

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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525 Vine Street, Suite 310 Cincinnati, Ohio 45202 (513) 421-4248

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ARTICLE I.**IN GENERAL.****SEC. 2-1. TIME WITHIN WHICH CITY OFFICERS TO DEPOSIT MONEY.**

All officers of the city who receive money for or on account of the city in any manner are hereby required to deposit same in the manner prescribed by the chief financial officer. (Code 1941, Art. 19-2; Ord. 29645)

SEC. 2-1.1. ADVANCE PAYMENT OF CERTAIN FEES, CHARGES, AND TAXES REQUIRED; INTEREST ON DELINQUENT ACCOUNTS.

(a) Unless a different time and method of payment is specifically provided by another city ordinance, a city contract, or state or federal law, every fee, charge, or tax required to be paid to the city for any license, permit, right, privilege, property interest, or service must be paid in full to the city before the license, permit, right, privilege, property interest, or service may be issued, granted, conveyed, provided, or

and 49-16 of this code, as amended, will govern in all matters regarding the application for stormwater drainage service, payment and collection of stormwater drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment. (Ord. Nos. 21060; 21429; 21823; 22207; 22563; 22665; 24411; 25384; 25754; 27353; 27695; 30215; 30653; 30993; 31332; 31657)

SEC. 2-169. SERVICE AREA.

The service area of the stormwater drainage utility shall be defined by the corporate boundaries of the city, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the city. (Ord. Nos. 21060; 30215)

ARTICLE XXIX.

VETERAN AFFAIRS COMMISSION.

SEC. 2-170. VETERAN AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the veteran affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall have one appointment to the veteran affairs commission. The mayor shall appoint the chair from among the members, subject to confirmation by the city council, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on September 30, 2021. Thereafter, nominations shall begin in August 2021 and each subsequent odd-numbered year, and members appointed shall serve a two-year term beginning on October 1.

(c) The veteran affairs commission will represent the city's military veteran community. The veteran affairs commission must have a balanced membership reflecting an outstanding interest in or knowledge of veterans' affairs, including having knowledge about veterans' concerns, or being affiliated with a service provider to veterans, and at least four members must be currently serving or have previously served in the

United States military (including the Reserves or National Guard).

(d) The veteran affairs commission shall hold monthly meetings or as often as may be necessary. The chair, with assistance of staff, shall schedule and determine the agenda for such meetings. (Ord. 31746)

SEC. 2-171. VETERAN AFFAIRS COMMISSION - FUNCTIONS.

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

(1) evaluate and recommend programs, policies, and practices designed to alleviate veterans' difficulties in meeting basic needs, obtaining housing, employment, and comprehensive mental health assistance;

(2) act as a central clearinghouse for information relating to the status of veterans in the Dallas community;

(3) accumulate information about the needs of veterans in the Dallas community, including available services, and make recommendations to the city council regarding these needs;

(4) recommend ways to:

(A) educate the community on:

(i) the status of veterans' rights and needs; and

(ii) veterans' contributions to our community; and

(B) promote awareness among the public and private sector of veterans' full potential and of the importance of veterans' contributions to the development of the community; and

(5) identify and review the entire range of services available to veterans, and recommend ways to:

(A) strengthen existing services and

pursue new services for veterans;

(B) promote collaboration between service providers; and

(C) expand resources available to veterans.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities. (Ord. 31746)

CHAPTER 5

AIRCRAFT AND AIRPORTS

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- Sec. 5-9. ~~Same~~—Interest in sales, etc.
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ARTICLE I.

IN GENERAL.

(Ord. 26492, title)

SEC. 5-1. "AIRPORT" DEFINED DEFINITIONS.

~~"Airport" or "Municipal Airport" as used in this chapter, unless otherwise designated, includes both Dallas Love Field and Dallas Executive Airport.~~

In this chapter, unless the context requires otherwise,

(1) **AI OPERATIONS AREA (AOA)** means all areas contained within the airport perimeter fence at Love Field and Executive Airport, including the movement area, ramp areas, hangars, and other facilities.

(2) **AIRCRAFT** means a device that is used or intended to be used for flight in the air.

(3) **AIRPORT** means Dallas Love Field, Dallas Executive Airport, and the Dallas Vertiport.

(4) **AIRPORT OFFICIAL** means an employee of the department of aviation authorized by the director to enforce this chapter.

(5) **AIRPORT USE AND LEASE AGREEMENT** means an agreement dated on or after October 1, 2008 by and between the city and an owner or operator of a commercial aircraft that is allowed the use or lease of a gate at an airport terminal building.

(6) **AVIATION FUEL** means fuel used in aircraft.

(7) **COMMERCIAL AIRCRAFT** means any aircraft operated for passenger, cargo, or other for-hire purposes on scheduled or non-scheduled flights.

(8) **COMMERCIAL PASSENGER SERVICE AIRCRAFT** means any aircraft operated for scheduled passenger service to or from Dallas Love Field.

(9) **DEPARTMENT OF AVIATION** means the city department having the authority over the operations, maintenance, or any use of the city's airports or other property specifically designated by the city manager.

(10) **DIRECTOR** means the director of the department of aviation, including any subordinate specifically authorized to act on his behalf.

(11) **FEDERAL AVIATION ADMINISTRATION (FAA)** means the agency of the United States Department of Transportation, which regulates airports and aircraft operations as well as airspace issues.

(12) **FIXED-BASE OPERATOR (FBO)** means a person who provides full-service aircraft maintenance, aircraft rental, passenger charger flight service, or fuel operations for compensation.

(13) **GENERAL AVIATION AIRCRAFT** means an aircraft that is not a commercial aircraft on scheduled or non-scheduled flights.

(14) INTERNATIONAL ARRIVAL means landing at Dallas Love Field after taking off from a location outside of the United States or a United States territory and using United States Customs and Border Protection services at Dallas Love Field.

(15) MOVEMENT AREA means runways, taxiways, and other areas of an airport that aircraft use for taxiing, takeoff, and landing, exclusive of loading ramps and parking areas, and that are used under the control of an airport traffic control tower.

(16) PERSON means any individual, partnership, corporation, or government entity.

(17) RESTRICTED AREA means any area in which the general public is not allowed as determined by the director in writing or by verbal directive during an emergency.

(18) SELF-FUELING OPERATOR means a person dispensing aviation fuel to aircraft that he owns, leases from others, or manages for others under a contract.

(19) TRANSPORTATION SECURITY ADMINISTRATION (TSA) means the agency of the United States, within the Department of Homeland Security, that regulates airport and aircraft security. (Ord. Nos. 8213; 24859; 31690)

SEC. 5-2. DEPARTMENT OF AVIATION CREATED.

~~—(a) There is hereby created the department of aviation of the city of Dallas, the head of which shall be the director of aviation, who shall be appointed by the city manager. He shall be a person professionally competent by experience and training to manage the department.~~

~~—(b) In addition to the director of aviation, the organization of the department of aviation shall be comprised of assistants and employees in positions formally authorized by appropriate action of the city council. Any person appointed to the position of assistant director of aviation shall have the powers and duties specifically assigned to him and also shall have authority to act in the capacity of director of aviation. The positions heretofore established and the appointments thereto officially made, in order to provide personnel for the performance of the municipal functions required by this chapter, shall become positions and appointments in the department of aviation without any further official action. The civil service rules and regulations of the city shall apply to employees of the department of aviation.~~

(a) There is hereby created the department of aviation of the city of Dallas, the head of which shall be the director of aviation, who shall be appointed by the city manager. He shall be a person professionally competent by experience and training to manage the department.

(b) In addition to the director, the organization of the department of aviation shall be comprised of assistant directors and employees in positions formally authorized by appropriate action of the city council. Any person appointed to the position of assistant director shall have the powers and duties specifically assigned to him and also shall have authority to act in the capacity of director. The positions heretofore established, and the appointments thereto officially made, in order to provide personnel for the performance of the municipal functions required by this chapter, shall become positions and appointments in the department of aviation without any further official action. The civil service rules and regulations of the city shall apply to employees of the department of aviation. (Code 1941, Art. 13-1; Ord. Nos. 8212; 14384; 31690)

SEC. 5-3. DIRECTOR OF AVIATION - DUTIES GENERALLY.

~~—(a) The director of aviation shall devote his entire time to the duties of his office, becoming familiar with the operation of airports and the proper reception of aircraft of all types, including helicopters. He shall particularly familiarize himself with the fees and charges to be made by the city for the reception and care of aircraft and shall immediately recommend the same to the city manager, so that the proper fees and charges may be made for the landing and servicing of aircraft, and shall make accurate reports to the city controller and the city manager of all monies handled and charges made by the city for the care and~~

reception of aircraft. Such fees shall include charges to be made for the use of hangars and all other charges which may be imposed by the city council.

—(b) The director of aviation shall be responsible for the care of all city property placed under his supervision, whether within the department of aviation or otherwise. From time to time, he shall recommend suitable rules to be observed by all aircraft as well as all pilots operating aircraft at municipally owned airports under his supervision, and shall be particularly diligent in enforcing rules to avoid accidents. He shall become familiar with prices for all equipment and accessories which may be needed for the proper operation of the department of aviation, and shall recommend to the city such rules and regulations concerning the same as he may deem appropriate.

—(c) The director of aviation shall exclusively manage, and may execute short term, month-to-month leases on, all properties and facilities situated on or having a relationship to any municipally owned airport, whether such properties and facilities are directly related to aviation activities or not, except that the exclusive management of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of directors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas.

