

ORDINANCE NO. 04.21.25

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS AMENDING CHAPTER 2, "ANIMAL CONTROL", CITY OF HEREFORD CODE OF ORDINANCES, PROVIDING FOR THE REGULATION OF ANIMALS WITHIN THE CITY LIMITS; PROVIDING DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Hereford, Texas has determined that it is in the best interest for the safety of the citizens of Hereford, Texas, and to update existing regulations regarding animals within the city limits.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

SECTION 1. Chapter 2, "Animal Control" of the City of Hereford Code of Ordinances is hereby deleted in its entirety and amended by substituting the following:

ARTICLE 2.01. GENERAL PROVISIONS.

§2.01.001. Definitions.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires otherwise:

Animal. Any live, vertebrate creature, domestic or wild.

At large. Any animal not restrained.

Domestic animal. Those animals which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats.

Estray. Any stray horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, or head of any species of cattle.

Fowl. Birds commonly considered poultry and including, but not limited to, turkeys, pheasants, quail, geese, guinea, peafowl, ducks, ostriches, emus, or similar feathered animals regardless of age, sex or breed, not including chickens. For purposes of this chapter, the term "fowl" shall not include canaries, parakeets, parrots, cockatiels or other birds commonly maintained in households within cages.

Guard dog. Any dog trained or used to protect persons, premises, or property by attacking or threatening to attack any person found within the area patrolled by the dog.

Kennel. Any place where five or more dogs, cats, or any combination thereof, over the age of one year, are raised, trained, boarded, harbored, or kept.

Livestock. Shall include any horse, donkey, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, or head of any species of cattle.

Local health authority. Any person so designated by the City Manager.

Other animal. A goose, chicken, duck, rabbit, guinea, pigeon, bird, fowl, or any other animal of domestic barnyard variety not listed as a wild animal, domestic animal, or estray.

Owner. Any person who owns, keeps, harbors, controls, physically or orally, feeds, shelters, or aids any animal, or any person who is the owner's agent left in charge of an animal.

Quarantine. Isolation and close observation of animals to prevent transmission of certain diseases.

Restrain. Any animal shall be deemed to be restrained when it is:

Confined on the premises of the owner within a fenced enclosure, capable of confining the animal;

Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises;

Under the control of a person by a leash;

Within a vehicle being driven or parked; or

At heel and obedient to oral command.

Secure enclosure. A pen, cage, container, structure or building, of sufficient strength and height to prevent the subject animal(s) from escaping therefrom. The enclosure must be free of defects, disrepair or any other deficiencies that would give rise to a reasonable conclusion that a dog or other animal would likely be able to escape as determined by the animal control authority.

Wild animals. Those animals living in a state of nature and not ordinarily tame or domesticated.

§2.01.002 Penalty.

Any person who shall be convicted of violating any of the terms or provisions of this Chapter 2 shall be deemed guilty of a misdemeanor and shall be fined as provided in Section 1.01.009 of this Code. Each day that any such person shall continue to violate, or fail to comply with, any provision of this Article shall constitute a separate offense and shall be punishable as such.

§2.01.003 Interference with animal control officer.

It shall be unlawful to forcibly interfere with the animal control officer or his or her designee in the performance of his or her official duty.

§2.01.004 Records.

The City Manager or his designee shall keep or cause to be kept accurate and detailed records of:

- (a) Impounding and disposition. Impoundment and disposition of all animals coming into his custody. Such records shall be kept for a period of at least three years and shall give the description of all animals impounded, date of impounding, date of sale or other disposition, the amount of money received from the sale, and the name and address of the purchaser.
- (b) Bite cases. All known animal bite cases shall be reported by the police department.
- (c) Monies received. Records regarding monies received under the provisions of this chapter shall be open to inspection at reasonable times by persons responsible for similar records of the city and shall be audited in the same manner as other city records are audited.

§2.01.005 Animal nuisances.

