

ORDINANCE NO. 1207-2018

AN ORDINANCE AMENDING CHAPTER 4 “BUSINESS REGULATIONS” OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED INCORPORATING ARTICLE 4.09 “SECONDARY METAL RECYCLERS” THAT PROVIDES DEFINITIONS, LICENSING, RECORDKEEPING AND ENFORCEMENT PROCEDURES FOR SECONDARY METAL RECYCLERS; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is the recommendation of the River Oaks Police Chief to incorporate regulations into the River Oaks Code of Ordinances that would better enable the Police Department to be able to exercise the power to promote the recovery of stolen property; and

WHEREAS, the City Council deems it necessary to regulate and license Metal Recycling Entities to promote the recovery of stolen Regulated Material; and

WHEREAS, Section 1956 of the Texas Occupations Code requires Metal Recycling Entities to maintain Purchase Transaction records involving sales of Regulated Material; and

WHEREAS, the City Council has determined that requiring Metal Recycling Entities to maintain an online Real-Time Electronic Web-Based Database, including Purchase Transaction records involving sales of Regulated Material in the City of River Oaks, is a necessary exercise of the City’s police power to promote the recovery of stolen Regulated Material; and

WHEREAS, Section 1956.039(b)(2) of the Texas Occupations Code prohibits Metal Recycling Entities from operating later than 9 p.m., and Section 1956.040(a-2) makes operating beyond such hours a Class A misdemeanor; however, Section 1956.003(a) allows the City to adopt an ordinance more stringent than state law, and the City Council has determined that, to promote public safety, Metal Recycling Entities should not operate later than 7:00 p.m.; and

WHEREAS, revisions to the City Code are necessary to conform to state law and aid in preventing the sale of illegally obtained Regulated Material.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS THAT:

SECTION 1

Chapter 4, "Business Regulations," Article 4.09 "Secondary Metal Recyclers," is being incorporated in the River Oaks Code of Ordinances to now read as follows:

ARTICLE 4.09 "SECONDARY METAL RECYCLERS"

"Sec. 4.09.001. Purpose.

This Article is an exercise of the City's police power to promote regulation of Metal Recycling Entities through the recovery of stolen property. In addition to state law, the City seeks to provide additional licensing, recordkeeping requirements, and enforcement procedures, that will enable the River Oaks Police Department to identify and recover public and private property composed of certain metal that may have been illegally appropriated.

Sec. 4.09.002. Definitions.

In this Article:

Chief of Police means the chief of police for the City of River Oaks, or a designated representative.

City Permit Department means the River Oaks Inspection Department and its Building Official or designee.

City Secretary means the city official as appointed by the Mayor and City Council to be the City Secretary, City Treasurer and City Administrator as provided for in the City Charter as adopted and as amended.

Clear Digital Still Color Photograph means a photo, of a resolution approved by the Chief of Police, which accurately depicts the image being captured.

Clear and Legible Thumbprint means an intentional recording of the friction ridge detail on the volar pads of the thumb.

Hold Notice means written notification by the Chief of Police (or designee) to a Metal Recycling Entity stating that the Metal Recycling Entity may not dispose of, process, sell, or remove from the premises, certain Regulated Material that the Chief of Police, has reasonable cause to believe has been stolen.

Licensee means a Person in whose name a license has been issued under this Article or a Person listed as an applicant on the application for a license.

Metal Recycling Entity means a business that is operated from a fixed location and is predominantly engaged in: (A) performing the manufacturing process by which scrap, used, or obsolete Regulated Material is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal; (B) the use of raw material products described under (A) in the manufacture of producer or consumer goods; or (C) purchasing or otherwise acquiring scrap, used, or obsolete Regulated Material for the eventual use of the metal for the purposes described by (A) or (B).

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

Personal Identification Document means (A) a valid driver's license issued by a state in the United States; (B) a United States military identification card; or (C) a personal identification certificate issued by the Texas Department of Public Safety under Section 521.101 of the Texas Transportation Code, as amended, or a corresponding card or certificate issued by another state.

Purchase Transaction means a transaction in which a Metal Recycling Entity gives consideration in exchange for Regulated Material.

Real-Time Electronic Web-Based Database means an electronic filing system in which data is organized by fields and records, and that is capable of transmitting a file or responding to input immediately via the internet.

Regulated Material means aluminum material, bronze material, copper or brass material, or Regulated Metal.