—(d) The director of aviation shall be responsible for the administration, implementation, and enforcement of the city's transportation regulations.

(a) The director shall devote his entire time to the duties of his office, becoming familiar with the operation of airports. He shall particularly familiarize himself with the fees, rates, and charges to be set by the city council for the reception and care of aircraft and shall immediately recommend the same to the city manager, so that the proper fees, rates, and charges may be established for the landing and servicing of aircraft, and shall make accurate reports to the city controller and the city manager of all monies handled and charges made by the city for the care and reception of aircraft. Such fees, rates, and charges include any required to support the general operation of the airport as approved by the city council.

(b) The director shall be responsible for the care of all city property placed under his supervision,

whether within the department of aviation or otherwise. From time to time, he shall establish suitable rules to be observed by all entities and facilities operating upon airport property to ensure safe, reliable, and orderly operations.

(c) The director shall exclusively manage, and may execute short term, month-to-month leases on, all functions, properties, and facilities situated on or having a relationship to any airport, whether such properties and facilities are directly related to aviation activities or not, except that the exclusive management of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of directors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas.

(d) The director shall be responsible for establishing policy, procedures, and rules consistent with the safe and efficient operation, management, and maintenance of all airport facilities and equipment, and for the enforcement of all ordinances, provisions, and rules governing airport operations. (Code 1941, Art. 13-2; Ord. Nos. 8212; 14384; 15279; 20858; 30240; 31690)

SEC. 5-4. ~~SAME~~ PROMULGATION OF RULES AND REGULATIONS.

—The director of aviation is hereby authorized to promulgate rules and to supervise and direct the use, operation, and maintenance of all properties situated on or having relationship to any municipally owned or maintained airport, whether such properties are directly related to aviation activities or not, and in a

manner that will provide the most efficient, safe, and economical use of the properties in serving the public interest; except that the supervision, operation, and maintenance of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of directors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas.

The director is hereby authorized to promulgate rules and to supervise and direct the use, operation, and maintenance of all properties situated on or having relationship to any airport, whether such properties are directly related to aviation activities or not, and in a manner that will provide the most efficient, safe, and economical use of the properties in serving the public interest; except that the supervision, operation, and maintenance of the Dallas-Fort Worth International Airport is and shall continue to be the responsibility of the board of directors of the Dallas-Fort Worth International Airport pursuant to its powers and duties as defined by the contract and agreement between the cities of Dallas and Fort Worth, Texas. (Ord. Nos. 14384; 19300; 26492; 31690)

SEC. 5-5. ~~SAME~~—AUTHORITY OVER PUBLIC AT AIRPORTS.

~~—The director of aviation, and his authorized assistants, shall at all times have authority to take action as may be necessary in the handling, conduct and management of the public in attendance at any municipally owned or maintained airport.~~

The director, and his authorized assistants, shall at all times have authority to take action as may be necessary in the handling, conduct, and management of the public in attendance at any airport. (Ord. Nos. 8213; 31690)

SEC. 5-6. ~~SAME~~—AUTHORITY TO SUSPEND OPERATIONS.

~~—Except in the case of scheduled operations, the director of aviation shall have the authority to suspend operations on or from the airport when in his opinion conditions of the landing area or local meteorological conditions might make such operations unsafe.~~

The director shall have the authority to suspend operations on or from the airport when in his opinion conditions of the landing area or local meteorological conditions might make such operations unsafe. (Ord. Nos. 8213; 31690)

SEC. 5-7. ~~SAME~~—AUTHORITY TO REMOVE VIOLATORS FROM AIRPORT PREMISES.

~~—Any person operating or handling any aircraft in violation of this chapter or refusing to comply therewith may be promptly removed or ejected from any municipal airport in the city by or under the authority of the director of aviation, and upon the order of the city council, may be deprived of the further use of any airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interests therein.~~

Any person operating or handling any aircraft in violation of this chapter or refusing to comply therewith may be promptly removed or ejected from any airport by or under the authority of the director, and upon the order of the city council, may be deprived of the further use of any airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interests therein. (Ord. Nos. 8213; 31690)

**SEC. 5-8. ~~SAME - REGULATION OF
INTERNAL MANAGEMENT OF
MUNICIPAL AIRPORTS.~~**

~~—The director of aviation shall issue rules and regulations for the internal management of any airport owned by the city that is operated by the department of aviation.~~

**SEC. 5-8. COMPLIANCE WITH AIR
COMMERCE REGULATIONS
GENERALLY.**

No person may navigate any aircraft over, land upon, take off from, or service, maintain or repair any aircraft, or conduct any aircraft operations on or from an airport otherwise than in compliance with the federal aviation regulations of the Federal Aviation Administration or any other authority of the federal government. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-9. ~~SAME - INTEREST IN SALES, ETC.~~

~~—The director of aviation shall never be pecuniarily interested, directly or indirectly, in the sale of any aircraft, equipment, or accessories, or in any concessions of any kind serving the city's airports. Any violation of this provision shall be grounds for his dismissal.~~

The director shall never be pecuniarily interested, directly or indirectly, in the sale of any aircraft, equipment, or accessories, or in any concessions of any kind serving the airports. Any violation of this provision may be grounds for his dismissal. (Code 1941, Art. 13-4; Ord. Nos. 8212; 14384; 31690)

**SEC. 5-10. ~~SAME - ACCOUNTING FOR
FUNDS RECEIVED.~~**

~~—The city controller shall prepare forms to be signed by the director of aviation for all moneys received and all charges made by him, which moneys carried on such forms shall be deposited in the official city depository to the credit of the particular airport fund involved.~~

The city controller shall prepare forms to be signed by the director for all moneys received and all charges made by him, which moneys carried on such forms shall be deposited in the official city depository to the credit of the particular airport fund involved. (Code 1941, Art. 13-5; Ord. Nos. 8212; 15279; 20073; 31690)

**SEC. 5-11. ~~USE OF HYDROPLANES ON CITY
PROPERTY.~~**

~~—It shall be unlawful for any person to operate a hydroplane upon any reservoir or any lake belonging to under control of the city; provided however, that this section shall not apply to amphibian-type aircraft of any department of the federal government or of the State of Texas.~~

**SEC. 5-11. SOLICITING BUSINESS OR
SELLING MERCHANDISE ON
AIRPORT PROPERTY.**

It shall be unlawful for any person to solicit customers or patronage for himself or on behalf of any person or to sell any merchandise of any type or distribute advertising matter upon the premises of any airport, without authority of the director or the city council. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-12. — ~~USE OF DESIGNATED SPACES FOR REPAIRING AIRCRAFT.~~

~~— No person shall make repairs to aircraft and engines on any municipal airport except in spaces designated for that purpose by the director of aviation.~~

SEC. 5-12. AVIATION SCHOOLS GENERALLY.

No person shall use any airport as a place to conduct an aviation school, air college, or flying school unless it is officially recognized by the U.S. Department of Transportation, acting through the Federal Aviation Administration, and has first obtained a lease or permit from the city, or a sublease or permit from one of the city's tenants on the airport. The director shall have the authority to promulgate rules and regulations deemed appropriate for each airport at which such training is conducted. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-13. — ~~DISPOSAL OF WRECKED AIRCRAFT.~~

~~— The aircraft owner, his pilot or agent, shall be responsible for the prompt disposal of wrecked aircraft and the parts thereof to avoid all interference with field operations, unless directed to delay such action pending investigation of the accident.~~

SEC. 5-13. AVIATION FUEL SALES; LICENSE FEES AND RATES.

(a) Except as provided in Subsection (c), only fixed-base operators or self-fueling operators located at Dallas Love Field or Dallas Executive Airport who have received prior written permission from the director and paid the annual fee required under Paragraph (b)(1) may sell or dispense aviation fuel at those airports.

(b) A fixed-base operator or self-fueling operator selling or dispensing aviation fuel at Dallas Love Field or Dallas Executive Airport shall:

(1) pay to the city an annual fee of \$1,000, made in advance through the director;

(2) unless the report is filed by the operator's supplier, file with the director, before the 10th day of each month, a report of aviation fuel sold or dispensed during the preceding month; and

(3) unless payment is made by the operator's supplier, remit with the monthly sales report \$0.07 for each gallon of aviation fuel sold or dispensed during the preceding month.

(c) Section 5-13(b)(3) does not apply to a person selling aviation fuel to the owner or operator of an aircraft on which a landing fee is assessed at Dallas Love Field or Dallas Executive Airport. (Ord. Nos. 8213; 31690)

SEC. 5-14. — ~~DIRECTION OF AERIAL TRAFFIC AROUND AIRPORT.~~

~~— The direction of aerial traffic around the outside of any municipal airport shall be counterclockwise while in flight at or below 1500 feet above the surface of the airport and within a three-mile radius of the airport, unless otherwise authorized or directed by the Federal Aviation Administration. Any pilot who fails to observe this provision regarding the direction of aerial traffic shall be in violation of this section.~~

SEC. 5-14. FEES CHARGED FOR COMMERCIAL AIRCRAFT.

(a) Fees in the amounts determined pursuant to this section must be paid by owners or operators of all commercial aircraft landing at any airport's facilities for the purpose of taking off or landing aircraft.

(b) An owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay fees to the city in accordance with that agreement.

(c) An owner or operator of commercial aircraft that has not executed an airport use and lease agreement shall pay to the city the following fees per landing by a commercial aircraft, including scheduled and miscellaneous non-scheduled landings, whether revenue or non-revenue (except for test, inspection, or ferry flights for aircraft maintenance only). The fee for each 1,000 pounds of certified gross landing weight (determined according to the manufacturer's data) is 125 percent of the fee paid by an owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later.