- (a) Generally. It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:
 - (1) Failure to restrain an animal;
 - (2) Property damage caused by an animal;
 - (3) Maintaining an animal in an unsanitary environment;
 - (4) Permitting an animal to bark, whine, howl, crow, cackle, or make any other noise which causes annoyance or interference with another's reasonable use and enjoyment of his premises;
 - (5) Herding of animals along or upon any public right-of-way, except by officers, agents, or employees of the federal, state, or local government or agency thereof, if such herding is done in the performance of official duties;
 - (6) The maintenance of a kennel in violation of the zoning ordinances; or
 - (7) Keeping of more than three dogs or cats, exclusive of a puppy or kitten litter under the age of six months, within a residential zoned area.

- (b) Keeping swine. It shall be unlawful for any person to keep swine within the limits of the city, except for the keeping of swine under direct supervision by and upon the premises of public and private schools, fairs, or livestock shows; provided, however, in no event shall swine be kept within the limits of the city for a period of time in excess of seven days.
- (c) Other animals. All “other animals,” with the exception of “other animals” prohibited in section 2.02.002, shall be confined to the premises of the owner or custodian of such other animals and it shall be unlawful for any person to allow such other animals to run or fly at large or go upon a premises of another person. No other animals shall be kept within a front yard in a residential zone area.
- (d) Dead animals. It shall be unlawful for the owner or custodian of any dead animal which is not intended as food for human consumption to permit or suffer such dead animal to remain upon any premises.
- (e) Livestock. It shall be unlawful to keep any livestock within the city limits unless such livestock is kept in private or commercial premises as authorized in Article 2.02 of this chapter.

§2.01.006 Duties of person striking animal with motor vehicle.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal’s owner. In the event the owner is unavailable or unknown, then such report shall be made to the animal control officer or the police department or to the local Humane Society.

§2.01.007 Traps.

No person shall expose an open trap or metal jaw trap likely to injure any domestic animal or person.

§2.01.008 Coloring animals.

No person shall dye, color, or artificially color any rabbit, baby chick, duckling, or other animal, or offer for sale any such dyed, colored, or artificially colored other animal.

§2.01.009 Guard dogs.

Guard dogs shall be securely enclosed within the area patrolled at all times or under the continuous control of a trained handler.

- (a) It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of person or property unless the following provisions are met:
 - (1) The dogs shall either be confined to an enclosed area adequate to ensure they will not escape or the dogs shall be under the absolute control of a handler at all times when not securely enclosed;
 - (2) The owner or other persons in control of premises upon which a guard dog is kept shall post a warning sign at each entrance to such premises with lettering clearly visible from a distance of 50 feet. In the case of nonresidential or multi-family premises, the sign shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day; and
 - (3) Prior to the placing of a guard dog on any nonresidential or multi-family premises, the persons responsible for the placing shall inform the chief of police in writing of their intention to place said dog or dogs, the number of dogs to be placed, the location where said dog or dogs will be placed, and the approximate length of time said dog or dogs will be guarding the area.
- (b) For the purpose of this section, the term “nonresidential or multi-family premises” shall mean the placing of guard dogs on any nonresidential or multi-family property, irrespective of ownership of the property or dog.

§2.01.010 Livestock creating offensive odors.

It shall be unlawful and is hereby declared to be a nuisance for any butcher, stockman, or other person to keep or herd, or be instrumental in keeping or herding, any cattle or other stock in a pen, or confined otherwise, within the city, so as to create obnoxious and offensive odors or stench.

§2.01.011 Vaccination of dogs and cats.

- (a) No person shall own, keep, or harbor a dog or cat over the age of three months within the city limits unless the dog or cat shall have been vaccinated with an anti-rabies vaccine by a licensed veterinarian. After the initial vaccination, the animal must receive a booster within the 12-month interval following the initial vaccination. Thereafter, all such animals shall, at a minimum, be vaccinated at three-year intervals from the initial date on which such animal was vaccinated or required to be vaccinated or at other ages and intervals specified by the regulations of the department of state health services or its successor agency.
- (b) Upon compliance with the provisions of subsection (a) above, there shall be issued to the owner of such animal a numbered metallic vaccination tag stamped with the number and the month and expiration year, which shall be securely fastened on such vaccinated dog or cat.

