ORDINANCE NO. 17073-07-2006

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, TEXAS (1986), AS AMENDED, BY AMENDING CHAPTER 20 "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS", BY ADDING ARTICLE IX, "SECONDARY METAL RECYCLERS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE OF SEPTEMBER 1, 2006.

WHEREAS, the current City Code of the City of Fort Worth does not provide for the regulation and licensing of secondary metal recyclers; and

WHEREAS, the City Council deems it necessary to exercise the City's police power to promote, through regulation and licensing of secondary metal recyclers, the recovery of stolen property; and

WHEREAS, City staff met on multiple occasions with the local metal recycling industry to work on a proposed ordinance that would regulate and license the secondary metal recycling industry in the City of Fort Worth; and

WHEREAS, Section 1956 of the Texas Occupations Code requires Secondary Metal Recyclers to maintain purchase transaction records involving sales of more than fifty pounds of copper or brass, any amount of bronze, and more than forty pounds of aluminum; and

WHEREAS, the City Council has determined that requiring secondary metal recyclers to maintain purchase transaction records involving sales of less than fifty pounds of copper or brass, less than forty pounds of aluminum, ferrous metal, and other

non-ferrous metals, other than bronze or tin, is a necessary exercise of the City's police power to promote the recovery of stolen property; and

WHEREAS, Section 1956 of the Texas Occupations Code requires individuals attempting to sale more than fifty pounds of copper or brass, any amount of bronze, and more than forty pounds of aluminum to present a personal identification document and sign a written statement of ownership; and

WHEREAS, the City Council has determined that requiring individuals who sale metal less than fifty pounds of copper or brass, less than forty pounds of aluminum, ferrous metal, and other non-ferrous metals, other than bronze or tin to provide a personal identification document and sign a written statement of ownership is a necessary exercise of the City's police power to promote the recovery of stolen property; and

WHEREAS, the City Council has determined that requiring secondary metal recyclers to hold regulated metal for no less than seventy-two hours to allow peace officer inspections for suspected stolen property, or in the alternative, provide videotape footage of purchase transaction, is a necessary exercise of the City's police power.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Chapter 20 of the City Code of the City of Fort Worth, "Licenses and Miscellaneous Business Regulations", is amended by adding Article XI, "Secondary Metal Recyclers", to provide for the licensing of secondary metal recyclers, record

keeping requirements, and hold provisions in certain metal purchase transactions to read as follows:

CHAPTER 20. LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE XI. SECONDARY METAL RECYCLERS

SEC. 20-383. PURPOSE

This chapter is an exercise of the City's police power to promote, through regulation of secondary metal recyclers, the recovery of stolen property. This chapter provides licensing and recordkeeping requirements and enforcement procedures that will enable the Police Department to identify and recover public and private property composed of certain metal that may have been illegally appropriated.

SEC. 20-384. DEFINITIONS

In this chapter:

Bales of recycled metal. Metals processed with professional recycling equipment by compression, shearing, or shredding, to a form in which it may be sold by a secondary metal recycler consistent with industry standards.

Ferrous Metal. A metal that contains significant quantities of iron or steel.

Hold Notice. Written notification by the Chief of Police as herein defined to a secondary metal recycler stating that the secondary metal recycler may not sell, redeem, or dispose of certain regulated metal property that the Chief of Police has reasonable cause to believe has been stolen.

Licensee. A person in whose name a license has been issued under this chapter or a person listed as an applicant on the application for a license.

Nonferrous metal. A metal that does not contain significant quantities of iron or steel, including, but not limited to, copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.

Passport. A passport issued by the United States government or issued by another country and recognized by the United States government.

Person. An individual, partnership, corporation, joint venture, trust, association, and any other legal entity.

Personal Identification Certificate. A personal identification card issued by the Texas Department of Public Safety under Section 521.101 of the Texas Transportation Code, as amended, or a similar card or certificate issued by another state.

Purchase Transaction. A transaction in which a secondary metal recycler gives consideration in exchange for regulated metal property.

