

Ordinance No. 09-072

An ordinance amending the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, Hotel Occupancy Tax, and through the amendment of Article VIII, Additional Hotel Occupancy Tax, relative to clarifying requirements regarding collection and payment of tax and increasing the amount of interest and penalty due on delinquent taxes; and providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Taxation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Hotel Occupancy Tax, so that hereafter said Article shall be and read as follows:

ARTICLE IV

HOTEL OCCUPANCY TAX

Section 4.01 Definitions

In this article, the following words, terms and phrases are defined as follows, except where the context clearly indicates a different meaning:

"City" shall mean the City of Arlington, Texas.

"City Attorney" shall mean the City Attorney of the City of Arlington or the designated representative.

"City Auditor" shall mean the City Auditor of the City of Arlington or the designated representative.

"Consideration" shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations,

including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“Director” shall mean the Director of the department designated by the City Manager to enforce and administer this article, or the director’s designated representative.

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership, or association that has paid a consideration for the exclusive right to use a sleeping room or sleeping facility in a hotel.

“Permanent resident” shall mean any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

"Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

"Tax" shall mean the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code, as amended.

Section 4.02 Tax Authorized; Tax Rate; Exceptions to Tax

- A. There is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax shall be equal to seven percent (7%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.
 - 2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to this tax.
 - 3. The cost of or consideration paid for a sleeping room or facility occupied by a permanent resident is not subject to this tax.

Section 4.03 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a) or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 4.04 Collection; Payment to City; Fee

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report required in accordance with all requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 4.05 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 4.06 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 4.07 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection

reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Section 4.08 Penalties

- A. A person commits an offense if a person:
 - 1. fails to collect the tax imposed by this article;
 - 2. fails to file a report as required by this article;
 - 3. fails to pay the tax when payment is due;
 - 4. files a false report; or
 - 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than Five Dollars (\$5.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 4.09 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due, to collect the tax not paid, or to enjoin the person from operating a hotel in the City until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;
 3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at the rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for that reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.

- F. The remedies provided by this section are in addition to other available remedies.

Section 4.10 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than sixty (60) days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 4.11 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

Further, **Article VIII, Additional Hotel Occupancy Tax**, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE VIII

ADDITIONAL HOTEL OCCUPANCY TAX

Section 8.01 Definitions

In this article, the following words, terms and phrases are defined as follows, except where the context clearly indicates a different meaning:

“Act” means Chapter 334, Local Government Code, as amended.

“Approved Venue Project” means the Dallas Cowboys Complex Development Project that was approved by a majority of the voters voting at the election held in the City on November 2, 2004, in accordance with the Act.

“City” shall mean the City of Arlington, Texas.

“City Attorney” shall mean the City Attorney of the City of Arlington or the designated representative.

“City Auditor” shall mean the City Auditor of the City of Arlington or the designated representative.

“Consideration” shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

“Director” shall mean the Director of the department designated by the City Manager to enforce and administer this article, or the director’s designated representative.

“Hotel” shall mean any building or complex of buildings, trailer, converted railroad pullman car, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, parked railroad pullman cars used for sleeping accommodations and not involving the transportation of travelers, dormitory where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term does not include:

1. a hospital, sanitarium, or nursing home; or
2. a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing

sleeping accommodations for persons engaged in an educational program or activity at the institution.

“Occupancy” shall mean the use or possession of, or the exclusive right to the use or possession of a sleeping room or sleeping facility in a hotel.

“Occupant” shall mean any individual, corporation, governmental agency, partnership, or association that has paid a consideration for the exclusive right to use a sleeping room or sleeping facility in a hotel.

“Permanent resident” shall mean any occupant who has occupied or has paid for the exclusive right to occupy a particular sleeping room or rooms or sleeping facility in a hotel for at least thirty (30) consecutive days so long as there is no interruption of payment for the period.

“Project Fund” means the fund entitled the “Cowboys Complex Project Fund,” created pursuant to the Resolution.

“Quarterly Period” shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, and the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

“Resolution” means the Resolution adopted by the City Council establishing the Cowboys Complex Project Fund.

“Tax” means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

Section 8.02 Tax Authorized; Tax Rate; Exceptions to Tax

- A. In addition to the tax levied in Article IV, Section 4.02, of this Chapter, there is hereby levied a tax upon the cost of or consideration paid for a sleeping room or sleeping facility furnished by any hotel.
- B. The tax shall be equal to two percent (2%) of the total price of a sleeping room or sleeping facility, said price to include all goods and services provided by the hotel which are not ordinarily subject to sales tax.
- C. The following are exceptions to the tax:
 - 1. There shall be no tax on the cost of or consideration paid for occupancy of a hotel sleeping room or sleeping facility priced at less than Two Dollars (\$2.00) per day.

2. The cost of or consideration paid for a hotel room or facility not ordinarily used for sleeping, such as a meeting room, is not subject to this tax.
 3. The cost of or consideration paid for a sleeping room or facility occupied by a permanent resident is not subject to this tax.
- D. The tax imposed under this section must be collected on every occupancy occurring on or after April 1, 2005, and must continue to be collected for so long as any bonds or other obligations that are issued by the City under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.

Section 8.03 Use of Tax Revenue

The revenue derived from the two percent tax imposed under this article must be deposited in the Cowboys Complex Tax Proceeds Account that is established within the Project Fund. Money in this account may be used as set forth in the Resolution.

Section 8.04 Exemptions and Refunds

- A. A person described in Section 156.101, Section 156.103(a) or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.
- B. A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.
- C. A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.
- D. To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the Director on a form prescribed by the state comptroller and provided by the Director. A governmental entity may file a refund claim with the Director only for each calendar quarter for all reimbursements accrued during that quarter.

Section 8.05 Collection; Payment to City; Fee; Statement of Tax Purpose Required

- A. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City with the report in accordance with all the requirements and procedures set forth in this article.
- B. The tax shall be submitted to the Director on or before the last day of the month following each quarterly period.
- C. Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

“The City of Arlington requires that an additional tax of two percent (2%) be imposed on each hotel charge for the purpose of financing a venue project, consisting of the Dallas Cowboys Complex Development Project approved by the voters of the City on November 2, 2004.”

Section 8.06 Reports

- A. Every person required to collect the tax by this article shall file a report with the Director in the form required by the Director to accurately reflect the amount of taxes owed.
- B. Reports shall be submitted to the Director on or before the last day of the month following each quarterly period.

Section 8.07 Availability of Records

Each person required to collect the tax must make records available for inspection by the Director. The City Auditor shall, upon reasonable notice, have access to books and records necessary to determine the correctness of a report filed under this article or the amount of taxes due under this article. The Director shall have authority to require additional information to determine the correctness of a report filed under this article or the amount of taxes due under this article. The City Auditor shall report any amount of taxes, penalty and/or interest found due to the Director for collection by the City.

Section 8.08 Rules and Regulations

The Director shall have the power to make any rules and regulations necessary to effectively collect the tax, penalty, and/or interest levied herein. The Director is authorized to issue rules and regulations necessary to effectuate the full intent and purpose of this article concerning the information required on reports, the collection

reporting periods, audits, the retention of records, the forcible seizure of records for auditing purposes, as allowed by law.

Section 8.09 Penalties

- A. A person commits an offense if a person:
 - 1. fails to collect the tax imposed by this article;
 - 2. fails to file a report as required by this article;
 - 3. fails to pay the tax when payment is due;
 - 4. files a false report; or
 - 5. fails to comply with this article when purchasing a hotel.
- B. An offense committed under Subsection (A) of this section is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. In addition to any criminal penalties imposed under Subsection (B) of this section, a person shall pay five percent (5%) of the tax due as a penalty if the person fails to pay the tax or file the report as required by this article by the due date. An additional penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within thirty (30) days from the date the tax was due. Another penalty of five percent (5%) of the tax due shall be paid if the tax is not paid within sixty (60) days from the date the tax was due. The penalties provided by this subsection may never be less than Five Dollars (\$5.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the date the tax was due.
- D. In addition to the amount of any tax owed, a person is liable to the City for all reasonable attorney's fees incurred by the City in enforcing this article against the person and in collecting any tax owed by the person under this article.
- E. The Director may release, relinquish, compromise and/or settle the penalty and/or interest due as a result of an act or omission of an employee or officer of the City.
- F. This section shall not be construed to limit or restrict the City Council's powers to release, relinquish, compromise and/or settle the penalty and/or interest due for delinquent hotel occupancy taxes as provided by the Texas Constitution or other applicable laws.

Section 8.10 Tax Collection Suit

- A. The City Attorney may bring suit against a person who is required to collect the tax imposed by this article and pay the collections over to the City and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the City until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this article, the person is liable to the City for:
1. reasonable attorney's fees;
 2. the costs of an audit conducted under Subsection (B), as determined by the City using a reasonable rate, but only if the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted;
 3. a penalty equal to fifteen percent (15%) of the total amount of the tax owed; and
 4. interest on the delinquent taxes at the rate of ten percent (10%) per annum.
- B. If a person required to file a tax report under this article does not file the report as required by this article, the City Attorney may determine the amount of tax due under this article by:
1. conducting an audit of each hotel in relation to which the person did not file the report as required by this article; or
 2. using the tax report filed for the appropriate reporting period under Section 156.151 of the Texas Tax Code, as amended, in relation to that hotel.
- C. If the person did not file a tax report under Section 156.151 of the Texas Tax Code, as amended, for that reporting period in relation to that hotel, the City Attorney may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this article or Section 156.151 of the Texas Tax Code, as amended. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
- D. The authority to conduct an audit under this section is in addition to any other audit authority provided by State law, charter or ordinance.
- E. There is not a limitation period on the time allowed to assess taxes and bring a suit to collect taxes imposed under this article.

- F. The remedies provided by this section are in addition to other available remedies.

Section 8.11 Tax Collection on Purchase of a Hotel

- A. If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the Director showing that the amount has been paid or a certificate stating that no tax is due.
- B. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- C. The purchaser of a hotel may request that the Director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director shall issue the certificate or statement not later than sixty (60) days after receiving the request.
- D. If the Director fails to issue the certificate or statement within the period provided by Subsection (C) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

Section 8.12 Enforcement

The Director, or his/her designee, shall enforce the terms and conditions of this Chapter when violations occur.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

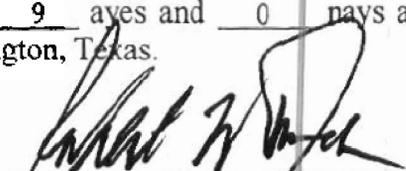
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

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This ordinance shall become effective ten days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 27th day of October, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 3rd day of November, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 