§2.01.012 Attractive environment for unconfined animals; exceptions.

It shall be unlawful for any person knowingly to cause or permit the maintenance of an attractive environment for any animal which is not owned by said person, by the placement of food or other means. It is a defense prosecution under this section that the person placed the food or other attractive environment solely for the purpose of apprehending an animal for surrender to humane organization or to the animal control officer. Use of bird feeders designed for feeding wild birds is permitted under this section.

ARTICLE 2.02. WILD ANIMALS, LIVESTOCK, ESTRAYS, AND OTHER ANIMALS.

§2.02.001 Applicability.

This Article shall be applicable only to wild animals, livestock, other animals, or estrays as defined in this chapter.

§2.02.002 Keeping of certain animals prohibited; keeping livestock or chickens.

- (a) Prohibited animals. It shall be unlawful to keep, harbor, or maintain within the city limits the following:
 - (1) Bats, skunks, poisonous reptiles, or foxes.
 - (2) Any wild animal whose normal mature weight exceeds 40 pounds.
 - (3) Livestock, except as hereinafter provided.
 - (4) Roosters, or any fowl capable of emitting a loud noise.
- (b) Exceptions. This section shall not apply to or prohibit the following:
 - (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.
 - (2) A publicly or privately maintained circus, traveling show, or rodeo which does not remain in the city longer than 15 consecutive days.
- (c) Keeping livestock. Any person desiring to keep livestock within the city limits shall make application to the city commission for a permit, which shall expire on December 31 following issuance, but may be renewed annually in the same manner as provided in this Article.
 - (1) The application shall be in writing, forwarded to code enforcement, containing the following information:
 - (A) Applicant's name, address, and phone number;

- (B) A legal description and the general location of the premises for which the permit is desired;
 - (C) The minimum and maximum number of livestock desired to be kept at said location; and
 - (D) An itemized listing of residences, businesses, or other buildings within 500 feet of any part of the premises for which the permit is desired.
- (2) The application shall be directed to the director of code enforcement for investigation of the premises concerned and he shall report his findings to the city commission. The city commission shall consider the application, retaining the right to approve or reject the applicant's request for a livestock permit. In addition, the city commission shall retain the right to revoke any livestock permit if it finds that the premises are being maintained so as to constitute a public nuisance or noncompliance with state health regulations.
- (d) Keeping chickens. No more than 6 chickens per dwelling shall be allowed within the city limits, and shall further be limited to single-family residential zones only.
 - (1) Chickens kept within the city limits shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large, and shall be no closer than 50 feet from the nearest inhabited dwelling other than that of the owner. Native wildlife fowl within the parks of the city are hereby exempted.
 - (2) The secure enclosure shall be maintained in a sanitary condition that does not allow excessive flies to breed and prevents the emission of odor or noise offensive to persons of ordinary sensibilities in the neighborhood or the existence of a nuisance dangerous to the public health.
 - (3) A fenced yard shall not qualify as a pen, coop, or hutch.
 - (4) No chicken shall be kept within 100 feet of any private water well.

§2.02.003 Temporary confinement of animal by owner or occupant of premises.

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily pending its release to the animal control officer or to the true owner of such animal.

§2.02.005 Impoundment of cruelly treated animals and animals temporarily confined by owner of private premises.

Any peace officer or the animal control officer may take up and impound at the animal shelter any animal found within the city limits in violation of Texas Penal Code, section 42.092 (Cruelty to Nonlivestock Animals) or pursuant to section 2.02.003.

§2.02.006 Sale of impounded animals; notice; disposition of proceeds.

The animal control officer may sell any animal impounded under the provisions of this Article at public auction after having held such animal for at least five days and after having published notice of such sale together with a general description of the animal or animals to be sold. Such notice shall appear one time at least five days prior to the date of the sale and shall state that such animal or animals will be sold to defray costs if not reclaimed prior to such date. The proceeds of any such sale shall be used to defray sale expenses and expenses of taking up and keeping of such animals. The balance, if any, shall be paid to the owner of the animal, if known, and if such owner is unknown, such balance shall be paid into the city treasury. Within six months after such sale, an owner may, upon proof of such ownership satisfactory to the City Manager, be entitled to receive the sale proceeds paid into the city treasury.