(d) Within 10 days after the last day of each month, an owner or operator of commercial aircraft shall file with the director the following information:

(1) the number of landings for the month by type of aircraft; and

(2) the manufacturer's certificated gross

landing weight for each type of aircraft.

(e) Fees required by this section are due and payable (without invoice from the city) within 10 days after the last day of each month and must be transmitted to the director together with the information required under Subsection (d). (Ord. Nos. 8213; 14384; 31690)

~~SEC. 5-15. — LANDING.~~

~~— (a) Dallas Love Field: Every pilot of an aircraft entering the traffic pattern for the purpose of landing shall have established two-way radio communication with the airport control tower, and shall accomplish a turn of at least 90 degrees prior to beginning final approach, unless otherwise authorized by the airport control tower. The pilot of any aircraft that for any reason has not established two-way radio communication with the airport control tower or who~~

~~cannot successfully maintain two-way radio communication with the airport control tower shall circle the airport in a counterclockwise direction for at least 180 degrees prior to the beginning of a final approach. When approaching the airport for landing, the pilot of any transport category aircraft and other aircraft of similar size shall enter the traffic pattern at 1500 feet above the surface of the airport, and shall maintain that altitude until in position to begin descent for landing. Any pilot of smaller aircraft shall enter the traffic pattern at an altitude of 1000 feet above the surface when at least three miles from the airport and shall maintain that altitude until he is in position to begin descent for landing. This landing procedure is applicable to every pilot of an aircraft approaching and landing at the airport unless he is instructed otherwise by the airport control tower.~~

~~—(b) Dallas Executive Airport: Unless otherwise directed during the hours when the control tower is in operation, pilots shall land and take off only on the runway in the direction nearest indicated by the wind indicator. In calm wind conditions, landings and take-offs must be made toward the south on the N-S runway. A pilot approaching the airport who has any doubt as to the traffic flow direction shall circle the airport at 1500 feet above the surface for an observation of the wind indicator. All aircraft entering the traffic pattern for the purpose of landing must enter at 800 feet above the surface of the airport at an angle of 45 degrees midway at the down-wind leg. Any pilot entering the traffic pattern shall exercise extreme caution so as not to cause aircraft already in the pattern to deviate from their course. Any pilot finding it impractical to use the inner rectangular traffic pattern may enter the circular pattern of 800 feet above the surface at any point, but the pilot shall fly at least a 90 degree segment of the circular pattern for a base leg before landing. No pilot shall pass another aircraft in the traffic patterns. Any pilot who fails to observe the provisions hereof shall be in violation of this subsection.~~

SEC. 5-15. LANDING FEES FOR GENERAL AVIATION AIRCRAFT AT DALLAS LOVE FIELD.

(a) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft.

(b) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement.

(c) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director shall determine the fee using an 80/20 formula, with 80 percent of the fee comprised of Dallas Love Field's operation and maintenance costs attributable to general aviation aircraft landings and 20 percent of the fee attributable to the general aviation aircraft's landed weight. The director shall, on an annual basis, review the fee and make a recommendation to the city council if the director determines the fee formula should be amended.

(d) An owner or operator of a general aviation aircraft shall submit the fees required by this section to the director of aviation in a timely manner. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-16. — USE OF TWO-WAY RADIO.

—(a) ~~Dallas Love Field: Any pilot landing, taking off or otherwise using Dallas Love Field Airport shall do so in an aircraft equipped with properly functioning two-way radio, and he shall guard the appropriate Dallas Love Field control tower frequencies at all times while in flight at or below 1500 feet above the surface of the airport and while within the three-mile radius of the airport. In the event that the pilot shall experience malfunctioning of the aircraft radio while in flight at or below 1500 feet above the surface of the airport and within a three-mile radius of the airport, he will not be considered in violation of this regulation.~~

—(b) ~~Dallas Executive Airport: During the hours when the control tower is in operation, any pilot landing, taking off, or otherwise using Dallas Executive Airport shall have properly functioning two-way radio equipment in the aircraft and follow the same procedure for the use of it as set forth in Subsection (a) of this section. At other times, any pilot shall circle the field not less than 180 degrees before landing and conform to the traffic pattern applicable in Section 5-15.~~

SEC. 5-16. INTERNATIONAL ARRIVAL FEES.

(a) An owner or operator of an aircraft, other than a commercial passenger service aircraft, that makes an international arrival shall pay to the city the following fees per international arrival (based on the type of aircraft and the certificated maximum gross take-off weight of the aircraft, as determined according to the manufacturer's data):

TYPE OF AIRCRAFT	FEE
Transport category (more than 100,000 pounds)	\$1,050
Large turbine (more than 40,000 to 100,000 pounds)	\$700
Medium turbine (12,500 to 40,000 pounds)	\$560
Light turbine (less than 12,500 pounds)	\$350
Twin engine reciprocal propeller	\$140
Single engine reciprocal propeller	\$105

(b) Fees required by this section are due and payable to the city within 10 days after the date of the invoice from the city detailing the fees owed. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-17. — RIGHT OF WAY GENERALLY.

—~~The landing aircraft has the right-of-way over aircraft moving on the ground or taking off. Any pilot of an aircraft preparing for take-off shall keep a distance of at least 150 feet laterally from the edge of the runway unless otherwise instructed by the control tower. This shall not excuse any pilot landing, taking off, or taxiing from exercising due care and diligence.~~

SEC. 5-17. AUTHORIZATION FOR SPECIAL EVENTS.

Upon approval of a special event or use permit, the director shall authorize events for the purpose of exhibition, educational purposes, or for photographer's work at the airport. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-18. — TAKE-OFF AND LANDING DIRECTION.

—~~All aircraft take-offs and landings by pilots shall be in the direction indicated by the airport wind~~

direction indicator unless otherwise authorized by the airport control tower.

SEC. 5-18. TRESPASSING UPON LANDING, TAKE-OFF, AND TAXIING AREAS.

It shall be unlawful for any person to enter the landing, take-off, taxiing areas, or any other restricted areas at any airport unless the person has a lawful right or a legitimate reason, as determined by the director, to enter such areas. Restricted areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers in aircraft, employees of the city whose duty it is to perform services in connection with the maintenance and operation of the airport, and other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection, and operation of aircraft and the airport. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-19. AUTHORIZATION FOR TAKE-OFFS.

—(a) Dallas Love Field: No pilot shall commence a take-off without receiving take-off clearance authority from the airport control tower. Pilots taking off from the same runway shall do so one at a time. Formation takeoffs involving more than one aircraft taking off simultaneously on the same runway are not permitted. After take-off, any pilot of an aircraft shall maintain runway heading until reaching an altitude of 2000 feet above mean sea level unless otherwise instructed by the control tower.

—(b) Dallas Executive Airport: The pilot of any aircraft that is taking off shall proceed straight ahead to an altitude of 400 feet above the surface, level off, and execute a 90-degree left turn when outside the airport boundary. Any pilot taking off who intends to remain in the outer traffic pattern due to inability to conform with the inside rectangular pattern shall continue to climb to traffic altitude of 800 feet above the surface after the first 90-degree turn to the left. Any pilot of an aircraft leaving the traffic pattern shall climb to the traffic altitude of 800 feet above the surface after the first 90-degree turn and leave the traffic pattern by performing a 45-degree turn to the right, or, if the aircraft has characteristics that make this procedure impractical, the pilot may depart the traffic pattern in a straight climb after take-off.

SEC. 5-19. SALE OF PRODUCTS AT AIRPORTS; LICENSE OR PERMIT.

No person shall enter any airport for the purpose of offering for sale or selling any goods, wares, or merchandise unless he has first obtained the appropriate license or permit from the director. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-20. PARKING OF AIRCRAFT ON AIRPORT GROUND RESERVED.

(Repealed by Ord. 31690)

—(a) No person shall park any aircraft at a municipal airport except in an area specifically designated for aircraft parking by the director of

~~aviation. Under no circumstances shall any person park any aircraft closer to the edge of any taxiway than 50 feet or closer to the edge of any runway than 200 feet. Between sunset and sunrise, the owner or operator of any stationary aircraft which is parked in other than an officially designated overnight parking area shall have the navigation lights of the aircraft turned on at all times during said interval.~~

~~—(b) Any person who parks an aircraft in an officially designated parking area shall do so in an orderly manner, and the pilot as well as the owner or operator of the aircraft shall have the responsibility to ascertain that the aircraft is properly secured and tied down.~~

~~—(c) No person shall park an aircraft within 25 feet of any hydrant located within the boundaries of any municipal airport.~~

~~—(d) No person shall park or leave overnight a disabled aircraft on any portion of the landing areas or taxiways at any municipal airport without authorization from an official in the department of aviation, and in such cases, the pilot, as well as the owner or operator, shall be responsible for adequate guarding and displaying adequate obstruction lights around the disabled aircraft, such lights to be visible through 360 degrees for 500 feet. (Ord. Nos. 8213; 14384)~~

ARTICLE II.

TRANSPORTATION SERVICES.

SEC. 5-21. ~~TAKING OFF OVER HANGARS, ETC.~~

~~—No pilot of any aircraft taking off from any municipal airport shall take off over any hangars or other buildings thereon, and shall take off only on paved runways unless otherwise authorized by the airport control tower or the director of aviation or one of his authorized assistants.~~

SEC. 5-21. DEFINITIONS.