Regulated metal property. Any item composed in whole or in part of any ferrous or nonferrous metal, other than an item composed of tin, as defined herein.

Secondary Metal Recycler. Any person who:

(a) is engaged in the business of purchasing, collecting, or soliciting regulated metal property; or

(b) operates or maintains a facility where regulated metal property is purchased or kept for shipment, sale, transfer, or salvage.

Seller. Any person who, in a purchase transaction, receives consideration from a secondary metal recycler in exchange for regulated metal property.

Tin. Metal consisting predominantly of light sheet metal ferrous scrap, including, large and small household appliances, construction siding, and construction roofing.

SEC. 20-385. RECORDS REQUIRED.

(a) A secondary metal recycler shall maintain an accurate and legible record of each purchase transaction. Each transaction must be recorded separately.

(b) The record of each purchase transaction must be in English and contain the following information:

(1) the name and address of the secondary metal recycler;

(2) the name, initials, or other identifying information, of the individual recording the information required by this section for the secondary metal recycler;

(3) the seller's name, address, sex, birth date, and the identifying number from the seller's driver’s license, military identification card, passport, or

personal identification certificate; the identifying number from an official governmental document for a Country, other than the United States, may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(4) the license number, color, and style or make of any motor vehicle in which the regulated metal property is delivered in a purchase transaction;

(5) the date and time of the purchase transaction;

(6) the weight, quantity, or volume, made in accordance with the custom of the trade, of the regulated metal property purchased;

(7) a general description, made in accordance with the custom of the trade, of the predominant types of regulated metal property purchased in the purchase transaction;

(8) the amount of consideration given in a purchase transaction for the regulated metal property;

(9) a signed statement, in a form approved by the Chief of Police or designee, from the seller in a purchase transaction affirming a legal right of ownership and the right to sign over title to the regulated metal property offered for sale; and

(10) a photograph, videotape, or similar likeness of the seller that clearly depicts the seller's facial features. A copy of card or document used to meet the requirements of Section 20.385(b)(3) of this Chapter and which clearly depicts the seller's facial features will satisfy the requirements of this subsection.

(c) A person selling or attempting to sell regulated metal property to a secondary metal recycler shall:

(1) display to the secondary metal recycler the person's driver's license, military identification card, passport, or personal identification certificate; and

(2) sign a written statement provided by the secondary metal recycler affirming that the person is the legal owner of, or is lawfully entitled to sell, the regulated material offered for sale.

(d) The secondary metal recycler or the recycler's agent shall visually verify the accuracy of the identification presented by the seller at the time of each purchase of regulated metal property.

(e) After notice from the Chief of Police or designee of the fraudulent or forged nature of a particular driver's license, military identification card, passport, or personal identification certificate, the secondary metal recycler shall refuse to accept said fraudulent or forged document for the purpose of complying with the requirements of this chapter. The notice required under this subsection shall include a copy of the fraudulent or forged driver's license, military identification card, passport, or personal identification card.

(f) A secondary metal recycler shall maintain on file the information, including photographs, required by this section for not less than one year from the date of the purchase transaction. A secondary metal recycler shall make these records available for inspection by any peace officer, upon request, at the secondary metal recycler's place of business during the usual and customary business hours of the secondary metal recycler.

(g) The recordkeeping requirements of this section, other than Subsections (b)(7) and (b)(l0), do not apply to purchase transactions involving regulated metal property composed solely of the following nonferrous metal materials for which definitions and recordkeeping requirements are provided by Section 1956 of the Texas Occupations Code, as amended:

(1) copper or brass material in excess of 50 pounds;

(2) bronze material; or

(3) aluminum material in excess of 40 pounds.

(h) It is a defense to prosecution under Subsection (b)(10) of this section that:

(1) an accurate and recognizable photograph of the seller, taken within the preceding six months, was currently on file with the secondary metal recycler; and

(2) at the time of the purchase transaction, the secondary metal recycler, or an employee of the secondary metal recycler, visually verified that the seller was actually the person depicted in the file photograph.