§2.02.007 Destruction of impounded animals.

Any impounded animal which is not reclaimed, or found to be infected with rabies, seriously injured or determined by the animal control officer to be unsalable, shall forthwith be destroyed.

§2.02.008 Redemption of impounded animal after sale.

The owner of any animal impounded and sold under the provisions of this Article may redeem it by paying to the purchaser the amount paid by the purchaser for such animal plus reasonable expenses for keeping it, provided that the owner redeems the animal within 30 days after the date of sale; otherwise, the animal becomes the absolute property of the purchaser.

ARTICLE 2.03. UNRESTRAINED ANIMALS.

§2.03.001 Impoundment authorized.

The animal control officer is authorized to take up all animals found not to be restrained and impound such animals in the animal shelter. All such animals shall be confined in a humane manner.

§2.03.002 Notice to owner of impounded animal; filing of charges.

- (a) Where the ownership of an animal, found not to be restrained, is known, a notice of such violation may be issued by the animal control officer or his designee to such owner. Upon issuance of any such notice, the animal control officer or his designee shall file a complaint with the municipal court and request that the violator be summoned to appear in municipal court and answer such charges.

- (b) Upon impounding animals found with current vaccination or other identifying tags, the animal control officer shall make a reasonable effort to notify the owners of such animals so impounded, and of the conditions whereby they may regain possession of such animals.

§2.03.003 Redemption of impounded animal.

- (a) Fees. A reasonable per-day impoundment fee shall be assessed and is hereby levied and assessed against each dog, cat, or other animal taken into custody and impounded pursuant to this Article. The amount of the impoundment fee shall be available through the office of the City Secretary.
- (b) Payment of fees. Any animal impounded under the provisions of this Article may be reclaimed by the owner upon the payment of all impoundment fees.
- (c) Unvaccinated animals. Any animal over the age of four months which does not have a current rabies vaccination may not be redeemed, transferred, or adopted until it has been vaccinated as required in this chapter.

§2.03.004 Disposition of unclaimed or unredeemed animals.

- (a) Generally. After the requirements of notice as set forth in section 2.03.002 and the expiration of three days, any impounded animal that is unclaimed or unredeemed shall become the property of the city, which shall have the following powers:
 - (1) Authority to transfer ownership. The animal control officer may transfer ownership of any impounded animal that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred shall pay for such animal's food and care while in the animal shelter and shall comply with the applicable vaccination requirements.
 - (2) Right to destroy. The animal control officer may humanely destroy an impounded animal that is unclaimed or unredeemed. No person may put to death a dog, cat, or other small domestic animal in the custody of the animal control officer by shooting, except in emergency field conditions, by clubbing, by a decompression chamber, by carbon monoxide, or by poison. All dogs, cats, and small domestic animals shall be destroyed by administering an approved drug. This chapter applies to the destruction of domestic animals by the animal control officer, in accordance with V.T.C.A., Health and Safety Code, chapter 823.
 - (3) Transfer of ownership to Humane Society. The animal control officer may transfer ownership of any impounded animal that is unclaimed or

unredeemed to the Deaf Smith County Humane Society for the purposes of adoption.

- (b) Donated, sick, weaned or injured animals.
 - (1) The animal control officer may destroy any animal by a humane method if the animal is unweaned, so sick or injured that its cure is considered by the animal control officer to be impracticable, or if death is imminent; and in any of such events, such destruction may be done immediately without notice of any waiting period.
 - (2) In the case of donated or surrendered animals, immediate destruction of the animal is permitted. A reasonable euthanization fee shall be assessed and is hereby levied and assessed against each surrendered animal pursuant to this Article. The amount of the euthanization fee shall be available through the office of the City Secretary.

ARTICLE 2.04. RABID ANIMALS.

§2.04.001 Report of bite cases by physicians or general public.