In this article, unless the context requires otherwise,

(1) AVI TAG means a nontransferable electronic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the department of aviation's Transportation Regulation Division and may be used to charge trip fees for

transportation services at the airport.

(2) CERTIFICATE OF REGISTRATION means a certificate authorizing a company to provide transportation services at the airport.

(3) CHARTERED BUS means a bus service for the transport of persons belonging to a specified group at the airport that is:

(A) offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin; and

(B) operated from locations within the city to locations either inside or outside of the city.

(4) CONCESSION CONTRACT means a contractual agreement between the city and another entity for car rental and/or parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for the services.

(5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.

(6) COURTESY VEHICLE SERVICE means free transportation to and from the airport for customers by or for a business as an accessory to the main activities of the business.

(7) DECAL means a distinct adhesive sticker issued under this article authorizing the operation of a courtesy vehicle and chartered bus.

(8) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation service vehicle.

(9) HOLDER means a person who has been granted a certificate of registration to operate a transportation service at the airport, and includes any person with an ownership interest in the transportation service.

(10) LAWFUL ORDER means a verbal or written directive issued by the director, or his appointee, in the performance of his official duties relative to the enforcement of this article and any rules or regulations promulgated under this article.

(11) OPERATE means:

(A) to be in the care, custody, or control of a transportation vehicle at the airport; or

(B) to own or be in control of a transportation service provided at the airport.

(12) OPERATING AUTHORITY means a person who is granted operating authority under Chapter 47A to provide transportation-for-hire services.

(13) OPERATOR means:

(A) the owner or driver of a transportation vehicle; or

(B) the holder of operating authority to perform transportation services at the airport.

(14) OWNER means a person:

(A) who is the legal owner of a motor vehicle;

(B) to whom a motor vehicle is registered by the state; or

(C) with whom a motor vehicle is in the care, custody, or control.

(15) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation under Chapter 47A.

(16) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(17) TRANSPORTATION SERVICE means a business that operates a courtesy vehicle, transportation-for-hire vehicle, or chartered bus at the airport for the purpose of dropping off or picking up passengers on airport property.

(18) TRANSPORTATION VEHICLE means a courtesy vehicle, transportation-for-hire vehicle, or chartered bus that is used for performing transportation service at the airport.

(19) TRIP means each time a transportation vehicle accesses the curb space where passengers are

picked up or dropped off at the airport.

(20) TRIP FEE means the monetary amount charged per trip to the owner or operator of a transportation vehicle in accordance with Section 5-26. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-22. TAXIING.

—(a) ~~Dallas Love Field: The pilot of any aircraft in motion on the ground shall operate it at a safe and reasonable speed and in a manner so as not to endanger other aircraft, persons, or property.~~

—~~Every pilot of an aircraft shall guard the appropriate Dallas Love Field airport control tower frequency at all times while the aircraft is being operated on the airport.~~

—~~Prior to taxiing onto or across any runway, every pilot of an aircraft on the airport, unless previously cleared to cross the runway by the control tower, shall hold behind the displayed "hold markings" until cleared to cross by the control tower.~~

—~~All pilots of aircraft performing run-ups shall exercise caution to insure that their "prop blast" or "jet blast" is not blowing across active runways, taxiways or parking areas, or into other aircraft or hangars.~~

—~~Helicopters in flight at altitudes of less than 100 feet within the boundaries of Dallas Love Field shall be considered taxiing aircraft, and the pilots thereof shall operate them with due regard for surface vehicles and persons on the ground and shall not fly them over buildings or aircraft on the surface.~~

—(b) ~~Dallas Executive Airport: Every pilot of an aircraft in motion on the ground shall taxi it at a safe and reasonable speed with due regard to other aircraft, persons, and property, which speed shall not exceed 20 miles per hour.~~

—~~While awaiting take-off, every pilot of an aircraft shall park at least 100 feet from the runway in use and in a position to allow direct view of aircraft approaching for landing. Pilots must complete all extensive engine run-ups before entering upon a runway for take-off position.~~

**SEC. 5-22. GENERAL AUTHORITY FOR
REGULATION AND
ENFORCEMENT.**

(a) The director, through the Transportation Regulation Division, shall implement and enforce this article and may promulgate and enforce written rules and regulations consistent with this article governing the operation of transportation services at the airport as

necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the transportation system at the airport.

(b) The director, through the Transportation Regulation Division, may issue lawful orders and set and modify rules as necessary and consistent with this article. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-23. — USE OF WHEEL BLOCKS.

~~— Before starting the engine or engines of an aircraft, every pilot shall be responsible for the placement of blocks, equipped with ropes or other suitable means of pulling them, in front of the wheels, unless the aircraft has thoroughly adequate brakes.~~

SEC. 5-23. OFFENSES.

(a) A person commits an offense if he performs transportation services, operates a transportation vehicle, or as a holder, allows the operation of a transportation-for-hire vehicle or chartered bus at the airport without being authorized under:

(1) a current, valid certificate of registration issued under Section 5-25;

(2) a current, valid operating authority permit issued under Chapter 47A; or

(3) a current, valid transportation network company registration with the Texas Department Licensing and Regulation.

(b) A person commits an offense if he operates a transportation-for-hire vehicle or chartered bus at the airport without:

(1) holding a current valid operating authority permit under Chapter 47A; or

(2) being named as the driver in a valid, open transportation network company's digital network as defined in the Texas Occupations Code, Chapter 2402, Subchapter A, as amended.

(c) A person commits an offense if he performs transportation services, operates a transportation vehicle, or as a holder, allows the operation of, a transportation vehicle without holding a current, valid AVI tag required under this article. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-24. — ONLY PILOT OR COMPETENT MECHANIC TO RUN ENGINE.

~~— No person shall start or run aircraft engine other than a licensed pilot or a competent mechanic in the cockpit attending the controls.~~

SEC. 5-24. DEFENSES.

It is a defense to prosecution under this article that

a motor vehicle was owned, operated, or leased by:

(1) a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(2) a fixed-based operator and being used to transport employees or customers at the airport; or

(3) the federal or state government or a political subdivision of the state;

(4) a school, university, organ donor company, medical service provider, or ambulance service; or

(5) a vehicle operating as a Dallas Area Rapid Transit ("DART") vehicle. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-25. — MAINTENANCE RUN-UPS.

~~— No person shall start and run up an aircraft except in a place designated for such purposes by the director of aviation or one of the director's assistants, and such activity shall not be conducted at Dallas Love Field or Dallas Executive Airport between the hours of 12:00 midnight and 6:00 a.m. At no time shall any person run up an engine or engines in such a position that hangars, shops, or other buildings, or any person in the observation area, are in the path of the propeller or jet blast.~~

SEC. 5-25. REGISTRATION OF TRANSPORTATION SERVICES.

(a) Registration.

(1) To obtain a transportation service certificate of registration, a person must submit a registration application to the Transportation Regulation Division on a form provided for that purpose. The applicant must be the person who will own or operate the proposed transportation service.

(2) The registration application must include or be accompanied by:

(A) the name, address, and verified signature of the applicant;

(B) a description of each motor vehicle the applicant proposes to use in the operation of the

transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;

(C) the full name and driver's license number of every individual expected to drive or operate a transportation vehicle at the airport under the registration;

(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the transportation service;

(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation vehicle to be operated at the airport;

(F) proof showing the purchase or authorized use of a valid AVI tag for each transportation vehicle to be operated at the airport;

(G) an annual decal and certificate of registration fees in the amount specified in Section 5-26 of this article for each transportation vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and

(H) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform transportation service at the airport.

(3) Upon receipt of a registration application, the Transportation Regulation Division shall issue a certificate of registration to the applicant, unless it is determined that the applicant:

(A) failed to submit a complete registration application;

(B) made a false statement as to a material matter on, or in connection with, the registration application;

(C) failed to pay any fee required by this article relating to the operation of transportation services at the airport.

(4) If the director approves the registration application, the applicant will receive a transportation service certificate of registration and a decal, if applicable, for each vehicle authorized to be operated

by the transportation service.

(5) If the Transportation Regulation Division denies a renewal of a transportation service certificate of registration, the applicant, holder, or transportation vehicle operator, shall immediately cease any transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform transportation services at the airport.

(6) If the director determines that an application or renewal should be denied, the Transportation Regulation Division shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of their right to appeal.

(b) Expiration of registration. Certificate of registration and decals expire at 11:59 p.m. on December 31 of each year and must be renewed in accordance with the application procedures set forth in this section.

(c) Suspension and revocation of registration.

(1) The Transportation Regulation Division may suspend a certificate of registration of a transportation service for a period not to exceed 60 days for failure to comply with requirements in this article. The Transportation Regulation Division may apply the suspension to all of the holder's transportation vehicle operations at the airport or limit the suspension to the particular transportation vehicle operator who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the transportation vehicle operator, whichever applies, may resume providing transportation service at the airport, after providing verification to the Transportation Regulation Division that any deficiency for which the suspension was given has been corrected. Failure to correct a deficiency within the time established may result in revocation of the holder's certificate of registration.

(2) The director may suspend or revoke a certificate of registration if the director determines that:

(A) the holder made a false statement as to a material matter on, or in connection with, the registration application; or

(B) the holder, or any operator of a transportation vehicle authorized under the holder's certificate of registration:

(i) failed to pay any fee required by this article at the time or in the manner required by this article or approved by the director;

(ii) used an AVI tag, courtesy vehicle decal, or transportation-for-hire vehicle decal in an unauthorized manner; or

(iii) failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the Transportation Regulation Division under this article.

(3) The Transportation Regulation Division shall notify the holder in writing of any suspension or revocation under this subsection. Written notice must also be given to any particular transportation vehicle operator whose authority to operate at the airport under a holder's certificate of registration is suspended or revoked under this section. The Transportation Regulation Division shall include in the notice, the reason for the suspension or revocation, the scope of the suspension, the date the director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any transportation vehicle operator, of their right to appeal. The period of suspension or revocation begins on the date specified by the Transportation Regulation Division, or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the Transportation Regulation Division suspends or revokes the authority of a transportation vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or transportation vehicle operator shall immediately cease any transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform transportation service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another transportation service decal before the expiration of 24 months after the date of revocation.

(d) Appeals of a denial, suspension, or revocation. Any person whose application for issuance or renewal of a transportation service certificate of registration is denied, or any transportation vehicle

operator whose authority to operate at the airport under a holder's certificate of registration has been suspended or revoked may file an appeal with the permit and license appeal board in accordance with Section 2-96. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-26. — FLIGHTS IN EXPERIMENTAL OR UNCERTIFICATED AIRCRAFT.

~~— No person shall take off or land an experimental or uncertificated aircraft at any municipal airport without written permission from the director of aviation or one of his assistants.~~

SEC. 5-26. FEES.

(a) A person performing transportation service at the airport shall pay the following fees to the Transportation Regulation Division:

(1) Certificate of registration fee. Courtesy vehicles; chartered buses; vehicles not registered under Texas Department of Licensing and Regulation, Texas Department of Transportation, United States Department of Transportation; and transportation-for-hire vehicles operating at the airport that do not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code are charged an annual \$30 certificate of registration fee.

(2) Decal fee. An annual decal fee of \$15 is charged for each transportation vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A. The fee to replace a decal that has been lost, stolen, or mutilated is \$25.

(3) Trip fee. Each courtesy vehicle and chartered bus not operating under an airport concession contract and each transportation service and each transportation-for-hire vehicle is charged a \$2.00 per entry and per exit trip fee. This fee does not apply to courtesy vehicles or chartered buses operating under an airport concession contract.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid. (Ord. Nos. 8213; 14384; 31690)

**SEC. 5-27. — FLIGHT TRAINING —
INSTRUCTION.**

~~— In conducting flight training at any municipal airport, the flight instructor shall acquaint each of his students with the rules and regulations applicable to the airport or airports being used and shall be responsible for the conduct of each student under his direction during dual instructions.~~

SEC. 5-27. ENFORCEMENT.

A vehicle may be towed and impounded if determined by the director, the Transportation Regulation Division, or a peace officer to be operating as a transportation vehicle without:

- (1) the certificate of registration or operating authority required by this chapter or Chapter 47A; or
- (2) a vehicle decal permit or AVI-tag required by this chapter. (Ord. Nos. 8213; 14384; 31690)

ARTICLE III.

CUSTOMER FACILITY CHARGE.

**SEC. 5-28. — FLIGHT TRAINING — STUDENT
PILOTS FLYING SOLO.**

~~— (a) Dallas Love Field: No student pilot shall land or take off solo from Dallas Love Field unless the student pilot has at least a private license and is properly qualified under federal aviation regulations for the type of aircraft being flown.~~

~~— (b) Dallas Executive Airport: No student pilot shall land or take off solo from Dallas Executive Airport unless the student pilot has at least a student permit issued by the Federal Aviation Administration and is authorized to do so by a flight instructor.~~

SEC. 5-28. DEFINITIONS.

In this article,

(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement:

- (A) directly with an airport rental car

company; or

(B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company.

A person qualifies as an airport customer regardless of whether the person receives the car at the airport, a future ConRAC location, or an off-airport location.

(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.

(3) ConRAC means a consolidated rental car facility.

(4) CUSTOMER FACILITY CHARGE or CFC means a user fee imposed on an airport customer by an airport rental car company on a per transaction basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is always property of the city.

(5) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.

(6) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with the city to provide car rental services.

(7) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-29. — LICENSED AIRCRAFT.

~~— No person shall land or take off at Dallas Love Field or Dallas Executive Airport in an aircraft that has not been licensed by the Federal Aviation Administration, except as otherwise provided in Section 5-39 of this chapter.~~

**SEC. 5-29. COLLECTION AND USE OF
CUSTOMER FACILITY CHARGE
FUNDS.**

(a) The director is authorized to administer the collection of CFC funds consistent with this article. The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.

(b) The CFC amount to be charged an airport customer is \$3.00 per transaction day.

(c) An airport rental car company must:

(1) charge and collect from its customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and list the CFC separately on the invoice as a customer facility charge;

(2) remit the total amount of the CFC along with supporting documentation in a format approved by the director according to the following deadlines:

(A) for an off-airport rental car company, the CFC must be remitted directly to the city on or before the 15th day of every calendar month following the month in which the CFC was invoiced to the airport customer;

(B) for an on-airport rental car company, the CFC must be remitted pursuant to the terms of its concession contract with the city; and

(3) maintain adequate records that account for the CFC charged to its customers and collected for and remitted to the city, in accordance with generally accepted accounting principles, and make the records available to the city on a monthly basis, or upon request of the director.

(d) The city may use the CFC to pay costs associated with studying, planning, designing, and managing ConRAC projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The CFC may also be used to analyze the operational, physical, and financial feasibility of developing ConRAC and other rental car facilities for airport rental car companies as well as for leasing

property, paying construction costs, and common use of transportation systems. (Ord. Nos. 8213; 14384; 24859; 31690)

ARTICLE IV.

TERMINAL AND FACILITY.

~~SEC. 5-30. COMPLIANCE WITH AIR
COMMERCE REGULATIONS
GENERALLY.~~

~~—No person shall navigate any aircraft over, land upon or take off from, or service, maintain or repair any~~

aircraft on a municipal airport, or conduct any aircraft operations on or from such an airport otherwise than in compliance with the federal aviation regulations of the Federal Aviation Administration, the requirements of the Civil Aeronautics Board, or any other authority of the federal government.

SEC. 5-30. USE OF PASSENGER INTERVIEWS, OPINION SURVEYS, PETITIONS, ETC. AT DALLAS LOVE FIELD.

(a) It shall be unlawful for any person to conduct passenger interviews, opinion surveys, or circulate any petition or questionnaire to any member of the air traveling public at or upon any restricted airport property, including, but not limited to, the Dallas Love Field terminal building; provided.

(b) This section does not apply to:

(1) a person acting under the authorization of the city, state, or federal government; or

(2) a media person gathering news for general dissemination to the public by newspapers or magazines of general circulation or by radio or television stations operating under a permit from the United States government. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-31. FEES CHARGED FOR COMMERCIAL AIRCRAFT.

~~—(a) Fees in the amounts determined pursuant to this section must be paid by owners or operators of all commercial aircraft landing at Dallas Love Field or Dallas Executive Airport or using either airport's facilities for the purpose of taking off or landing aircraft.~~

~~—(b) For the purpose of this chapter, COMMERCIAL AIRCRAFT means any aircraft operated for passenger, cargo, or other for-hire purposes on scheduled or non-scheduled flights.~~

~~—(c) An owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay fees to the city in accordance with that agreement.~~

~~—(d) An owner or operator of commercial aircraft that has not executed an airport use and lease agreement having an effective date of October 1, 2008 or later shall pay to the city the following fee per 1,000~~

~~pounds of certificated gross landing weight (determined according to the manufacturer's data) per landing by a commercial aircraft, including scheduled and miscellaneous non-scheduled landings, whether revenue or non-revenue (except for test, inspection, or ferry flights for aircraft maintenance only).~~

DATE OF LANDING	FEE
January 1, 2009 through September 30, 2009	\$1.50
October 1, 2009 through September 30, 2010	\$1.75

DATE OF LANDING	FEE
October 1, 2010 through September 30, 2011	\$2.00
October 1, 2011 and thereafter	125% of the fee paid by an owner or operator of commercial aircraft that has executed an airport use and lease agreement having an effective date of October 1, 2008 or later.

— (e) An owner or operator of commercial aircraft shall file with the director of aviation, within 10 days after the end of each month, the following information:

— (1) The number of landings for the month by type of aircraft.

— (2) The manufacturer's certificated gross landing weight for each type of aircraft.

— (f) Fees required by this section are due and payable (without invoice from the city) within 10 days after the end of each month and must be transmitted to the director of aviation together with the information required under Subsection (e) of this section.

SEC. 5-31. BRINGING OF PETS INTO THE TERMINAL.

(a) It shall be unlawful for any individual to bring into any building, or onto any airport property, any pet or animal, unless, for the entire time on the property, the pet or animal is:

(1) in a pet container;

(2) on a leash that is six feet long or shorter;

or

(3) otherwise under the complete control of the owner or caretaker.

(b) The director shall cause signs giving appropriate notice of pet and animal restrictions to be installed at prominent places at Dallas Love Field and Dallas Executive Airport. (Ord. Nos. 8213; 14318; 14857; 19425; 19677; 24859; 26264; 27436; 31690)

RESERVED.

(Repealed by Ord. 31690)

— (a) In this chapter, GENERAL AVIATION AIRCRAFT means an aircraft that is not a commercial aircraft, as defined in this chapter, on scheduled or non-scheduled flights.

— (b) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft.

— (c) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement.

SEC. 5-31.1. LANDING FEES CHARGED FOR GENERAL AVIATION AIRCRAFT AT DALLAS LOVE FIELD

~~—(d) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director of aviation shall determine the fee using an 80/20 formula, with 80% of the fee comprised of Dallas Love Field's operation and maintenance costs attributable to general aviation aircraft landings and 20% of the fee attributable to the general aviation aircraft's landed weight. The director of aviation shall, on an annual basis, review the fee and make a recommendation to the city council if the director of aviation determines the fee formula should be amended.~~

~~—(e) An owner or operator of a general aviation aircraft shall transmit the fees required by this section to the director of aviation in a timely manner. (Ord. 30842, eff. 7/1/18)~~

ARTICLE V.

OPERATIONS AND SECURITY.

SEC. 5-32. AVIATION SCHOOLS GENERALLY.

~~—No person shall use any municipal airport as a place to conduct an aviation school, air college or flying school unless it is officially recognized by the U. S. Department of Transportation, acting through the Federal Aviation Administration, and has first obtained a lease or permit from the city, or a sublease or permit from one of the city's tenants on the airport. The director of aviation shall have the authority to promulgate rules and regulations deemed appropriate for each municipal airport at which such training is conducted.~~

SEC. 5-32. TRESPASSING ON AOA AND MOVEMENT AREAS.

(a) It is unlawful for any person to enter the AOA of any airport unless a person has a lawful right or is authorized by the director to enter the area. These areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers moving to and from aircraft, employees of the city whose duty it is to perform service, maintenance, and the actual operation of the airport, and such other persons as may be authorized to enter thereon because of their official duties in connection with the maintenance, inspection,

and operation of aircraft and the airport.

(b) It is unlawful for any person to enter the movement area of any airport unless a person is authorized by the director and complies with all rules and regulations for access in accordance with FAA and local airport requirements. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-33. AVIATION FUEL SALES; LICENSE FEES AND RATES.

~~—(a) In this section:~~

~~—(1) AVIATION FUEL means fuel used in aircraft.~~

~~———— (2) FIXED-BASE OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation.~~

~~———— (3) SELF-FUELING OPERATOR means a person dispensing aviation fuel to aircraft that is:~~

~~———— (A) owned by the person;~~

~~———— (B) leased from others and operated by the person; or~~

~~———— (C) managed for others by the person under a contract.~~

~~———— (b) Except as provided in Subsection (d) of this section, only fixed-base operators or self-fueling operators located at Dallas Love Field or Dallas Executive Airport who have received prior written permission from the director of aviation and paid the annual fee required under Subsection (c)(1) of this section may sell or dispense aviation fuel at those airports.~~

~~———— (c) A fixed-base operator or a self-fueling operator selling or dispensing aviation fuel at Dallas Love Field or Dallas Executive Airport shall:~~

~~———— (1) pay to the city an annual fee of \$1,000; payment to be made in advance through the director of aviation;~~

~~———— (2) unless the report is filed by the operator's supplier, file with the director of aviation, before the tenth day of each month, a report of aviation fuel sold or dispensed during the preceding month; and~~

~~———— (3) unless payment is made by the operator's supplier, remit with the monthly sales report \$0.07 for each gallon of aviation fuel sold or dispensed during the preceding month.~~

~~———— (d) This section does not apply to a person selling aviation fuel to the owner or operator of an aircraft on~~

which a landing fee is assessed at Dallas Love Field or Dallas Executive Airport.

SEC. 5-33. LOVE FIELD AIRPORT SECURITY PROGRAM.

(a) A tenant or any person who has been issued identification media by the department of aviation authorizing access to the security identification display, air operations area, or sterile area shall comply with the airport security program.

(b) If a penalty is assessed against the city by the Federal Aviation Administration or Transportation Security Administration because a tenant or person who has been issued airport identification media has failed to comply with the airport security program, the director shall assess the same penalty against that tenant or person. A tenant or person shall pay the full amount of a penalty under this subsection to the director not later than the 10th day after the director submits written demand for payment.

(c) The operations and security division of the department of aviation has primary responsibility for enforcement of the airport security program. (Ord. Nos. 8213; 9975; 14384; 15629; 24859; 25124; 27436; 31690)

SEC. 5-34. SALE OF PRODUCTS AT AIRPORTS; LICENSE OR PERMIT.

~~———— No person shall enter upon any municipal airport for the purpose of offering for sale or selling any goods, wares or merchandise unless he shall have first obtained a license or permit therefor pursuant to an application submitted to the director of aviation.~~

SEC. 5-34. MAINTENANCE RUN-UPS.

No person shall start and run up an aircraft, except in a place designated for such purposes by the director or one of the director's assistants. Aircraft starts and run-ups may not be conducted at Dallas Love Field or Dallas Executive Airport between 12:00 a.m. (midnight) and 6:00 a.m. At no time may any person run up an engine or engines from a position that hangars, shops, or other buildings, or any person in the observation area, are in the path of the propeller or jet blast. (Ord. Nos. 8213; 9975; 14384; 31690)

ARTICLE VI.

ENFORCEMENT.

~~SEC. 5-35. INTERNATIONAL ARRIVAL FEES.~~

~~— (a) In this section:~~

~~— (1) COMMERCIAL PASSENGER SERVICE AIRCRAFT means any aircraft operated for scheduled passenger service to or from Dallas Love Field.~~

~~— (2) INTERNATIONAL ARRIVAL means landing at Dallas Love Field after taking off from a location outside of the United States or a United States territory and using United States Customs and Border Protection services at Dallas Love Field.~~

~~— (b) An owner or operator of an aircraft (other than a commercial passenger service aircraft) that makes an international arrival shall pay to the city the following fees per international arrival (based on the type of aircraft and the certificated maximum gross take-off weight of the aircraft, as determined according to the manufacturer's data):~~

<u>TYPE OF AIRCRAFT</u>	<u>FEE</u>
Transport category (more than 100,000 pounds)	\$750
Large turbine (more than 40,000 to 100,000 pounds)	\$500
Medium turbine (12,500 to 40,000 pounds)	\$400
Light turbine (less than 12,500 pounds)	\$250
Twin engine reciprocal propeller	\$100
Single engine reciprocal propeller	\$75

~~—(c) Fees required by this section are due and payable to the city within 10 days after the date the aircraft's owner or operator receives an invoice from the city detailing the fees owed.~~

SEC. 5-35. PENALTY.

A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense is punishable by a fine not to exceed \$500. (Ord. Nos. 28110; 31690)

SECS. 5-36 THROUGH 5-64. RESERVED.

(Repealed by Ord. 31690)

**SEC. 5-36. FLYING AT LOW ALTITUDE;
PERMITS FOR LANDING PLACES.**

~~—No person shall fly any aircraft over the city at a lower altitude than 2500 feet from the surface of the earth except as provided by section 5-37 hereof, and no person shall establish or maintain or operate any landing place for aircraft within the city, except upon permit of the city council. (Ord. Nos. 8213; 14384)~~

**SEC. 5-37. AUTHORIZATION FOR
EXHIBITIONS.**

~~—On special occasions and for the purpose of exhibition or for educational purposes or for photographer's work, the city council may authorize aircraft exhibitions or flights to be conducted under the general supervision of the director of aviation. No person shall perform any acrobatic feats or what are commonly called "stunts" while flying in or on any aircraft giving any exhibition or otherwise unless specifically authorized by the director of aviation. No person shall operate a hot air balloon over any part of the city without permission from the director of aviation. (Ord. Nos. 8213; 14384)~~

**SEC. 5-38. — ~~CONDITION OF AIRCRAFT
GENERALLY; OPERATION BY
UNSKILLED OR INTOXICATED
PERSONS.~~**

~~— No person shall knowingly operate any aircraft above the city, or give any exhibition of flying or otherwise, while such aircraft is in a defective condition that is likely to cause any accident or injury to persons or property. No person shall operate any aircraft over the city at any time unless such person is fully capable of handling and controlling the aircraft, nor shall any person operate any aircraft while under the influence of any drug or intoxicant of any nature so as to make such person incapable of operating such aircraft properly. (Ord. Nos. 8213; 14384)~~

**SEC. 5-39. — ~~AIRCRAFT PERMITTED TO
OPERATE WITHIN JURISDICTION
OF CITY.~~**

~~— Only pilots and aircraft that have been licensed respectively by the Federal Aviation Administration shall be permitted to operate over or within the jurisdiction of the city and an airport located therein; provided, however, this restriction shall not apply to aircraft of the federal government, a possession or territory thereof, or a state, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement governing the licensing and operation of aircraft. (Ord. Nos. 8213; 14384)~~

**SEC. 5-40. — ~~LOCATION OF VEHICLES ON
PREMISES.~~**

~~— Every person, other than persons regularly employed in the service of any municipal airport, who goes on any such airport in a vehicle shall stay within the limits of parking spaces and drives and shall not enter the landing area. (Ord. Nos. 8213; 14384)~~

**SEC. 5-41. — ~~TRESPASSING UPON LANDING,
TAKE-OFF AND TAXIING AREAS.~~**

~~— It shall be unlawful for any person to enter into the landing, take-off and taxiing areas or any other restricted areas at any municipal airport unless the person so doing has a lawful right or a legitimate reason to enter such areas. Such areas are specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, incoming and outgoing passengers in aircraft, employees of the city whose duty it is to perform services in connection with the maintenance and operation of the airport, and such other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection and operation of aircraft and the airport. (Ord. Nos. 8213; 14384)~~

**SEC. 5-42. — ~~LANDING OR TAKING OFF OF
AIRCRAFT PROHIBITED EXCEPT
AT APPROVED AIRPORTS OR
AREAS; FLIGHT REGULATIONS
TO BE OBSERVED.~~**

~~— (a) No person shall land or take off in any aircraft of any type, whether fixed wing, helicopter or lighter-than-air, such as a balloon or dirigible, except at an airport or area in the city approved for such operations by the Federal Aviation Administration and the director of aviation, unless such action is necessary in an emergency.~~

~~— (b) No person shall operate an aircraft of any type within the air space of the city without observing the regulations applicable to flights in such air space. This subsection is applicable to flights of all such aircraft without regard to whether the airport or landing area at which a person takes off or lands is inside or outside the city. (Ord. Nos. 8213; 14384)~~

**SEC. 5-43. — RELEASE OF ADVERTISING
PAMPHLETS, ETC.**

— It shall be unlawful for any person to release or throw any object, advertising pamphlet or any solid or liquid material from any aircraft flying over the city, of any type capable of carrying a person, either fixed wing, helicopter or lighter than air, such as a balloon or dirigible, or to release or throw such object, advertising pamphlet or solid or liquid material from any flying aircraft in such a manner that such object, advertising pamphlet or material will fall within the city, except when such action or actions be necessary in emergencies. (Ord. 8213)

**SEC. 5-44. — USE OF LOUD SPEAKERS, ETC.,
FOR ADVERTISING.**

— No person shall use a loud speaker or other sound or noise making device in an aircraft of any type, either fixed wing, helicopter, or lighter than air, such as a balloon, captive balloon, or dirigible, flying or floating over the city for advertising or other purposes. (Ord. Nos. 8213; 14384)

**SEC. 5-45. — EXEMPTION OF AIRCRAFT
OWNED BY FEDERAL OR STATE
GOVERNMENT.**

— Sections 5-42 through 5-44 shall not apply to aircraft owned by the federal or state government where the operation involving any of the activities prohibited by said sections is incident to and in aid of national defense and security. (Ord. Nos. 8213; 14384)

**SEC. 5-46. — SOLICITING BUSINESS OR
SELLING MERCHANDISE ON
AIRPORT PROPERTY.**

— It shall be unlawful for any person to solicit customers or patronage for himself or on behalf of any

person or to sell any merchandise of any type or distribute advertising matter upon the premises of any municipal airport of the city, without authority of the director of aviation or the city council. (Ord. 8213)

**SEC. 5-47. — USE OF PASSENGER
INTERVIEWS, OPINION SURVEYS,
PETITIONS, ETC., IN DALLAS
LOVE FIELD TERMINAL
BUILDING.**

— It shall be unlawful for any person to conduct passenger interviews, opinion surveys or to circulate any petition or questionnaire to any member of the air traveling public at or upon any restricted airport property at Dallas Love Field, including but not limited to the Dallas Love Field terminal building; provided, however, that this section shall not apply to any duly authorized person acting upon or in behalf of any United States government agency, the state or the city; nor to any person gathering news matter for general dissemination to the public by newspapers or magazines of general circulation or by radio or television stations operating under a permit from the United States government. (Ord. Nos. 10540; 10582)

**SEC. 5-48. — MOVING SIDEWALKS AND
ESCALATORS AT DALLAS LOVE
FIELD — MANNER OF USE
GENERALLY.**

— It shall be unlawful for any person to use the moving sidewalks or escalators in the Dallas Love Field terminal building contrary to conspicuously posted instructions, such unlawful activities including, but not limited to, riding backwards, sitting on the handrail side saddle style or such other show-off or prankish maneuvers. (Ord. 8463)

SEC. 5-49. — SAME - USE BY CHILDREN UNDER 10 YEARS OF AGE; RESPONSIBILITY OF PARENTS; NONLIABILITY OF CITY.

— It shall hereafter be unlawful for any parent, guardian or person accompanying a child or children under the age of 10 years to permit or allow such child or children to enter upon, travel upon or disembark from any moving sidewalk or escalator in the Dallas Love Field terminal building unless each child is held in the arms of such parent, guardian or person accompanying such child or held by the hand by such parent, guardian or person accompanying such child.

— It shall be the duty of such parent, guardian or person accompanying any child under the age of 10 years using any moving sidewalk or escalator in the Dallas Love Field terminal building to hold such child in the arms of such parent, guardian or person accompanying such child or to hold such child by the hand at the time of entry of such child upon any moving sidewalk or escalator and to continue to hold such child either in the arms of such parent, guardian or person accompanying such child or by the hand throughout the course of the journey on any such moving sidewalk or escalator and until such child is disembarked from such moving sidewalk or escalator.

— Any use of the moving sidewalks or escalators by any child or children in any manner contrary to this section shall be deemed a failure by the parent, guardian or person accompanying such child or children to observe this section, and such failure shall absolve the city from any liability whatsoever for any personal injuries suffered by any such child or children or personal injuries resulting in the death of any such child or children. (Ord. 8463)

SEC. 5-50. — SAME - USE BY ANIMALS PROHIBITED.

— It shall be unlawful for the caretaker, owner or custodian of any pets or animals to allow such pets or animals to use the moving sidewalks or escalators in the Dallas Love Field terminal building. (Ord. 8463)

SEC. 5-51. — SAME - USE BY BABY CARRIAGES, WHEEL CHAIRS, ETC., PROHIBITED.

— It shall be unlawful for any person to enter upon or use the moving sidewalks or escalators with any type of baby buggy, baby carriage, wheel chair or any other type of vehicle, regardless of whether or not such vehicles contain any child, person, thing or objects. (Ord. 8463)

SEC. 5-52. — SAME - INSTALLATION OF SIGNS REGARDING USE.

— The director of aviation shall cause to be installed a sign at each entrance to all moving sidewalks or escalators in the Dallas Love Field terminal building. Such signs shall read as follows:

————— “NOTICE - CITY ORDINANCE
“USE OF MOVING SIDEWALKS BY CHILDREN UNDER TEN PROHIBITED UNLESS HELD IN ARMS OR BY HAND BY PERSON ACCOMPANYING CHILD OR CHILDREN. PETS, ANIMALS, BABY CARRIAGES OR WHEEL CHAIRS PROHIBITED. VIOLATORS WILL BE PROSECUTED.”

————— “NOTICE - CITY ORDINANCE
“USE OF ESCALATORS BY CHILDREN UNDER TEN PROHIBITED UNLESS HELD IN ARMS OR BY HAND BY PERSON ACCOMPANYING CHILD OR CHILDREN. PETS, ANIMALS, BABY CARRIAGES OR WHEEL CHAIRS PROHIBITED. VIOLATORS WILL BE PROSECUTED.” (Ord. 8463)

**SEC. 5-53. ~~BRINGING PETS INTO
TERMINALS PROHIBITED;
EXCEPTIONS.~~**

~~It shall be unlawful for any individual to bring into any terminal or terminal extension located at either Dallas Love Field or Dallas Executive Airport any pet other than a seeing-eye dog or a pet traveling by air. (Ord. Nos. 12856; 24859)~~

**SEC. 5-54. ~~INSTALLATION OF SIGNS ABOUT
PET RESTRICTIONS.~~**

~~The director of aviation shall cause signs giving appropriate notice of the pet restrictions to be installed at prominent places at Dallas Love Field and Dallas Executive Airport. (Ord. Nos. 12856; 24859)~~

**SEC. 5-55. ~~AIRCRAFT PERMITTED TO
OPERATE AT DALLAS EXECUTIVE
AIRPORT.~~**

~~(a) Except as provided in Subsection (b) of this section, no person shall take off or land an aircraft at Dallas Executive Airport that weighs in excess of 60,000 pounds.~~

~~(b) This section does not apply to:~~

~~(1) takeoffs or landings necessitated by emergencies; or~~

~~(2) aircraft with a load capacity in excess of 60,000 pounds in which no cargo or fare-paying passengers are being transported. (Ord. Nos. 17498; 24859)~~

**SEC. 5-56. ~~FLEET-MIX REQUIREMENTS FOR
COMMERCIAL AIR CARRIERS AT
DALLAS LOVE FIELD.~~**

~~(a) In this section:~~

~~(1) COMMERCIAL AIR CARRIER means any air carrier, as defined in Section 101 of the Federal Aviation Act, that:~~

~~(A) provides passenger air transportation at Dallas Love Field in accordance with published flight schedules; and~~

~~(B) uses passenger-carrying aircraft at Dallas Love Field with a capacity of more than 56 passengers.~~

~~(2) OPERATION means the landing or departure of any passenger-carrying aircraft with a capacity of more than 56 passengers.~~

~~(3) STAGE 3 AIRCRAFT means an aircraft that complies with the noise levels prescribed in Title 14, Part 36, Appendix C, Section C36.5(a)(3) of the Code of Federal Regulations.~~

~~(b) Every commercial air carrier shall use Stage 3 or quieter aircraft for at least:~~

~~(1) 60 percent of all monthly operations at Dallas Love Field, beginning July 1, 1989; and~~

~~(2) 65 percent of all monthly departures from Dallas Love Field between 10 p.m. and 7 a.m., beginning December 31, 1992.~~

~~(c) Subsection (b) of this section shall not apply to a commercial air carrier:~~

~~(1) that regularly conducts not more than six operations within any 24-hour period at Dallas Love Field;~~

~~— (2) for the first 180 calendar days after beginning service at Dallas Love Field if such service was begun on or after July 1, 1989; or~~