(i) A person may not, with the intent to deceive:

(1) display to a secondary metal recycler a false or invalid personal identification document in connection with the selling or attempting to sell regulated metal property, as required by Section 20-385(c)(1) of this chapter; or

(2) make a false, material statement or representation to a secondary metal recycler in connection with the selling or attempting to sell regulated metal property, as required by Section 20-385(c)(2) of this chapter.

SEC. 20-386. NOTICE TO SELLERS.

(a) A secondary metal recycler shall at all times maintain in a prominent place in the secondary metal recycler's place of business, in open view to a seller of regulated metal property, a notice in two-inch lettering that contains the following or similar language approved by the Chief of Police or designee: "A PERSON ATTEMPTING TO SELL ANY REGULATED METAL PROPERTY MUST PRESENT SUFFICIENT IDENTIFICATION REQUIRED BY CITY OF FORT WORTH ORDINANCE."

(b) The notice required by this section may be contained on a sign that contains another notice required by law to be displayed by the secondary metal recycler.

SEC. 20-387. FACSIMILE, TELECOPIER, OR SIMILAR EQUIPMENT REQUIRED.

(a) A secondary metal recycler shall maintain at its place of business, or otherwise have immediate access to, a facsimile, telecopier, or other equipment of similar function on which notifications of stolen property or other notifications relating to regulated metal property may be expeditiously received from the Police Department. The equipment must be operable at all times during the usual and customary business hours of the secondary metal recycler. The secondary metal recycler shall maintain the facsimile number or other access number of the equipment on file with the Chief of Police or designee and shall notify the Chief of Police or designee within 24 hours after any change in the number.

(b) The Chief of Police or designee may provide to secondary metal recyclers notices of:

(1) photocopies of fraudulent or forged drivers license, military identification card, passport, personal identification certificate, or other document provided by sellers under this Article;

(2) individuals convicted of theft of regulated metal property for offenses arising in the City of Fort Worth; and

(3) metal items reported or suspected stolen.

SEC. 20-388. RESTRICTIONS ON THE PURCHASE OF REGULATED METAL PROPERTY.

(a) A secondary metal recycler shall conduct all purchase transactions between the hours of 7:00 a.m. and 7:00 p.m. Purchase transactions for which a defense is provided under Section 20-392(b)(3) are exempt from this requirement.

(b) A secondary metal recycler shall not purchase any of the following items of regulated metal property without obtaining proof that the seller is an employee, agent, or person who is authorized to sell the item of regulated metal property on behalf of the governmental entity, utility provider, railroad, cemetery, civic organization, or secondary metal recycler:

(1) Utility access cover,
(2) Street light poles and fixtures,
(3) Road and bridge guard rails,
(4) Highway or street sign,
(5) Water meter cover,
(6) Traffic directional and traffic control signs,
(7) Traffic light signals,
(8) Any metal marked with any form of the name or initials of a governmental entity, including the City of Fort Worth, another municipality, and the state of Texas,
(9) Property owned by a telephone, cable, electric, water, or other utility provider,
(10) Property owned by a railroad,
(11) Funeral markers and vases,
(12) Historical markers,
(13) Bales of recycled metal.

(c) A secondary metal recycler shall maintain on file the information required by Subsection (b) of this section for not less than one year from the date of the purchase of the item of regulated metal property. A secondary metal recycler shall make these records available for inspection by any police officer, upon request, at the secondary metal recycler's place of business during the usual and customary business hours of the secondary metal recycler.

SEC. 20-389. INSPECTION.

(a) A secondary metal recycler shall, during the usual and customary business hours, allow a peace officer to:

(1) inspect a secondary metal recycler's place of business;
(2) copy or verify the correctness of documents, including records or reports required to be kept under this chapter; and
(3) examine or inspect metal inventory.

(b) A secondary metal recycler who fails or refuses to comply with any part of Subsection (a) above violates this chapter. The failure or refusal is grounds for suspension or revocation of a license

SEC. 20-390. 72-HOUR HOLD ON REGULATED METAL PROPERTY; SEGREGATION, LABELING, AND INSPECTION OF REGULATED METAL PROPERTY; EXCEPTIONS.