Regulated Metal means, including but not limited to, manhole covers; guardrails; metal cylinders designed to contain compressed air, oxygen, gases, or liquids; beer kegs made from metal other than aluminum; historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum; unused rebar; street signs; drain gates; safes; communication, transmission, and service wire or cable; condensing or evaporator coils for central heating or air conditioning units; utility structures, including the fixtures and hardware; aluminum or stainless steel containers designed to hold propane for fueling forklifts; metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; catalytic converters not attached to a vehicle; fire hydrants; metal bleachers or other seating facilities used in recreational areas or sporting arenas; any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad; insulated utility,

communications, or electrical wire that has been burned in whole or in part to remove the insulation; backflow valves; and metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

Seller means any Person who, in a Purchase Transaction, receives consideration from a Metal Recycling Entity in exchange for Regulated Material.

Sec. 4.09.003. Records required.

(a) A Metal Recycling Entity shall maintain an accurate and legible record of each Purchase Transaction. Each transaction must be recorded and filed separately.

(b) With the exception of the sale or transfer of aluminum cans, a Metal Recycling Entity shall keep at its place of business a record in a Real-Time Electronic Web-Based Database, in a form and method approved by the Chief of Police, in which he or she shall enter daily in English, a full description of each Purchase Transaction at his or her place of business. The record must contain the following:

- (1) The name and street address of the Metal Recycling Entity;
- (2) The name or initials of the individual recording the information required by this section for the Metal Recycling Entity;
- (3) The Seller's name, street address, gender, birth date, and the identifying number from the Seller's Personal Identification Document;
- (4) The make, model, color and license plate number of the motor vehicle in which the property is delivered in a Purchase Transaction, along with a Clear Digital Still Color Photograph of the motor vehicle and any trailer attached to the motor vehicle and a Clear Digital Still Color Photograph of the associated license plate(s);
- (5) The place, date, and time of the Purchase Transaction;
- (6) The weight, quantity or volume and a description, made in accordance with the custom of the trade, of the Regulated Material purchased, along with a Clear Digital Still Color Photograph of the Regulated Material;
- (7) An accurate description of the Regulated Material purchased and the type of metal from which the Regulated Material is made;
- (8) The amount of consideration given in a Purchase Transaction for Regulated Material;

- (9) Written documentation evidencing that the Seller is the legal owner of, or is lawfully entitled to sell, the Regulated Material, or a signed written statement from the Seller, on a form provided by the Metal Recycling Entity, affirming that the Seller is the legal owner of, or is lawfully entitled to sell, the Regulated Material offered for sale;
 - (10) A Clear Digital Still Color Photograph or video recording taken at the time of the Purchase Transaction that clearly depicts the Seller's entire face; and
 - (11) A Clear and Legible Thumbprint of the Seller taken at the time of the Purchase Transaction.
- (c) The Metal Recycling Entity, or its agent, shall visually verify the accuracy of the identification presented by the Seller at the time of each Purchase Transaction of Regulated Material and take a Clear Digital Still Color Photograph of the identification to be maintained by the Metal Recycling Entity in the record of the Purchase Transaction.
- (d) All electronic submissions to the Real-Time Electronic Web-Based Database must be completed within twenty-four (24) hours of the Purchase Transaction.
- (e) A Metal Recycling Entity shall maintain on file the information required by Subsection (b) of this section for not less than two (2) years after the date of the Purchase Transaction.
- (f) A Seller shall:
- (1) Display to the Metal Recycling Entity the Seller's Personal Identification Document;
 - (2) Provide to the Metal Recycling Entity the make, model, color and license plate number of the motor vehicle and the license plate number of the trailer used to deliver the Regulated Material, and the name of the state issuing the license plate;
 - (3) Present written documentation that the Seller is the legal owner of, or is lawfully entitled to sell, the Regulated Material or sign a written statement provided by the Metal Recycling Entity affirming that the Seller is the legal owner of, or is lawfully entitled to sell, the Regulated Material offered for sale;
 - (4) Submit to a Clear Digital Still Color Photograph or video recording to be taken by the Metal Recycling Entity at the time of the Purchase Transaction that clearly depicts the Seller's entire face; and
 - (5) Provide a Clear and Legible Thumbprint taken at the time of the Purchase Transaction.

Sec. 4.09.004. Notice to Sellers.

