



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		April 11, 2016		
Department:		Neighborhood Services		
Department Head		Lori Feild Schwarz		
Agenda Coordinator (include phone #): Doris Carter, ext. 5350				
CAPTION				
Consideration of an Ordinance of the City of Plano, Texas, amending various sections of Division 3 of Article VIII, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing revised definitions to conform to a change in state law, and mirroring state definitions and inapplicability provisions; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Updating Plano ordinances to conform with definitions and other changes to applicable state law relates to the City's goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The proposed ordinance amendments provides for revised definitions to conform to a change in state law and mirror state definitions and inapplicability clause.				
List of Supporting Documents: Memo and Attachments Ordinance			Other Departments, Boards, Commissions or Agencies	

Date: March 30, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Lori F. Schwarz, Director of Neighborhood Services

Subject: Amendments to the Code of Ordinances Chapter 12, Motor Vehicles and Traffic

Item Summary

This Ordinance amends the Code of Ordinances, Motor Vehicles and Traffic, Article VIII, Abandoned and Junked Vehicles, Division 3, to conform to changes in State law, as follows:

- Revises definitions
- Mirrors the revised inapplicability clause

Background

The City of Plano Code of Ordinances includes the following:

- Determines junked vehicles are a public nuisance
- Provides authority and process to abate the nuisance
- Addresses the disposal of vehicles that are removed
- Provides exceptions related to collectors of antique vehicles

The 83rd Legislature of the State of Texas amended Section 683.071 of the Texas Transportation Code, revising the definition of a junked vehicle which became effective March 1, 2015. This revision was in response to the changes in vehicle registration which no longer required the issuance of a Texas Safety Inspection sticker.

Vehicles registered prior to March 1, 2015 were required to display a safety sticker; therefore, the City ordinance was intentionally not amended to allow for continued enforcement of proper maintenance and inspection of those vehicles still required to display an inspection sticker. With the anniversary of the consolidated inspection and registration system effective date now passed, the City is seeking to bring its ordinance in line with current state laws relating to junked vehicles.

Attachment A: Redline of Proposed Junked Vehicle Ordinance

Attachment B: Texas Transportation Code – Junked Vehicles

DIVISION 3. - JUNKED VEHICLES

Sec. 12-226. - Definitions.

The following definitions apply for the purposes of this division:

Antique ~~auto-vehicle~~ means a passenger car or truck manufactured at least twenty-five (25) years ago.

Motor Vehicle Collector means an antique or special vehicle owner who, for personal use, collects, purchases, acquires, trades, or disposes of antique or special interest vehicles, or their parts, in order to restore, preserve, and maintain an antique or special vehicle for historic interest.

Demolisher means a person with a business that converts a motor vehicle into processed scrap or scrap metal, or otherwise wrecks or dismantles motor vehicles.

Department means any city department authorized by the city manager to take action under the provisions of this division.

Junked vehicle means a ~~self-propelled~~self-propelled vehicle, or part thereof, that:

(1) ~~Displays:~~

~~a. An~~Displays an expired or invalid license plate or registration insignia; or

~~b. An expired or invalid vehicle inspection certificate; or~~

(2) Does not ~~display:~~

~~a. A~~display a current, valid license plate or registration insignia; ~~or~~and

~~b. A current, valid vehicle inspection certificate; and~~

(3) Is:

a. Wrecked, damaged, dismantled or partially dismantled, or discarded; or

b. Inoperable and has remained inoperable for more than:

1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or

2. Thirty (30) consecutive days, if the vehicle is on private property.

Special interest vehicle means a motor vehicle of any age without alteration or modification from original manufacturer's specifications that, because of its historic interest, is preserved by hobbyists.

Sec. 12-227. - Junked vehicle declared a public nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way is detrimental to the safety and welfare of the public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, produces urban blight adverse to the maintenance and continuing development of the City of Plano and is a public nuisance.

Sec. 12-228. - Offense.

(a) A person commits an offense if the person allows or maintains a junked vehicle in any place, whether on private or public property, in view of the public or on a public right-of-way.

(b) An offense under this section is punishable by a fine not to exceed two hundred dollars (\$200.00). A separate offense occurs each and every day the violation described in subsection (a) continues.