(a) Except as provided in Subsections (c) and (d) of this section, a secondary metal recycler shall retain possession of purchased regulated metal property at the secondary metal recycler's local place of business and withhold the property from alteration, processing, resale, or salvage use for 72 hours after purchase, unless the property is released sooner by written order of the Chief of Police or designee or by order of a court of competent jurisdiction.

(b) Except as provided in Subsections (c) and (d) of this section, a secondary metal recycler shall segregate all regulated metal property purchased from a seller from regulated metal property purchased from other sellers and attach to the property, or to the container in which the property is held, a label indicating the name of the seller, the date on which the property was purchased, and the number of the receipt on which the purchase information is recorded. If in any single purchase transaction there are multiple items of regulated metal property of the same general type, only one representative item from each type of regulated property must be segregated and labeled in accordance with this subsection.

(c) The hold, segregation, and labeling requirements of Subsections (a) and (b) of this section do not apply to any item of regulated metal property composed predominantly of ferrous metal material, unless the secondary metal recycler has received notice that the Chief of Police or designee has, in accordance with this subsection, designated the item or type of item as being subject to those requirements. The Chief of Police or designee shall periodically review theft statistics on ferrous regulated metal property and establish a list of items or types of items that the Chief of Police or designee determines are subject to the requirements of Subsection (a) and (b). A current list must

be maintained on file in the Chief of Polices designee's office, or in another designated office of the Police Department, so that it may be inspected by the public during the City's normal business hours. Notice of the list must be given to secondary metal recyclers in accordance with schedules and procedures established by the Chief of Police or designee. A secondary metal recycler is presumed to have received notice of the list if the Police Department transmits the list to the facsimile number or access number provided by the secondary metal recycler under Section 20-387 of this chapter.

(d) The hold, segregation, and labeling requirements of Subsections (a) and (b) of this section do not apply if the secondary metal recycler:

(1) maintains a video record, with a level of resolution approved by the Chief of Police or his designee, of each purchase transaction sufficient to clearly identify the seller's facial features and the items of regulated metal property purchased; and

(2) provides a copy of the video record of a purchase transaction or transactions to a peace officer upon request.

SEC. 20-391. HOLD ON STOLEN REGULATED METAL PROPERTY; HOLD NOTICE.

(a) Whenever a peace officer has reasonable cause to believe that certain items of regulated metal property in the possession of a secondary metal recycler are stolen, the peace officer may issue a hold notice. The hold notice must:

(1) identify those specific items of regulated metal property alleged to be stolen and subject to hold; and

(2) inform the secondary metal recycler of the restrictions imposed on the regulated metal property under Subsection (b) of this section.

(b) A secondary metal recycler may not, for 60 days from the date of receiving a hold notice under this section, process or remove from the secondary metal recycler's place of business any regulated metal property identified in the hold notice, unless the property is released sooner by the peace officer who issued the hold notice or by order of a court of competent jurisdiction. At the expiration of the hold period, the hold is automatically released, and the secondary metal recycler may dispose of the regulated metal property unless otherwise directed by a court of competent jurisdiction.

(c) This section does not apply to items of regulated metal property composed solely of the following nonferrous metal materials for which definitions and hold notice requirements are provided by Chapter 1956 of the Texas Occupations Code, as amended:

(1) copper or brass material in excess of 50 pounds;

(2) bronze material; or

(3) aluminum material in excess of 40 pounds

SEC. 20-392. OFFENSES; DEFENSES; PENALTY.

(a) A person who violates any provision of this chapter, or who fails to perform a duty required of him under this chapter, commits an offense. A person is guilty of a separate offense for each item of regulated metal property involved in a violation of this chapter. An offense under this chapter is punishable by a fine not to exceed $500.

