Coop in which chickens can move about in a confined space. The Exercise Yard must be covered with wire or solid material to ensure that chickens remain confined and are unable to escape. An Exercise Yard must have more than ten (10) square feet of surface area for each Backyard Chicken that is kept within the Exercise Yard and shall not exceed a total of one hundred twenty (120) square feet in area.

Section 2. Section 90.39 – Keeping Animals, Fowl and Bees Other Than Swine or Hares of the Code of Ordinances is amended to read as follows:

A. Subject to the provisions of Section 90.39(B), it shall be unlawful for any person to introduce, keep, or maintain any guinea fowl, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks, or pigeons, bees, or the feed or

feed area for such in any pen, barn, building, or structure, excluding property perimeter fences within the City limits, within two hundred feet (200') of the residence of any person other than the owner. In the event the property owner can establish that the literal application of this section to the particular circumstances of his property present an unreasonable burden, said property owner may request a permit by letter to the City Manager. The City Manager will review such request and may approve an exception to the two hundred foot (200') distance required above; however, the minimum distance shall not be less than seventy-five feet (75'). In reviewing such request, the City Manager will consider the health and safety of all adjacent property owners, as well as issues relating to noise, sanitation and privacy. Such permits shall be revocable at will upon ninety (90) days notice or upon lesser notice if the City Manager deems such revocation to be necessary to protect the public health or safety of public property.

B. The following provisions shall apply to the keeping of Backyard Chickens:

1. A property owner, or the occupant of property that has obtained written permission from the property owner, may possess not less than three (3) nor more than six (6) Backyard Chickens on residential property located in areas zoned R1 provided that the Backyard Chickens are confined in an enclosed Chicken Coop with Exercise Yard attached which is located no less than seventy-five feet (75') from any building or dwelling occupied by a person other than the owner of the Backyard Chickens.

2. A person keeping Backyard Chickens shall comply with the following regulations:

(a) No more than one (1) Chicken Coop and Exercise Yard is permitted on a residential tract and the Chicken Coop and Exercise Yard must be located in the rear yard of the residential tract not less than seventy-five feet (75') from any building or dwelling occupied by a person other than the owner of the Backyard Chickens.

(b) The Chicken Coop and Exercise Yard must be maintained in a sanitary condition and the accumulation of chicken waste on the property is prohibited.

(c) Any person building a permanent non-moveable Chicken Coop and/or Exercise Yard must obtain any necessary permits and inspections through the City as required prior to construction.

(d) Nuisance odors and excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities.

(e) Adequate food, water and medical treatment shall be provided to any Backyard Chickens maintained within the City limits of the City of Harker Heights.

(f) No roosters (male chickens) can be kept or maintained within the City limits of the City of Harker Heights. It shall be a defense to the prosecution of a violation of this section if on the date of the offense the rooster was sixty (60) days old or younger.

(g) When a person eighteen (18) years of age or older is physically present to supervise the Backyard Chickens, such Backyard Chickens may be allowed to roam outside of the confines of the Chicken Coop and Exercise Yard for so long as the Backyard Chickens do not leave the tract of property upon which the Backyard Chickens are kept or cross any property line onto a tract of property other than that upon which the Backyard Chickens are kept.

3. It is an offense to allow any Backyard Chickens to walk or fly onto any tract of property adjacent to the property upon which the Backyard Chickens are kept unless the adjacent property is owned by the owner of the Backyard Chickens or the owner of the Backyard Chickens has written consent authorizing the Backyard Chickens to cross onto an adjacent tract of property.

PASSED on this the _____ day of _____, 2020.

CITY OF HARKER HEIGHTS, TEXAS

By: _____
Mayor

ATTEST:

City Secretary