(c) The court shall order abatement and removal of the public nuisance on conviction of this offense.

Sec. 12-229. - Authority to abate nuisance; procedures.

To abate and remove a junked vehicle from any place visible to the public, whether on private or public property the following procedure is required:

(a) Notice.

- (1) Any employee of a department authorized by the city manager to enforce this division shall provide notice by:
 - a. Personal delivery, sending by certified mail with a five (5) day return requested, or delivery by the United States Postal Service with signature confirmation service to:
 1. the last known registered owner of the nuisance;
 2. each lienholder of record of the nuisance; and
 3. the owner or occupant of:
 - (A) the property on which the nuisance is located; or
 - (B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
 - b. Post written notice on the junked vehicle if the address of the last known registered owner of the junked vehicle is unknown.
- (2) The notice must state the nature of the nuisance, and that:
 - a. The junked vehicle must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - b. Any request for a hearing must be made in writing and received by the department before that ten (10) day period expires.
- (3) If any notice is returned undelivered, action to abate the nuisance shall continue to a date not earlier than the 11th day after the date of the return.

(b) Hearing.

- (1) A designee of the city manager shall conduct hearings under the procedures adopted under this section. This hearing officer does not have to adhere to strict rules of evidence, and can adopt informal procedures for the hearing.
- (2) Any request for a public hearing by a person who receives notice must be made not later than the date by which the nuisance must be abated and removed.
- (3) If a hearing is requested by a person for whom notice is required, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (4) At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(c) Abatement and removal of nuisance.

- (1) Request for abatement and removal of junked vehicle.
 - a. After receiving written notice from the city regarding the public nuisance created by a junked vehicle:
 1. the owner of the junked vehicle may request and authorize the city to remove the junked vehicle; or
 2. the owner or occupant of the private property upon which the junked vehicle is located may request and authorize the city to remove the junked vehicle if the city cannot locate the vehicle's owner.
 - b. Before the city removes a junked vehicle, the person requesting removal under this section must execute an authorization and indemnification agreement, thereby allowing the city to

enter the private property and holding the city harmless from any claim of injury or damage sustained as a result of the removal and disposal of the junked vehicle in accordance with section 12-231.

(2) Abatement and removal of junked vehicle.

- a. If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's description, vehicle identification number, and license plate number.
- b. The municipal court may issue orders necessary to enforce the procedures and removal of the public nuisance.

Sec. 12-230. - Administration of procedures; authority to enforce.

- (a) Regularly salaried, full-time city employees shall administer the procedures outlined in section 12-229 for abatement and removal of a junked vehicle, except that any authorized person may remove the nuisance.
- (b) Any employee of a department authorized by the city manager to enforce this division may enter private property to examine the public nuisance, to obtain information to identify the nuisance, and to remove or direct removal of the nuisance.
- (c) Any person authorized by the city manager, or his designee, may enter private property to remove the junked vehicle, or part thereof.

Sec. 12-231. - Junked vehicle disposal.

- (a) A junked vehicle removed under section 12-229 may not be reconstructed or made operable.
- (b) A junked vehicle may be removed to a scrapyard, a motor vehicle demolisher, or any other suitable site for processing scrap or salvage.
- (c) After a proceeding for abatement and removal of a public nuisance commences, removal of the junked vehicle to another location within the city limits where said vehicle continues to constitute a public nuisance has no effect on the proceedings already underway.

Sec. 12-232. - Notice to Texas Department of Transportation.

No later than the fifth day after the date of removal of a junked vehicle, the department shall send notice to the Texas Department of Transportation identifying the vehicle, or part thereof, removed. On receipt of notice of removal, the Texas Department of Transportation shall immediately cancel the certificate of title issued for the vehicle.

Sec. 12-233. - ~~Exception.~~Inapplicability of Division

~~The provisions of this division~~Procedures adopted under Section 12-229 do not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in a building in a lawful manner, and is not visible from the street or other public or private property; or
- (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle or vehicle part stored by a vehicle collector on the collector's property, where the vehicle or vehicle part and the outside storage area are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and

- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Secs. 12-234—12-255. - Reserved.