(b) It is a defense to prosecution under this chapter that the regulated metal property involved:

(1) was purchased from any public officer acting in an official capacity as a trustee in bankruptcy, executor, administrator, or receiver; from any public official acting under judicial process or authority, or from a sale on the execution, or by virtue, of any process issued by a court;

(2) consists of aluminum food or beverage containers, used food or beverage containers, or similar food or beverage containers for the purpose of recycling, other than beer or beverage kegs; or

(3) was purchased from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

SEC. 20-393. LICENSE REQUIRED.

(a) A person commits an offense if, without a license issued under this article, he:

(1) purchases regulated metal property in the city for resale or salvage use;

(2) operates a business establishment in the city that purports to purchase regulated metal property for resale or salvage use; or

(3) in any other manner conducts business in the city as a secondary metal recycler.

(b) An application for a license must be made on a form provided by the Chief of Police or designee. Each applicant must be qualified according to the provisions of this chapter.

(c) A person who wishes to purchase regulated metal property for resale or salvage use must sign the application as applicant. If the person is a legal entity, including but not limited to a corporation, partnership, association, or joint venture, each individual who has a 20 percent or greater interest in the business must sign the application for a license as an applicant. Each applicant must meet the requirements of Section 20-394, and each applicant will be considered a licensee if a license is granted.

(d) It is a defense to prosecution under this section that, at the time of the alleged offense, the person was purchasing regulated metal property for resale or salvage use under the specific authority of a valid license issued by the State of Texas or the United States government. A license must still be obtained under this section for those activities conducted by a secondary metal recycler that are not specifically authorized by a state or federal license.

SEC. 20-394. ISSUANCE OF LICENSE; POSTING.

(a) The Chief of Police shall issue a license to an applicant within 30 days after receipt of an application unless it is determined that one or more of the following is true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse.

(3) An applicant failed to answer or falsely answered a question or request for information on the application form provided.

(4) An applicant or an applicant's spouse has been convicted of two or more offenses under this chapter, other than the offense of conducting business as a secondary metal recycler without a license, within two years immediately preceding the application. The fact that a conviction is being appealed has no effect.

(5) An applicant has not obtained a certificate of occupancy for the premises in which the applicant intends to do business, or the business or its location would otherwise be in violation of the City of Fort Worth Development Code or any other applicable city ordinance or state or federal law.

(6) The license fee required by this chapter has not been paid.

(7) An applicant has been convicted of a felony or a Class A misdemeanor involving theft or fraud, including but not limited to theft, robbery, burglary, forgery, criminal simulation, deceptive business practices, securing execution of document by deception, or any other similar state or federal criminal offense, and three years have not elapsed since the termination of any sentence, parole, or probation. The fact that a conviction is being appealed has no effect. If three years have elapsed, the Chief of Police shall, in accordance with Section 53.023 of the Texas Occupations Code, as amended, determine the present fitness of the applicant to be licensed from the information and evidence presented with the application.

(8) An applicant has been convicted of an offense under any federal or state law providing recordkeeping or licensing requirements for persons purchasing or selling regulated metal property, and three years have not elapsed since the termination of any sentence, parole, or probation. The fact that a conviction is being appealed has no effect.

(b) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the premises for which the license is granted. A license issued pursuant to this chapter is valid only for the location stated in the application. Should any licensee move a place of business from the place stated on the license to a new location, the licensee shall give the Chief of Police prior written notice and present the license to the Chief of Police to have the change of location noted on the license.

(c) A license must be posted in a conspicuous place at or near the entrance to the licensed premises so that it may be easily read at any time.

(d) If the Chief of Police determines that issuance or renewal of a license should be denied, the Chief of Police shall send to the applicant or licensee by certified mail, return receipt requested, a written statement of the reasons for the denial and of the applicant or licensee's right to appeal.

SEC. 20-395. FEES.

The annual fee for a license issued under this article is $250.

SEC. 20-396. EXPIRATION OF LICENSE.

Each license will expire one year from the date of issuance and may be renewed only by making application as provided in Section 20-391. To ensure re-issuance of a license prior to expiration, application for renewal should be made at least 30 days before the expiration date.