(a) A Metal Recycling Entity shall at all times maintain in a prominent place in the Metal Recycling Entity's place of business, in open view to a Seller, a notice in two-inch lettering that:

(1) Includes the following two clauses or similar language approved by the Chief of Police:

- a. "A PERSON ATTEMPTING TO SELL ANY REGULATED MATERIAL MUST PRESENT SUFFICIENT IDENTIFICATION AND WRITTEN PROOF OF OWNERSHIP REQUIRED BY CITY OF RIVER OAKS ORDINANCE AND STATE LAW.
- b. "WARNING: STATE LAW PROVIDES A CRIMINAL PENALTY FOR A PERSON WHO INTENTIONALLY PROVIDES A FALSE DOCUMENT OF IDENTIFICATION OR OTHER FALSE INFORMATION TO A METAL RECYCLING ENTITY WHILE ATTEMPTING TO SELL ANY REGULATED MATERIAL;" and

(2) States the Metal Recycling Entity's usual business hours.

(b) The notices required by this section may be contained on a sign that contains another notice if the Metal Recycling Entity is required to display another notice under applicable law.

Sec. 4.09.005. Facsimile, electronic mail or similar equipment required.

(a) A Metal Recycling Entity shall maintain at its place of business, or otherwise have immediate access to, electronic mail, a facsimile machine, or other equipment of similar function on which notifications of stolen property or other notifications relating to Regulated Material may be expeditiously received from the River Oaks Police Department. The equipment must be operable at all times during the usual and customary business hours of the Metal Recycling Entity. The Metal Recycling Entity shall maintain the facsimile number, electronic mail address, 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 twenty-four (24) hours after any change in the number or electronic mail address.

(b) The Chief of Police (or designee) may provide to Metal Recycling Entities notices of, including, but not limited to:

- (1) Photocopies of fraudulent or forged Personal Identification Documents provided by Sellers under this article;
- (2) Individuals convicted of theft of Regulated Material for offenses arising in the City of River Oaks; and

- (3) Regulated Materials reported or suspected stolen.

Sec. 4.09.006. Restrictions on the purchase of Regulated Material.

(a) A Metal Recycling Entity shall conduct all Purchase Transactions only between the hours of 7:00 a.m. and 7:00 p.m.

(b) A Metal Recycling Entity shall not purchase Regulated Material from:

- (1) An intoxicated Person; or

- (2) With the exception of the sale or transfer of aluminum cans, a Person who does not deliver the Regulated Material to the Metal Recycling Entity's place of business in a motor vehicle or in a trailer attached to a motor vehicle.

(c) A Metal Recycling Entity shall not purchase Regulated Material without first obtaining proof that the Seller owns the property as required by Section 20-385(f)(3).

Sec. 4.09.007. Inspection.

(a) On request, a Metal Recycling Entity shall permit a peace officer of this state or a representative of the Texas Department of Public Safety to inspect, during the Metal Recycling Entity's usual and customary business hours:

- (1) A record, photograph, or video recording required by Section 20-385; or

- (2) Regulated Material in the Metal Recycling Entity's possession.

(b) A Person seeking to inspect a record, photograph, video recording, or Regulated Material shall:

- (1) Inform the Metal Recycling Entity of the officer's status as a peace officer; or

- (2) If the Person is a representative of the Texas Department of Public Safety, inform the Metal Recycling Entity of the Person's status and display to the Metal Recycling Entity an identification document or other appropriate documentation establishing the Person's status as a representative of the Texas Department of Public Safety.

Sec. 4.09.008. 72-Hour hold on Regulated Material.

(a) A Metal Recycling Entity may not dispose of, process, sell, or remove from the premises Regulated Material unless:

- (1) The Metal Recycling Entity acquired the Regulated Material more than:

(A) Eight days, excluding weekends and holidays, before the disposal, processing, sale, or removal, if the Regulated Material is a cemetery vase, receptacle, or memorial made from a Regulated Material other than aluminum material; or

(B) Seventy-two (72) hours, excluding weekends and holidays, before the disposal, processing, sale, or removal, if the Regulated Material is not an item described by Paragraph (A) above; or

(2) The Metal Recycling Entity purchased the Regulated Material from a manufacturing, industrial, commercial, retail, or other seller that sells Regulated Material in the ordinary course of its business.

Sec. 4.09.009. Hold on stolen Regulated Material; Hold Notice.

(a) A peace officer who has reasonable suspicion to believe that Regulated Material in the possession of a Metal Recycling Entity is stolen may place the Regulated Material on hold by issuing to the Metal Recycling Entity a written Hold Notice that:

(1) Specifically identifies the Regulated Material alleged to be stolen and subject to the Hold Notice; and

(2) Informs the Metal Recycling Entity of the requirements of Subsection (b).

