

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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(8) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than \$50,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of \$50,000.

(e) All contracts, contract amendments, or other legal instruments (except purchase orders for supplies and equipment and change orders as described by Chapter XXII, Section 1 of the city charter) must be signed by the city manager and approved as to form by the city attorney. Purchase orders for supplies and equipment must be signed by the director. Subject to the restrictions provided by this code, the city charter, or state law, change orders may be approved by formal administrative action or may, as the city manager directs, be signed by the director of the department designated by the city manager to administer the contract that is the subject of the change.

(f) The city manager may delegate the authority granted under this section to the extent allowed by this code, the city charter, or state law. The city manager may make rules and procedures, which are not in conflict with this code, the city charter, or state law, concerning the form and substance of administrative actions and the administration of contracting and change order processes.

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this division. (Ord. Nos. 24243; 25819; 28705; 30828; 31049)

SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING \$50,000.

(a) Except as otherwise provided by this section, all purchases of goods, general services, or facility construction under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.

(b) If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, price quotations from not less than three

independent vendors or contractors, if available, must be secured. If three independent vendors or contractors

(c) Upon recommendation of the fire chief, the director shall sell to a retired fire investigator who is a certified peace officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.

(d) An officer is not "retired" for purposes of this section unless the officer:

(1) receives a disability pension;

(2) has vested rights in a retirement pension and has completed 10 years of service in the department; or

(3) has completed 20 years of service in the city as a police reserve officer.

(e) The price of a weapon sold under this section shall be its fair market value as determined by the director or its original cost depreciated by five percent a year, whichever amount is less. In no event may a weapon be sold for less than \$25. If a weapon is sold under this section for less than its fair market value, the difference between the purchase price and the fair market value shall be considered as part of the officer's agreed compensation for services provided to the city.

(f) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312; 19679; 20910)

SEC. 2-37.11. AUTHORITY TO SELL UNIFORMS TO EMPLOYEES.

(a) The director may sell to a city employee any uniform or portion of a uniform worn by the employee if the uniform or portion of the uniform is surplus, obsolete, worn out, or useless property.

(b) For purposes of this section, "uniform" means clothing of a distinctive design or fashion issued by the city to the employee and required to be worn by the employee while on the job. The term "uniform"

includes hats, helmets, shirts, badges, pants, coats, shoes, and boots, but does not include weapons or equipment.

(c) The price of any uniform or portion of a uniform sold under this section shall be not less than its fair market value as determined by the director.

(d) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312)

SEC. 2-37.12. SALES OF CERTAIN COLLECTIBLE PROPERTY.

~~(a) In this chapter:~~

~~(1) COLLECTIBLE PROPERTY means an item of personal property originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.~~

~~(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative.~~

(a) In this chapter:

(1) COLLECTIBLE PROPERTY means an item of personal property owned by the city under the care and control of the Dallas Museum of Art originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative.

~~(b) Collectible property owned by the city that has been acquired by the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.~~

(b) Collectible property owned by the city under the care and control of the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.

(2) silent auction (public sale by unsealed written bids); or

(3) sale by sealed bids from one or more interested persons.

(e) A sale of collectible property may be held at any city, place, or location determined advisable by the cultural affairs director.

(f) The cultural affairs director may accept collectible property of at least like value in exchange for collectible property if, in the judgment of the cultural affairs director, it is in the interest of the city to do so, and if an offer of exchange constitutes the highest bid for collectible property to be sold.

(g) The cultural affairs director shall sell collectible property to the highest bidder. The cultural affairs director's decision as to the sufficiency and acceptance of the highest bid is final and no further approval is required.

(h) The cultural affairs director shall deposit all proceeds received for the sale of collectible property to the credit of a fund designated for that purpose.

~~(i) Proceeds of a sale must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art.~~

(i) Proceeds of a sale of collectible property must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art.

(j) The Dallas Museum of Art will preserve in its permanent files a record of all collectible property sold or exchanged and will record the source of funds or collectible property used to acquire other collectible property with proceeds of a sale or an exchange.

(k) The cultural affairs director shall follow the notice and record keeping requirements of Sections 2-37.5 and 2-37.6. (Ord. Nos. 17815; 19312; 21421; 22026; 23694; 31049)

regarding proposed actions implementing the comprehensive plan.

(10) Participate in the preparation and revision of the capital improvement program.

(11) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.

(12) Participate in the planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(13) Give advice and provide staff assistance to the board of adjustment and the plan commission in the exercise of their responsibilities.

(14) Serve as secretary to the landmark commission.

(15) Supervise the engineering, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways when the work is being done by a private developer.

(16) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.

(17) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(18) Provide for the administration, implementation, and enforcement of the city's construction codes.

(19) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

(20) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) Whenever the directors of property management, planning and development, and development services are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of sustainable development and construction. (Ord. Nos. 25047; 25834; 27697; 29478)

ARTICLE V-a.

DEPARTMENT OF ~~EQUIPMENT AND BUILDING SERVICES.~~

SEC. 2-43. CREATED; DIRECTOR OF ~~EQUIPMENT AND BUILDING SERVICES.~~

~~—There is hereby created the department of equipment and building services of the city of Dallas, at the head of which shall be the director of equipment and building services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of equipment and building services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.~~

There is hereby created the department of building services of the city of Dallas, at the head of which shall be the director of building services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of building services and other assistants and employees the city council may provide by ordinance upon recommendation by the city manager. (Ord. Nos. 23694; 30994)

SEC. 2-44. DUTIES OF THE DIRECTOR OF ~~EQUIPMENT AND BUILDING~~

SERVICES.

~~—The director of the department of equipment and building services shall perform the following duties:~~

The director of the department of building services shall perform the following duties:

~~———— (1) Supervise and administer the department of equipment and building services.~~

~~———— (2) Have responsibility for the design, construction, operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~———— (3) Provide for the maintenance and upkeep of the grounds around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~———— (4) Provide for security in and around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~———— (5) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.~~

~~———— (6) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.~~

~~———— (7) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.~~

~~———— (8) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-driven equipment to be used for municipal purposes.~~

~~———— (9) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

(1) Supervise and administer the department of building services.

(2) Have responsibility for the design, construction, operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise

provided by the city manager, the city charter, or ordinance or resolution of the city council.

(3) Provide for the maintenance and upkeep of the grounds around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23694; 30239; 30994)

SEC. 2-45. RESERVED.

(Repealed by Ord. 19312)

ARTICLE V-b.

**DEPARTMENT OF CONVENTION
AND EVENT SERVICES.**

**SEC. 2-46. CREATED; DIRECTOR OF
CONVENTION AND EVENT
SERVICES.**

There is hereby created the department of convention and event services of the city, the head of which shall be the director of convention and event services who shall be appointed by the city manager. The department shall be composed of the director of convention and event services and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 14216; 17226; 22026; 23694; 24053)

**SEC. 2-47. DUTIES OF THE DIRECTOR OF
CONVENTION AND EVENT
SERVICES.**

~~—(a) The director of convention and event services shall perform the following duties:~~

~~—(1) Supervise and administer the department of convention and event services.~~

~~—(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, and WRR radio station and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.~~

(a) The director of convention and event services shall perform the following duties:

(1) Supervise and administer the department of convention and event services.

(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(3) Supervise and administer the special events program of the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

~~— (3) Supervise and administer the special events program of the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~— (4) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

~~— (b) The director of convention and event services and any designated representatives may represent the city in negotiating and contracting with persons planning to use the facilities of the convention center, reunion arena, the municipal produce market, Union Station, or WRR radio station or any other facility under the management of the director of convention and event services.~~

(b) The director of convention and event services and any designated representatives may represent the city in negotiating and contracting with persons planning to use the facilities of the convention center, reunion arena, the municipal produce market, Union Station, or any other facility under the management of the director of convention and event services. (Ord. Nos. 14216; 17226; 22026; 23694; 24053; 31049)

ARTICLE V-c.

DEPARTMENT OF PUBLIC WORKS.

SEC. 2-48. CREATED; DIRECTOR OF PUBLIC WORKS.

(a) There is hereby created the department of public works of the city of Dallas, at the head of which shall be the director of public works who shall be appointed by the city manager. The director must be an engineer registered to practice in the State of Texas or registered in another state with reciprocal rights, or possess an equivalent combination of education and experience. The department will be composed of the director of public works and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works,

or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager. (Ord. 30654)

SEC. 2-49. DUTIES OF THE DIRECTOR OF PUBLIC WORKS.

The director of public works shall perform the following duties:

(1) Supervise and administer the department of public works.

(2) Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.

(3) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

(4) Approve the location of equipment and facilities installed under, on, or above the public right-of-way.

(5) Provide for the maintenance and repairs of streets, alleys, medians, and public rights-of-way, as designated by the city manager.

(6) Provide for street hazard and emergency response.

(7) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

(8) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 30654)

ARTICLE V-d.

WATER UTILITIES DEPARTMENT.

SEC. 2-50. CREATED; DIRECTOR OF WATER UTILITIES.

There is hereby created the water utilities department of the city of Dallas, at the head of which shall be the director of water utilities who shall be appointed by the city manager. The department shall be composed of the director of water utilities and such other assistants and employees as the council may provide by ordinance upon recommendation of the city manager. (Ord. 14215)

SEC. 2-51. DUTIES OF THE DIRECTOR OF WATER UTILITIES.

The director of water utilities shall perform the following duties:

(1) Supervise the water and waste (municipal and industrial) water collection systems, mains, filtration plants, sanitary waste water treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water and municipal and industrial waste water utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Water Rights Commission, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of

raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state, and local agencies for obtaining supplies of raw water.

(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

(4) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(5) Supervise and administer special collections.

(6) Perform other duties as may be required by the city manager or by ordinance of the city council.

The director of water utilities shall perform the following duties:

(1) Supervise the water, wastewater (municipal and industrial), and storm drainage systems, mains, pump stations, filtration plants, sanitary wastewater treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water, wastewater (municipal and industrial), storm drainage utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Texas Commission on Environmental Quality, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of raw water

and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state, and local agencies for obtaining supplies of raw water.

(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

(4) Make recommendation to the city manager concerning the need for expansion and improvements of the stormwater drainage system, floodplain and drainage management, and maintenance and repairs of the Dallas Floodway Levee System.

(5) Conduct negotiations with federal, state, and local agencies regarding wastewater and stormwater legislation and permitting.

(6) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water or stormwater systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(7) Supervise and administer special collections.

(8) Provide for flood protection and education.

(9) Provide for the implementation of the Trinity River Corridor project.

(10) Perform other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 14215; 27697; 30675; 30994)

OFFICER.

There is hereby created the department of planning and urban design, the head of which shall be the chief planning officer who shall be appointed by

ARTICLE V-e.

DEPARTMENT OF PLANNING AND URBAN DESIGN.

the city manager. The department of planning and urban design will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 29478; 29882)

SEC. 2-53. DUTIES OF THE CHIEF PLANNING OFFICER.

The chief planning officer shall perform the following duties:

- (1) Supervise and administer the department of planning and urban design.
- (2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.
- (3) Develop and recommend to the city manager a comprehensive plan for the city.
- (4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.
- (5) Participate in the preparation and revision of the capital improvement program.
- (6) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.
- (7) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 29478; 29882; 30239)

ARTICLE V-f.

DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT.

SEC. 2-54. CREATED; DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.

There is hereby created the department of equipment and fleet management of the city of Dallas, at the head of which shall be the director of equipment and fleet management who shall be appointed by the city manager. The department will be composed of the director of equipment and fleet management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 30994)

SEC. 2-55. DUTIES OF THE DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.

The director of equipment and fleet management shall perform the following duties:

- (1) Supervise and administer the department of equipment and fleet management.
- (2) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.
- (3) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.
- (4) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.
- (5) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-drive equipment to be used for municipal purposes.
- (6) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 30994)

SECS. 2-54-56 THRU 2-60. RESERVED.

which shall be the director of code compliance who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of code compliance and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) Whenever the director or department of streets, sanitation, and code enforcement services is referred to in relation to a code enforcement responsibility in this code or in any other city ordinance, the term means the director or department of code compliance. (Ord. 23666)

SEC. 2-72. DUTIES OF THE DIRECTOR OF CODE COMPLIANCE.

The director of the department of code compliance shall perform the following duties:

- (1) Supervise and administer the department of code compliance.
- (2) Supervise and administer code enforcement programs of the city, except as otherwise provided by the city manager.
- (3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23666; 28424; 30240)

ARTICLE VII-a.

OFFICE OF MANAGEMENT SERVICES.

SEC. 2-73. CREATED; DIRECTOR OF MANAGEMENT SERVICES.

There is hereby created a division of the city manager's office to be known as the office of management services, the head of which shall be the director of management services who shall be appointed by the city manager. The office of management services will be composed of the director of management services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 25517; 27697)

SEC. 2-74. DUTIES OF THE DIRECTOR OF MANAGEMENT SERVICES.

The director of management services shall perform the following duties:

- (1) Supervise and administer the office of management services.
- (2) Supervise and administer vital statistics.
- (3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 25517; 27697; 30675)

ARTICLE VII-b.

~~DEPARTMENT OF TRINITY WATERSHED~~
~~MANAGEMENT.~~
RESERVED.

SECS. 2-75 THRU 2-75.1. RESERVED.

(Repealed by Ord. 30994)

~~SEC. 2-75. CREATED; DIRECTOR OF TRINITY~~
~~WATERSHED MANAGEMENT.~~

~~There is hereby created the department of Trinity~~

~~watershed management of the city, the head of which~~

shall be the director of Trinity watershed management who shall be appointed by the city manager. The department shall be composed of the director of Trinity watershed management and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 27697)

SEC. 2-75.1. DUTIES OF THE DIRECTOR OF TRINITY WATERSHED MANAGEMENT.

The director of Trinity watershed management shall perform the following duties:

- (1) Supervise and administer the department of Trinity watershed management.
- (2) Perform floodplain and drainage management.
- (3) Provide for maintenance and repair of the city's river levees.
- (4) Provide for flood protection and education.
- (5) Provide for implementation of the Trinity River Corridor project.
- (6) Supervise the engineering and construction of the storm sewers and storm drainage systems, except when the work is associated with a paving project or being done by a private developer.
- (7) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 27697)

ARTICLE VIII.

~~DEPARTMENT OF PUBLIC AFFAIRS.~~
RESERVED.

SECS. 2-76 THRU 2-77-80. RESERVED.

(Repealed by Ord. Nos. 17226; 17393; 31049)

~~SEC. 2-78. STATION MANAGER; OFFICE CREATED, APPOINTMENT.~~

There is hereby created the office of station manager to which the city manager shall appoint a person professionally competent to manage a radio station. (Ord. Nos. 14164; 17226)

~~SEC. 2-79. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.~~

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic or non-revenue and shall be signed by the person or organization so using the air time.

~~— (c) The following types of contracts for the benefit of the radio station, requiring an expenditure of \$50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:~~

~~— (1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;~~

~~— (2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;~~

~~— (3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy or music used in such advertising;~~

~~— (4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;~~

~~— (5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and~~

~~— (6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.~~

~~— (d) If a contract described in Subsection (c) requires an expenditure exceeding \$50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-34(a)~~

~~through (c), 2-35, 2-37, and 2-37.1 of this code apply to the contract.~~

~~— (e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code. (Ord. Nos. 14164; 17226; 21129)~~

~~SEC. 2-80. RESERVED.~~

~~— (Repealed by Ord. 17226)~~

ARTICLE VIII-a.

CLAIMS AGAINST THE CITY.

Division 1. Tort Claims.

SEC. 2-81. FILING CLAIMS AGAINST THE CITY.

Any person wishing to file a claim against the city shall file the claim with the office of risk management in compliance with the form requirements and six-month notice requirements set forth in Sections 1, 2, and 3, Chapter XXIII of the city charter. (Ord. Nos. 21674; 22026; 26225; 28424; 27805)

SEC. 2-82. HANDLING BY CITY ATTORNEY.

The city attorney is authorized to investigate, settle, and recommend disposition of all claims against the city that are alleged to have resulted from any act or omission of an officer, servant, or employee of the city. (Ord. Nos. 14211; 20527; 22026; 26225; 28424; 28705)

SEC. 2-102. DEFINITIONS.

~~————— (1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the cultural affairs commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the arts committee in consultation with city departments anticipating capital improvement projects.~~

~~————— (2) ARTS COMMITTEE means a subcommittee of the cultural affairs commission appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art program. The arts committee shall be composed of three members who are the full city council appointments to the cultural affairs commission and eight members who are professionally qualified citizens appointed by the cultural affairs commission.~~

~~————— (3) BONDS means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.~~

~~————— (4) CITY means the city of Dallas, Texas.~~

~~————— (5) CITY BOND PROCEEDS means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.~~

~~————— (6) CITY CAPITAL IMPROVEMENT PROJECT means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon~~

~~approval of the public art program by the airport board and the city of Fort Worth.~~

~~————— (7) DEMOLITION COSTS means payments for any work needed for the removal of a building or other existing structure from city property.~~

~~————— (8) EQUIPMENT COSTS means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.~~

~~————— (9) NORMAL MAJOR MAINTENANCE COSTS means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.~~

~~————— (10) PUBLIC ART ACCOUNT means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:~~

~~————— (A) city bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and~~

~~————— (B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.~~

~~————— (11) PUBLIC ART ADMINISTRATION FUND means an annual appropriation from each public art account for administration of the public art program.~~

(1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the arts and culture advisory commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the public art committee in consultation with city departments anticipating capital

improvement projects.

(2) **BONDS** means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.

(3) **CITY** means the city of Dallas, Texas.

(4) **CITY BOND PROCEEDS** means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.

(5) **CITY CAPITAL IMPROVEMENT PROJECT** means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon approval of the public art program by the airport board and the city of Fort Worth.

(6) **DEMOLITION COSTS** means payments for any work needed for the removal of a building or other existing structure from city property.

(7) **EQUIPMENT COSTS** means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

(8) **NORMAL MAJOR MAINTENANCE COSTS** means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

(9) **PUBLIC ART ACCOUNT** means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:

(A) city bond proceeds to be used for

the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

(10) **PUBLIC ART ADMINISTRATION FUND** means an annual appropriation from each public art account for administration of the public art program.

~~———— (12) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.~~

~~———— (13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase.~~

(11) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.

(12) PUBLIC ART COMMITTEE means a subcommittee of the arts and culture advisory commission appointed to oversee quality control of the public art program and projects and to report to and recommend to the arts and culture advisory commission the scope of projects, artworks, and artists for the public art program. The public arts committee shall be composed of three members who are full city council appointments to the arts and culture advisory commission and eight members who are professionally qualified residents appointed by the arts and culture advisory commission.

(13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase. (Ord. Nos. 20064; 20267; 20456; 21972; 31049)

SEC. 2-103. FUNDING OF THE PUBLIC ART PROGRAM.

(a) Appropriations. Beginning January 1, 1989, all appropriations for city capital improvement projects, whether financed with city bond proceeds or city monies from any other source, shall include an amount equal to 1.5 percent of the total capital improvement project appropriation, or an amount equal to 0.75 percent of the total appropriation for a project that is exclusively for street, storm drainage, utility, or sidewalk improvements, to be used for design services of artists, for the selection, acquisition,

commissioning, and display of artworks, and for administration of the public art projects. Monies appropriated as part of one project, but not deemed necessary by the city council in total or in part for the project, may be expended on other projects approved under the annual public art projects plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.

(b) Grants and contributions from non-city sources. Beginning January 1, 1989, each city department shall include in every application to a granting authority for a capital improvement project grant an amount for artists' services and artworks in accordance with this article. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from

(B) revenue bonds, certificates, notes, or other obligations authorized and approved by the city council on or after January 1, 1989.

(2) This article shall not apply to any refunding bond proceeds.

(3) The public art appropriation on a city capital improvement project financed with city bond proceeds shall be established in the fiscal year in which the bonds are sold.

(4) In developing the capital improvement program for bond-financed capital improvement projects, the city manager may recommend that the city council exempt certain bond-financed capital improvement projects from the application of this article. The city manager's recommendations shall govern unless the city council provides otherwise.

(5) If a city capital improvement project is financed with city bond proceeds, the use of any amounts appropriated for artists' services and works of art in accordance with this article must be consistent with any voted proposition approved by the voters of the city, any resolution or ordinance adopted by the city council authorizing issuance of the bonds, and applicable state or federal law. In no event shall city bond proceeds be used for public art maintenance purposes.

(f) Water and wastewater utility projects.

(1) Notwithstanding any other provision of this article, the public art appropriation for that portion of a city capital improvement project financed with Dallas water utilities department revenues shall not exceed 0.75 percent of the total water utilities revenues appropriated for the capital improvement project.

(2) This article shall not apply to:

(A) any city capital improvement project financed with Dallas water utilities department revenues that is located outside the city limits; or

(B) any below-grade capital improvement financed with Dallas water utilities department revenues, whether or not the below-grade improvement is part of a city capital improvement project that involves at-grade or above-grade improvements.

(g) City council exclusions. When adopting the capital budget each year, the city council may exclude individual city capital improvement projects from the application of this article. (Ord. Nos. 20064; 20267)

SEC. 2-104. USES OF MONIES IN PUBLIC ART ACCOUNTS.

(a) Monies appropriated under this article may be used for artists' design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of artworks. Artworks must be of a permanent nature and may be integral to the architecture or incorporated into the city capital improvement project.

(b) Up to 20 percent of the total annual public art appropriation shall be used to establish the public art administration fund and may be used to pay the costs incurred in the administration of the public art program, including project administration, artist-selection-related costs, architect's fees where collaboration is involved, design, drawing, and maquette costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate by the city council for the administration of the public art program. (Ord. Nos. 20064; 20267)

SEC. 2-105. ADMINISTRATION OF THE PUBLIC ART PROGRAM - RESPONSIBILITIES.

~~(a) Cultural affairs commission and the office of cultural affairs. The cultural affairs commission, acting~~

in cooperation with the director of cultural affairs, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of citizen members of an arts committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the arts committee to the cultural affairs commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The conducting of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed \$5,000 a year must be accompanied by a detailed fiscal note.

(b) Arts committee. The arts committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the arts committee being subject to the review

and approval of the cultural affairs commission and, when required, the city council:

(1) The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

(2) The designation of sites for implementation of the public art program; the determination of the scope and budget of public art program projects; and the overseeing of the artist selection process.

(3) The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

(4) The education of the community on the public arts program.

(5) The review and recommendation for approval of any artworks proposed to be donated to the city.

(a) Arts and culture advisory commission and the office of cultural affairs. The arts and culture advisory commission, acting in cooperation with the director of cultural affairs, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of resident members of the public art committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the public art committee to the arts and culture advisory commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed \$5,000 a year must be accompanied by a detailed fiscal note.

(b) Public art committee. The public art committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the public art committee being subject to the review and approval of the arts and culture advisory commission and, when required, the city council:

(1) The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

(2) The designation of sites for implementation of the public art program; the recommendation of the scope and budget of public art program projects; and the overseeing of the artist selection process.

(3) The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

(4) The education of the community on the public arts program.

(5) The review and recommendation for approval of any artworks proposed to be donated to the city. (Ord. Nos. 20064; 20267; 20456; 21972; 22026; 23694; 31049)

SEC. 2-118. DESIGNATION, APPOINTMENT AND DUTIES OF TEMPORARY ACTING AND ACTING CITY MANAGER.

The following procedures shall be used to fill the position of city manager where a temporary vacancy of the type specified occurs in that position, and such

SECS. 2-106 THRU 2-117. RESERVED.

ARTICLE XI.

FILLING TEMPORARY VACANCIES.

(2) assist the city in identifying programs that are needed in the community; and

(3) perform such other duties assigned by the city council or city manager.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and responsibilities. (Ord. 29920)

ARTICLE XXVI.

CULTURAL AFFAIRS ARTS AND CULTURE ADVISORY COMMISSION.

SEC. 2-161. CULTURAL AFFAIRS ARTS AND CULTURE ADVISORY COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

~~—(a) There is hereby created the cultural affairs commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair.~~

~~—(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.~~

~~—(c) Members of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:~~

- ~~—(1) architecture, design, or urban planning;~~
- ~~—(2) visual, performing, or literary arts;~~
- ~~—(3) history;~~

~~—(4) science;~~

~~—(5) cultural institutions management; or~~

~~—(6) volunteer cultural board experience.~~

~~—(d) The membership of the cultural affairs commission may include at least one of each of the following persons:~~

~~—(1) a registered professional architect or landscape architect;~~

~~—(2) a professional visual artist;~~

~~—(3) a professional performing artist;~~

~~—(4) a scientist;~~

~~—(5) an historian; and~~

~~—(6) an interested citizen who does not represent any specific cultural organization or interest group.~~

~~—(e) The three members of the commission appointed by the city council as a whole shall also serve on the arts committee of the cultural affairs commission, and, in addition to qualifying for service on the commission under this section, must meet the qualifications for service on the arts committee as set forth in the city's cultural policy and program adopted by city council resolution.~~

~~—(f) The chair of the city council arts and education committee and one member of the park and recreation board of the city shall serve as ex-officio, nonvoting members of the cultural affairs commission.~~

~~—(g) The commission must meet at least once each month and may hold additional meetings at the call of the chair.~~

(a) There is hereby created the arts and culture advisory commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) Members of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:

- (1) architecture, design, or urban planning;
- (2) visual, performing, or literary arts;
- (3) history;
- (4) science;
- (5) cultural institutions management; or
- (6) volunteer cultural board experience.

(d) The membership of the arts and culture advisory commission may include at least one of each of the following persons:

- (1) a registered professional architect or landscape architect;
- (2) a professional visual artist;
- (3) a professional performing artist;
- (4) a scientist;
- (5) a historian; and
- (6) an interested resident who does not represent any specific cultural organization or interest group.

(e) The three members of the commission appointed by the city council as a whole shall also serve on the public art committee of the arts and culture advisory commission, and, in addition to qualifying for service on the commission under this section, must meet the qualifications for service on the public art committee as set forth in the city's cultural policy and program adopted by city council resolution.

(f) The chair of the city council committee with jurisdiction over arts and culture and one member of the park and recreation board of the city shall serve as

ex-officio, nonvoting members of the arts and culture advisory commission.

(g) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20266; 20462; 21153; 21515; 21972; 22259; 29645; 31049)

SEC. 2-162. CULTURAL AFFAIRS ARTS AND CULTURE ADVISORY COMMISSION - DUTIES AND RESPONSIBILITIES.

~~—(a) The cultural affairs commission shall act as an advisory body to the city manager and the city council and shall:~~

~~————(1) make recommendations concerning the establishment and implementation of cultural policies and procedures, including cultural diversity;~~

~~————(2) make recommendations concerning the design, operation, and use of city facilities devoted to the arts and other cultural activities;~~

~~————(3) make recommendations to encourage the development of cultural programs and activities involving emerging cultural organizations and artists, with special emphasis on the development of ethnic and minority artists and arts organizations;~~

~~————(4) make recommendations concerning the expenditure of city funds on cultural programs, facilities, and organizations; and~~

~~————(5) make recommendations to create opportunities for all citizens of the city to have access to the arts and the means of cultural expression; and~~

~~————(6) perform other duties assigned by the city council or requested by the city manager.~~

~~—(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities.~~

(a) The arts and culture advisory commission shall act as an advisory body to the city manager and the city council and shall:

(1) make recommendations concerning the establishment and implementation of cultural policies and procedures, including cultural diversity;

(2) make recommendations concerning the design, operation, and use of city facilities devoted to the arts and other cultural activities;

(3) make recommendations to encourage the development of cultural programs and activities

involving emerging cultural organizations and artists, with special emphasis on the development of ethnic and minority artists and arts organizations;

(4) make recommendations concerning the expenditure of city funds on cultural programs, facilities, and organizations; and

(5) make recommendations to create opportunities for all residents of the city to have access to the arts and the means of cultural expression; and

(6) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities. (Ord. Nos. 20266; 21515; 21972; 31049)

ARTICLE XXVI-a.

OFFICE OF CULTURAL AFFAIRS.

SEC. 2-162.1. CREATED; DIRECTOR OF CULTURAL AFFAIRS.

There is hereby created a division of the city manager's office to be known as the office of cultural affairs, the head of which shall be the director of cultural affairs who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office of cultural affairs will be composed of the director of cultural affairs and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 23694)

SEC. 2-162.2. DUTIES OF THE DIRECTOR OF CULTURAL AFFAIRS.

~~—(a) The director of cultural affairs shall perform the following duties:~~

~~—(1) Supervise and administer the office of cultural affairs.~~

~~—(2) Manage cultural facilities of the city as designated by the city manager or by ordinance or resolution of the city council.~~

~~—(3) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

~~—(b) The director of cultural affairs and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs.~~

(a) The director of cultural affairs shall perform the following duties:

(1) Supervise and administer the office of cultural affairs and WRR radio station.

(2) Manage cultural facilities of the city under the director's supervision as designated by the city manager or by ordinance or resolution of the city council, including approval of lease or license agreements for use of such cultural facilities for short

terms not exceeding one year.

(3) Award cultural funding contracts to cultural organizations and to individuals as provided in Section 2-162.3 of this code.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of cultural affairs and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs. Short-term leases and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for a nominal consideration, when the director of cultural affairs finds it to be of benefit to the public. (Ord. Nos. 23694; 31049)

SEC. 2-162.3. PROCUREMENT OF CULTURAL SERVICES.

(a) Except as provided in Subsection (f), contracts with organizations and individuals for cultural services shall be awarded in accordance with this section.

(b) Cultural services mean artistic and cultural services provided by individuals or organizations that have been recommended for funding by a review panel to the director of cultural affairs. Eligibility requirements to serve on each review panel and a review panel process for recommendations must be approved by city council. Cultural services do not include any services described in Subsection (f) below.

(c) The director of cultural affairs may procure services a maximum of five times per fiscal year for production, festivals, and exhibitions under \$50,000 without panel review or recommendation by the arts and culture advisory commission as the director deems necessary to implement arts and culture programs when:

(1) timing of support needed is outside of the fiscal year's cultural support program application period for cultural services;

(2) the support needed is from a Dallas-based 501(c)(3) cultural organization or individual

artist;

(3) the service to be provided is less than one year in length; and

(4) the city manager, or designee, has issued a memorandum of justification establishing a special need that meets the requirements of Administrative Directive 4-5, as amended.

(d) Contracts for cultural services, requiring an expenditure of \$50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval.

(e) If a contract described under this section requires an expenditure exceeding \$50,000, the contract must be authorized by city council.

(f) This section does not apply to services that are required to be competitively bid under state law or subject to other state law requirements such as requirements to contact historically underutilized businesses or the special rules for architect and engineering agreements.

(g) All other contracts not covered under this section are governed by the other applicable provisions of this code or other local rules and regulations. (Ord. 31049)

SEC. 2-162.4. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers, and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic,

or non-revenue and shall be signed by the person or organization so using the air time.

(c) The following types of contracts for the benefit of the radio station, requiring an expenditure of \$50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

(1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

(2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

(3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy, or music used in such advertising;

(4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

(5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

(6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(d) If a contract described in Subsection (c) requires an expenditure exceeding \$50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-32 and 2-33(a) through (c) of this code apply to the contract.

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code. (Ord. 31049)

CHAPTER 9B

BUILDING SECURITY

ARTICLE I.

IN GENERAL.

- Sec. 9B-1. Definitions.
- Sec. 9B-2. Areas permanently closed to the public.
- Sec. 9B-3. Hours buildings are closed to the public.
- Sec. 9B-4. Unlawful to enter closed sections.
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DALLAS SECURITY OFFICERS.

- Sec. 9B-6. Created; duties.
- Sec. 9B-7. Authority.
- Sec. 9B-8. Retirement eligibility.
- ~~Sec. 9B-9. Special commissions; survivor's assistance.~~
- Sec. 9B-9. Survivor's assistance.**

ARTICLE I.

IN GENERAL.

SEC. 9B-1. DEFINITIONS.

In this chapter:

(1) CITY HALL means the building containing administrative offices of the city located at 1500 Marilla Street, Dallas, Texas, including, but not limited to, the two underground levels, and the surrounding grounds bounded by Young Street, Canton Street, South Ervay Street, and South Akard Street.

(2) MUNICIPAL BUILDING means the building containing administrative offices of the city, located at 2014 Main Street, Dallas, Texas, including but not limited to, the basement, sub-basement, the parking areas adjacent to the building, and the alleys and sidewalks adjacent to the building.

(3) POLICE AND COURTS BUILDING means the building containing the municipal courts, jail, and administrative offices of the police department of the city located at 106 South Harwood Street, Dallas, Texas, including but not limited to, the basement, sub-basement, and sidewalks adjacent to the building. (Ord. 16157)

SEC. 9B-2. AREAS PERMANENTLY CLOSED TO THE PUBLIC.

(a) The following areas of city hall are permanently closed to the public:

- (1) Police and fire dispatch center on the L1 basement level in module A North.
- (2) The water utilities accounting area on the first floor in module A North.
- (3) The tax accounting area on the second floor in module D South.
- (4) Information services computer room and tape library on the third floor in modules B, C, and D South.
- (5) The city attorney's copy center, record storage room, and word processing center on the seventh floor in module C North.
- (6) The building mechanical room on the seventh floor South.
- (7) The building mechanical room on the eighth floor.

SEC. 9B-4. UNLAWFUL TO ENTER CLOSED SECTIONS.

(a) A person commits an offense if he:

(1) enters the city hall, municipal building, or police and courts building during closed hours; or

(2) enters a portion of the city hall, municipal building, or police and courts building that is permanently closed to the public.

(b) It is a defense to prosecution under this section that the person is an officer or employee of the city, is engaged in the performance of official duties, and has complied with procedures set forth in official administrative directives and regulations regarding security.

(c) It is a defense to prosecution under Subsection (a)(1) that the person was attending an authorized public meeting, class, or event and did not go beyond those portions of the building necessary to gain access to the meeting, class, or event. (Ord. 16157)

SEC. 9B-5. AUTHORITY TO POST SIGNS.

The chief of police, or his designated representative, is authorized to place and maintain signs at those areas that are permanently closed to the public. The signs shall state that each area is permanently closed to the public, specifically mention this chapter, state the maximum penalty for violation, and be posted so as to afford adequate notice to the public of the restricted status of each area. (Ord. Nos. 16157; 19679)

ARTICLE II.

DALLAS SECURITY OFFICERS.

SEC. 9B-6. CREATED; DUTIES.

~~—(a) There is hereby created in the department of equipment and building services of the city, under the direction of the director of equipment and building services, personnel known as Dallas security officers, who shall be organized auxiliary units to the police department.~~

~~—(b) Dallas security officers shall perform the following duties:~~

~~—(1) maintain security and protection for premises and lawful occupants of premises that are owned, occupied, or managed by the city and ensure orderly and lawful conduct and activities on these premises;~~

~~—(2) maintain security for preboard screening areas at Dallas Love Field Airport;~~

~~—(3) direct or regulate traffic in conformance with traffic laws on premises that are owned, occupied, or managed by the city, and on the main entrance and exit roadway in front of the Dallas Love Field terminal; and~~

~~—(4) maintain security services and regulation of parking and traffic as may be provided for by contract between the city and the Dallas housing authority for the protection of premises and the lawful occupants of premises that are owned, occupied, or managed by the Dallas housing authority and located within the city.~~

(a) There is hereby created in the department of court and detention services of the city, under the direction of the director of court and detention services, personnel known as Dallas security officers, who shall be organized auxiliary units to the police department.

(b) Dallas security officers shall perform the following duties:

(1) maintain security and protection for premises and lawful occupants of premises that are

owned, occupied, or managed by the city and ensure orderly and lawful conduct and activities on those premises; and

(2) direct or regulate traffic in conformance with traffic laws on premises that are owned, occupied, or managed by the city, and on the main entrance and exit roadway in front of the Dallas Love Field terminal. (Ord. Nos. 16157; 17151; 19312; 19679; 22026; 23694; 30994)

SEC. 9B-7. AUTHORITY.

— While at an assigned place of duty, a person employed as a Dallas security officer:

— (1) is vested with the police power of arrest for violations of city ordinances and state laws, limited to situations arising out of enforcement of the officer's specific duties and further limited to the specific authority contained in the officer's warrant of appointment;

— (2) may carry and use a firearm when authorized by the director of equipment and building services; and

— (3) must be identified by uniform and badge.

While at an assigned place of duty, a person employed as a Dallas security officer:

(1) is vested with the police power of arrest for violations of city ordinances and state laws, limited to situations arising out of enforcement of the officer's specific duties and further limited to the specific authority contained in the officer's warrant of appointment;

(2) may carry and use a firearm when authorized by the director of court and detention services; and

(3) must be identified by uniform and badge. (Ord. Nos. 16157; 19679; 22026; 23694; 30994)

SEC. 9B-8. RETIREMENT ELIGIBILITY.

— Dallas security officers shall not be eligible for membership in the firemen, policemen and fire alarm operator's pension fund created pursuant to Article 6243a, Vernon's Texas Civil Statutes; however, they shall be eligible for membership in the employee's retirement fund of the city of Dallas.

Dallas security officers shall not be eligible for membership in the firemen, policemen and fire alarm operator's pension fund created pursuant to Article 6243a, Vernon's Texas Civil Statutes; however, they shall be eligible for membership in the employee's retirement fund of the city of Dallas. (Ord. Nos. 16157; 19679; 30994)

**SEC. 9B-9. SPECIAL COMMISSIONS;
SURVIVOR'S ASSISTANCE.**

— (a) Dallas security officers are designated as the airport security force for Dallas Love Field Airport in accordance with Article 46g, Vernon's Texas Civil Statutes. Upon being certified as qualified by the Commission on Law Enforcement Officer Standards and Education, each security officer is hereby commissioned as a peace officer in the airport security force. While on the property under the control of Dallas Love Field Airport or while in the actual scope of his duties as an airport security officer, a security officer who has been certified is vested with all the rights,

~~privileges, obligations, and duties of any other peace officer in this state.~~

~~—(b) Dallas security officers shall be deemed members of an organized auxiliary unit with power to make arrests, for the purpose of qualifying for survivor's assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes.~~

Dallas security officers shall be deemed members of an auxiliary unit with powers to make arrests, for the purpose of qualifying for survivor's assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes. (Ord. Nos. 16157; 16218; 19679; 30994)

preference, with Number 1 being the highest ranking. The city council shall interview the nominees and select one as the administrative municipal judge, or, if not satisfied with any of the nominees, the city council may reject all and request that the judicial nominating commission repeat the nominating process.

(h) The city manager shall provide staff to assist the judicial nominating commission in performing its duties and responsibilities.

(i) Nothing in this section affects the holdover status of an incumbent municipal judge under applicable city, state, and federal laws. (Ord. Nos. 21011; 21515; 21804; 22321; 22612; 23124; 24946; 25518; 25655; 26093; 29394)

SEC. 13-6. BAILIFFS OF THE MUNICIPAL COURT OF RECORD.

(a) The bailiffs of the municipal court of record, under the direction and supervision of the administrative municipal judge, shall serve the municipal court of record.

(b) The bailiffs shall:

(1) be selected by the administrative municipal judge;

(2) meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement Officer Standards and Education; and

(3) be appointed and commissioned by the city marshal as deputy city marshals.

(c) The administrative municipal judge or his designee shall supervise the activities of bailiffs and shall have the authority to impose disciplinary action in accordance with city personnel rules. If the administrative municipal judge terminates the employment of a bailiff, the city marshal shall remove

the appointment and commission of the bailiff as a deputy city marshal.

(d) Appeals from disciplinary actions taken by the administrative judge shall be to the city manager or his designee and then to the trial board in cases where that body has jurisdiction. If a bailiff whose employment has been terminated is reinstated during the appeal process, then the bailiff shall be reappointed as a bailiff by the administrative municipal judge and reappointed and recommissioned by the city marshal as a deputy city marshal. (Ord. Nos. 18477; 18837; 19802)

SEC. 13-7. DEPARTMENT OF COURT AND DETENTION SERVICES CREATED; DIRECTOR.

There is hereby created the department of court and detention services, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk. (Ord. Nos. 18477; 19802; 22669)

SEC. 13-8. DUTIES OF THE MUNICIPAL CLERK; COURT ADMINISTRATOR AND DIRECTOR; DEPUTY CLERKS.

~~— (a) The municipal clerk, who also holds the position of court administrator and director of the department of court and detention services, shall:~~

~~— (1) prepare and maintain accurate dockets and minutes for each municipal court of record division created under this article;~~

~~— (2) have custody of all documents and papers relating to the business of the municipal court of record divisions;~~

~~— (3) supervise the collection of fines imposed by the municipal court of record;~~

(a) The municipal clerk, who also holds the position of court administrator and director of the department of court and detention services, shall:

(1) prepare and maintain accurate dockets and minutes for each municipal court of record

division created under this article;

(2) have custody of all documents and papers relating to the business of the municipal court of record divisions;

(3) supervise the collection of fines imposed by the municipal court of record;

~~(4) maintain complaints for all cases in the municipal court of record for which a complaint is required by law;~~

~~(5) supervise the administration of arrest warrants; and~~

~~(6) have all other powers and duties assigned to the municipal clerk by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law.~~

(4) maintain complaints for all cases in the municipal court of record for which a complaint is required by law;

(5) supervise the administration of arrest warrants;

(6) supervise Dallas security officers providing security in and around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council, and

(7) have all other powers and duties assigned to the municipal clerk by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law.

(b) The municipal clerk may appoint deputy clerks who, when acting under the municipal clerk's direction, shall have the authority to perform all acts required of the municipal clerk by the city charter, city ordinances, or state law. (Code 1941, Art. 28-1; Ord. Nos. 8215; 15603; 17029; 18477; 19802; 22669; 24946; 30994)

SEC. 13-9. OFFICE OF THE CITY MARSHAL.

There is hereby created the office of the city marshal, to be filled by a qualified person appointed by the municipal clerk. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement Officer Standards and Education. (Ord. Nos. 13288; 13832; 14926; 19802)

SEC. 13-10. DUTIES OF THE CITY MARSHAL.

The city marshal and his deputies, acting under the direction of the municipal clerk, shall perform the following duties:

(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record; and

SEC. 19-113. SPECIFICATIONS; BIDS; CONTRACT; BOND.

~~—(a) At any time after the passage of the original resolution provided for in Section 19-104 by the city council, and more particularly at any time after a hearing is given as provided in Section 19-107 to the property owners and lienholders owning property in the drainage district created, the director of Trinity watershed management may submit specifications for the doing of the work contemplated in such improvement, which specifications must in general terms set forth the nature and extent of the improvement or improvements to be made, the section or sections to be improved, and the material or materials with which the improvements are to be constructed. Such specifications may provide, at the election of the city council, that such improvements may be constructed from different materials and may specify different or alternative methods of making such improvements. The director of Trinity watershed management shall make approximate estimates of the cost of the improvements under the different methods desired to be employed.~~

(a) At any time after the passage of the original resolution provided for in Section 19-104 by the city council, and more particularly at any time after a hearing is given as provided in Section 19-107 to the property owners and lienholders owning property in the drainage district created, the director of water utilities may submit specifications for the doing of work contemplated in such improvement, which specifications must in general terms set forth the nature and extent of the improvement or improvements to be made, the section or section to be improved, and the material or materials with which the improvements are to be constructed. Such specifications may provide, at the election of the city council, that such improvements may be constructed from different materials and may specify different or alternative methods of making such improvements. The director of water utilities shall make approximate estimates of the cost of improvements under the different methods desired to be employed.

(b) Upon the adoption of specifications, if the city council decides to do the work by contract, the city secretary, or such other officer as may be designated by the city council, shall advertise for sealed bids for the construction of such improvements in accordance with the specifications. The advertisement must be inserted

in a daily paper of general circulation in the city and state the time within which bids may be received as prescribed by the city council, which time may not be less than 10 or more than 15 days from the insertion of the advertisement. Bids must be filed with the city secretary, or such other officer as the board may designate, and must be opened and read in a public meeting of the city council. The city council shall have the right to accept such bids as it deems most advantageous to the city and the owners of the property abutting upon the public highway named to be improved, or may reject any and all bids. Where an

improvement is ordered upon different specifications, or for the construction of work or any part of the work with different materials or under different plans or methods of construction or payment for such improvement, the city council may, after opening bids, select such methods, plans, or materials for making such improvement, or any part of the improvement, as it deems best, and to let the work to such bidder and upon such bid as it may select. No bid may be amended, changed, or revised after being filed.

(c) When bids for improvements have been accepted by the city council, the city shall enter into contract with the contractor to whom the work has been let for the performance of the improvements, which contracts must be executed in the name of the city or by its city manager and must be attested by the city secretary, or such other officer as may be designated by the city council, with the corporate seal. The contractor to whom the work has been let shall execute a bond as may be required by the city council and as provided by the charter. The contract and bond, if satisfactory, must be approved by the city council. (Code 1941, Art. 128-13; Ord. Nos. 22026; 28424; 30994)

SEC. 19-114. USE OF DAY WORK BY CITY.

In case the city council should desire to do the work contemplated by this article, by day work, it may proceed to do so, where its funds may be available for such purpose and where it deems the day work more advantageous to the owners of property in the territory benefited by the improvement. (Code 1941, Art. 128-14)

SEC. 19-115. REPORT OF AMOUNT TO BE PAID BY CITY.

The special commissioners created by this article to make assessments may consider, in any improvement district created, that portion of the cost,

SEC. 28-41.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

~~[This section takes effect on December 28, 2018, unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before December 27, 2018.]~~

[This section takes effect on November 29, 2019, unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before November 28, 2019.]

~~(a) In this section:~~

~~(1) ADULT means any individual 17 years of age or older.~~

~~(2) CHILD means any individual younger than 17 years of age.~~

~~(3) HELMET means a properly fitted bicycle helmet that:~~

~~(A) is not structurally damaged; and~~

~~(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.~~

~~(4) MOTOR ASSISTED SCOOTER:~~

~~(A) means a self-propelled device with:~~

~~(i) at least two wheels in contact with the ground during operation;~~

~~(ii) a braking system capable of stopping the device under typical operating conditions;~~

~~(iii) a gas or electric motor not exceeding 40 cubic centimeters;~~

~~(iv) a deck designed to allow a person to stand or sit while operating the device; and~~

~~(v) the ability to be propelled by human power alone; and~~

~~(B) does not include:~~

~~(i) a pocket bike or minimotorbike;~~

~~(ii) a moped or motorcycle;~~

~~(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or~~

~~(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.~~

~~(5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.~~

~~(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.~~

~~(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.~~

~~(8) POCKET BIKE or MINIMOTORBIKE:~~

~~(A) means a self-propelled vehicle that:~~

~~(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;~~

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CHILD means any individual younger

than 17 years of age.

(3) **HELMET** means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) **MOTOR ASSISTED SCOOTER:**

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include:

(i) a pocket bike or mini-motorbike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) **NIGHTTIME** means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

(6) **PARENT** means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) **PASSENGER** means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) **POCKET BIKE** or **MINIMOTORBIKE:**

(A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

~~_____ (ii) is designed to propel itself with not more than two wheels in contact with the ground;~~

~~_____ (iii) has a seat or saddle for the use of the operator;~~

~~_____ (iv) is not designed for use on a highway; and~~

~~_____ (v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

~~_____ (B) does not include:~~

~~_____ (i) a moped or motorcycle;~~

~~_____ (ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~_____ (iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~_____ (iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

~~_____ (v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

~~_____ (vi) a motor-assisted scooter, as defined in this subsection:~~

~~_____ (9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.~~

~~_____ (b) A person commits an offense if he:~~

~~_____ (1) operates or rides a motor-assisted scooter on any city-owned or city-operated property or any~~

~~public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor-assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (3) is a child and operates or rides a motor-assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor-assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;~~

~~_____ (5) operates or rides a motor-assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;~~

~~_____ (6) transports any passenger on a motor-assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or~~

~~_____ (7) while operating a motor-assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.~~

~~_____ (c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city:~~

~~_____ (ii) is designed to propel itself with not more than two wheels in contact with the ground;~~

~~_____ (iii) has a seat or saddle for the use of the operator;~~

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if he:

(1) operates or rides a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on a

public path or trail set aside for the exclusive use of bicycles;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;

(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;

(6) transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(7) while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

~~—(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.—~~

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section. (Ord. Nos. 26265; 30935; 31048)

SEC. 28-41.1.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CENTRAL BUSINESS DISTRICT means the area bounded by:

The south line of Young Street from Houston Street to Lamar Street.

The west line of Lamar Street from Young Street to the DART Rail Corridor.

The north line of the DART Rail Corridor from Lamar Street to Interstate 45.

The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.

The north line of Interstate 30 from Interstate 45 to Exposition Avenue.

The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.

The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.

The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.

The north line of Pacific Avenue from Gaston Avenue to Pearl Street.

state is not required for the commission of an offense under this section.

~~—(e) This section expires on December 27, 2018, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before December 27, 2018.—~~

(e) This section expires on November 28, 2019, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before November 28, 2019. (Ord. Nos. 30935; 31048)

a personal digital assistant (PDA).

SEC. 28-41.2. REGULATING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE COMMUNICATION DEVICES IN SCHOOL ZONES.

(a) In this section:

(1) **ENGAGING IN A CALL** means talking into, dialing, or listening on a hand-held mobile telephone, but does not include holding a mobile telephone to activate or deactivate the telephone.

(2) **HAND-HELD MOBILE TELEPHONE** means a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

(3) **HANDS-FREE MOBILE TELEPHONE** means a mobile telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.

(4) **MOBILE COMMUNICATION DEVICE** means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text communication, or both. The term includes a mobile telephone and

~~—(c) Reservoir supply permits. The director may authorize contracts with owners of property abutting water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of \$210.~~

(c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to owners of property abutting water supply lakes or streams for the domestic use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits may not exceed three years, but the permits are renewable at the option of the city. An application for a permit or permit renewable under this subsection must be accompanied by a non-refundable processing fee of \$210.

~~—(d) Commercial contracts for untreated water.~~

~~—(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$225.~~

~~—(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a~~

nonrefundable processing fee of \$385.

(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewable must be accompanied by a nonrefundable processing fee of \$225.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$385.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208;

22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049;
25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025;
28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993;
30994)

SEC. 49-18.6. FEES FOR INSPECTION AND TESTING OF METERS AND BACKFLOW PREVENTION DEVICES.

(a) Meter inspection fees. No charge will be made for the first meter change or meter test requested by a customer at a single service connection within any 12-month period. For each additional meter change or meter test requested by a customer within a 12 month period that does not result in a finding that the meter over-registered in excess of 1-1/2 percent, the director shall charge the customer a fee according to the following schedule:

<u>Meter-Size</u>	<u>Fee</u>
5/8 to 1-inch	\$50.00
1-1/2 to 2-inch	\$35.00
Larger than 2-inch	Actual cost of change and test

(b) Meter replacement fees. A customer with an existing one-inch service and a 5/8-inch or 3/4-inch meter, who requests that the meter be increased to one inch, shall pay a fee of \$185. Any other customer requesting an increase in meter size up to but not greater than the size of the existing service shall pay a connection charge for the requested size meter in accordance with Section 49-18.7(a) and (b).

(c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is \$15 for an inspection.

(d) Backflow prevention device inspection fees. The owner or person in control of premises on which a backflow prevention device is located must pay a fee to the city for the periodic inspection and testing as follows:

Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
30993 (Cont'd)			17	Amends 49-18.4(e)
			18	Amends 49-18.4(f)
			19	Amends 49-18.5(a)
			20	Amends 49-18.5(b)
			21	Amends 49-18.5(c)
			22	Amends 49-18.7(a)
			23	Amends 49-18.7(b)
30994	9-18-18		1	Amends Ch. 2, Art. V-a, 2-43 thru 2-44
			2	Amends 2-51
			3	Adds Ch. 2, Art. V-f, 2-54 thru 2-55
			4	Amends Ch. 2, Art. VII-b, 2-75 thru 2-75.1
			5	Amends Ch. 9B, Art. II, 9B-6 thru 9B-9
			6	Amends 13-8(a)
			7	Amends 19-113(a)
			8	Amends 49-18.5(c)
			9	Amends 49-18.5(d)
31048	11-28-18		1	Amends 28-41.1
			2	Amends 28-41.1.1(e)
31049	11-28-18		1	Adds 2-30(d)(8)
			2	Amends 2-37.12(a)
			3	Amends 2-37.12(b)
			4	Amends 2-37.12(i)
			5	Amends 2-47
			6	Amends Ch. 2, Art. VIII, 2-76 thru 2-80
			7	Amends 2-102
			8	Amends 2-105
			9	Retitles Ch. 2, Art. XXVI
			10	Amends 2-161
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Department of equipment and fleet management (See DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT)

Department of housing & neighborhood revitalization (See DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION)

Department of human resources (See DEPARTMENT OF HUMAN RESOURCES)

~~Department of public affairs (See DEPARTMENT OF PUBLIC AFFAIRS)~~

Department of public works (See DEPARTMENT OF PUBLIC WORKS)

Department of sanitation services (See DEPARTMENT OF SANITATION SERVICES)

Department of sustainable development and construction (See DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION)

Department of transportation (See DEPARTMENT OF TRANSPORTATION)

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~10/18~~ **1/19** Supplement current through
Ordinance 30993 **31041 31079 31109**, passed ~~9-18-18 11-14-18 12-12-18 1-23-19~~

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (513) 421-4248

- Sec. 51A-4.211. Transportation uses.
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 - (2) Commercial bus station and terminal.
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 - (4) Helistop.
 - (5) Private street or alley.
 - (6) Railroad passenger station.
 - (7) Railroad yard, roundhouse, or shops.
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 - (8) Refuse transfer station.
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- (9) Outside storage.
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 - (1.1) Accessory electric vehicle charging station.
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- Sec. 51A-7.1002. Purpose.
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- Sec. 51A-7.1214.1. Subdistrict A.
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- Sec. 51A-7.1214.3. Subdistrict C.
- Sec. 51A-7.1215. Application of Highway Beautification Acts.

- Sec. 51A-9.306. Hearing before the city plan commission.
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- Sec. 51A-9.308. Notification of name change.
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(4) Fee schedule.

Type of Application	<u>Application Fee</u>
Single family variance	\$600.00
Single family special exception	\$600.00
Multifamily or nonresidential variance	\$900.00 + \$25 per acre
Multifamily or nonresidential special exception	\$1,200.00 + \$25 per acre
Landscaping or tree mitigation special exception	\$1,200.00 + \$50 per acre
Variance and special exception to off-street parking requirements	\$900.00 + \$100 per parking space variance or special exception requested
Compliance request for a nonconforming use	\$1,000
All other non-sign appeals	\$900.00
Sign special exceptions	\$1,200.00
All other sign appeals	\$900.00

(5) The applicant shall pay a separate filing fee for each type of variance requested. The maximum fee for all variances on one building site heard at one public hearing is \$10,000.00.

(6) The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board’s miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents. Notwithstanding the above, the board may waive the fee for a request to establish a compliance date under Section 51A-4.704(a)(1) only if:

(A) the applicant is a corporeal person for whom payment of the fee would result in substantial financial hardship; or

(B) a written request for a fee waiver is signed by the owners, as evidenced by the last approved city tax roll, of 20 percent or more of real property within 200 feet, including streets and alleys, of the boundary of the lot containing the nonconforming use.

(c) Fees for fill permits for removal of a flood plain designation.

(1) An application will not be processed until the fee has been paid.

~~(2) The applicant shall pay the filing fee to the director of Trinity watershed management. The director of Trinity watershed management shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

(2) The applicant shall pay a filing fee to the director of water utilities. The director of water utilities shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Fill permit for land within the Trinity River or Elm Fork flood plains	\$8,150.00	500 feet
Fill permit for land within the interior drainage areas	\$1,436.00	
Fill permit in all other applications	\$8,150.00	500 feet
Single family	\$8,150.00	500 feet

(d) Fees for extraordinarily significant sign designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	\$200.00	
Request for a letter from the department explaining the availability of wastewater services for a development site.	\$200.00	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	\$2,500.00	
Appeal of an apportionment determination to the city plan commission	\$600.00	
Appeal an apportionment determination decision of the city plan commission to the city council	\$600.00	

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Appeal a decision of the landmark \$300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	\$300.00	
Request for an administrative parking reduction under Section 51A-4.313	\$375.00 and \$25 per space over 10 spaces	
Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhoods associations covering the property, and persons on the early notification list at least 10 days prior to the city plan commission meeting.		

~~(1) Fees for a street name change.~~

~~(1) The following fees are required for a street name change:~~

~~(A) A street name change fee must be paid to the director before an application will be processed.~~

~~(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.~~

~~(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.~~

(1) Fees for a street name change and for a ceremonial street naming.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.

~~(2) Fee schedule.~~

(A)	Application Fee.	<u>Amount</u>
	If the street is less than one-fourth mile	\$750.00
	If the street is less than one-half mile but more than or equal to one-fourth mile	\$1,050.00
	If the street is less than one mile but more than or equal to one-half mile	\$1,350.00
	If the street is more than or equal to one mile	\$1,350.00 for first mile plus \$300.00 for each additional one-fourth mile.
(B)	Street Identification Sign Fee.	<u>Amount</u>
	For each blade to be replaced	\$1130.00
	For each mast arm to be replaced	\$233.00
	For Texas Department of Transportation signs to be replaced	To be determined based upon Texas Department of Transportation cost calculation at the time of installation.
(C)	Change of Official Address Fee.	<u>Amount</u>
	For each address change up to 10	\$150.00
	For more than 10 address changes	\$1,500.00 for the first ten address changes plus \$113.00 per hour of service required for additional address changes.

(D) Fee schedule.

(i)	Application Fee.	Amount
	If the street is less than one-fourth mile	\$1,500.00
	If the street is less than one-half mile but more than or equal to one-fourth mile	\$2,100.00
	If the street is less than one mile but more than or equal to one-half mile	\$2,700.00
	If the street is more than or equal to one mile	\$2,700.00 for first mile plus \$600.00 for each additional one-fourth mile.
(ii)	Street Identification Sign Fee.	Amount
	For each blade to be replaced	\$1130.00
	For each mast arm to be replaced	\$233.00
	For Texas Department of Transportation signs to be replaced	To be determined based upon Texas Department of Transportation cost calculation at the time of installation.
(iii)	Change of Official Address Fee.	Amount
	For each address change up to 10	\$150.00
	For more than 10 address changes	\$1,500.00 for the first ten address changes plus \$113.00 per hour of service required for additional address changes.

~~(3) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.~~

(E) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.

(2) The following fee is required for a ceremonial street naming.

(A) A ceremonial street naming fee must be paid to the director before an application will be processed.

(B) Fee schedule.

Application Fee	Amount
If the street is less than one-fourth mile	\$750.00
If the street is less than one-half mile but more than or equal to one-fourth mile	\$1,050.00
If the street is less than one mile but more than or equal to one-half mile	\$1,350.00
If the street is more than or equal to one mile	\$1,350.00 for first mile plus \$300.00 for each additional one-fourth mile.

(C) Additional fees may be required for production and installation of ceremonial street name toppers.

(D) No fee is required for a ceremonial street naming application filed by the governmental entities listed in Section 51A-1.105.1.

(m) Fees for special parking and mechanized parking.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
Application for special or mechanized parking involving 50 special or mechanized parking spaces or fewer (including fee for special or mechanized parking license, if applicable)	\$375.00
Application for special or mechanized parking involving more than 50 special or mechanized parking spaces – additional fee for each special or mechanized parking space over 50	\$12.50
Application for renewal of special or mechanized parking license	\$375.00

(n) Fees for platting, replatting, and other related fees.

(1) Terms used in this subsection are defined in Articles II and VIII of this chapter.

(2) An application will not be processed until the fee has been paid. The applicant shall pay the

filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) It might be necessary to submit a plat for review and approval more than once. There is a separate fee for submission of a preliminary plat and submission of a final plat (except there is no fee for a final minor plat or a final amending plat (minor)). Fees for each revised submission are indicated in the fee schedule below. The fee for submission of a final plat for a phase is calculated as if the phase was a freestanding plat. The submission fee for an amending plat (major) is calculated as for a preliminary plat. The addition of up to 10 percent of the area of a previously submitted preliminary plat is considered a revision; if more area than that is added, the revised plat is considered a new preliminary plat.

permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address.

(y) Fees for property description review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) A fee is required for each review.

(4) No refund of a fee may be made.

(5) Fee schedule:

<u>Type of Property Description</u>	<u>Application Fee</u>
Platted	\$12.50
Metes and bounds less than four pages	\$25.00
Metes and bounds four pages and more	\$50.00

(z) Fee-in-lieu for park land dedication and park development fees.

(1) The developer shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(2) Fee schedule for park land dedication fee-in-lieu.

<u>Type of Development</u>	<u>Fee-in-lieu</u>
Single family or duplex	\$762.00 per dwelling unit
Multifamily (one bedroom)	\$299.00
Multifamily (two or more bedrooms)	\$600.00
College dormitory, fraternity, or sorority house	\$299.00 per sleeping room
Hotel and motel	\$327.00 per guest room

(3) Park development fees.

<u>Type of Development</u>	<u>Park land development fee</u>
Single family or duplex	\$403.00 per dwelling unit
Multifamily (one bedroom)	\$158.00
Multifamily (two or more bedrooms)	\$317.00
College dormitory, fraternity, or sorority house	\$158.00 per sleeping room
Hotel and motel	\$173.00 per guest room

(Ord. Nos. 19455; 19557; 19832; 20037; 20073; 20093; 20132; 20612; 20920; 20926; 20927; 21431; 21553; 21751; 22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542; 24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530; 26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695; 27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553; 28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934; 30993; 30994; 31040)

4.217	ACCESSORY USES	DISTRICTS																	
		Single Family								D/TH		Multifamily							
		A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)	D(A)	TH(1-3)(A)	CH	MF-1(A)	MF-1(SAH)	MF-2(A)	MF-2(SAH)	MF-3(A)	MF-4(A)	MH(A)
		RESIDENTIAL																	
1	Accessory community center (private)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
1.1	Accessory electric vehicle charging station	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
2	Accessory game court (private)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
3	Accessory helistop	S											S	S	S	S	S	S	
3.1	Accessory medical / infectious waste incinerator	★											★	★	★	★	★	★	
4	Accessory outside display of merchandise																		
5	Accessory outside sales																		
6	Accessory outside storage	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
6.1	Accessory pathological waste incinerator	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
7	Amateur communication tower	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	S	S	●
7.1	Day home	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
7.2	General waste incinerator	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
8	Home occupation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
8.1	Live unit															●	●		
9	Occasional sales (garage sales)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
10	Private stable	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
11	Swimming pool (private)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
12	Pedestrian skybridges	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Office				Retail			Com./Ind.				Cntrl.		Mixed Use						Multiple Com.				Urban Cor.					
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3	P(A)		
NONRESIDENTIAL																												4.217
											●	●	●	●	●	●	●	●						S	S	S		1
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	1.1
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	2
		S	●		S	S	S	S	●	●	S	S	S	S	S	S	●	●	S	S	S	S					3	
		★	★		★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★					3.1
			●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4
			●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●					6
					●	●	●				●	●	●	●	●	●	●	●	●	●	●	●	●					6.1
	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	7
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●					7.1
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●		7.2
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	8
●	●	●	●	●	●	●		●	●				●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	8.1
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	9
																												10
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	11
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	12

(8.1) Live unit.

(A) Definition: A dwelling unit accessory to any nonresidential use allowed in that district.

(B) Districts restrictions: This accessory use is not permitted in A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-2(A), MH(A), CA-1(A), CA-2(A), MU-1, P(A), CS, and IM districts.

(C) Required off-street parking: One additional space is required for the accessory use in excess of the required off-street parking for the floor area of the nonresidential use.

(D) Required off-street loading: None.

(E) Floor area: Except as otherwise provided in the use regulations, the maximum floor area for the dwelling unit shall not exceed the total square feet of the main use. This floor area restriction controls over the floor area restrictions in Section 51A-4.217(a)(3).

(F) Additional provisions:

(i) Units cannot be sold separately by metes and bounds.

(ii) One live unit allowed per lot.

(iii) Live unit can be attached or detached from the nonresidential use.

(iv) Rented live units must be registered with the city's single family rental program.

(9) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4).

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premises during any 12 month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted at locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257; 30894; 31041)

SEC. 51A-4.218. LIMITED USES.

(a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.

(b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.

(c) A limited use must:

(1) have no exterior public entrance except through the general building entrances; and

(2) have no exterior advertising signs on the same lot. (Ord. 19455)

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).

(a) General provisions.

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

(2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all zoning regulations and standards.

(4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

(5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.

(6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.

(b) Specific use permit procedure.

(1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.

(2) At the time of applying for an SUP, the applicant shall submit:

(A) a site plan that includes:

(i) the dimensions, bearings, and street frontage of the property;

(ii) the location of buildings, structures, and uses;

(iii) the method of ingress and egress;

(C) provide any other information necessary to aid the applicant in the preparation of the site plan application.

(4) Application for site plan approval. An applicant for site plan approval shall submit to the director:

(A) a site plan application in the form prescribed by the director that contains at least the following information:

(i) The applicant’s name and address and his ownership interest in the property proposed for development.

(ii) The signatures of all owners of the property proposed for development.

(iii) The size of the parcel proposed for development, its street address, and a legal description of the property.

(iv) A statement setting forth the current uses of the property and plans for future development;

(B) ten copies of the site plan and one 8-1/2 x 11 inch clear transparency of the site plan;

(C) copies of legal instruments guaranteeing the availability of remote off-street parking and the mode of transportation to serve that parking, and copies of any restrictive covenants that are to be recorded with respect to the institutional uses; and

(D) a site plan fee.

(5) Site plan. The applicant shall provide a site plan drawn to a scale not less than 100 feet to the inch or to a scale specified by the director, on a sheet of paper no larger than two feet by three feet. The site plan must depict the following for a complete review of the proposed development:

(A) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, rail lines, and public rights-of-way that cross or are adjacent to the property.

(B) Topography of the property proposed for development in contours of not less than five feet, together with any proposed grade elevations, if different from existing elevations.

(C) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

(D) The location and use of all existing and proposed buildings or structures.

(E) Total number and location of off-street parking and loading spaces.

(F) All points of vehicular ingress and egress and circulation within the property.

(G) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.

(H) The location, size, and arrangement of all outdoor signs and lighting.

(I) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.

(J) Location, designation, and total area of all usable open space and any proposed improvements to the open space.

(K) Land uses and zoning districts contiguous to the property.

(L) Any other information the director determines necessary for a complete review of the proposed development.

~~————(6) Departmental review. The director shall forward the information to the departments of sustainable development and construction, public works, sanitation services, Trinity watershed management, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan~~

~~approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.~~

~~—————(A) The directors of the departments of public works, transportation, Trinity watershed management, and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.~~

~~—————(B) The director of Trinity watershed management shall prepare a written statement describing any known drainage or topography problems:~~

(6) Departmental review. The director shall forward the information to the department of sustainable development and construction, public works, sanitation services, water utilities and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of public works, transportation, and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of water utilities shall prepare a written statement describing any known drainage or topography problems.

(7) Conferences and modifications during review. If the application for site plan approval meets one or more of the standards for site plan disapproval, and the director and the applicant meet to discuss the application for site plan approval, the director may accept an amended application for site plan approval.

(8) City plan commission review. The commission shall review the application for site plan approval and render its decision within 21 days from

the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

(9) Standards for site plan disapproval. The commission may disapprove an application for site plan approval upon findings of fact based on one or more of the following standards:

(A) The application for site plan approval is incomplete or contains violations of this chapter or other applicable regulations, and the applicant, after written request from the director, has failed to supply the additional information or correct the violation.

(B) The proposed site plan interferes with or is in conflict with a right-of-way, easement, or any approved plan such as a thoroughfare plan or transit plan.

(C) The proposed site plan destroys, damages, or interferes with significant natural, topographic, or physical features of the site that are determined significant by the commission.

(D) The proposed site plan is incompatible with adjacent land use and detrimental to the enjoyment of surrounding property in that the proposed development would create noise above the ambient level, substantially increase traffic, or fail to provide adequate buffers.

(E) The points of egress and ingress or the internal circulation of traffic within the site creates a traffic hazard, either on or off the site.

(F) The proposed site plan creates drainage or erosion problems to the site or adjacent property.

(10) City council appeal. An applicant may appeal to city council the decision of the commission concerning an application for site plan approval by filing a written request with the director within ten days of the action of the commission.

(11) Amendment. A site plan may be amended by following the same procedure as required in this section. (Ord. Nos. 19455; 19786; 20920; 21044; 22026; 23694; 25047; 28073; 28424; 30239; 30654; 30994)

SEC. 51A-4.503. D AND D-1 LIQUOR CONTROL OVERLAY DISTRICTS.

General provisions. Note: These provisions apply only to D and D-1 Liquor Control Overlay Districts enacted before June 11, 1987.

(1) A D or D-1 liquor control overlay district is designated as “dry” by the suffix “D” or “D-1” on the zoning district map.

(9) FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

(10) FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated the areas of special flood hazards and the insurance risk premium zones applicable to the community.

(11) FLOOD INSURANCE STUDY (FIS) means the official report provided by FEMA containing flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.

(12) FLOOD PLAIN (FP) means any land area susceptible to inundation by the design flood.

(13) FLOOD PLAIN ALTERATION means the construction of buildings or other structures, alterations, mining, dredging, filling, grading, or excavation in the flood plain which does not remove an FP designation. (Examples include the construction of a tennis court, a playground, a swimming pool, a fence, a deck, an erosion control wall, or the installation of significant landscaping.)

~~(14) FLOOD PLAIN OR FP ADMINISTRATOR means the director of Trinity watershed management, who is responsible for administering the federal flood insurance program, or the director's designated representative.~~

(14) FLOOD PLAIN OR FP ADMINISTRATOR means the director of water utilities, who is responsible for administering the federal flood insurance program, or the director's designated representative.

(15) FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage.

(16) FLOODWAY (OR REGULATORY FLOODWAY) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the design flood without

cumulatively increasing the water surface elevation or to discharge more than a designated height or rate.

(17) HUNDRED YEAR FREQUENCY FLOOD (100 year flood) means the flood having a one percent chance of being equalled or exceeded in any given year. The 100 year flood in Dallas is based upon fully developed land uses within the watershed as defined by the current zoning designation.

(17.1) INTERIOR DRAINAGE AREAS mean the geographical areas that act as a watershed for the sumps.

(18) LEVEE means a manmade structure (usually an earthen embankment) designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water for protection from temporary flooding.

(19) LEVEE SYSTEM means a flood protection system consisting of a levee or levees and associated structures such as closure and drainage devices constructed and operated in accordance with sound engineering practices.

(20) LOWEST FLOOR means the lowest floor of the lowest enclosed area of a building (including its basement). An unfinished or flood resistant enclosure that is useable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

(21) MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. In this article only, the term "manufactured home" includes park trailers, travel trailers, and similar vehicles placed on a site for more than 180 consecutive days, but does not include recreational vehicles.

(22) MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels)

of land divided into two or more manufactured home lots for rent or sale.

(23) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) means the federal program administered by FEMA which enables property owners to purchase flood insurance against damage to or loss of property resulting from a flood.

(24) POOL-RIFFLE SEQUENCES mean the alternating deep and shallow flow conditions caused by a moving, nonuniform channel grade.

(25) SEEP means a location where natural groundwater makes its way in a non-continuous flow to the surface, creating a wet soil condition.

(26) SPECIAL EXCEPTION means a grant of relief to a property owner permitting reconstruction in a manner otherwise prohibited by this division.

(27) STANDARD PROJECT FLOOD means the flood caused by the most severe combination of meteorological and hydrological conditions reasonably characteristic of the region. The standard project flood is defined by the U.S. Army Corps of Engineers for use in major flood control projects.

(28) STRUCTURE means, for purposes of this division, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(29) SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(30) SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market or tax appraisal value of the structure, whichever is greater, as determined by an independent appraiser or the last official City tax

roll, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure for the sole purpose of complying with federal, state, or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official as necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(31) SUMPS mean drainage features of levee systems that temporarily store storm water runoff before it is conveyed to a river system by pumping over or draining through a levee.

(32) SWALES mean low lying areas in the flood plain that convey flood waters when flow exceeds channel capacity.

(33) VALLEY STORAGE means the measure of a stream’s ability to store water as it moves downstream.

(34) VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

(35) WATERSURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the flood plain.

(b) Interpretations. The intent of this ordinance is to equal or exceed the minimum federal criteria for participation in the National Flood Insurance Program, located in 44 Code of Federal Regulations, Chapter I, Part 60.3(d). (Ord. Nos. 19455; 19786; 20360; 24085; 27318; 27572; 27697; 27893; 30994)

SEC. 51A-5.102. DESIGNATION OR REMOVAL OF FP AREAS.

~~— (a) In general.~~

~~— (1) A flood plain designation is not a zoning classification, but refers to a specific area subject to flooding.~~

~~— (2) When this designation is noted by an "FP" prefix on the official zoning district map, the area designated is referred to in this article as an FP area.~~

~~— (3) FP areas include those areas:~~

~~— (A) identified as special flood hazards by FEMA in the:~~

~~— (i) July 7, 2014 Dallas County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,~~

~~— (ii) September 26, 2008 Rockwall County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,~~

~~— (iii) June 7, 2017 Collin County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,~~

~~— (iv) April 18, 2011 Denton County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, or~~

~~— (v) July 3, 2012 Kaufman County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, and~~

~~— (B) other areas that the director of Trinity watershed management has identified as flood risk areas.~~

~~— (b) Initiation. The addition to or removal from the official zoning district map of an FP prefix may be initiated in the following ways:~~

~~— (1) An owner of property located within an FP area may apply for the review of an FP designation based upon evidence of a mapping error provided by the owner.~~

~~— (2) The director of Trinity watershed management may, on his or her own initiative, review the status of an FP designation.~~

~~— (3) An owner of property located within an FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51A-5.105.~~

~~— (c) Engineering studies. Hydraulic and hydrologic engineering studies or a field survey must support any change to an FP designation. The director may require core borings as part of his or her investigations under this subsection.~~

~~— (d) Decision on designation. The director of Trinity watershed management shall make a final decision on whether to add or remove an FP prefix on the official zoning district map only after the director determines that engineering studies support the change in the FP designation.~~

~~— (e) Zoning map revision. The director of Trinity watershed management must notify the director of sustainable development and construction in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed. The director of Trinity watershed management shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file.~~

~~— (f) Letter of Map Revision (LOMR). A letter of map revision from FEMA is required for removal of an~~

(a) In general.

(1) A flood plain designation is not a zoning classification, but refers to a specific area subject to

flooding.

(2) When this designation is noted by an "FP" prefix on the official zoning district map, the area designated is referred to in this article as an FP area.

(3) FP areas include those areas:

(A) identified as special flood hazards by FEMA in the:

(i) July 7, 2014 Dallas County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(ii) September 26, 2008 Rockwall County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iii) June 7, 2017 Collin County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iv) April 18, 2011 Denton County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(v) July 3, 2012 Kaufman County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, and

(B) other areas that the director of water utilities has identified as risk areas.

(3) FP areas include those areas:

(A) identified as special flood hazards by FEMA in the:

(i) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Dallas County," dated March 21, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated March 21, 2019, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph,

(ii) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Rockwall County," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph,

(iii) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Collin County," dated June 7, 2017, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated June 7, 2017, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph,

(iv) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Denton County," dated April 18, 2011, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated April 18, 2011, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, or

(v) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Kaufman County," dated July 3, 2012, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated July 3, 2012, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, and

(B) other areas that the director of Dallas Water Utilities has identified as flood risk areas.

(b) Initiation. The addition to or removal from the official zoning district map of an FP prefix may be initiated in the following ways:

(1) An owner of property located within an FP area may apply for the review of an FP designation based upon evidence of a mapping error provided by the owner.

(2) The director of water utilities may, upon his or her own initiative, review the status of an FP designation.

(3) An owner of property located within an

FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51A-5.105.

(c) Engineering studies. Hydraulic and hydrologic engineering studies or a field survey must support any changes to an FP designation. The director may require core borings as part of his or her investigations under this subsection.

(d) Decision on designation. The director of water utilities shall make a final decision on whether to add or remove an FP prefix on the official zoning district map only after the director determines that engineering studies support the change in the FP designation.

(e) Zoning map revision. The director of water utilities must notify the director of sustainable development and construction in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed. The director of water utilities shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file.

(f) Letter of Map Revision (LOMR). A letter of map revision from FEMA is required for removal of an FP prefix from the official zoning map if the area is designated as a flood hazard area on the FIRM.

FP prefix from the official zoning map if the area is designated as a flood hazard area on the FIRM. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 25716; 27318; 27551; 27697; 27893; 28164; 28671; 29359; 30481; 30994; 31109)

SEC. 51A-5.103. COMPLIANCE IN UNDESIGNATED FLOOD PLAIN AREAS.

(a) A person shall comply with the requirements of this article for FP areas before developing land within the design flood line of a creek or stream having a contributing drainage area of 130 acres or more, even if the land has not been formally designated as an FP area.

~~—(b) Alterations of the natural flood plain in areas with less than 130 acres must be approved by the director of Trinity watershed management for compliance with the Dallas Development Code and city drainage standards.—~~

(b) Alterations of the natural flood plain in areas with less than 130 acres must be approved by the director of water utilities for compliance with the Dallas Development Code and city drainage standards. (Ord. Nos. 19455; 19786; 24085; 27697; 30994)

SEC. 51A-5.103.1. VEGETATION ALTERATION IN FLOOD PLAIN PROHIBITED.

(a) A person commits an offense if he removes or injures any vegetation within a flood plain.

~~—(b) It is a defense to prosecution under Subsection (a) if the act is:~~

~~—(1) authorized in advance in writing by the director of Trinity watershed management;~~

~~—(2) in conformance with a landscape plan approved by the director of Trinity watershed management;~~

~~—(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or~~

(b) It is a defense to prosecution under Subsection (a) if the act is:

(1) authorized in advance in writing by the director of water utilities;

(2) in conformance with a landscape plan approved by the director of water utilities;

(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or

(4) routine maintenance performed, required, or authorized by the city in order to maintain the floodwater conveyance capacity of the flood plain.

~~(4) routine maintenance performed, required, or authorized by the city in order to maintain the floodwater conveyance capacity of the flood plain. (Ord. Nos. 19455; 19786; 24085; 27697; 30994)~~

SEC. 51A-5.104. USES AND IMPROVEMENTS PERMITTED.

(a) Uses permitted. To allow for the appropriate development of land which is subject to flooding without unduly endangering life and property, the following uses are permitted in an FP area provided they are permitted in the underlying zoning district and comply with the requirements of Section 51A-5.105(g) and all applicable elevation requirements of the Federal Emergency Management Agency:

(1) Farm or ranch.

(2) Utility services, electrical substation, detention basin, water reservoir or pumping station, and water treatment plant.

(3) Sanitary landfill and refuse transfer station.

(4) Public park or playground, private recreation club or area, private community center, and golf course.

(5) Outside commercial amusement approved by specific use permit.

(6) Helistop approved by specific use permit.

(7) Radio, television, or microwave tower, and amateur communications tower.

~~(b) Improvements permitted.~~

~~(1) Structures. A structure customarily associated with a use listed in Subsection (a) may be~~

~~constructed within an FP area only if the director of Trinity watershed management determines that the proposed structure meets the same engineering requirements applicable to filling in Section 51A-5.105(g) and issues a flood plain alteration permit.~~

~~(2) Improvements. The owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of Trinity watershed management. The director of Trinity watershed management may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).~~

~~(3) Completion of vested structures. The building official shall not withhold a final inspection or certificate of occupancy for a structure in an FP area if building permits for the structure were issued by the building official before FEMA's FIRM becomes effective designating such areas as AA or AE, and the structure otherwise complies with all applicable requirements.~~

~~(4) Board of adjustment. The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other local laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.~~

~~(A) The director of Trinity watershed management shall notify in writing the owner of a structure in an FP area that:~~

~~(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will be commensurate with the increased risk; and~~

~~(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.~~

~~(B) The FP Administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.~~

~~(5) Parking.~~

~~(A) Surface parking. All surface parking spaces must be constructed at a minimum elevation of two feet above the design flood elevation.~~

~~(B) Underground parking garages. The entrance elevation and any openings on underground parking garages constructed within or adjacent to a flood prone area may not be lower than two feet above the design flood elevation.~~

~~(C) Elm Fork, West Fork, and Trinity River flood plain. The minimum elevation requirements do not apply to parking in the flood plain of the Elm Fork, West Fork, and main stem of the Trinity River.~~

~~(D) Storage in the flood plain prohibited.~~

~~(i) A person shall not place, store, or maintain a shipping container, trailer, boat, inoperable vehicle, or construction equipment in the flood plain. For purposes of this paragraph, the term "vehicle" includes but is not limited to automobiles,~~

(b) Improvements permitted.

(1) Structures. A structure customarily

associated with a use listed in Subsection (a) may be constructed within an FP area only if the director of water utilities determines that the proposed structure meets the same engineering requirements applicable to filing in Section 51A-5.105(g) and issues a flood plain alteration permit.

(2) **Improvements.** The owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of water utilities. The director of water utilities may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).

(3) **Completion of vested structures.** The building official shall not withhold a final inspection or certificate of occupancy for a structure in an FP area if building permits for the structure were issued by the building official before FEMA's FIRM becomes effective designating such areas as AA or AE, and the structure otherwise complies with all applicable requirements.

(4) **Board of adjustment.** The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of water utilities shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for

flood insurance that will commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.

(B) The FP administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.

(5) **Parking.**

(A) **Surface parking.** All surface parking spaces must be constructed at a minimum elevation of two feet above the design flood elevation.

(B) **Underground parking garages.** The entrance elevation and any openings on underground parking garages constructed within or adjacent to a flood prone area may not be lower than two feet above the design flood elevation.

(C) **Elm Fork, West Fork, and Trinity River flood plain.** The minimum elevation requirements do not apply to parking in the flood plain of Elm Fork, West Fork, and main stem of the Trinity River.

buses, and recreational vehicles. It is a defense to prosecution that the placement, storage, or maintenance of shipping containers, trailers, boats, inoperable vehicles, or construction equipment is otherwise permitted by or in connection with a valid federal, state, county, or city permit, or is otherwise authorized by those entities.

(ii) The director of Trinity watershed management shall give written notice and allow persons in violation of Subparagraph (i) a period of 180 days to come into compliance:

(6) Manufactured homes. Manufactured homes may not be placed in manufactured home parks, courts, or subdivisions within flood plain areas unless all of the following requirements are met:

(A) No manufactured home may be placed within a floodway:

(B) The manufactured home park, court, or subdivision where the manufactured home is to be placed must have been an existing development prior to March 16, 1983, the effective date of the original City of Dallas Flood Insurance Rate Map:

(C) All manufactured homes to be placed within a flood plain area in accordance with Subparagraph (B) must be installed using methods and practices that minimize flood damage:

(D) The lowest floor of a manufactured home must be elevated one foot above the design flood elevation, and the home must be anchored to resist flotation, collapse, or lateral movement. An acceptable method of anchoring includes but is not limited to the use of over-the-top frame ties to ground anchors. Applicable state anchoring requirements for resisting wind forces must be met. A registered land surveyor shall submit a certification to the director of Trinity watershed management stating that elevation requirements are satisfied.

(E) The manufactured home's chassis must be supported by reinforced piers or other

foundation elements that are no less than 36 inches in height above grade. The chassis must be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

(F) Enclosure of areas below the lowest floor of a manufactured home placed within an FP area must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be certified by a licensed professional engineer and satisfy the following minimum criteria:

(i) At least two openings must be provided which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding:

(ii) The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(D) Storage in the flood plain prohibited.

(i) A person shall not place, store, or maintain a shipping container, trailer, boat, inoperable vehicle, or construction equipment in the flood plain. For purposes of this paragraph, the term "vehicle" includes but is not limited to automobiles, buses, and recreational vehicles. It is a defense to prosecution that the placement, storage, or maintenance of shipping containers, trailers, boats, inoperable vehicles, or construction equipment is otherwise permitted by or in connection with a valid federal, state, county, or city permit, or is otherwise authorized by those entities.

(ii) The director of water utilities shall give written notice and allow persons in violation of Subparagraph (i) a period of 180 days to come into compliance.

(6) Manufactured homes. Manufactured homes may not be placed in manufactured home parks, courts, or subdivisions within flood plain areas unless all of the following requirements are met:

(A) No manufactured home may be placed within a floodway.

(B) The manufactured home park, court, or subdivision where the manufactured home is to be placed must have been an existing development prior to March 16, 1983, the effective date of the original City of Dallas Flood Insurance Rate Map.

(C) All manufactured homes to be placed within a flood plain area in accordance with Subparagraph (B) must be installed using methods and practices that minimize flood damage.

(D) The lowest floor of a manufactured home must be elevated one foot above the design flood elevation, and the home must be anchored to resist flotation, collapse, or lateral movement. An acceptable method of anchoring includes but is not limited to the use of over-the-top frame ties to ground anchors. Applicable state anchoring requirements for resisting wind forces must be met. A registered land surveyor shall submit a certification to the director of water utilities stating that elevation requirements are satisfied.

(E) The manufactured home's chassis must be supported by reinforced piers or other foundation elements that are less than 36 inches in height above grade. The chassis must be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

(F) Enclosure of areas below the lowest floor of a manufactured home placed within an FP area must be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be certified by a licensed professional engineer and satisfy the following criteria:

(i) At least two openings must be provided which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(c) Construction standards. All improvements and construction permitted in an FP area must comply

with the following requirements:

(1) Structures must be:

(A) securely anchored to the foundation and otherwise designed to prevent flotation and collapse during inundation; and

(B) designed to prevent damage to nonstructural elements during inundation.

(2) Thermal insulation used below the first floor level must be of a type that does not absorb water.

(3) Adhesives must have a bonding strength that is unaffected by inundation.

(4) Doors and all wood trim must be sealed with a water-proof paint or similar product.

(5) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and located to prevent water from entering or accumulating in the components during flooding.

(6) Basements.

(A) Basements are permitted only in nonresidential construction and only if they are designed to preclude inundation by the design flood level, either by:

(i) locating any exterior opening at least three feet above the level of the design flood elevation; or

(ii) using water-tight closures, such as bulkheads and flood shields.

(B) All basements must be constructed so that any enclosure area, including utilities and sanitary facilities below the flood-proofed design level, is watertight with impermeable walls.

(C) Basement walls must be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the flood-proofed design level so that minimal damage will occur from floods that exceed the flood-proofed design level.

(D) The area surrounding the structure must be filled to or above the elevation of the design flood. The fill must be compacted, and slopes must be protected by vegetative cover.

(E) Basements must be designed by a licensed engineer.

(7) Plywood used at or below the first floor level must be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

(8) Wood flooring used at or below the first floor level must be installed to accommodate a lateral

expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(9) Basement ceilings must consist of a sufficient wet strength and be installed to survive inundation.

(10) Paints or other finishes used at or below the first floor level must be capable of surviving inundation.

(11) All air ducts, large pipes and storage tanks located at or below the first floor level must be firmly anchored to prevent flotation.

(12) Tanks must be vented at a location above the 100-year flood level. (Ord. Nos. 19455; 19786; 20360; 24085; 24543; 27697; 27893; 30994)

SEC. 51A-5.105. FILLING IN THE FLOOD PLAIN.

~~— (a) Permit required.~~

~~———— (1) A person shall not deposit or store fill, place a structure, excavate, or engage in any other development activities in an FP area without first obtaining:~~

~~———— (A) a fill permit or an FP alteration permit from the director of Trinity watershed management; and~~

~~———— (B) all other permits required by county, state, and federal agencies.~~

~~———— (2) A fill permit allows the property to be developed at a specified elevation in compliance with this section.~~

~~———— (3) The director of Trinity watershed management shall maintain a record of all fill permits and FP alteration permits.~~

(a) Permit required.

(1) A person shall not deposit or store fill, place a structure, excavate, or engage in any other development activities in an FP area without first

obtaining:

(A) a fill permit or an FP alteration permit from the director of water utilities; and

(B) all other permits required by county, state, and federal agencies.

(2) A fill permit allows the property to be developed at a specified elevation in compliance with this section.

(3) The director of water utilities shall maintain a record of all fill permits and FP alteration permits.

~~— (b) Flood plain alteration permit. The director of Trinity watershed management may issue a flood plain alteration permit if he or she determines that:~~

~~— (1) the alteration does not remove an FP designation; and~~

~~— (2) the alteration complies with all applicable engineering requirements in Subsection (g).~~

~~— (c) Initiation of fill permit process:~~

~~— (1) Application. An applicant for a fill permit shall submit an application to the director of Trinity watershed management on a form approved by the director and signed by all owners of the property.~~

~~— (2) Notification signs. Except as provided in Section 51A-5.105(f)(2), an applicant is responsible for obtaining the required number of notification signs and posting them on the property that is subject of the application. Notification signs must be obtained from the director of Trinity watershed management at the time the application is made:~~

~~— (A) Number of signs required. For tracts of five acres or less, only one notification sign is required. An additional notification sign is required for each additional five acres or less, except that no applicant is required to obtain and post more than five notification signs on the property, regardless of its size.~~

~~— (B) Posting of signs. The applicant shall post the required number of notification signs on the property at least 15 days before the date of the scheduled public hearing before the city council. The signs must be posted at a prominent location adjacent to a public street and be easily visible from the street.~~

~~— (C) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this section, it may postpone the public hearing.~~

~~— (d) Preapplication conference:~~

~~— (1) An applicant for a fill permit shall request a preapplication conference with~~

~~representatives from the department of Trinity watershed management.~~

~~— (2) At the preapplication conference, the director of Trinity watershed management shall determine what information is necessary for a complete evaluation of the proposed fill project. The director may require the applicant to submit all necessary information, including, but not limited to the following:~~

~~— (A) A vicinity map.~~

~~— (B) The acreage figures for the entire tract, the area located in the flood plain, and the area proposed to be filled.~~

~~— (C) A description of existing and proposed hydrologic and hydraulic analysis conducted.~~

~~— (D) A landscape and erosion control plan. The landscape plan must comply with the Landscape and Tree Preservation Regulations in Article X of the Dallas Development Code, as amended.~~

~~— (E) A table of values for analysis of the engineering criteria listed in Subsections (h)(1), (h)(2), and (h)(4).~~

~~— (F) A water surface profile.~~

~~— (G) A plan view showing existing and proposed contours and grading.~~

~~— (H) Plotted cross-sections.~~

~~— (I) An overall map of the project area.~~

~~— (c) Filling to remove an FP designation:~~

~~— (1) In general. This subsection applies to applications to remove an FP designation other than~~

(b) Flood plain alteration permit. The director of water utilities may issue a flood plain alteration permit if he or she determines that:

(1) the alteration does not remove an FP

designation; and

(2) the alteration complies with all applicable engineering requirements in Subsection (g).

(c) Initiation of fill permit process.

(1) Application. An applicant for a fill permit shall submit an application to the director of water utilities on a form approved by the director and signed by all owners of the property.

(2) Notification signs. Except as provided in Section 51A-5.105(f)(2), an applicant is responsible for obtaining the required number of notification signs and posting them on the property that is subject of the application. Notification signs must be obtained from the director of water utilities at the time the application is made.

(A) Number of signs required. For tracts of five acres or less, only one notification sign is required. An additional notification sign is required for each additional five acres or less, except that no applicant is required to obtain and post more than five notification signs on the property, regardless of its size.

(B) Posting of signs. The applicant shall post the required number of notification signs on the property at least 15 days before the date of the scheduled public hearing before the city council. The signs must be posted at a prominent location adjacent to a public street and be easily visible from the street.

(C) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this section, it may postpone the public hearing.

(d) Preapplication conference.

(1) An applicant for a fill permit shall request a preapplication conference with representatives from the department of water utilities.

(2) At the preapplication conference, the director of water utilities shall determine what information is necessary for a complete evaluation of the proposed fill project. The director may require the applicant to submit all necessary information, including, but not limited to the following:

(A) A vicinity map.

(B) The acreage figures for the entire tract, the area located in the flood plain, and the area proposed to be filled.

(C) A description of existing and proposed hydrologic and hydraulic analysis conducted.

(D) A landscape and erosion control plan. The landscape plan must comply with the Landscape and Tree Preservation Regulations in Article X of the Dallas Development Code, as amended.

(E) A table of values for analysis of the engineering criteria listed in Subsections (h)(1), (h)(2), and (h)(4).

(F) A water surface profile.

(G) A plan view showing existing and proposed contours and grading.

(H) Plotted cross-sections.

(I) An overall map of the project area.

applications to remove an FP designation from an interior drainage area pursuant to Subsection (f).

~~(2) Review of application by departments:~~

~~(A) If the application is to remove an FP designation, the director of Trinity watershed management shall forward copies of the application to the director of sustainable development and construction, the chief planning officer, and the director of park and recreation for review.~~

~~(B) The director of sustainable development and construction, the chief planning officer, and the director of park and recreation shall review the application and advise the director of Trinity watershed management of the environmental impacts of the project. They shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic or recreational value. The director of Trinity watershed management shall provide a report to the city council on each application regarding environmental impacts and public acquisition issues.~~

~~(3) Neighborhood meeting. The Trinity watershed management department shall schedule and conduct a neighborhood meeting on each application. The applicant or the applicant's representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.~~

~~(4) Notice and public hearing. After the neighborhood meeting, the director of Trinity watershed management shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Written notice must be given in the same manner required in Paragraph (2) for the neighborhood meeting.~~

~~(5) Decision on application:~~

~~(A) After notice and a public hearing in compliance with Paragraph (3), the city council shall approve or deny the application for a fill permit. The city council may only deny an application if:~~

~~(i) the application does not meet the requirements of Section 51A-5.105(g); or~~

~~(ii) the city council has, by resolution, authorized acquisition of the property under the laws of eminent domain, and denial of the application is necessary to preserve the status quo until the property is acquired.~~

~~(B) In connection with its approval of a fill permit, the city council may grant a variance to the requirements of Subsection (h) if the variance will not violate any provision of federal or state law or endanger life or property.~~

~~(C) If the city council approves a fill permit application, the FP designation for the filled area may be removed from the official zoning district map upon compliance by the applicant with the specifications for filling.~~

~~(6) Zoning map revision. Upon compliance with all applicable requirements of this section by the applicant, the director of Trinity watershed~~

(e) Filling to remove an FP designation.

(1) In general. This subsection applies to applications to remove an FP designation other than

applications to remove an FP designation from an interior drainage area pursuant to Subsection (f).

(2) Review of application by departments.

(A) If the application is to remove an FP designation, the director of water utilities shall forward copies of the application to the director of sustainable development and construction, the chief planning officer, and the director of park and recreation for review.

(B) The director of sustainable development and construction, the chief planning officer, and the director of park and recreation shall review the application and advise the director of water utilities of the environmental impacts of the project. They shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic or recreational value. The director of water utilities shall provide a report to the city council on each application regarding environmental impacts and public acquisition issues.

(3) Neighborhood meeting. The water utilities department shall schedule and conduct a neighborhood meeting on each application. The applicant or the applicant's representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(4) Notice and public hearing. After the neighborhood meeting, the director of water utilities shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the

applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Written notice must be given in the same manner required in Paragraph (2) for the neighborhood meeting.

(5) Decision on application.

(A) After notice and a public hearing in compliance with Paragraph (3), the city council shall approve or deny the application for a fill permit. The city council may only deny an application if:

(i) the application does not meet the requirements of Section 51A-5.105(g); or

(ii) the city council has, by resolution, authorized acquisition of the property under the laws of eminent domain, and denial of the application is necessary to preserve the status quo until the property is acquired.

(B) In connection with its approval of a fill permit, the city council may grant a variance to the requirements of Subsection (h) if the variance will not violate any provision of federal or state law or endanger life or property.

(C) If the city council approves a fill permit application, the FP designation for the filled area may be removed from the official zoning district map upon compliance by the applicant with the specifications for filling.

~~management shall notify the director of sustainable development and construction, who shall remove the FP designation for the filled area from the official zoning district map:~~

~~———— (7) Letter of Map Revision (LOMR). A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision (CLOMR) is obtained; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained.~~

~~———— (f) Removal of an FP designation from an interior drainage area:~~

~~———— (1) Review of application by director. The director of Trinity watershed management may approve an application for removal of the FP designation in interior drainage areas if:~~

~~———— (A) the director determines the subject area is no longer at risk for flooding based on minimum fill and finished floor elevation;~~

~~———— (B) removal of the FP designation will not negatively affect valley storage; and~~

~~———— (C) the removal of the FP designation is for the purpose of constructing structures that conform to existing zoning.~~

~~———— (2) Notification signs not required. The applicant is not required to post notification signs.~~

~~———— (3) Zoning map revision. A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision is obtained; however, no building permit may be issued until a final letter of map revision is obtained. Upon approval and receipt of a letter of map revision, the director of Trinity watershed~~

~~management shall notify the director of sustainable development and construction, who shall remove the FP designation for the subject area from the official zoning district map:~~

~~———— (g) Filling operations. If the city council approves a fill permit, the filling operations must comply with the following requirements:~~

~~———— (1) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill:~~

~~———— (2) Building pad sites must be filled to an elevation of at least two feet above the design flood elevation.~~

~~———— (3) The lowest floor of any structure must be constructed at least three feet above the design flood elevation:~~

~~———— (4) Fill material must consist of natural material including but not limited to soil, rock, gravel, or broken concrete. Decomposable matter, including but not limited to lumber, sheetrock, trees, tires, refuse, or hazardous, toxic matter, is prohibited as fill material. Fill must be compacted to 95 percent standard proctor density.~~

~~———— (5) Before construction, erosion control devices such as straw hay bales, silt fences or similar items must be installed to eliminate any transportation of sediment downstream. The property owner is responsible for removal of any sediment deposited by runoff as a result of filling.~~

~~———— (6) If compliance with a National Pollutant Discharge Elimination System (NPDES) permit is required for construction activities, a copy of the Notice of Intent (NOI) or the individual NPDES permit must be submitted to the director of Trinity watershed management before beginning fill operations.~~

~~———— (7) Fill shall be placed no more than five feet above the design flood elevation, except where necessary to match the existing elevation of the~~

(6) Zoning map revision. Upon compliance with all applicable requirements of this section by the applicant, the director of water utilities shall notify the

director of sustainable development and construction, who shall remove the FP designation for the filled area from the official zoning district map.

(7) Letter of Map Revision (LOMR). A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision (CLOMR) is obtained; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained.

(f) Removal of an FP designation from an interior drainage area.

(1) Review of application by director. The director of water utilities may approve an application for removal of the FP designation in interior drainage areas if:

(A) the director determines the subject area is no longer at risk for flooding based on minimum fill and finished floor elevation;

(B) removal of the FP designation will not negatively affect valley storage; and

(C) the removal of the FP designation is for the purpose of constructing structures that conform to existing zoning.

(2) Notification signs not required. The applicant is not required to post notification signs.

(3) Zoning map revision. A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision is obtained; however, no building permit may be issued until a final letter of map revision is obtained. Upon approval and receipt of a letter of map revision, the director of water utilities shall notify the director of sustainable development and construction, who shall remove the FP designation for the subject area from the official zoning district map.

(g) Filling operations. If the city council approves a fill permit, the filling operations must comply with the following requirements:

(1) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill.

(2) Building pad sites must be filled to an elevation of at least two feet above the design flood elevation.

(3) The lowest floor of any structure must be constructed at least three feet above the design flood elevation.

(4) Fill material must consist of natural material including but not limited to soil, rock, gravel, or broken concrete. Decomposable matter, including but not limited to lumber, sheetrock, trees, tires, refuse, or hazardous, toxic matter, is prohibited as fill material. Fill must be compacted to 95 percent standard proctor density.

(5) Before construction, erosion control devices such as straw hay bales, silt fences or similar items must be installed to eliminate any transportation of sediment downstream. The property owner is responsible for removal of any sediment deposited by runoff as a result of filling.

(6) If compliance with a National Pollutant Discharge Elimination System (NPDES) permit is required for construction activities, a copy of the Notice of Intent (NOI) or the individual NPDES permit must be submitted to the director of water utilities before beginning fill operations.

(7) Fill shall be placed no more than five feet above the design flood elevation, except where necessary to match the existing elevation of the adjacent property as determined by the director of water utilities. In determining when it is necessary to match the existing elevation, the director shall consider the effects on local drainage and storm water management, the access needs of the property, and other public health and safety concerns.

~~adjacent property as determined by the director of Trinity watershed management. In determining when it is necessary to match the existing elevation, the director shall consider the effects on local drainage and storm water management, the access needs of the property, and other public health and safety concerns.~~

~~————— (8) A copy of the approved fill permit must be posted and maintained at the fill site for inspection purposes until fill operations have been completed.~~

~~————— (9) After filling operations have been completed, the applicant shall submit a certification to the director of Trinity watershed management that proper fill elevations, compaction requirements, and all other specifications of the approved application have been followed. In addition, the applicant shall submit a copy of the letter of map revision (LOMR) issued by FEMA, if applicable.~~

~~————— (h) Engineering requirements for filling:~~

~~————— (1) Except for detention basins, alterations of the FP area may not increase the water surface elevation of the design flood of the creek upstream, downstream, or through the project area. Detention basins may increase the water surface elevation of the design flood provided the increase is within the detention basin's boundaries as approved by the director of Trinity watershed management.~~

~~————— (2) Alterations of the FP area may not create or increase an erosive water velocity on or off-site. The mean velocity of stream flow at the downstream end of the site after fill may not exceed the mean velocity of the stream flow under existing conditions.~~

~~————— (3) The effects of the existing and proposed public and private improvements will be used in determining water surface elevations and velocities.~~

~~————— (4) The FP area may be altered only to the extent permitted by equal conveyance reduction on both sides of the natural channel. The following valley storage requirements apply to all FP areas except those~~

~~governed by a city council-adopted management plan that contains valley storage regulations, in which event the valley storage regulations contained in the plan apply:~~

~~————— (A) Except as otherwise provided in Subparagraph (B):~~

~~————— (i) no loss of valley storage is permitted along a stream with a drainage area of three square miles or more;~~

~~————— (ii) valley storage losses along streams with a drainage area between 130 acres and three square miles may not exceed 15 percent, as calculated on a site by site basis; and~~

~~————— (iii) valley storage losses along streams with a drainage area of less than 130 acres is not limited. —————~~

~~————— (B) Hydrologic computations may be performed to evaluate basin-wide valley storage loss impacts on the design flood discharge. If the computations demonstrate that valley storage losses do not result in increases in the design flood discharge at any point downstream of the project, valley storage losses are permitted even though they exceed the limits provided in Subparagraph (A).~~

~~————— (5) An environmental impact study and a complete stream rehabilitation program must be approved before relocation or alteration of the natural channel or alteration of an environmentally significant area. The net environmental impacts of the proposal may not be negative. The environmental impact study must contain the following items:~~

~~————— (A) A description of the existing conditions of the site, adjacent properties, upstream and downstream creek sections for approximately 1,000 feet (unless conditions require additional information in the opinion of the director of Trinity watershed management), and creek and overbank areas. The description of these conditions must include:~~

~~(8) A copy of the approved fill permit must be posted and maintained at the fill site for inspection purposes until fill operations have been completed.~~

(9) After filling operations have been completed, the applicant shall submit a certification to the director of water utilities that proper fill elevations, compaction requirements, and all other specifications of the approved application have been followed. In addition, the applicant shall submit a copy of the letter of map revision (LOMR) issued by FEMA, if applicable.

(h) Engineering requirements for filling.

(1) Except for detention basins, alterations of the FP area may not increase the water surface elevation of the design flood of the creek upstream, downstream, or through the project area. Detention basins may increase the water surface elevation of the design flood provided the increase is within the detention basin's boundaries as approved by the director of water utilities.

(2) Alterations of the FP area may not create or increase an erosive water velocity on or off-site. The mean velocity of stream flow at the downstream end of the site after fill may not exceed the mean velocity of the stream flow under existing conditions.

(3) The effects of the existing and proposed public and private improvements will be used in determining water surface elevations and velocities.

(4) The FP area may be altered only to the extent permitted by equal conveyance reduction on both sides of the natural channel. The following valley storage requirements apply to all FP areas except those governed by a city council-adopted management plan that contains valley storage regulations, in which event the valley storage regulations contained in the plan apply:

(A) Except as otherwise provided in Subparagraph (B):

(i) no loss of valley storage is permitted along a stream with a drainage area of three square miles or more;

(ii) valley storage losses along streams with a drainage area between 130 acres and three square miles may not exceed 15 percent, as calculated on a site by site basis; and

(iii) valley storage losses along streams with a drainage area of less than 130 acres is not limited.

(B) Hydrologic computations may be performed to evaluate basin-wide valley storage loss impacts on the design flood discharge. If the computations demonstrate that valley storage losses do not result in increases in the design flood discharge at any point downstream of the project, valley storage losses are permitted even though they exceed the limits provided in Subparagraph (A).

(5) An environmental impact study and a complete stream rehabilitation program must be approved before relocation or alteration of the natural channel or alteration of an environmentally significant area. The net environmental impacts of the proposal may not be negative. The environmental impact study must contain the following items.

(A) A description of the existing conditions of the site, adjacent properties, upstream and downstream creek sections for approximately 1,000 feet (unless conditions require additional information in the opinion of the director of water utilities), and creek and overbank areas. The description of these conditions must include:

~~_____ (i) the characterization of creek features such as bed quality and material, pool-riffle sequences, natural ground water, springs, seeps, magnitude and continuity of flow, water quality (including biological oxygen demand, dissolved oxygen, and nutrient loadings), bank quality and material, vegetative cover and patterns, bank erosion, topographic relief, disturbances to the natural character of the creek, animal and aquatic life, and the extent and character of wetland areas; and~~

~~_____ (ii) soil types and land uses of the site and surrounding area.~~

~~_____ (B) A description of the proposed project. This description must include:~~

~~_____ (i) the intended ultimate use of the site, or if that is not known, a description of the interim site plan, including construction access;~~

~~_____ (ii) reasons why the creek or flood plain alteration is necessary; and~~

~~_____ (iii) a site plan showing the flood plain and construction access necessary to perform the work.~~

~~_____ (C) A description of at least three possible ways of handling the creek and flood plain, including:~~

~~_____ (i) an alternative that assumes the creek and flood plain are not changed;~~

~~_____ (ii) the applicant's proposed action; and~~

~~_____ (iii) alternatives proposed by the director of Trinity watershed management.~~

~~_____ (D) An identification of the impacts created by each alternative, describing in detail all of the positive and negative impacts upon the existing conditions described in Subparagraph (A), that would be created by each alternative.~~

~~_____ (E) A recommended course of action based upon evaluation of the alternatives.~~

~~_____ (F) Proposed strategies to mitigate adverse impacts. Examples of strategies include tree wells, temporary construction and permanent erosion and sedimentation controls, vegetative buffers, and replacement planting.~~

~~_____ (6) The toe of any fill slope must parallel the natural channel to prevent an unbalanced stream flow in the altered FP area.~~

~~_____ (7) To insure maximum accessibility to the FP area for maintenance and other purposes and to lessen the probability of slope erosion during periods of high water, maximum slopes of the filled area may not exceed four to one for 50 percent of the length of the fill and six to one for the remaining length of the fill. The slope of any excavated area may not exceed four to one unless the excavation is in rock. Vertical walls, terracing, and other slope treatments may be used provided no unbalancing of stream flow results and the slope treatment is approved as a part of a landscaping plan for the property.~~

~~_____ (8) The elevation of excavated areas in the FP area may not be lower than one-third of the depth of the natural channel, as measured from the adjacent bank, except for excavation of lakes. Excavation must be at least 50 feet from the bank of the natural channel, except as necessary to provide proper drainage. The excavated area may not exceed 25 percent of the total area of the tract's unfilled flood plain.~~

~~_____ (9) A landscape and erosion control plan must be submitted and approved. Landscaping must incorporate natural materials (such as earth, stone, and wood) on cut and filled slopes when possible. The definitions of Section 51A-10.101 of this chapter apply to this subsection. Except as otherwise provided, the preservation and mitigation requirements contained in the tree preservation regulations, Division 51A-10.130 of the Dallas Development Code, apply. Each landscape and erosion control plan must comply with the following criteria:~~

~~_____ (i) the characterization of creek features such as bed quality and material, pool-riffle sequences, natural ground water, springs, seeps, magnitude and continuity of flow, water quality~~

(including biological oxygen demand, dissolved oxygen, and nutrient loadings), bank quality and material, vegetative cover and patterns, bank erosion, topographic relief, disturbances to the natural character of the creek, animal and aquatic life, and the extent and character of wetland areas; and

(ii) soil types and land uses of the site and surrounding area.

(B) A description of the proposed project. This description must include:

(i) the intended ultimate use of the site, or if that is not known, a description of the interim site plan, including construction access;

(ii) reasons why the creek or flood plain alteration is necessary; and

(iii) a site plan showing the flood plain and construction access necessary to perform the work.

(C) A description of at least three possible ways of handling the creek and flood plain, including:

(i) an alternative that assumes the creek and flood plain are not changed;

(ii) the applicant's proposed action; and

(iii) alternatives proposed by the director of water utilities.

(D) An identification of the impacts created by each alternative, describing in detail all of the positive and negative impacts upon the existing conditions described in Subparagraph (A), that would be created by each alternative.

(E) A recommended course of action based upon evaluation of the alternatives.

(F) Proposed strategies to mitigate adverse impacts. Examples of strategies include tree wells, temporary construction and permanent erosion and sedimentation controls, vegetative buffers, and replacement planting.

(6) The toe of any fill slope must parallel the

natural channel to prevent an unbalanced stream flow in the altered FP area.

(7) To insure maximum accessibility to the FP area for maintenance and other purposes and to lessen the probability of slope erosion during periods of high water, maximum slopes of the filled area may not exceed four to one for 50 percent of the length of the fill and six to one for the remaining length of the fill. The slope of any excavated area may not exceed four to one unless the excavation is in rock. Vertical walls, terracing, and other slope treatments may be used provided no unbalancing of stream flow results and the slope treatment is approved as a part of a landscaping plan for the property.

(8) The elevation of excavated areas in the FP area may not be lower than one-third of the depth of the natural channel, as measured from the adjacent bank, except for excavation of lakes. Excavation must be at least 50 feet from the bank of the natural channel, except as necessary to provide proper drainage. The excavated area may not exceed 25 percent of the total area of the tract's unfilled flood plain.

(9) A landscape and erosion control plan must be submitted and approved. Landscaping must incorporate natural materials (such as earth, stone, and wood) on cut and filled slopes when possible. The definitions of Section 51A-10.101 of this chapter apply to this subsection. Except as otherwise provided, the preservation and mitigation requirements contained in the tree preservation regulations, Division 51A-10.130 of the Dallas Development Code, apply. Each landscape and erosion control plan must comply with the following criteria:

~~————— (A) The size, type, and location of all trees within the existing flood plain that are six-inch caliper and larger must be shown. The plans must indicate which of the trees are to be preserved and which will be lost due to development activities in the flood plain.~~

~~————— (B) Trees must be protected if they are more than six inches in caliper and located in sloped areas of flood plain fill with a depth of four feet or less. If trees are protected by tree wells, the wells must be at or beyond the drip line of the tree and must provide positive drainage. A well may not exceed four feet in depth unless designed and certified by a registered landscape architect. Tree wells are required if either of the following conditions occur at the base of a tree to be protected:~~

~~————— (i) a fill of greater than six inches;
or~~

~~————— (ii) a cut greater than six inches.~~

~~————— (C) The size, type, and location of all proposed replacement trees to mitigate the loss of existing trees must be shown. The tree types must be selected in accordance with the provisions of Section 51A-10.134 and must be approved by the city arborist as suitable for use under local climate and soil conditions.~~

~~————— (D) Where a swale is proposed, tree replacement is required for the loss of existing trees with a six-inch caliper or greater located within the proposed swale. The applicant must indicate replacement of either 35 percent of the number of trees displaced, or the minimum number of trees necessary to provide a spacing equivalent to 50 feet on-center, whichever is less. At least 50 percent of the replacement trees must have a caliper of at least six inches. The remainder of the trees must have a caliper of at least three inches.~~

~~————— (E) The specific plant materials proposed to protect fill and excavated slopes must be indicated. Plant materials must be suitable for use~~

~~under local climate and soil conditions. In general, hydroseeding or sodding Bermuda grass is acceptable during the summer months (May 1st to August 30th). Winter rye or fescue grass may be planted during times other than the summer months as a temporary measure until such time as the permanent planting can be accomplished.~~

~~————— (F) The proposed methods of erosion and sedimentation control, such as hay bales and sedimentation basins, to be used during construction must be shown in detail.~~

~~————— (G) The fill case applicant, current owners, and subsequent owners must maintain and assure the survival of all planted material until the property is developed and a permanent maintenance plan of record is established. Maintenance responsibility must be reflected in the submitted plans or supporting documents.~~

~~————— (10) Any alteration of the FP area necessary to obtain a removal of an FP prefix may not cause any additional expense in any current or projected public improvements.~~

~~————— (i) Special criteria for the Trinity and the Elm Fork. If the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of the Trinity River, Five Mile Creek - confluence to Bonnie View Road, White Rock Creek - confluence to Scylene Road, or the regulatory floodways established by FEMA, the following requirements must be met:~~

~~————— (A) Encroachment into the floodway is prohibited unless FEMA issues a conditional Letter of Map Revision.~~

~~————— (B) Fill elevations and first floor elevations in flood plain areas located along the Elm Fork, West Fork or main stem of the Trinity River that would be protected from inundation by the 100-year or greater flood by a federally authorized flood control project must be constructed at a minimum elevation of one foot above the design flood. The parking requirements in Section 51A-5.104(b)(4) do not apply.~~

(A) The size, type, and location of all trees within the existing flood plain that are six-inch caliper and larger must be shown. The plans must

indicate which of the trees are to be preserved and which will be lost due to development activities in the flood plain.

(B) Trees must be protected if they are more than six-inches in caliper and located in sloped areas of flood plain fill with a depth of four feet or less. If trees are protected by tree wells, the wells must be at or beyond the drip line of the tree and must provide positive drainage. A well may not exceed four feet in depth unless designed and certified by a registered landscape architect. Tree wells are required if either of the following conditions occur at the base of a tree to be protected:

(i) a fill of greater than six inches;

or

(ii) a cut greater than six inches.

(C) The size, type, and location of all proposed replacement trees to mitigate the loss of existing trees must be shown. The tree types must be selected in accordance with the provisions of Section 51A-10.134 and must be approved by the city arborist as suitable for use under local climate and soil conditions.

(D) Where a swale is proposed, tree replacement is required for the loss of existing trees with a six-inch caliper or greater located within the proposed swale. The applicant must indicate replacement of either 35 percent of the number of trees displaced, or the minimum number of trees necessary to provide a spacing equivalent to 50 feet on center, whichever is less. At least 50 percent of the replacement trees must have a caliper of at least six inches. The remainder of the trees must have a caliper of at least three inches.

(E) The specific plant materials proposed to protect fill and excavated slopes must be indicated. Plant materials must be suitable for use under local climate and soil conditions. In general, hydroseeding or sodding Bermuda grass is acceptable during the summer months (May 1st to August 30th). Winter rye or fescue grass may be planted during times other than the summer months as a temporary measure until such time as the permanent planting can be accomplished.

(F) The proposed methods of erosion and sedimentation control, such as hay bales and

sedimentation basins, to be used during construction must be shown in detail.

(G) The fill case applicant, current owners, and subsequent owners must maintain and assure the survival of all planted material until the property is developed and a permanent maintenance plan of record is established. Maintenance responsibility must be reflected in the submitted plans or supporting documents.

(10) Any alteration of the FP area necessary to obtain a removal of an FP prefix may not cause any additional expense in any current or projected public improvements.

(i) Special criteria for the Trinity and the Elm Fork. If the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of the Trinity River, Five Mile Creek - confluence to Bonnie View Road, White Rock Creek - confluence to Scyene Road, or the regulatory floodways established by FEMA, the following requirements must be met:

(A) Encroachment into the floodway is prohibited unless FEMA issues a conditional Letter of Map Revision.

(B) Fill elevations and first floor elevations in flood plain areas located along the Elm Fork, West Fork or main stem of the Trinity River that would be protected from inundation by the 100-year or greater flood by a federally authorized flood control project must be constructed at a minimum elevation of one foot above the design flood. The parking requirements in Section 51A-5.104(b)(4) do not apply.

~~(j) Term of permit validity and extension procedures.~~

~~(A) Permits issued after October 11, 1996. A fill permit is valid for a five-year time period from the date of issuance. The fill permit automatically terminates if the filling operations have not been completed within the five-year time period. The director of Trinity watershed management may grant a one-time extension of a fill permit for an additional three-year time period upon receipt of a written request made at least 30 days before the expiration of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.~~

~~(B) Permits issued before October 11, 1996. Fill permits issued before October 11, 1996, shall expire on December 31, 2001. The director of Trinity watershed management shall notify owners of fill permits governed by this paragraph that:~~

~~(i) filling must be completed no later than December 31, 2001; and~~

~~(ii) a one-time extension of the permit for an additional three-year time period may be granted by the director of Trinity watershed management upon receipt of a written request made at least 30 days before the expiration date of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.~~

~~(C) New permit required upon expiration. When a fill permit terminates, the applicant must apply for a new permit before filling the property. The new application must comply with the flood plain regulations that are in effect at the time that the request is considered by the city council.~~

~~(D) Presumption of completion. Filling operations are deemed completed when the applicant submits:~~

~~(i) a certification to the director of Trinity watershed management that proper fill elevations have been achieved and the specifications of the approved application have been followed; and~~

~~(ii) a letter of map revision from FEMA, if applicable.~~

(j) Term of permit validity and extension procedures.

(A) Permits issued after October 11, 1996. A fill permit is valid for a five-year time period from the date of issuance. The fill permit automatically terminates if the filling operations have not been completed within the five-year time period. The director of water utilities may grant a one-time extension of a fill permit for an additional three-year time period upon receipt of a written request made at least 30 days before the expiration of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.

(B) Permits issued before October 11, 1996. Fill permits issued before October 11, 1996, shall expire on December 31, 2001. The director of water utilities shall notify owners of fill permits governed by this paragraph that:

(i) filling must be completed no later than December 31, 2001; and

(ii) a one-time extension of the permit for an additional three-year time period may be granted by the director of water utilities upon receipt of a written request made at least 30 days before the expiration date of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.

(C) New permit required upon expiration. When a fill permit terminates, the applicant must apply for a new permit before filling the property. The new application must comply with the flood plain regulations that are in effect at the time that the request is considered by the city council.

(D) Presumption of completion. Filling operations are deemed completed when the applicant submits:

(i) a certification to the director of water utilities that proper fill elevations have been achieved and the specifications of the approved application have been followed; and

(ii) a letter of map revision from FEMA, if applicable. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 27697; 27893; 28424; 29478, ~~eff. 10/1/14~~; 30994)

SEC. 51A-5.106. SETBACK FROM NATURAL CHANNEL REQUIRED.

(a) For purposes of this section:

(1) NATURAL CHANNEL SETBACK LINE means that setback line described below located the farther beyond the crest:

(A) That line formed by the intersection of the surface of the land and the vertical plane located a horizontal distance of 20 feet beyond the crest.

(B) That line formed by the intersection of the surface of the land beyond the crest and a plane passing through the toe and extending upward and outward from the channel at the designated slope. For purposes of this paragraph, the designated slope is:

(i) four to one if the channel contains clay or shale soil; and

(ii) three to one in all other cases.

(2) CREST means that line at the top of the bank where the slope becomes less than four to one.

(3) TOE means that line at the bottom of the bank where the slope becomes less than four to one.

(b) Except as otherwise provided in Subsection (c), all structures must be located behind the natural channel setback line.

(c) A structurally engineered retention system approved by the director may be substituted for the setback required in Subsection (b). (Ord. Nos. 19786; 24085; 25047; 28073)

SEC. 51A-5.107. TRINITY RIVER CORRIDOR DEVELOPMENT CERTIFICATE PROCESS.

(a) Definitions. In this section:

(1) CORRIDOR DEVELOPMENT CERTIFICATE (CDC) MANUAL means the manual by that title dated January 31, 1992, or its latest revision, which is attached to this ordinance and kept on file in the office of the city secretary.

(2) FLOOD PLAIN ALTERATION means any construction of buildings or other structures, mining, dredging, filling, grading, or excavation in the floodplain.

(3) TRINITY RIVER CORRIDOR means the portion of the flood plain of the West Fork, Elm Fork, and mainstream segments of the Trinity River flood plain within the Dallas city limits, as delineated on the latest CDC Regulatory Map.

~~(b) Certificate required. A person commits an offense if he makes any flood plain alteration within the Trinity River Corridor without first obtaining a corridor development certificate from the director of Trinity watershed management. It is a defense to prosecution that an exemption or variance has been obtained in accordance with CDC criteria.~~

(b) Certificate required. A person commits an offense if he makes any flood plain alteration within the Trinity River Corridor without first obtaining a corridor development certificate from the director of water utilities. It is a defense to prosecution that an exemption or variance has been obtained in accordance with CDC criteria.

~~(c) Application. An application for a corridor development certificate must be filed with the director of Trinity watershed management on a form furnished by the department of Trinity watershed management.~~

(c) Application. An application for a corridor development certificate must be filed with the director of water utilities on a form furnished by the department of water utilities.

~~(d) Review. The director of Trinity watershed management shall deny an application for a certificate unless it complies with the standards contained in the~~

~~CDC Manual or unless an exemption from or variance to those standards is obtained in accordance with Subsection (e) of this section.~~

(d) Review. The director of water utilities shall deny an application for a certificate unless it complies with the standards contained in the CDC Manual or unless an exemption from or a variance to those standards is obtained in accordance with Subsection (e).

(e) Exemptions and variances.

(1) Exemptions.

(A) An exemption from the requirements of this section may be obtained if the floodplain alteration involves the following activities:

(i) Ordinary maintenance of and repair to flood control structures.

(ii) The construction of outfall structures and associated intake structures if the outfall has been permitted under state or federal law.

(iii) Discharge of material for backfill or bedding for utility lines, provided there is no significant change in pre-existing bottom contours and excess materials are removed to an upland disposal area.

(iv) Bank stabilization.

(v) Any project listed in the U.S. Army Corps of Engineers March 1990 Reconnaissance Report, which is attached as Appendix A to the CDC Manual, or any project approved under the provisions of this division, provided the approval, permit, or authorization has not expired and no significant changes have occurred since the approval, permit, or authorization was issued.

~~(B) Application for an exemption must be made to the director of Trinity watershed management on a form provided by the department of Trinity watershed management.~~

(B) Application for an exemption must be made to the director of water utilities on a form provided by the department of water utilities.

~~(C) If the director of Trinity watershed management determines that an application for an exemption falls within one of the categories listed in Paragraph (1), the director shall issue a written~~

~~exemption from the requirements of this section.~~

(C) If the director of water utilities determines that an application for an exemption falls within one of the categories listed in Paragraph (1), the director shall issue a written exemption from the requirements of this section.

~~(2) Variances. If the director of Trinity watershed management determines that the application for a corridor development certificate does not comply with all of the standards contained in the CDC Manual, the applicant may apply for a variance to any standard contained in the manual. An application for a variance must be made to the director of Trinity watershed management, who shall schedule the application for consideration by the city council.~~

(2) Variances. If the director of water utilities determines that the application for a corridor development certificate does not comply with all of the standards contained in the CDC Manual, the applicant may apply for a variance to any standard contained in the manual. An application for a variance must be made to the director of water utilities, who shall schedule the application for consideration by the city council. (Ord. Nos. 21636; 24085; 27697; 30994)

Division 51A-5.200. Escarpment Regulations.

SEC. 51A-5.201. DEFINITIONS.

In this division, unless the context clearly indicates otherwise:

(1) BEST MANAGEMENT PRACTICES means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) CHALK ZONE means the lower chalk member of the Austin chalk formation overlying the Eagle Ford shale formation. The chalk zone consists primarily of a chalk limestone with minor seams of shale and bentonite clays.

(3) CREST means that line above the escarpment line where the slope becomes less than 4:1.

(4) ESCARPMENT AREA REVIEW COMMITTEE means the committee described in Section 51A-5.209 of this chapter.

(5) ESCARPMENT FACE means that portion of the escarpment zone between the crest and the toe.

(6) ESCARPMENT LINE means that line formed by the intersection of the plane of the stratigraphic contact between the Austin chalk and the Eagle Ford shale formations and the surface of the land.

(7) ESCARPMENT ZONE means that corridor of real property south of Interstate Highway 30 between the following described vertical planes:

(A) On the crest side of the escarpment line and measuring horizontally from that line, the vertical

to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

~~———— (1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.~~

(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting must include:

(i) the date, time, and location of the public meeting;

(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance

that the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239; 30654; 30994)

(D) be a trailer sign with changeable copy; or

(E) contain flashing or blinking lights. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1109. SIGN PERMIT REQUIREMENT.

Pursuant to the authority of Section 51A-7.503 of this article, the sign permit requirements for signs in the Uptown Sign District are expressly modified as follows:

(a) A person shall not alter, place, maintain, expand, or remove a sign in the Uptown Sign District without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in the Uptown Sign District.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued.

(d) The erection of signs within the public right-of-way, as specified herein, is permitted if the owner of the land as well as the owner of the improvements agree in writing, prior to the issuance of a permit, that the signs will be removed at no expense to the city upon notice from the city that the street is to be widened or the license with the city is terminated or expires, whichever occurs first. (Ord. Nos. 19649; 20037)

Division 51A-7.1200. Provisions for Arts District Sign District.

SEC. 51A-7.1201. DESIGNATION OF ARTS DISTRICT SIGN DISTRICT.

~~—(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~—(b) Subdistrict A is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~—(c) Subdistrict B is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict B is the area bounded by Woodall Rodgers Freeway to the northwest, Crockett Street to the northeast, Munger Avenue to the southeast, and Pearl Street to the southwest, and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~—(d) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a).~~

(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(b) Subdistrict A is hereby created within the

Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(c) Subdistrict B is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict B is the area bounded by Woodall Rodgers Freeway to the northwest, Crockett Street to the northeast, Munger Avenue to the southeast, and Pearl Street to the southwest, and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(d) Subdistrict C is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict C is the area bounded by Flora Street to the northwest, Olive Street to the northeast, Ross Avenue to the southeast, and Harwood Street to the southwest, and more particularly described in Exhibit A attached to Ordinance No. 31079, passed by the Dallas City Council on December 12, 2018.

(e) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a). (Ord. Nos. 20345; 28471; 30731; 31079)

(8) CANOPY means a permanent non-fabric architectural element projecting from the face of a building.

(9) CANOPY FASCIA SIGN means a sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.

(10) CBD STREETScape PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(11) CHARACTER means a symbol, as a letter or number, that represents information.

(12) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(13) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.

(14) CULTURAL INSTITUTION DIGITAL SIGN means a monument sign with a digital display that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theatre group that uses that cultural institution.

(15) CULTURAL INSTITUTION IDENTIFICATION SIGN means a premise sign that identifies the cultural institution or the primary arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(16) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(17) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(18) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).

(19) FREESTANDING IDENTIFICATION SIGN means a monument sign that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(20) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(21) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(22) INSTITUTIONAL MOVEMENT INFORMATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

~~—————(23) INTEGRATED SIGN means a premise sign within Subdistrict A or Subdistrict B that is integrated into the design of the building and may be a monument sign.~~

(23) INTEGRATED SIGN means a premise sign within Subdistrict A, Subdistrict B, or Subdistrict C that is integrated into the design of the building and may be a monument sign.

(24) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.

(25) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(26) MONUMENT SIGN means a detached sign applied directly onto a grade level support structure (instead of a pole support) with no separation between the sign and grade.

(27) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.

(28) PREMISE means the entire Arts District Sign District land area as defined in 51A-7.1201(a).

(29) PRIVATE SIGNS means those signs that are not "public signs" as defined in this section.

(30) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.

(31) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.

(32) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques as defined in this section.

~~———— (33) RESTAURANT/RETAIL IDENTITY SIGN means an attached premise sign located on a building in Subdistrict B that has a restaurant, retail, or personal service use located on the ground floor and that identifies that specific restaurant, retail, or personal service tenant.~~

(33) RESTAURANT/RETAIL IDENTITY SIGN means an attached premise sign located on a building in Subdistrict B or Subdistrict C that has a restaurant, retail, or personal service use located on the ground floor and that identifies that specific restaurant, retail, or personal service tenant.

(34) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 17710, as amended).

(35) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(36) SPONSORSHIP CONTENT means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.

(37) TENANT IDENTITY SIGN means an attached premise sign within Subdistrict A or Subdistrict B located on a building that is primarily used for office uses that identifies a specific office tenant.

(38) THIS DISTRICT means the Arts District Sign District.

(39) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079)

SEC. 51A-7.1204. ARTS DISTRICT SIGN PERMIT REQUIREMENT.

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:

- (1) governmental traffic signs; and
- (2) promotional signs other than banners.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

SEC. 51A-7.1205. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

(c) ~~Except in Subdistrict A and Subdistrict B, no sign may obscure a window or a significant architectural element of a building.~~ **Except in Subdistrict A, Subdistrict B, and Subdistrict C, no sign may obscure a window or a significant architectural element of a building.**

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

(i) No signs may be illuminated by an independent external light source.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Banners are only allowed as promotional signs. (Ord. Nos. 20345; 28471; 30731; **31079**)

SEC. 51A-7.1205.1. OPERATIONAL REQUIREMENTS FOR SIGNS WITH DIGITAL DISPLAYS.

(a) Display. All signs with digital display:

(1) must contain a default mechanism that freezes the image in one position in case of a malfunction;

(2) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(A) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(B) the dimming level, multiplied by .0039 equals the brightness level; then

(C) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

32768	=ambient
<u>+ 256</u>	
128	=dimming level
<u>x .0039</u>	
.4992	=brightness level
x 9000	=(maximum brightness of the example sign)
4492.8	=allowed brightness in nits;

(3) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(2) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.

(3) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(4) The backs of these signs must be white in color.

(c) Institutional movement information signs.

(1) This subsection applies only to institutional movement information signs as defined in Section 51A-7.1203.

(2) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(3) The backs of these signs must be white in color and incorporate the Arts District official logo.

(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District.

(e) Promotional signs.

(1) This subsection applies only to promotional signs as defined in Section 51A-7.1203.

(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other signs must be affixed to city-franchised kiosks.

(4) No sign other than a banner may be larger than 30 inches by 40 inches.

(5) No sign may be permanent in nature. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended. (Ord. 20345)

SEC. 51A-7.1207. ATTACHED PRIVATE SIGNS.

(a) In general.

~~—————(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A and Subdistrict B. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing tenant identity and restaurant/retail identity signs within Subdistrict B, see Section 51A-7.1214.2.~~

(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A, Subdistrict B, and Subdistrict C. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing tenant identity and restaurant/retail identity signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing restaurant/retail identity signs within Subdistrict C, see Section 51A-7.1214.3.

(2) These signs are only allowed on

(2) No character on these signs may exceed 12 inches in height.

(3) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:

<u>Window Location</u>	<u>Maximum Window Coverage Allowed</u>
First Story	8 sq. ft. or 15 percent, whichever is less
Second Story	10 sq. ft. or 20 percent, whichever is less
Third Story	12 sq. ft. or 25 percent, whichever is less

(4) No establishment may have more than four window signs.

(5) Hanging neon signs are allowed if their transformers are concealed from normal view.

(6) Opaque painted backgrounds on windows are prohibited. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079)

SEC. 51A-7.1208. DETACHED PRIVATE SIGNS.

(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district. This provision does not apply to:

(1) sponsorship messages on canopy fascia signs, cultural institution digital signs, and freestanding identification signs; or

(2) non-premise messages allowed on construction barricade signs.

(b) Detached premise signs.

~~(1) This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural~~

~~institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A and Subdistrict B. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs, see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing integrated signs within Subdistrict B, see Section 51A-7.1214.2.~~

(1) This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A, Subdistrict B, and Subdistrict C. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs, see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing integrated signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing integrated signs within Subdistrict C, see Section 51A-7.1214.3.

(2) No detached premise sign may exceed 20 square feet in effective area.

(3) Each premise may have no more than one sign on each blockface.

(4) The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.

(5) No sign may exceed 13 feet 6 inches in height.

(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.

(7) No sign may move or rotate.

(8) No sign may be more than 12 inches thick.

(9) No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079)

(5) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(d) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be a monument sign.

(3) This sign may be located at the building line.

(4) This sign may be located within five feet of a public right-of-way. This sign must be located on Pearl Street a minimum of 15 feet from Woodall Rodgers Freeway and 100 feet from Munger Avenue.

(5) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(6) The maximum effective area for the sign is 175 square feet. Tenant names are limited to a maximum effective area of 60 square feet. The portion of the sign that contains the address and that does not contain tenant names must have a clear or transparent appearance.

(7) All elements of an integrated sign must be a consistent color and materials to the building. (Ord. 30731)

SEC. 51A-7.1214.3.

SUBDISTRICT C.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Ross Avenue facade.

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may blink, flash, or change its brightness.

(3) The maximum effective area for a restaurant/retail identity sign is 50 square feet.

(4) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(5) Restaurant/retail identity signs may be located on or behind glass facades.

(c) Building identification sign.

(1) In this subdistrict, a building identification sign includes a sign that is part of a landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(2) The maximum effective area for a building identification sign is 40 square feet.

(3) One building identification sign may be located on Ross Avenue a minimum of 10 feet from Olive Street and 290 feet from Harwood Street.

(4) A building identification sign may be located within five feet of a public right-of-way.

(d) Integrated sign.

(1) A maximum of two integrated signs are permitted.

(A) One integrated sign must be located on Ross Avenue a minimum of 10 feet from Olive Street and 260 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 40 square feet.

(B) One integrated sign that may only identify the building must be located on Ross Avenue a minimum of 280 feet from Olive Street and 20 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 30 square feet.

(2) An integrated sign may be located within five feet of a public right-of-way.

(3) A single contiguous sign, able to be viewed from more than one street, is considered one integrated sign.

(4) The maximum height for an integrated sign is eight feet, measured from the bottom of the sign face to the top of the sign face.

(5) The characters on an integrated sign must be a minimum of four inches in height.

(6) All integrated signs must have consistent color, materials, and fonts. (Ord. 31079)

**SEC. 51A-7.1215. APPLICATION OF
HIGHWAY
BEAUTIFICATION ACTS.**

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zone. (Ord. 28071)

storm water runoff drainage onto, through, and originating within the subdivision. No final plat release may be issued until proper provision has been made for drainage.

~~————— (2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public's health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of Trinity watershed management as set forth in the Drainage Design Manual of the department of Trinity watershed management. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.~~

(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public's health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of water utilities as set forth in the Drainage Design Manual of the department of water utilities. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.

~~————— (3) Public drainage systems are those systems which serve more than one lot or tract, excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of Trinity watershed management.~~

(3) Public drainage systems are those systems which serve more than one lot or tract,

excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of water utilities requirements.

(4) The city owns and maintains public systems that have been constructed and accepted pursuant to Section 51A-8.612.

~~————— (5) All storm drainage facilities must be designed and constructed to safely drain a 100-year storm as outlined in the Drainage Design Manual of the department of Trinity watershed management. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the department of Trinity watershed management are met.~~

(5) All storm drainage facilities must be designed and constructed to safely drain a 100-year storm as outlined in the Drainage Design Manual of the department of water utilities. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the department of water utilities are met.

sedimentation of soils during and after construction. The owner is responsible for maintenance of erosion and sedimentation control measures during development and shall remove sediment from city right-of-way or storm drainage systems that occurs during the construction phase. Revegetation of the disturbed area is required as a part of the approved erosion control plan.

(c) Detention.

(1) Detention facilities required in this subsection must be designed to provide detention for the 100-year frequency storm with dual outlet control structures designed for 5-year and 100-year storms. Dual outlet design provides control of peak rates for more frequent storms, thus reducing chances of flooding and erosion downstream. Detention must be provided in the following instances:

(A) The property to be platted is in or drains through the escarpment zone or a geologically similar area as defined in Division 51A-5.200 of this chapter.

(B) The development of the platted area results in an increase to the existing rate of runoff due to a rezoning of the platted area that allows higher density. Detention will not be required if:

(i) the rezoned area is in the redeveloped area and there is no increase in impermeable surface; or

(ii) the change in zoning results in less than a 20 percent increase in the runoff, and the area rezoned is less than 3 acres, or an adequate outfall exists to handle the developed discharge.

(C) The proposed development does not have adequate outfall to carry the 100-year flood without damaging property downstream, or the owner of downstream property refuses to provide the needed easements to the city. Detention will not be required under this subparagraph if the owner funds and

constructs the storm drainage system to provide a 100-year runoff carrying capacity.

(D) The property to be platted contributes to the storm drainage of a neighboring municipality having detention requirements, provided there are written agreements with the neighboring municipalities.

~~—————(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the department of Trinity watershed management.~~

(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the department of water utilities.

(3) Detention area easements must be dedicated on the plat when detention facilities are on-site, and dedicated by a separate instrument when detention facilities are off-site.

(4) Each adjoining property owner and his successors and assigns shall be responsible for simple, routine maintenance of the detention area easement. The city of Dallas is responsible for any major maintenance and repair work necessary for the public safety and welfare.

~~—————(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of Trinity watershed management.~~

(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of water utilities.

~~—————(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a 100-year storm, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a 100-year storm of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of Trinity watershed management when the proposed development does not increase the stormwater drainage from the property and the~~

~~director determines that the drainage system is not necessary to preserve public health or safety.~~

(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a 100-year storm, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a 100-year storm of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of water utilities when the proposed development does not increase the stormwater drainage from the property and the director determines that the drainage system is not necessary to preserve public health or safety.

(7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of sustainable development and construction provided there is a written agreement in effect at the time.

(8) The dual outlet control is not required in the design of the detention basin when the proposed outfall is onto an erosion protected surface that is no less than 100 feet from the outfall.

(9) When development of the property downstream results in the construction of facilities designed to accommodate the 100-year storm, and the detention facilities upstream are no longer necessary, the detention facilities may be abandoned and the land reclaimed for other purposes.

(d) Floodways.

~~(1) Generally. Floodways must be provided in accordance with the recommendation of the director of Trinity watershed management and the requirements of the commission to accommodate the 100-year storm drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways.~~

(1) Generally. Floodways must be provided in accordance with the recommendation of the director of water utilities and the requirements of the commission to accommodate the 100-year storm drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways.

(2) Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as an easement to prevent obstructions of floodway capacity in a flood plain. Except as provided in Paragraph (3), a floodway easement is required for any portion of a property that is within a flood plain.

(B) A 15-foot wide floodway access easement from a publicly dedicated right-of-way may

be required and may extend along a creek, parallel to the top of the bank to inspect or maintain a floodway easement.

(C) The owner of a lot that includes a floodway easement is liable for floodway easement maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

~~—————(D) Unless approved by the directors of sustainable development and construction and Trinity watershed management in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.~~

(D) Unless approved by the directors of sustainable development and construction and water utilities in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.

(E) Common areas, such as in a CUD, may be located within floodway easements. Before the release of a final plat, access to the common area must be shown on the plat and a permanent maintenance plan must be approved as to form by the city for a common area within a floodway easement. Owners of a common area within a floodway easement are jointly and severally liable for the floodway easement common area maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

~~—————(F) For purposes of this subsection, "maintenance" means removing any object or condition that, as determined by the director of Trinity watershed management, impedes the free flow of water. Maintenance includes:~~

~~—————(i) keeping the floodway easement free from any structures;~~

~~—————(ii) removing debris;~~

~~—————(iii) desilting lakes, ponds, and detention areas; and~~

~~—————(iv) controlling the growth of vegetation.~~

(F) For purposes of this subsection, "maintenance" means removing any object or condition that, as determined by the director of water utilities, impedes the free flow of water. Maintenance includes:

(i) keeping the floodway easement free from any structures;

(ii) removing debris;

(iii) desilting lakes, ponds, and detention areas; and

(iv) controlling the growth of vegetation.

(G) The city retains the right, but not the obligation, to enter onto the floodway easement to inspect or maintain the easement. If the floodway

easement is not maintained in compliance with this subsection, the city has the right, but not the obligation, to put the floodway easement in compliance with this subsection. The owner of the floodway easement must pay the city for maintenance work performed within 180 days after the date of presentation of the bill. If a bill is not paid by the owners when due, the city shall file a lien statement that includes expenses assessed, the name of the owner, if known, and the legal description of the lot with the county clerk of the county where the lot is located.

(3) Floodway management areas.

(A) Floodway management areas are drainage areas dedicated to the city in fee simple to prevent obstructions of floodway capacity in a flood plain. All floodways not dedicated as a floodway management area must be dedicated as a floodway easement.

~~—————(B) If any portion of the subject property is (1) within a flood plain and (2) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvement in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the park and recreation board or city council, the directors of Trinity watershed management, sustainable development and construction, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property for a floodway management area before a final plat is approved. The property owner is encouraged, but not required, to donate the floodway management area to the city.~~

(B) If any portion of the subject property is (1) within a flood plain and (2) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvement in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the park and recreation board or city council, the directors of water utilities, sustainable development and construction, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property for a floodway management area before a

final plat is approved. The property owner is encouraged, but not required, to donate the floodway management areas to the city.

(C) If the applicant donates or commits to sell that portion of the property to the city, the applicant must designate that portion as a dedication or reservation on the plat. Upon acquisition of the property, the city maintains the floodway management area.

(D) The area for each floodway management area must be identified on the plat in square feet or in acres.

(E) No lot may extend into a floodway management area.

(e) Lot to lot drainage. Each lot must be drained to an abutting street or alley unless the director of sustainable development and construction determines that drainage to a street or alley is infeasible. If the director of sustainable development and construction determines that street alley drainage is not feasible, drainage may be provided as follows:

(1) If no more than the rear 15 feet of a lot drains toward the rear lot line, a well-pronounced swale must be provided as approved by the director of sustainable development and construction.

(2) If more than the rear 15 feet of a lot drains toward the rear lot line, a paved invert in a common area or a drainage easement is required. In order to accommodate the 100-year storm, an enclosed drainage system with inlets may be designed. Each portion of the system that drains one lot must be a private system. Each portion of the system that drains more than one lot must be a public system within an easement. (Ord. Nos. 20092; 23384; 25047; 27333; 27572; 27697; 30994)

SEC. 51A-8.612. PRIVATE DEVELOPMENT CONTRACTS.

(a) Generally. Once the infrastructure plans and apportionment determination have been approved, but before the final release of a plat or approval of a zoning district classification or boundary change requiring an exaction, private development contracts must be executed by the chief engineer for sustainable development and construction to build the proposed infrastructure facilities. Private development contracts for water and wastewater improvements, if needed,

Dallas Development Code: Ordinance No. 19455, as amended

Division 51A-9.500. Ceremonial Street Naming.

SEC. 51A-9.501. PURPOSE.

The purpose of this division is to commemorate individuals who have made significant contributions to the community, but without causing any disruption of the existing street names and abutting uses. (Ord. 31040)

SEC. 51A-9.502. GENERAL PROVISIONS.

(a) Only public streets may be granted ceremonial street naming by the process contained in this division.

(b) A ceremonial street naming application may only be initiated by:

(1) an owner of property abutting the portion of the street to receive the ceremonial street naming if the property owner submits a petition showing 51 percent of the owners of all abutting lots of that portion of the street are in support of the ceremonial street name; or

(2) a city council member with concurrence of two other council members.

(c) Ceremonial street names must be a person's name. (Ord. 31040)

SEC. 51A-9.503. PROCESS.

(a) Application. An application for a ceremonial street naming must be filed with the department on an application form furnished by the director. The application must include the following:

(1) The application fee for an owner initiated ceremonial street naming.

(2) A statement of the reasons supporting a ceremonial street naming including a showing that the prospective honoree had a minimum of 10 years community involvement and demonstrated an extraordinary and consistent voluntary commitment

and dedication to the community, or has contributed significantly to City of Dallas.

(3) A map showing the location of the street and the portion of the street receiving the ceremonial street name.

(b) Notice.

(1) Prior to the public hearing before the city council, the director shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(2) Notice of the public hearing must be given to the abutting property owners not less than 15 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(3) Required notification signs must be posted along the street at least 15 days before the date of the hearing.

(c) Public hearing. The city council may approve the application based on the testimony presented at the public hearing and a determination that the application meets the ceremonial street naming criteria standards. The application may be approved by a majority vote of the members present, except the favorable vote of three-fourths of all members of the city council is required if a written protest against the ceremonial street naming has been signed by 20 percent of all abutting property owners.

(d) Early removal. The same application, notice, and hearing process must be followed to remove a ceremonial street name. (Ord. 31040)

SEC. 51A-9.504. STANDARDS FOR CEREMONIAL STREET NAMING.

(a) In general.

(1) Except as provided in this subsection:

(A) Prospective honorees must have had a minimum of 10 years community involvement and demonstrated an extraordinary and consistent voluntary commitment and dedication to the community, or have contributed significantly to the City of Dallas.

(B) Use of a ceremonial street naming is prohibited until at least two years after the death of the person to be honored.

(C) Individuals who have already been honored on one street, whether ceremonial or official, may not be honored on another street.

(2) The standards in this subsection may be waived by a three quarters vote of the city council.

(b) Additional standards.

(1) Ceremonial street naming cannot contain a product name or be used for a commercial purpose.

(2) Ceremonial street naming must be a person's name.

(3) A ceremonial street naming sign topper must have "In Honor of" as the top line.

(4) No portion of a street may have more than one ceremonial street name. (Ord. 31040)

SEC. 51A-9.505. NOTIFICATION OF CEREMONIAL STREET NAMING.

If the request for a ceremonial street naming is approved by the city council, the subdivision administrator shall send written notice of the city council's action to abutting property owners. (Ord. 31040)

SEC. 51A-9.506. EFFECTIVE DATE OF CEREMONIAL STREET NAME AND END DATE.

Providing that all required fees have been paid by

the applicant, a ceremonial street name approved by the city council takes effect 60 days after the date of its approval unless city council sets a later effective date. The ceremonial street name ends 10 years after the effective date. (Ord. 31040)

SEC. 51A-9.507. INSTALLATION AND REPLACEMENT.

(a) Installation. The director of the transportation department is responsible for the fabrication and installation of the ceremonial street name toppers.

(b) Removal. The department is not responsible for replacing ceremonial street naming toppers due to vandalism, theft, and normal wear and tear. The department may remove any ceremonial street name topper that has become unsightly without replacing it. (Ord. 31040)

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
30654	9-20-17	10-1-17	35	Amends 51-2.102(75)
			36	Amends 51-2.102(99.1)
			37	Amends 51-2.102(116.1)
30890	6-13-18		1	Amends 51-4.201(b)(1)(C)
			2	Amends 51-4.202(12)(C)
			3	Amends 51-4.213(12)(C)
			4	Amends 51-4.213(19)(C)
30894	6-13-18		1	Amends 51-4.217(b)(11)(F)
			2	Amends 51-4.217(b)(11)(H)
30895	6-13-18		1	Amends 51-4.401(a)(1)
			2	Amends 51-4.401(a)(4)
			3	Amends 51-4.402(a)
			4	Amends 51-4.402(b)(3)
			5	Amends 51-4.403(a)(4)
			6	Amends 51-4.403(b)(2)
			7	Amends 51-6.102(a)(5)
30930	6-27-18		1	Amends 51-4.201(b)(1)(E)
30931	6-27-18		1	Adds 51-4.509
30932	6-27-18		1	Amends 51-2.102(9)
			2	Adds 51-2.102(9.1)
			3	Amends 51-4.401(a)(6)
			4	Amends 51-4.401(b)(3)
			5	Amends 51-4.401(c)(4)(A)(i)
31040	11-14-18		1	Adds Div. 51-9.500
31041	11-14-18		1	Adds 51-4.217(b)(19)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
30929	6-27-18			Amends Ch. 51A, Art. X, 51A-10.101 thru 51A-10.140
30930	6-27-18		2	Amends 51A-4.209(b)(6)(E)
30931	6-27-18		2	Amends 51A-1.105(a)(4)
			3	Adds 51A-4.510
30932	6-27-18		6	Amends 51A-2.102(10)
			7	Adds 51A-2.102(10.1)
			8	Amends 51A-4.124(a)(8)(C)(i)(aa)
			9	Amends 51A-4.124(a)(9)(J)(ii)
			10	Amends 51A-4.211(10)(E)(v)
			11	Amends 51A-4.401(a)(6)
			12	Amends 51A-4.401(b)(3)
			13	Amends 51A-7.502(1)
30933	6-27-18		1	Amends 51A-8.606
30934	6-27-18	7-1-19	1	Adds 51A-1.105(z)
			2	Adds Div. 51A-4.1000
			3	Amends 51A-8.405
			4	Amends 51A-10.135(h)
			5	Adds 51A-10.135(i)
30993	9-18-18	10-1-18	24	Amends 51A-1.105(c)(4)
			25	Amends 51A-1.105(j)(4)
			26	Amends 51A-1.105(t)(4)
30994	9-18-18		10	Amends 51A-1.105(c)(2)
			11	Amends 51A-4.502(e)(6)
			12	Amends 51A-5.101(a)(14)
			13	Amends 51A-5.102
			14	Amends 51A-5.103(b)
			15	Amends 51A-5.103.1(b)
			16	Amends 51A-5.104(b)
			17	Amends 51A-5.105
			18	Amends 51A-5.107(b)
			19	Amends 51A-5.107(c)
			20	Amends 51A-5.107(d)
			21	Amends 51A-5.107(e)(1)(B)
			22	Amends 51A-5.107(e)(1)(C)
			23	Amends 51A-5.107(e)(2)
			24	Amends 51A-6.108(e)(1)
			25	Amends 51A-8.611(a)(2)
			26	Amends 51A-8.611(a)(3)
			27	Amends 51A-8.611(a)(5)
			28	Amends 51A-8.611(c)(2)
			29	Amends 51A-8.611(c)(5)
			30	Amends 51A-8.611(c)(6)
			31	Amends 51A-8.611(d)(1)
			32	Amends 51A-8.611(d)(2)(D)
			33	Amends 51A-8.611(d)(2)(F)
			34	Amends 51A-8.611(d)(3)(B)

31040	11-14-18	2	Amends 51A-1.105(l)
		3	Adds Div. 51A-9.500, 51A-9.501 thru 51A-9.507
31041	11-14-18	2	Adds 51A-4.217(8.1)
31079	12-12-18	1	Amends 51A-7.1201
		2	Amends 51A-7.1203(a)(23)
		3	Amends 51A-7.1203(a)(33)
		4	Amends 51A-7.1205(c)
		5	Amends 51A-7.1207(a)(1)
		6	Amends 51A-7.1208(b)(1)
		7	Adds 51A-7.1214.3
31109	1-23-19	1	Amends 51A-5.102(a)(3)

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