

ORDINANCE NO. 27249

An ordinance amending CHAPTER 40B, "SECONDARY METALS RECYCLERS," of the Dallas City Code, as amended; defining terms; requiring secondary metals recyclers to pay for nonferrous regulated metal property and certain identified ferrous regulated metal property by check or debit card mailed to the seller, unless the seller holds a valid cash transaction card; providing requirements relating to a cash transaction card; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That CHAPTER 40B, "SECONDARY METALS RECYCLERS," of the Dallas City Code, as amended, is amended to read as follows:

"CHAPTER 40B

SECONDARY METALS RECYCLERS

ARTICLE I.

GENERAL.

SEC. 40B-1. PURPOSE.

This chapter is an exercise of the city's police power to promote, through regulation of secondary metals 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 metals that may have been illegally appropriated.

SEC. 40B-2. DEFINITIONS.

In this chapter:

(1) CASH TRANSACTION CARD means a card issued to a seller by a secondary metals recycler in compliance with Section 40B-6(f) of this chapter that allows a secondary metals recycler, at the time of purchase, to give consideration in the form of cash or a debit card to a seller in a purchase transaction for regulated metal property.

(2) CATALYTIC CONVERTER means a device used to reduce the toxicity of emissions from an internal combustion engine through the use of a catalyst (typically a platinum-iridium catalyst) that converts the toxic combustion by-products into less toxic gases or products.

(3) CHECK means a check, draft, or other negotiable or nonnegotiable order of withdrawal that is drawn against funds held by a financial institution.

(4) [(2)] CHIEF means the chief of police for the city of Dallas or a designated representative.

(5) DEBIT CARD means a card issued by a bank that combines the functions of an automatic teller machine (ATM) card and checks. A debit card can be used to withdraw cash at a bank like an ATM card and can also be used at stores to pay for goods and services in place of a check. Unlike a credit card, a debit card automatically withdraws money from a checking account at the time of the transaction.

(6) [(3)] FERROUS METAL means a metal that contains significant quantities of iron or steel.

(7) [(4)] HOLD NOTICE means written notification by the chief to a secondary metals recycler stating that the secondary metals recycler may not sell, redeem, or dispose of certain regulated metal property that the chief has reasonable cause to believe has been stolen.

(8) [(5)] LICENSEE means 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.

(9) [(6)] NONFERROUS METAL means 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.

(10) [(7)] PERSON means an individual, partnership, corporation, joint venture, trust, association, and any other legal entity.

(11) [(8)] PERSONAL IDENTIFICATION CERTIFICATE means a personal identification card issued by the Texas Department of Public Safety under Chapter 521, Subchapter E of the Texas Transportation Code, as amended, or a similar card or certificate issued by another state.

(12) [(9)] PURCHASE TRANSACTION means a transaction in which a secondary metals recycler gives consideration, or agrees to give consideration, in exchange for regulated metal property.

(13) [(10)] REGULATED METAL PROPERTY means any item composed in whole or in part of any ferrous or nonferrous metal, other than an item composed in whole of tin.

(14) [(11)] SECONDARY METALS RECYCLER means 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.

(15) [(12)] SELLER means any person who, in a purchase transaction, receives consideration from a secondary metals recycler in exchange for regulated metal property.

(16) [(13)] THUMBPRINT IMPRESSION means an intentional recording of the friction ridge detail on the volar pads of the thumb.

SEC. 40B-3. RECORDS REQUIRED.

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

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

(1) the name and street address of the secondary metals recycler;

(2) the name or initials of the individual recording the information required by this section for the secondary metals recycler;

(3) the seller's name, street address, sex, and birthdate and the identifying number from the seller's current and valid driver's license issued by a state in the United States, United States military identification card, or personal identification certificate;

(4) the make, model, and license plate number of the motor vehicle in which the regulated metal property is delivered in a purchase transaction, along with a clear digital still photograph of the motor vehicle and any trailer attached to the motor vehicle;

- (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 metal property purchased, along with a clear digital still photograph of the regulated metal property;
 - (7) a general description 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 and, if the seller was:
 - (A) paid by check, a copy of the check;
 - (B) paid in cash, a copy of the seller's valid cash transaction card (or the seller's current approved application for a cash transaction card); or
 - (C) paid by debit card, a copy of the debit card receipt and, if payment was made at the time of purchase, a copy of the seller's valid cash transaction card (or the seller's current approved application for a cash transaction card);
 - (9) written documentation evidencing that the seller is the legal owner, or is lawfully entitled to sell, the regulated metal property or a signed statement from the seller affirming a legal right of ownership and the right to sign over title to the regulated metal property offered for sale;
 - (10) a clear digital still photograph of the seller, taken at the time of the purchase transaction, that clearly depicts the seller's facial features; and
 - (11) a clear and legible thumbprint impression of the seller.
- (c) A person selling or attempting to sell regulated metal property to a secondary metals recycler shall:
- (1) display to the secondary metals recycler the person's current and valid driver's license issued by a state in the United States, United States military identification card, or personal identification certificate;
 - (2) provide to the secondary metals recycler the make, model, and license plate number of the motor vehicle used to deliver the regulated metal property; and
 - (3) sign a written statement provided by the secondary metals 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 metals 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 and make a copy of the identification to be maintained by the secondary metals recycler in the record of the purchase transaction.