- (a) It shall be the duty of every physician or other practitioner to report to the local health authority the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- (b) It shall be the duty of every person owning or having possession of an animal which has bitten a person to report the same to the local health authority and to confine it in an enclosure, or to securely hold the animal in a closed, padlocked cage for observation and examination by the local health authority. No person having the custody or possession of such animal shall fail, refuse or neglect to allow the local health authority to make an inspection or examination of such animal for the purpose of determining whether such animal has rabies.

§2.04.002 Animal bitten by other animal.

Any unvaccinated animal bitten by another animal suspected of being or known to be rabid shall be immediately destroyed or shall be surrendered to the animal shelter or home quarantine for a period of six months' quarantine, and shall be vaccinated immediately, plus re-vaccinated at the end of five months. Any vaccinated animal bitten by another animal suspected of being or known to be rabid shall be immediately vaccinated and surrendered to the animal shelter for a period of 90 days' quarantine. In the event the biting animal is found not to be rabid, the bitten animal shall be released. Said animal shall be quarantined at the owner's expense and said expense shall be paid at the end of each month's quarantine or the animal shall become the property of the city and shall be forthwith disposed of; provided, however, that the City Manager or his designee may

permit the quarantine of the bitten animal for the required period in a licensed veterinary facility at the owner's option and expense.

§2.04.003 Animal that bites person.

Every animal that bites a person or that is suspected of having bitten a person shall be promptly reported to the local health authority and thereupon be securely quarantined for a period of ten days.

§2.04.004 Surrender of animal for quarantine.

Upon demand made by the local health authority it shall be unlawful for the owner to fail to surrender any animal which has bitten a person or another animal, or which is suspected of having been exposed to rabies, for quarantine, the expense of which shall be borne by the owner.

§2.04.005 Quarantine places.

Quarantining shall be at the following:

- (a) A state-approved rabies quarantine facility, in which case the owner of the animal suspected of having rabies shall pay the usual impoundment fees.
- (b) A licensed veterinary hospital, upon the owner's request and at his expense.
- (c) Home quarantine may be approved by the animal control authority where all of the following requirements are met:
 - (1) The animal owner is a resident of the city and has a facility in the city limits to provide absolute security and isolation for the animal. If the owner of a biting animal fails to keep the animal so confined, an offense shall have been committed.
 - (2) The owner of the biting animal agrees that he will have the animal inspected by a licensed veterinarian on the first day of isolation and on the day immediately following the ten-day isolation period. The owner further agrees to furnish the animal control authority with a certificate of health showing the animal to be free of rabies. If the owner of the biting animal fails to have the animal inspected on the first day of and on the day immediately following this ten-day observation period as required, an offense shall have been committed.
 - (3) The biting animal was currently vaccinated and was not at large at the time of the bite.

- (4) If an animal dies while in home quarantine, the animal control authority shall be notified immediately, and the animal will be surrendered to the animal control authority for testing.
 - (5) Failure to comply with the home observation requirements shall constitute an offense.
- (d) An animal of unknown ownership will be quarantined at a state-approved rabies quarantine facility.

§2.04.006 Reclaiming quarantined animal.

- (a) Reclamation. The quarantined animal may be reclaimed by the owner, if adjudged free of rabies, upon payment of impoundment fees and upon compliance with the vaccination requirement of this code.
- (b) Fees. A reasonable per-day impoundment fee shall be assessed and is hereby levied and assessed against each dog, cat, or other animal quarantined pursuant to this Article. The amount of the quarantine fee shall be available through the office of the City Secretary.
- (c) Unvaccinated animals. Any animal over the age of four months which does not have a current rabies vaccination may not be redeemed, transferred, or adopted until it has been vaccinated as required in this chapter.

§2.04.007 Procedure upon diagnosis of rabies.

When an animal under quarantine is diagnosed by a licensed veterinarian as being rabid or suspected of being rabid or dies while under observation, the local health authority shall immediately send the head of such animal to the state board of health for pathological examination. The local health authority shall notify the director of public health of reports of human contacts and the diagnosis made of the suspected animal from the pathological examination.