SUBCHAPTER E. JUNKED VEHICLES: PUBLIC NUISANCE; ABATEMENT

Sec. 683.071. DEFINITION AND APPLICABILITY.

(a) In this subchapter, "junked vehicle" means a vehicle that:

- (1) is self-propelled; and
- (2) is:
 - (A) wrecked, dismantled or partially dismantled, or discarded; or
 - (B) inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this subchapter, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

- (1) a motor vehicle that displays an expired license plate or does not display a license plate;
- (2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
- (3) a watercraft that:
 - (A) does not have lawfully on board an unexpired certificate of number; and
 - (B) is not a watercraft described by Section [31.055](#), Parks and Wildlife Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 746, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 798, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 500 (S.B. [350](#)), Sec. 1, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 720 (H.B. [787](#)), Sec. 9, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 753 (H.B. [1376](#)), Sec. 1, eff. September 1, 2011.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 1291 (H.B. [2305](#)), Sec. 49, eff. March 1, 2015.

Sec. 683.0711. MUNICIPAL REQUIREMENTS.

An ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked vehicle subject to regulation under this subchapter.

Added by Acts 2003, 78th Leg., ch. 1073, Sec. 1, eff. Sept. 1, 2003.

Sec. 683.072. JUNKED VEHICLE DECLARED TO BE PUBLIC NUISANCE.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) is detrimental to the safety and welfare of the public;
- (2) tends to reduce the value of private property;
- (3) invites vandalism;
- (4) creates a fire hazard;
- (5) is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) is a public nuisance.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1073, Sec. 2.

Sec. 683.073. OFFENSE.

(a) A person commits an offense if the person maintains a public nuisance described by Section [683.072](#).

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

(c) The court shall order abatement and removal of the nuisance on conviction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 683.074. AUTHORITY TO ABATE NUISANCE; PROCEDURES.

(a) A municipality or county may adopt procedures that conform to this subchapter for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

(b) The procedures must:

(1) prohibit a vehicle from being reconstructed or made operable after removal;

(2) require a public hearing on request of a person who receives notice as provided by Section 683.075 if the request is made not later than the date by which the nuisance must be abated and removed; and

(3) require that notice identifying the vehicle or part of the vehicle be given to the department not later than the fifth day after the date of removal.

(c) An appropriate court of the municipality or county may issue necessary orders to enforce the procedures.

(d) Procedures for abatement and removal of a public nuisance must be administered by regularly salaried, full-time employees of the municipality or county, except that any authorized person may remove the nuisance.

(e) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(f) On receipt of notice of removal of a motor vehicle under Subsection (b)(3), the department shall immediately cancel the certificate of title issued for the vehicle.

(g) The procedures may provide that the relocation of a junked vehicle that is a public nuisance to another location in the same municipality or county after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(h) On receipt of notice of removal of a watercraft under Subsection (b)(3), the department shall notify the Parks and Wildlife Department of the removal. On receipt of the notice from the department, the Parks and Wildlife Department shall immediately cancel the certificate of title issued for the watercraft.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1226, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 500 (S.B. 350), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 720 (H.B. 787), Sec. 10, eff. September 1, 2011.

Sec. 683.075. NOTICE.

(a) The procedures for the abatement and removal of a public nuisance under this subchapter must provide not less than 10 days' notice of the nature of the nuisance. The notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

- (1) the last known registered owner of the nuisance;
- (2) each lienholder of record of the nuisance; and
- (3) the owner or occupant of:
 - (A) the property on which the nuisance is located; or
 - (B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

- (1) the nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
- (2) any request for a hearing must be made before that 10-day period expires.

(c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.

(d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 413, Sec. 13, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 369 (S.B. 351), Sec. 1, eff. June 15, 2007.

Sec. 683.076. HEARING.

(a) The governing body of the municipality or county or a board, commission, or official designated by the governing body shall conduct hearings under the procedures adopted under this subchapter.

(b) If a hearing is requested by a person for whom notice is required under Section 683.075(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include:

(1) for a motor vehicle, the vehicle's:

(A) description;

(B) vehicle identification number; and

(C) license plate number;

(2) for an aircraft, the aircraft's:

(A) description; and

(B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(3) for a watercraft, the watercraft's:

(A) description; and

(B) identification number as set forth in the watercraft's certificate of number.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 720 (H.B. 787), Sec. 11, eff. September 1, 2011.