SEC. 20-397. SUSPENSION.

(a) The Chief of Police shall suspend a license for a definite period of time, not exceeding 30 days, if the Chief of Police determines that a licensee, an individual who is a business associate of the licensee in the same or a related business or a corporate officer of the licensee, or an employee of the licensee:

(1) received three or more written notices of violations of this chapter within any 18-month period; or

(2) intentionally or knowingly impeded or refused to allow an inspection by any police officer authorized under this chapter.

(b) The Chief of Police shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the licensee's right to appeal.

(c) A licensee whose license is suspended may not operate as a secondary metal recycler inside the city during the period of suspension.

SEC. 20-398. REVOCATION.

(a) The Chief of Police shall revoke a license if it is determined that one or more of the following is true:

(1) A licensee has given a false statement as to a material matter submitted to the Chief of Police during the application process.

(2) A licensee has received three or more written notices of violations of this chapter within any 18-month period.

(3) A licensee has been convicted of any felony or of a Class A misdemeanor involving theft or fraud, including but not limited to theft, robbery, burglary, forgery, criminal simulation, deceptive business practices, securing execution of document by deception, or any other similar state or

federal criminal offense, and three years have not elapsed since the termination of any sentence, parole, or probation. The fact that a conviction is being appealed has no effect.

(4) A licensee has been convicted of an offense under any federal or state law providing recordkeeping or licensing requirements for persons purchasing or selling regulated metal property, and three years have not elapsed since the termination of any sentence, parole, or probation. The fact that a conviction is being appealed has no effect.

(5) A cause for suspension under Section 20-395 has occurred and the license has already been suspended at least once within the preceding 12 months.

(6) The licensee does not qualify for a license under Section 20-392(a).

(b) The Chief of Police shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the revocation and of the licensee's right to appeal.

(c) When the Chief of Police revokes a license, the revocation will continue for one year, and the licensee may not be issued a license for one year from the date revocation became final. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation action has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became final. If the license was revoked under Subsection (a)(3) or (a)(4) of this section, an applicant may not be granted another license within three years of the termination of any sentence, parole, or probation.

SEC. 20-399. APPEAL.

(a) Before the denial of issuance or renewal of a license or the suspension or revocation of a license, the Chief of Police may appoint an advisory committee to review the incident or incidents that form the basis of said denial, suspension, or revocation. An advisory committee formed under this subsection shall consist of a member of the Police Department, a representative from the Fort Worth secondary metal recycling industry, and a citizen of the City of Fort Worth. The advisory committee shall review the incident or incidents that form the basis of the proposed denial, suspension, or revocation and make a recommendation for action to the Chief of Police in a time and manner proscribed by the Chief of Police. Any recommendation made by the advisory committee to the Chief of Police under this subsection shall be non-binding.

(b) If the Chief of Police denies issuance or renewal of a license, or suspends or revokes a license, the aggrieved party may appeal the decision of the Chief of Police to

the City Manager within 30 days. The action of the Chief of Police is final unless a timely appeal is made. The filing of an appeal stays the action of the Chief of Police in suspending or revoking a license until the City Manager makes a final decision.

SEC. 20-400. TRANSFER OF LICENSE.

A licensee shall not:

(1) transfer a license issued under this chapter to another; or

(2) operate a business engaged in the purchase of regulated metal property for resale or salvage use under the authority of a license at any location other than the address designated in the license application.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

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

SECTION 4.

It is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred dollars ($500.00) for each offense.

SECTION 6.

Upon adoption, the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, Section 5, and an effective date of this ordinance for (2) days in the official newspaper of the City of Fort Worth, Texas, during the week of August 1, 2006, as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas, and by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

This ordinance shall be in full force and effect on September 1, 2006, and it is so ordained.

ADOPTED: July 25, 2006

EFFECTIVE:

APPROVED AS TO FORM AND LEGALITY:

/s/Matthew L. Wallis
By: Matthew L. Wallis
Assistant City Attorney