(b) On receiving the Hold Notice, the Metal Recycling Entity may not dispose of, process, sell, or remove from the premises any identified Regulated Material before the 60th day after the date the Hold Notice is issued, unless the Hold Notice is released at an earlier time in writing by a peace officer of this state or by court order.

(c) After the holding period expires, the Metal Recycling Entity may dispose of the Regulated Material unless disposition violates a court order.

Sec. 4.09.010. Penalties; defenses.

(a) A Person who owns or operates a Metal Recycling Entity, and does not hold a license in accordance with Section 4.09.011 of this Article, is subject to a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation. Each day a violation occurs or continues to occur is a separate violation.

(b) The City may institute an action to collect the civil penalty provided by this section. And the City may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(c) All violations of Chapter 4, Article 4.09, of the River Oaks City Code of Ordinances as amended, except a violation of Section 4.09.010(a), by Sellers and Metal Recycling Entities, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation, unless otherwise defined as a higher charge under state law. Each day a violation occurs or continues to occur is a separate violation.

Sec. 4.09.011. License required.

(a) In order to operate as a Metal Recycling Entity in the City of River Oaks, the Metal Recycling Entity must be issued a license by the City's Permit Department.

(b) An application for a license must be made on a form provided by the City's Permit Department.

(c) A Person who wishes to purchase Regulated Material for resale or salvage use must sign the application as applicant. If the Person is a legal entity, an individual with authority to bind the legal entity must sign the application as applicant and identify each individual who has a twenty (20) percent or greater interest in the legal entity on the application for a license. An individual who has a twenty (20) percent or greater interest in a legal entity must satisfy the criteria under Section 4.09.012. Each applicant will be considered a Licensee if a license is granted.

Sec. 4.09.012. Application for issuance of license; fees; posting.

(a) The City's Permit Department may issue a license to an applicant within thirty (30) days after receipt of an application after the City's Police Department has confirmed that all of the following requirements are met:

- (1) The applicant is at least eighteen (18) years of age;
- (2) The applicant is not overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant;
- (3) The applicant has not refused to answer or has not falsely answered a question or request for information on the application form provided;
- (4) The applicant has not been convicted of two (2) or more offenses under this Article, other than the offense of conducting business as a Metal Recycling Entity without a license, within two (2) years immediately preceding the application;
- (5) The applicant has obtained a certificate of occupancy for the premises in which the applicant intends to do business, and the Metal Recycling Entity, or its location, would not otherwise be in violation of any applicable City ordinance or state or federal law;

- (6) The license fee required by this Article has been paid;
- (7) The applicant has obtained a certificate of registration from the Texas Department of Public Safety, as required by Section 1956.021 of the Texas Occupations Code;
- (8) The applicant has not been convicted of any 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 (3) years has elapsed since the termination of any sentence, parole, or probation. A pardon shall be given full legal effect. If three (3) years have elapsed, the City's Police Department 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; and
- (9) The applicant has not been convicted of an offense under any federal or state law providing recordkeeping or licensing requirements for persons purchasing or selling Regulated Material, and three (3) years have elapsed since the termination of any sentence, parole, or probation for such offense.
- (b) The applicant shall work with the City's Permit Department and the City's Police Department to provide all paperwork or information necessary to process an application and make a determination of fitness to be licensed in accordance with Section 4.09.012.
- (c) The license, if granted, must state on its face the name of the Person 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 Article is valid only for the location stated in the application and the Person listed on the license application. Should any Licensee move its place of business from the place stated on the license to a new location the Licensee shall give the City's Permit Department prior written notice and present the license to the City's Permit Department to have the change of location noted on the license. Should any Licensee change ownership to where an individual has a twenty (20) percent or greater interest in the Metal Recycling Entity, the Licensee shall give the City's Permit Department prior written notice and present the license to the City's Permit Department to confirm that the new owner satisfies the criteria outlined in Section 4.09.012(a).
- (d) The Metal Recycling Entity shall pay an annual license fee in the amount of two hundred fifty dollars (\$250.00) to the City's Permit Department.
- (e) A license must be posted in a conspicuous place at or near the entrance to the Metal Recycling Entity so that it may be easily read at any time.

(f) If the City's Building Official determines that issuance or renewal of a license should be denied based on a recommendation from the City's Police Department, the City's Permit Department shall send to the applicant by certified mail, return receipt requested, a written statement of the reasons for the denial and of the applicant's right to appeal.

Sec. 4.09.013. Expiration of license; renewal.

Each license will expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 20-394 of this Article. Application for renewal must be made at least forty-five (45) days before the expiration date.

Sec. 4.09.014. Suspension.