Sec. 683.0765. ALTERNATIVE PROCEDURE FOR ADMINISTRATIVE HEARING.

A municipality by ordinance may provide for an administrative adjudication process under which an administrative penalty may be imposed for the enforcement of an ordinance adopted under this subchapter. If a municipality provides for an administrative adjudication process under this section, the municipality shall use the procedure described by Section 54.044, Local Government Code.

Added by Acts 2001, 77th Leg., ch. 413, Sec. 14, eff. Sept. 1, 2001.

Sec. 683.077. INAPPLICABILITY OF SUBCHAPTER.

(a) Procedures adopted under Section 683.074 or 683.0765 may not apply to a vehicle or vehicle part:

(1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

(A) maintained in an orderly manner;

(B) not a health hazard; and

(C) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(b) In this section:

(1) "Antique vehicle" means a passenger car or truck that is at least 25 years old.

(2) "Motor vehicle collector" means a person who:

(A) owns one or more antique or special interest vehicles; and

(B) acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

(3) "Special interest vehicle" means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 413, Sec. 15, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1431, Sec. 1, eff. Sept. 1, 2001.

Sec. 683.078. JUNKED VEHICLE DISPOSAL.

(a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.

(b) A municipality or county may operate a disposal site if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:

- (1) finally dispose of a junked vehicle or vehicle part; or
- (2) transfer it to another disposal site if the disposal is scrap or salvage only.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

An Ordinance of the City of Plano, Texas, amending various sections of Division 3 of Article VIII, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing revised definitions to conform to a change in state law, and mirroring state definitions and inapplicability provisions; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, Division 3 of Article VIII, Chapter 12, “Motor Vehicles and Traffic,” of the City of Plano Code of Ordinance regulates junked vehicles and procedures for abatement and removal of such vehicles; and

WHEREAS, the 83rd Legislature of the State of Texas amended Section 683.071 of the Texas Transportation Code, revising the definition of a junked vehicle effective March 1, 2015; and

WHEREAS, the City Council deems it in the best interest of the City to amend the definition of “junked vehicle” and other definitions contained in Division 3 of Article VIII, Chapter 12, “Motor Vehicles and Traffic,” of the City of Plano Code of Ordinance for clarity and consistency with state law.

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

Section I. The Council hereby adopts the findings set forth above.

Section II. Section 12-226 of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 12-226. - Definitions.

The following definitions apply for the purposes of this division:

Antique vehicle means a passenger car or truck manufactured at least twenty-five (25) years ago.

Motor Vehicle Collector means an antique or special vehicle owner who, for personal use, collects, purchases, acquires, trades, or disposes of antique or special interest vehicles, or their parts, in order to restore, preserve, and maintain an antique or special vehicle for historic interest.

Demolisher means a person with a business that converts a motor vehicle into processed scrap or scrap metal, or otherwise wrecks or dismantles motor vehicles.

Department means any city department authorized by the city manager to take action under the provisions of this division.

Junked vehicle means a self-propelled vehicle, or part thereof, that:

- (1) Displays an expired or invalid license plate or registration insignia; or
- (2) Does not display a current, valid license plate or registration insignia; and

(3) Is:

- a. Wrecked, damaged, dismantled or partially dismantled, or discarded; or
- b. Inoperable and has remained inoperable for more than:
 - 1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - 2. Thirty (30) consecutive days, if the vehicle is on private property.

Special interest vehicle means a motor vehicle of any age without alteration or modification from original manufacturer's specifications that, because of its historic interest, is preserved by hobbyists.”

Section III. Section 12-233 of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 12-233. - Inapplicability of Division

Procedures adopted under Section 12-229 do not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in a building in a lawful manner, and is not visible from the street or other public or private property; or
- (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle or vehicle part stored by a motor vehicle collector on the motor vehicle collector's property, where the vehicle or vehicle part and the outside storage area are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.”

Section IV. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section VI. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Division 3, Chapter 12 of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED THIS THE 11TH DAY OF APRIL, 2016

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY