

HARRIS COUNTY, TEXAS



REGULATIONS OF HARRIS COUNTY, TEXAS GOVERNING METAL RECYCLING ENTITIES

Adopted on _____

Effective on _____

REGULATIONS OF HARRIS COUNTY, TEXAS GOVERNING METAL RECYCLING ENTITIES

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REGULATIONS OF HARRIS COUNTY, TEXAS GOVERNING METAL RECYCLING ENTITIES

SECTION 1.00 – DEFINITIONS

The following words, terms and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building construction materials means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, doorframes, downspouts, gutters, lumber, air conditioning units and other similar materials.

Clear thumbprint impression means an intentional recording of the friction ridge detail on the volar pads of the thumb.

County Peace Officer means the Harris County Sheriff or a Harris County Constable or any of their deputies.

Licensee means a person who holds a license under these regulations to conduct business as a metal recycling entity.

Minor means any person under 18 years of age.

Permit Office means the Harris County Permit Office, 10555 Northwest Freeway Suite 120, Houston, Texas 77092.

Real-time electronic web-based database means an electronic filing system approved and specified by the County Sheriff in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the internet.

Sheriff means the Sheriff of Harris County or his appointed designee.

The definitions set forth in Texas Occupations Code § 1956.001 and its successors, as amended are adopted and incorporated in this regulation for all purposes. This shall include but not be limited to the definitions of Aluminum Material [1956.001(1)], Bronze material [1956.001(2)], Copper or brass material [1956(3)], Metal recycling entity [1956.001(7)], Personal identification document [1956.-001(8), and Regulated material [1956.001 (9), Regulated metal [1956.001 (10)].

SECTION 2.00 –REGULATIONS INAPPLICABLE TO CERTAIN

ACTIVITIES

This article shall not apply to:

- (1) a purchase of regulated material from a public utility or a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of the seller's business;
- (2) a purchase of regulated material by a manufacturer whose primary business is the manufacture of iron and steel products made from melting scrap iron and scrap steel;
or
- (3) the transport or hauling of recyclable materials to or from the metal recycling entity.

SECTION 3.00 – LICENSE REQUIRED; POSTING OF LICENSE

No person shall act as a metal recycling entity in the unincorporated areas of Harris County without a license under these regulations. The provisions of these regulations requiring that certain records be kept, apply to all businesses carried on at a single location. A separate license shall be required for each permanent location of any such business. The license shall be posted in a conspicuous place upon the licensed premises.

SECTION 4.00 – APPLICATION FOR AND ISSUANCE OR REFUSAL OF LICENSE

- (a) Any person desiring a license required under these regulations shall make application in writing to the Harris County Permit Office, 10555 Northwest Freeway Suite 120, Houston, Texas 77092, on an application form provided for that purpose. On the application the applicant shall set forth:
 - (1) The full name and residential address of the applicant;
 - (2) A statement indicating whether the applicant is a citizen of the United States or an alien legally residing in the United States;
 - (3) The applicant(s) business(es) federal tax identification number;
 - (4) The full name and address of each partner if the applicant is a partnership;
 - (5) The full name and address of each officer and director if the applicant is a corporation;

- (6) If applicant is a business entity other than a corporation or partnership, the full name, addresses and titles of the owners, officers and managers of the entity, and such other information as determined to be necessary by the County.
 - (7) The fixed and permanent location where the business is to be conducted and proof of his ownership of the private property or a written statement including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the business at the proposed location where his business will be in operation. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or one of the principals prior to issuance of any license;
 - (8) The regular days and hours of operation;
 - (9) The applicant's date of birth, place of birth, and each address where he has resided in the five years immediately preceding his application;
 - (10) A statement of whether the individual applicant, any partner in a partnership, or any officer or director of a corporation, has been arrested, charged, or convicted for any criminal offense in this state or any other state or country: if arrested or jailed for any such offense, list the offense, the date of the arrest or confinement, and the place, court and case number of the case;
 - (11) A statement that neither he nor any business partner, nor, in the case of a corporation, any corporate officer or director, has, during the past one year period, had a license under these regulations revoked;
 - (12) The signature of the applicant;
 - (13) A sworn and notarized statement that all matters stated in the application are true and correct; and
 - (14) Evidence that he is at least 18 years of age by presentation of a personal identification document, including a photograph showing the face of the applicant;
- (b) The County shall review and approve the application and issue a license unless it finds the information provided in the application is incomplete, materially false or incorrect or the applicant has failed in any material way to comply with this article and applicable rules and regulations.
- (c) In the event that the County rejects or refuses to issue an application, the provisions of section 19.0 shall apply.

- (d) Licensee shall notify the Harris County Permit Office, in writing, of any change in the information provided in its application within seven (7) days after such change.

SECTION 5.00 – LICENSE FEES

The license fee for a metal recycling entity shall be Two Hundred Fifty Dollars (\$250.00) yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

SECTION 6.00 – RECORDS REQUIRED TO BE KEPT BY METAL RECYCLING ENTITIES

- (a) The provisions of this section apply to all businesses carried on at a single-location. With the exception of the sale or transfer of aluminum cans, a metal recycling entity shall keep at his place of business a record in a real-time electronic web-based database, in a form and method approved by the County, in which he shall enter daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at his place of business. Such description shall include:
 - (1) The date and time of receipt of any item;
 - (2) The full name and current address of the person or place of business from whom each item was received;
 - (3) A clear thumbprint impression of the person from whom each item is received;
 - (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least 18 years of age by presentation of a personal identification document including a photograph of the face of the person transferring, selling or otherwise giving the item.
 - (5) A description of the motor vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity, including state and license plate number;
 - (6) The individual transaction number assigned by the licensee to each item received;
 - (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, length, capacity, and any other designations or descriptions customarily employed in the sale and purchase of such items;
 - (8) A digital photograph of each item received;

- (9) The name or employee number of the employee who facilitates or conducts the transaction;
- (10) Whether the person either:
 - a. Presented a written document evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or
 - b. Signed a written statement that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale.
- (b) The metal recycling entity shall forward the required record and descriptions (other than the thumbprint) set forth in subsection (a) of this section in an electronic format to the designated website before the close of business on each day on which the metal recycling entity is open for business. The thumbprint, although excluded from the requirement for electronic transmission set forth above, shall be maintained by the metal recycling entity for no less than three years and made available at the request of the Sheriff or a County Peace Officer. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this Code and all other remedies set forth in these regulations.
- (c) The metal recycling entity, his agents or employees shall obtain a consecutively numbered receipt from the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record as input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement of obtaining a written receipt. The metal recycling entity shall retain an accurate copy or record of all receipts for a period of not less than three years from the date of each transaction.
- (d) A metal recycling entity shall, upon request, submit and exhibit the various records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the Sheriff. Failure to maintain or to so permit the examination or copying of such records when requested shall be a misdemeanor.
- (e) The metal recycling entity shall record each transaction by video device, and each video recording shall be maintained for a period of one year from the date of the latest transaction recorded thereon. A metal recycling entity shall post a notice in each place of business regarding the recording of the transaction via video device pursuant to specifications established by the Sheriff. The information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed shall be as specified by the Sheriff. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under these regulations and shall be subject to all available remedies.

SECTION 7.00 – STOCK TO BE OPEN FOR EXAMINATION

The stock or inventory of any metal recycling entity shall at any time during ordinary business hours be accessible for examination by any peace officer. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under these regulations and other available remedies.

SECTION 8.00 – ARTICLES PLACED ON HOLD; TAG; EXCEPTIONS

- (a) Subject to the provisions of subsections (b) and (c) of this section, no metal recycling entity shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for 72 hours after receipt, excluding weekends and holidays, provided that he is not required to keep aluminum cans for more than 24 hours. During such 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.
- (b) A peace officer who has reasonable suspicion to believe that an item of regulated material in the possession of a metal recycling entity is stolen may place the item on hold in the manner provided by Section 1956.037 of the Texas Occupations Code.
- (c) *Exceptions.* A metal recycling entity is not required to comply with the provisions of subsection (a) if the metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has one of the following licenses or permits to establish that he is a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of its business:
 - (1) A valid city or county issued metal recycling entity license, which the metal recycling entity shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three years; or
 - (2) A valid city or county issued construction, demolition, electrical, plumbing or heating, ventilation, air conditioning (HVAC) permit, provided that the metal recycling entity photocopies the permit or records the project number located on the permit in connection with the sale and maintains such record for a period of not less than three years, subject to inspection upon request by the Sheriff or a County Peace Officer; or
 - (3) A valid state issued professional license or a sales tax identification number issued by the Texas Comptroller which the metal recycling entity, provided that the metal recycling entity photocopies the license and tax identification number, or records the license number and tax identification number in connection with the sale and maintains such record for a period of not less than three years, subject to inspection upon request by the Sheriff or a County Peace Officer.

SECTION 9.00 – PURCHASING OR RECEIVING GOODS FROM MINORS

- (a) No metal recycling entity shall purchase or otherwise receive in the course of his business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:
 - (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent; or
 - (2) The only items offered for sale by the minor are aluminum cans.
- (b) Such metal recycling entity shall preserve and keep on file, and available for inspection such written statements of consent for a period of not less than three years.

SECTION 10.00 – CHANGE IN BUSINESS NAME OR ADDRESS

Should any licensee change the name of his business or move his place of business from the place designated in such license to a new address, he shall immediately make application to the Permit Office for a new license and pay the full license fee. If the new site is approved by the County a new license reflecting the new business name or address shall be issued. The original license must be surrendered to the County at the time the amended license is issued to the licensee.

SECTION 11.00 – INVESTIGATIONS

A metal recycling entity shall not violate any provisions of this chapter or any health regulation of the county or the state, or any state or federal statute involving the criminal offense of theft, or the provisions of Section 37.09 or 37.10 of the Texas Penal Code or falsify an original application for a license, any renewal application, or any other information kept or provided under these regulations. The Sheriff may make such investigations as he may determine necessary in regard to alleged or suspected violations.

SECTION 12.00 – ACCEPTANCE OF PROPERTY SUSPECTED STOLEN; PEACE OFFICER REQUESTED HOLDS; VIOLATION

- (a) Every metal recycling entity shall report immediately to the Sheriff by filing a formal complaint, any offer to sell to the metal recycling entity property that such metal recycling entity, its agents or employees have actual knowledge to be stolen or by reasonable diligence should know to be stolen, together with the identity, when known, and description of the person or persons making such offer. Such metal recycling entity shall also report any property acquired by the metal recycling entity that the metal recycling entity, its agents or employees subsequently determine or reasonably suspect to be stolen property, and the metal recycling entity, shall furnish such other information as might be helpful to law enforcement in investigating the matter.

- (b) Notwithstanding the provisions of Section 8 of these regulations, a metal recycling entity, shall hold all suspected stolen property in a secure place for 60 days upon request by a peace officer. The metal recycling entity shall immediately notify the Sheriff of such hold and may not process or allow removal of the property from the entity's premises before the sixtieth day after receipt of the request from a peace officer to hold the property unless:
 - (1) The item is released into a peace officer's care, custody and control at an earlier time;
 - (2) A peace officer releases the hold on the property upon an earlier date;
 - (3) A peace officer(s) makes a written request to extend the holding period for up to 24 months from the date the request is received; or
 - (4) A court orders release of the property.
- (c) Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under these regulations and all other available remedies.

SECTION 13.00 – ACCEPTANCE OF BUILDING CONSTRUCTION MATERIALS

- (a) No metal recycling entity shall receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by it unless it complies with the provisions of Section 6 through 10 and Section 12 of these regulations.
- (b) No metal recycling entity shall receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by it unless prior to receiving, selling, dismantling, defacing or in any manner altering or disposing of any building construction material, the metal recycling entity.
 - (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; and
 - (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

SECTION 14.00 – GOVERNMENT OR UTILITY PROPERTY

- (a) A metal recycling entity shall not purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words “Property of Harris County” or other words or markings demonstrating ownership by the County except in the following circumstance:

Where the sale is by the County, either pursuant to an order of Commissioners Court to make such a sale or through the procedure for sale of surplus and salvage property by the County Purchasing Agent, and only after receipt by metal recycling entity of a bill of sale from the County Purchasing Agent or a certified copy of a Commissioners Court order authorizing the sale of such property, or a bill of sale for the property signed by the County Purchasing Agent. The metal recycling entity shall keep such records on file, and available for inspection for a period of not less than three years.

- (b) A metal recycling entity shall not purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the City of Houston, State of Texas and the United State of America and their agencies and political subdivisions or that the metal recycling entity, its agents or employees know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:

- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling entity with a written authorization from the agency for the sale of such property. The metal recycling entity shall keep such record on file, and available for inspection for a period of not less than three years; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property. The metal recycling entity shall keep such record on file, and available for inspection for a period of not less than three years.

- (c) A metal recycling entity shall not purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the metal recycling entity, his agents or employees know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property. The metal recycling entity shall keep such record on file, and available for inspection for a period of not less than three years.

SECTION 15.00 – ACCEPTANCE OF PROPERTY IN ORIGINAL PACKAGING

A recycling entity shall not purchase or receive an item of property in its original packaging unless the person offering such item presents a receipt or proof of purchase for that property. The metal recycling entity shall keep such record on file, and available for inspection for a period of not less than three years.

SECTION 16.00 – ACCEPTANCE OF PROPERTY INSCRIBED WITH COMPANY NAME

A metal recycling entity shall not purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the metal recycling entity knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property. The metal recycling entity shall keep such record on file, and available for inspection for a period of not less than three years.

SECTION 17.00 – ACCEPTANCE OF AIR CONDITIONING UNIT PARTS

A metal recycling entity shall not purchase or receive any central air conditioning unit parts from any person offering such property for sale unless the person presents a valid city issued HVAC permit or state issued HVAC license. This provision shall not apply to window air conditioning units.

SECTION 17.01 – ACCEPTANCE OF CATALYTIC CONVERTERS AND CATALYTIC CONVERT MATERIAL

- (a) A metal recycling entity shall not purchase or receive any catalytic converter, converters or catalytic converter material from any person offering such property for sale unless the following conditions have been met:
 - (1) The person selling the catalytic converter or material presents a verifiable receipt from a repair facility with:
 - (a) the name of the business;
 - (b) address of the business;
 - (c) the phone number for the business that repaired the vehicle that the catalytic converter or material being offered for sale came from; and Year, make, and model of the vehicle or vehicles repaired.

- (2) The metal recycler verifies that the repair facility is an actual business.
 - (a) metal recycler must ensure that the automotive repair facility or muffler repair facility is open to the general public for business.
- (3) Once the metal recycler has verified the repair facility and purchased the catalytic converter, converters or material the following must be done:
 - (a) a photograph of all sides of the catalytic converter or material must be taken, if round both halves;
 - (b) a photograph of the serial number and any owner applied number must be taken and uploaded to leads online as part of the purchase; and
 - (c) the metal recycler must also include the year, make and model of the vehicle that the converter or material came from in the leads online transaction.
- (b) A seller with a valid used automotive parts recycler license or used automotive salvage license issued by the Texas Department of License and Regulation (TDLR) under the Texas Occupations Code Chapter 2309, can offer for sale catalytic converters to a metal recycling entity without a verifiable receipt from a repair facility. The metal recycler must obtain a copy of the valid license issued by TDLR and upload it as part of the leads online transaction.

All other parts of the regulations governing metal recycling entities in Harris County still apply to the above transactions.

SECTION 18.00 - OPERATION OF YARDS USED BY METAL RECYCLING ENTITIES; HOURS FOR PURCHASING MATERIALS; OPERATION OF YARDS USED BY METAL RECYCLING ENTITIES

- (a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of metal recycling entities in the unincorporated areas of Harris County shall comply with the requirement of this section.
- (b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a metal recycling entity in the County. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the requirements of the County Fire Marshall.
- (c) *Fencing, wall requirements.* Every equipment and inventory storage and processing yard owned or operated by a metal recycling entity within the unincorporated areas of the County shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least six feet in height.
 - (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
 - (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.
- (d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained in good repair as follows:
- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.
 - (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
 - (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
 - (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Regulations of Harris County for Flood Plain Management.
- (e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.
- (f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal business hours.
- (g) *Use of premises outside enclosure.* No recycled metal facility shall display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used metal materials outside of the herein required fence or wall.

- (h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a metal recycling entity in the unincorporated areas of the County shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, health and law enforcement officials. No materials shall be stored at a height greater than six feet within ten feet of the fence required herein.
- (i) *Control of vegetation.* A metal recycling entity shall not allow grass or other vegetation to grow a height of more than nine inches above the ground on the premises of any yard owned or operated by the metal recycling entity in the unincorporated areas of the County.
- (j) *Compliance with regulations and ordinances.* All yards used by a metal recycling entity must at all times be in full compliance with all County and State rules and regulations regarding health and safety, including specifically, without limitation, all requirements of the County Fire Marshall.
- (k) *Improved surface.* All lots or tracts of land used as a yard by a metal recycling entity must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage. This subsection shall not include those areas of a yard which are utilized for purposes of inventory storage and processing.
- (l) *Vector and rodent control.* Any materials stored in a yard owned and operated by a metal recycling entity must be stored in a manner which will allow adequate vector and rodent control measures. An owner or operator shall provide for vector and rodent control at least once within a 90-day period or more frequently as needed.
- (m) *Violations and penalties.* Failure to comply with any provisions of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under these regulations and all other available remedies.
- (n) A metal recycling entity may purchase material and metal (regulated and non-regulated) from the general public only on Monday through Friday between the hours of 6:00 am and 7:00 pm and Saturday between the hours of 9:00 am and 5:00 pm.

SECTION 19.00 – REJECTION; REFUSAL TO RENEW; REVOCATION; HEARING

- (a) *Grounds for rejection, refusal to renew or revocation.* The County may reject an original application, reject an application for a renewal of any existing license, or terminate an existing permit, if the Sheriff determines that the applicants' place of business is not in compliance with or violates any provision of these regulations or that the applicant has in any way violated the requirements of these regulations. Failure to comply with any provision of these regulations shall be grounds for the rejection of an original application, renewal or revocation of any license required of a metal recycling entity.

- (b) *Notice.* If the County rejects an application, refuses to renew or revokes any license issued under this article to a metal recycling entity for failure to comply with any provision of these regulations, it shall give written notice by certified mail to the applicant at the address stated in the application of the metal recycling entity. The written notice shall specifically set forth the reasons for the rejection, refusal or revocation.
- (c) *Appeal.* The metal recycling entity shall have 30 days from the date of the mailing of the notice of rejection, refusal or revocation of his license to appeal the rejection, refusal or revocation of the license to the Permit Office. Upon receipt of such notice the County shall notify the metal recycling entity of the date and time of the hearing, to be held at the earliest time practicable. If renewal of an existing permit is denied or if an existing permit is revoked, the permit shall remain in effect until such 30 days have expired, and if a request for appeal is timely made, the permit shall remain in effect pending determination of the appeal.
- (d) *Hearings.*
- (1) All hearings shall be held before a hearing officer appointed by Commissioners Court. The hearing officer may, prior to the hearing, receive a copy of the notice given to the applicant or license holder.
 - (2) All hearings shall be conducted under rules established by the County that are consistent with the informal nature of the proceedings; provided, however the following rules shall apply to all hearings:
 - a. All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
 - b. Each party may present witnesses in his own behalf.
 - c. Each party has the right to cross examine all witnesses.
 - d. Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

The hearing officer may affirm or reverse a license rejection, refusal to renew or a license revocation. The decision of the hearing officer shall be delivered in writing to the applicant or license holder in the same manner as a notice under subsection (b) of this section.

SECTION 20.00 – ENFORCEMENT PROCEEDINGS

The County Attorney is authorized to take actions necessary to enforce the requirements of these regulations, including but not limited to the seeking of an injunction. Nothing within these regulations should be construed to limit the remedies available under law for its enforcement or to limit enforcement by the State of Texas or the State Attorney General.