(e) A secondary metals recycler shall maintain on file the information required by this section for not less than three years after the date of the purchase transaction. A secondary metals recycler shall make these records available for inspection by any police officer, upon request, at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

SEC. 40B-4. NOTICE TO SELLERS.

(a) A secondary metals recycler shall at all times maintain in a prominent place in the secondary metals recycler's place of business, in open view to a seller of regulated metal property, a notice in two-inch lettering that:

(1) contains the following or similar language approved by the chief: "A PERSON ATTEMPTING TO SELL ANY REGULATED METAL PROPERTY MUST PRESENT SUFFICIENT IDENTIFICATION AND WRITTEN PROOF OF OWNERSHIP REQUIRED BY CITY OF DALLAS ORDINANCE"; and

(2) states the usual business hours of the secondary metals recycler.

(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 metals recycler.

SEC. 40B-5. FACSIMILE, TELECOPIER, OR SIMILAR EQUIPMENT REQUIRED.

A secondary metals 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 metals recycler. The secondary metals recycler shall maintain the facsimile number or other access number of the equipment on file with the chief and shall notify the chief within 24 hours after any change in the number.

SEC. 40B-6. RESTRICTIONS ON THE PURCHASE OF REGULATED METAL PROPERTY.

(a) A secondary metals recycler shall conduct all purchase transactions only between the hours of 7:00 a.m. and 7:00 p.m.

(b) A secondary metals recycler shall not purchase any item of regulated metal property from:

(1) an intoxicated person; or

(2) a person who does not deliver the item of regulated metal property to the secondary metals recycler's place of business in a motor vehicle or in a trailer attached to a motor vehicle.

(c) A secondary metals recycler shall not purchase any of the following items of regulated metal property without obtaining proof that the seller owns the property (such as by a receipt or bill of sale) or proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business, or entity owning the property and the seller is authorized to sell the item of regulated metal property on behalf of the person, business, or entity owning the property:

(1) A manhole cover.

(2) An electric light pole or other utility structure and its fixtures and hardware.

(3) A guard rail.

(4) A street sign, traffic sign, or traffic signal and its fixtures and hardware.

(5) Communication, transmission, and service wire.

(6) A funeral marker or funeral vase.

(7) An historical marker.

(8) Railroad equipment, including but not limited to a tie plate, signal house, control box, switch plate, E clip, or rail tie junction.

(9) Any metal item that is marked with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad.

(10) A copper or aluminum condensing or evaporator coil from a heating or air conditioning unit.

(11) An aluminum or stainless steel container or bottle designed to hold propane for fueling fork lifts.

(12) A catalytic converter or any part of a catalytic converter.

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

(e) Except as provided in Subsection (f) of this section, a secondary metals recycler may not, at the time of purchase, give any form of consideration in a purchase transaction for regulated metal property, but must pay the seller for the purchased regulated metal property by mailing a check or debit card to the seller at the seller's street address as listed in the record of the purchase transaction. A copy of the check or the debit card receipt must be maintained on file with the purchase transaction record.

(f) A secondary metals recycler may, at the time of purchase, give consideration in the form of cash or a debit card credit in a purchase transaction for regulated metal property if the seller presents the secondary metals recycler with a valid cash transaction card issued by any secondary metals recycler located in the city (or the secondary metals recycler obtains a copy of the cash transaction card and the complete approved application for the card from its own files or from a secondary metals recycler located in the city that issued the card to the seller), and all of the following requirements are met:

(1) A secondary metals recycler may only issue or renew a cash transaction card to a seller after receiving an application signed by the seller that contains:

(A) the seller's name, street address, sex, and birthdate and the identifying number from (and a copy of) the seller's current and valid driver's license issued by a state in the United States, United States military identification card, or personal identification certificate;

(B) a clear digital still photograph of the seller, taken at the time of application, that clearly depicts the seller's facial features;

(C) a clear and legible thumbprint impression of the seller; and

(D) the signature of the individual approving the application on behalf of the secondary metals recycler.

(2) The secondary metals recycler may only issue or renew a cash transaction card by mailing it to the seller at the seller's street address listed in the application for the card.

(3) The cash transaction card must contain:

(A) the name and street address of the seller;

(B) a clear digital still photograph of the seller;

(C) an identifying number that is unique to the individual card; and

(D) the expiration date of the card, which date may not exceed two years after the date of issuance.

(4) The cash transaction card must be laminated or made of a rigid plastic or other durable material that will preserve the legibility of the information contained on the card.

(5) The cash transaction card may not be transferable to another person.

(6) A secondary metals recycler shall visually verify that the identification presented by the seller under Section 40B-3(c)(1) corresponds to the identifying information on any cash transaction card presented by the seller or on any copy of the cash transaction card and the complete approved application for the card obtained from the secondary metals recycler's own files or from the secondary metals recycler that issued the card to the seller.

(7) By the end of the next business day after invalidating a cash transaction card for any reason, the secondary metals recycler that issued the card shall notify the chief of the card's invalidation and provide other information relating to the card as determined necessary by the chief. After receiving such notification, the chief shall notify all other secondary metals recyclers of the card's invalidation. A secondary metals recycler shall not accept any cash transaction card after being notified of its invalidation.

(8) A secondary metals recycler shall maintain on file each application for a cash transaction card made to it or obtained from another secondary metals recycler (including a copy of each cash transaction card issued or renewed by it or the other secondary metals recycler) for not less than two years after the date of the application, issuance, or renewal of the card, whichever is later. A secondary metals recycler shall make these records available for inspection by any police officer, upon request, at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

(g) The requirements of Subsections (e) and (f) of this section do not apply to any item of regulated metal property composed solely of ferrous metal material, unless the item is listed in Subsection (c) of this section or unless the secondary metals recycler has received notice that the chief has, in accordance with this subsection, designated the item or type of item as being subject to those requirements. The chief shall periodically review theft statistics on ferrous regulated metal property and establish a list of items or types of items that the chief determines are subject to the requirements of Subsection (e) and (f). A current list must be maintained on file in the chief'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 metals recyclers in accordance with schedules and procedures established by the chief. A secondary metals 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 metals recycler under Section 40B-5 of this chapter.

SEC. 40B-7. FIVE-DAY HOLD ON REGULATED METAL PROPERTY; SEGREGATION, LABELING, AND INSPECTION OF REGULATED METAL PROPERTY; EXCEPTIONS.

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

(b) Except as provided in Subsection (c) of this section, a secondary metals 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 solely of ferrous metal material, unless the secondary metals recycler has received notice that the chief has, in accordance with this subsection, designated the item or type of item as being subject to those requirements. The chief shall periodically review theft statistics on ferrous regulated metal property and establish a list of items or types of items that the chief determines are subject to the requirements of Subsection (a) and (b). A current list must be maintained on file in the chief'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 metals recyclers in accordance with schedules and procedures established by the chief. A secondary metals 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 metals recycler under Section 40B-5 of this chapter.

(d) While in possession of purchased regulated metal property, a secondary metals recycler shall make the property available for inspection by any police officer at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

SEC. 40B-8. HOLD ON STOLEN REGULATED METAL PROPERTY; HOLD NOTICE.

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

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

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

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

SEC. 40B-9. 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 a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organization or association or from any organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended;

(2) 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;

(3) 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

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

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

ARTICLE II.**LICENSING OF SECONDARY
METALS RECYCLERS.****SEC. 40B-10. 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 metals recycler.

(b) An application for a license must be made on a form provided by the chief. 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 40B-11(a), 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 (other than a certificate of registration issued under Chapter 1956, Texas Occupations Code, as amended) or the United States government. A license must still be obtained under this section for those activities conducted by a secondary metals recycler that are not specifically authorized by a state or federal license.

SEC. 40B-11. ISSUANCE OF LICENSE; POSTING.

(a) The chief 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 metals 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 Dallas 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 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 prior written notice and present the license to the chief 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 determines that issuance or renewal of a license should be denied, the chief 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. 40B-12. FEES.

The annual fee for a license issued under this article is \$245.

SEC. 40B-13. 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 40B-10. To ensure reissuance of a license prior to expiration, application for renewal should be made at least 30 days before the expiration date.

SEC. 40B-14. SUSPENSION.

(a) The chief shall suspend a license for a definite period of time, not exceeding 30 days, if the chief 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) committed, in the aggregate, two or more violations of this chapter within any six-month period; or

(2) intentionally or knowingly impeded or refused to allow an inspection by the chief authorized under this chapter.

(b) The chief 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 metals recycler inside the city during the period of suspension.

SEC. 40B-15. REVOCATION.

(a) The chief 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 during the application process.

(2) 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 has been convicted within a two-year period of three or more offenses under this chapter. If a conviction is appealed, the time period between conviction and final disposition on appeal of the conviction is not included in calculating the two-year period if the conviction is affirmed.

(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 40B-14 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 40B-11(a).

(b) The chief 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 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 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. 40B-16. APPEAL.

If the chief denies issuance or renewal of a license, or suspends or revokes a license, the aggrieved party may appeal the decision of the chief to a permit and license appeal board in accordance with Section 2-96 of this code. The action of the chief is final unless a timely appeal is made. The filing of an appeal stays the action of the chief in suspending or revoking a license until the permit and license appeal board makes a final decision.

SEC. 40B-17. 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."

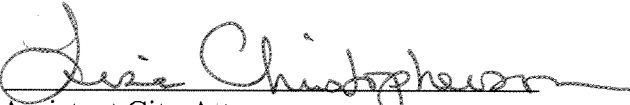
SECTION 2. That CHAPTER 40B of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on August 24, 2008, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed **JUN 25 2008**

LC/DCC/00445A