The Chief of Police shall recommend suspension of a license to the City's Permit Department in care of the City's Building Official for a definite period of time, not exceeding thirty (30) days, if:

(a) The Licensee, a corporate officer or an employee of the Licensee has:

(1) Received, in the aggregate, two or more convictions under this Article within any six-month period; or

(2) Intentionally or knowingly impeded or refused to allow an inspection by a peace officer or a representative of the Texas Department of Public Safety as authorized under this Article.

(b) The City's Permit Department finds that there is cause for a suspension based on a recommendation from the City's Police Department, the Licensee shall be notified in writing within ten (10) days of the Department's decision, by certified mail, return receipt requested. The notice shall include a written statement of the reasons for the suspension, the duration of the suspension, and the Licensee's right to appeal.

(c) A Licensee whose license is suspended may not operate as a Metal Recycling Entity inside the City during the period of suspension.

(d) Only the City's Building Official or the City Secretary may suspend a license issued under this Article.

Sec. 4.09.015. Revocation or denial.

(a) The City's Building Official shall revoke or deny the issuance or renewal of a license if, based on a recommendation from the City's Police Department:

(1) A Licensee has given a false statement in the submission of an application under Section 4.09.012(a) of this Article;

(2) A Licensee, a corporate officer, or an employee of the Licensee has been convicted within a two (2) year period of two (2) or more offenses under this Article. If a conviction is appealed and affirmed, the time period between conviction and final disposition on appeal of the conviction is not included in calculating the two (2) year period;

(3) A cause for suspension occurs under Section 4.09.014, and the license has been previously suspended in accordance with this Article in the preceding twelve (12) months; or

(4) The Licensee does not qualify for a license under Section 4.09.012(a).

(b) The City's Permit Department shall notify the Licensee within ten (10) days of its decision to revoke or deny the issuance or renewal of a license, by certified mail, return receipt requested. The notice shall include a written statement of the reasons for the revocation or denial, and of the Licensee's right to appeal.

(d) Revocation of a license under this section shall continue for a minimum of one (1) year. A Licensee may not be issued a new license for a period of one (1) year from the date revocation became final. If the license was revoked under Section 4.09.012(a)(4) of this Article, an applicant may not be granted another license within two (2) years of the date of conviction. If the license was revoked under Sections 4.09.012(a)(8) or 4.09.012(a)(9) of this Article, an applicant may not be granted another license within three (3) years of the termination of any sentence, parole, or probation.

(e) Only the City's Building Official or the City Secretary may revoke or deny a license under this Article.

Sec. 4.09.016. Appeal.

If the City's Building Official suspends a license or revokes or denies the issuance or renewal of a license, that decision is final, unless the aggrieved party makes a timely appeal to the City Council. An appeal shall be considered timely if it is filed with the City Secretary's Office within thirty (30) days of the suspension, revocation, or denial. The filing of an appeal stays the action of the suspension, revocation, or denial until the City Council makes a final decision. The decision of the City Council is final.

Sec 4.09.017. Transfer of license.

A Licensee shall not:

(1) Transfer a license issued under this Article to another Person; or

(2) Operate a business engaged in the purchase of Regulated Material 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 of the Code of the City of River Oaks (2006), 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.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 4.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of River Oaks, or any other ordinances of the City, that 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 affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5

A Person who owns or operates a Metal Recycling Entity and does not hold a license in accordance with Section 4.09.011 of this Article is subject to a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation. Each day a violation occurs or continues to occur is a separate violation. All violations of Chapter 4 Article 4.09, of the River Oaks Code of Ordinances, except a violation of Section 4.09.010(a), by Sellers and Metal Recycling Entities, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation, unless otherwise defined as a higher charge under state law. Each day a violation occurs or continues to occur is a separate violation.

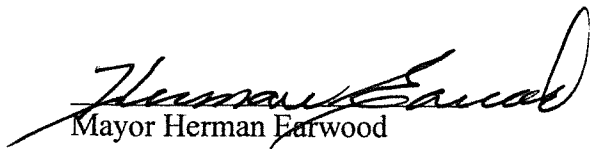
SECTION 6

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.


SECTION 7

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.


PASSED AND APPROVED THIS THE 13th DAY OF NOVEMBER 2018.


Mayor Herman Earwood

ATTEST:


Marvin Gregory
City Secretary
City of River Oaks

APPROVED AS TO FORM AND LEGALITY:


Betsy Elam, City Attorney

ADOPTED: 11-13-18
EFFECTIVE: 11-22-18