§2.04.008 City-wide quarantine.

- (a) Authorized; period of quarantine. A city-wide quarantine may be invoked for a period of 30 days by the city commission upon the recommendation of the City Manager after the commission has been notified by the state board of health of a positive diagnosis of rabies of an animal or after an investigation it has determined there exists an immediate threat of rabies.
- (b) Extension of time. In the event there are additional positive cases of rabies occurring during the 30-day period of the city-wide quarantine, such period of quarantine may be extended for an additional reasonable period of time.

- (c) Restrictions during quarantine. It shall be unlawful for any person to take or permit any animal to be at large or in any other public place during the period of quarantine.

§2.04.009 Killing suspected rabid animal or removing animal from city; surrender of animal or carcass.

- (a) Killing of animal or removal from city. It shall be unlawful for any person to kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a person or is suspected to have bitten a person, except as herein provided, or to remove same from the city limits without written permission from the City Manager.
- (b) Surrender of carcass. The carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to the local health authority.
- (c) Disposition of animal determined rabid. The local health authority shall direct the disposition of any animal found to be infected with rabies.
- (d) Surrender of animal. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine, destruction, or disposal as required herein when demand is made therefor by the local health authority.

ARTICLE 2.05. DANGEROUS DOGS.

§2.05.001 Adoption of State Law.

All matters relating to dangerous dogs, as defined in V.T.C.A., Health and Safety Code, section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter D, section 822.041 et seq.

ARTICLE 2.06. SPAY OR NEUTER REQUIREMENTS

§2.06.001. Definitions.

For the purpose of this Article, the following definitions shall apply:

Intact / Unsterilized animal. an animal that has not been spayed or neutered.

§2.06.002. Restrictions on Unsterilized Dogs and Cats.

- (a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.
- (b) It is a defense to prosecution under Subsection (a) that:
 - (1) The animal is less than six (6) months of age;
 - (2) A licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
 - (3) The animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization; or
 - (4) The animal is a competition cat or competition dog.

ARTICLE 2.07. ANIMAL BREEDER/SELLER PERMIT.

§2.07.001. Required.

- (a) Any person engaged in the sale or breeding of animals, shall first obtain a permit from the city animal control department and shall meet all requirements for such permit.
- (b) The fee for a breeder/seller permit shall be as stated in section 2.07.002.
- (c) This permit does not apply to kennel/cattery and is limited to one (1) animal or litter.
- (d) The permittee must:
 - (1) Be a member of a purebred dog and cat club, approved by the City Manager or his designee, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed; or
 - (2) At the permittee's expense, satisfactorily completes a course on responsible pet ownership approved by the City Manager or his designee.
- (e) A permittee commits an offense if the permittee:
 - (1) Allows the offspring of a female dog or cat for which he holds an intact animal permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases as listed on the permit application;
 - (2) Sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

- (A) Include a statement signed by the permittee attesting to the animal's immunization history and microchip information;
 - (B) Prominently display the permit number on any sales receipt or transfer document;
 - (C) Provide the permit number to any person who purchases, adopts, or receives any dog or cat from the permittee.
- (f) The City Manager or his designee shall deny or revoke a permit if it is determined that the applicant or permittee:
 - (1) Failed to comply with any provision of this chapter; or
 - (2) Intentionally made a false statement as to a material matter on the permit application.
- (g) The applicant or permittee shall be notified in writing of a permit denial or revocation as provided in this section and given notice of the right to appeal. The applicant or permittee may appeal such action to the City Commission. The appeal must be in writing and filed within 10 business days of the denial or revocation. The filing of an appeal stays the action revoking the permit until a final determination is issued by the City Commission.

§2.07.002. Permit fee.

There shall be reasonable administrative processing fee assessed for the issuance of a breeder/seller permit as described in section 2.07.001. The amount of the administrative processing fee shall be available through the office of the City Secretary.

SECTION 2. Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Hereford, Texas.

[Signature Page Follows]

**PASSED, APPROVED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY
OF HEREFORD ON THIS 21st DAY OF April, 2025.**