~~— (3) if failure to maintain the percentage of Stage 3 aircraft required by Subsection (b) of this section is the direct result of an act of God; a war, warlike operation, insurrection, or riot; an act of government including a regulation, requisition, rule, or order; a strike or labor trouble; or any other cause beyond the reasonable control of the commercial air carrier.~~

~~— (d) A person who violates a provision of this section, or who fails to perform an act required of him by this section, is guilty of an offense. A person commits a separate offense for each operation in which an aircraft exceeding Stage 3 noise levels is used in violation of the monthly percentages required by Subsection (b) of this section. An offense under this section is punishable by a fine not to exceed \$500. (Ord. 20301)~~

~~ARTICLE II.~~

~~GROUND TRANSPORTATION SERVICES AT LOVE FIELD AIRPORT.~~

~~SEC. 5-57. STATEMENT OF POLICY.~~

~~— It is the policy of the city to provide and promote adequate and efficient ground transportation services at Dallas Love Field Airport for the convenience of the public. To this end, the city has established a ground transportation system at the airport designed to control traffic congestion, protect the public health and safety, preserve the airport infrastructure, and provide beneficial and convenient ground transportation services to air carrier passengers and other users at the airport. (Ord. Nos. 26492; 29596)~~

~~SEC. 5-58. DEFINITIONS.~~

~~— In this article:~~

~~— (1) AIRPORT means all of the land, improvements, facilities, and developments within the boundaries of Dallas Love Field Airport.~~

~~— (2) AVITAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport's ground transportation office and may be used to charge trip fees for ground transportation vehicles operating at the airport.~~

~~— (3) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.~~

~~— (4) CONCESSION CONTRACT means a contractual agreement between the city and another person for the provision of car rental and parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.~~

~~— (5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.~~

~~— (6) COURTESY VEHICLE SERVICE means the provision of free transportation to customers by or for a business as an accessory to the main activities of the business.~~

~~— (7) DECAL means a decal issued by the director under Section 5-62 of this article authorizing the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.~~

———— (8) ~~DIRECTOR~~ means the city's director of aviation or the director's designated representative, including the transportation coordinator.

———— (9) ~~DRIVER~~ means an individual who drives or otherwise controls the physical movements of a courtesy vehicle or transportation-for-hire vehicle.

———— (10) ~~FIXED-BASE OPERATOR~~ means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the airport.

———— (11) ~~GROUND TRANSPORTATION SERVICE~~ means the business of operating a courtesy vehicle or transportation-for-hire vehicle at the airport for the purpose of dropping off or picking up passengers at the airport's terminal building or other areas of the airport.

———— (12) ~~GROUND TRANSPORTATION VEHICLE~~ means a courtesy vehicle or transportation-for-hire vehicle that is used for performing ground transportation service at the airport.

———— (13) ~~HOLDER~~ means a person who is granted operating authority to perform ground transportation service at the airport, and includes any person with an ownership interest in the ground transportation service.

———— (14) ~~LAWFUL ORDER~~ means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article.

———— (15) ~~OPERATE~~ means:

———— (A) to own, drive, or be in control of a ground transportation vehicle at the airport; or

———— (B) to own or be in control of a ground transportation service provided at the airport.

———— (16) ~~OPERATING AUTHORITY~~ has the definition given that term in Chapter 47A of this code.

———— (17) ~~OPERATOR~~ means:

———— (A) the owner or driver of a ground transportation vehicle; or

———— (B) the holder of operating authority to perform ground transportation service at the airport.

———— (18) ~~OWNER~~ means the person:

———— (A) who is the legal owner of a motor vehicle;

———— (B) to whom a motor vehicle is registered by the state; or

———— (C) who is leasing a motor vehicle.

———— (19) ~~PERSON~~ means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

———— (20) ~~TRANSPORTATION COORDINATOR~~ means the person designated by the director to oversee and manage the ground transportation service operations at the airport.

———— (21) ~~TRANSPORTATION-FOR-HIRE SERVICE~~ has the definition given that term in Chapter 47A of this code.

———— (22) ~~TRANSPORTATION-FOR-HIRE VEHICLE~~ has the definition given that term in Chapter 47A of this code.

———— (23) ~~TRIP~~ means each time passengers are picked up at the airport by a ground transportation vehicle.

———— (24) ~~TRIP FEE~~ means the monetary amount charged per trip to the owner or operator of a ground transportation vehicle in accordance with Section 5-63 of this article. (Ord. Nos. 26492; 27831; 29596; 29721)

SEC. 5-59. GENERAL AUTHORITY FOR ENFORCEMENT.

~~— (a) The director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the airport as the director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the airport.~~

~~— (b) The director may issue lawful orders, not inconsistent with this article, as the director determines necessary to carry out duties under, or to effect the policy of, this article.~~

~~— (c) The transportation coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the director under this article. (Ord. Nos. 26492; 27831; 29596)~~

SEC. 5-60. DEFENSES.

~~— It is a defense to prosecution under this article that:~~

~~— (1) the motor vehicle was owned, operated, or leased by:~~

~~— (A) a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;~~

~~— (B) an employer or employee association and being used to transport employees between the employee's homes and the employer's place of business or between work stations;~~

~~— (C) an air freight or cargo company utilizing air cargo terminals at the airport;~~

~~— (D) a fixed-based operator and being used to transport employees or customers at the airport;~~

~~— (E) the federal or state government or a political subdivision of the state; or~~

~~— (F) a school, university, organ donor company, medical service provider, or ambulance service; or~~

~~— (2) the ground transportation vehicle was licensed by another governmental entity and was transporting a passenger from a point outside the city to a destination inside the airport, if the ground transportation vehicle leaves the airport without receiving a passenger inside the airport. (Ord. Nos. 26492; 29596)~~

SEC. 5-61. GROUND TRANSPORTATION SERVICE REQUIREMENTS.

~~— (a) A person commits an offense if he performs ground transportation service at the airport without being authorized under either:~~

~~— (1) a current, valid certificate of registration issued under Section 5-62 of this article; or~~

~~— (2) a current, valid operating authority permit issued under Chapter 47A of this code.~~

~~— (b) A person commits an offense if he operates a ground transportation vehicle at the airport without either:~~

~~— (1) being named in the registration issued under Section 5-62 of this article; or~~

~~— (2) holding a current, valid driver permit issued under Chapter 47A of this code.~~

~~— (c) A person commits an offense if he operates, or as a holder allows the operation of, a ground transportation vehicle at the airport that:~~

~~_____ (1) is not listed in the registration issued under Section 5-62 of this article; or~~

~~_____ (2) does not have a current, valid vehicle permit issued under Chapter 47A of this code.~~

~~_____ (d) Each ground transportation vehicle operated at the airport that is required by the director to have an AVI tag must display the AVI tag issued to the owner or operator of the vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.~~

~~_____ (e) Each ground transportation vehicle operated at the airport that does not have a vehicle permit issued under Chapter 47A of this code must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director. (Ord. Nos. 26492; 29596; 29721)~~

SEC. 5-62. REGISTRATION OF GROUND TRANSPORTATION SERVICE AT THE AIRPORT.

~~_____ (a) Registration; application.~~

~~_____ (1) To obtain a ground transportation service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service.~~

~~_____ (2) The registration application must include or be accompanied by:~~

~~_____ (A) the name, address, and verified signature of the applicant;~~

~~_____ (B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;~~

~~_____ (C) the full name and driver's license number of every individual expected to drive or operate a ground transportation vehicle at the airport under the registration;~~

~~_____ (D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation service;~~

~~_____ (E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;~~

~~_____ (F) proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;~~

~~_____ (G) a decal fee in the amount specified in Section 5-63 of this article for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and~~

~~_____ (H) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the airport.~~

~~_____ (b) Issuance and denial of registration.~~

~~_____ (1) The director shall issue a certificate of registration to the applicant, unless the director determines that the applicant:~~

~~_____ (A) failed to comply with the requirements for receiving a certificate of registration;~~

~~_____ (B) failed to submit a complete registration application;~~

~~_____ (C) made a false statement as to a material matter on or in connection with the registration application;~~

~~_____ (D) had a ground transportation service certificate of registration revoked within the 24 months preceding the date of application; or~~

~~_____ (E) owes the city money relating to the operation of ground transportation service at the airport.~~

~~_____ (2) If the director approves the registration application, the applicant will receive a ground transportation service certificate of registration and a decal for each vehicle authorized to be operated in the ground transportation service. A certificate of registration and all accompanying decals expire September 30 of each year and must be renewed in accordance with the application procedures set forth in this section.~~

~~_____ (3) If the director determines that a certificate of registration should be denied, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of the right of appeal.~~

~~_____ (c) Suspension or revocation of registration:~~

~~_____ (1) The director may suspend or revoke a certificate of registration if the director determines that:~~

~~_____ (A) the holder made a false statement as to a material matter on or in connection with the registration application;~~

~~_____ (B) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to pay any fee required by this article at the time or in the manner required by this article or approved by the director;~~

~~_____ (C) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, used an AVI~~

~~tag or courtesy vehicle or transportation-for-hire vehicle decal in an unauthorized manner; or~~

~~_____ (D) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the director under this article.~~

~~_____ (2) The director may suspend the certificate of registration of a ground transportation service for a period not to exceed 60 days. The director may apply the suspension to all of the holder's courtesy vehicle or transportation-for-hire vehicle operations at the airport or limit the suspension to the particular courtesy vehicle or transportation-for-hire vehicle operator listed on the holder's certificate of registration who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, may resume providing courtesy vehicle or transportation-for-hire vehicle service at the airport after providing verification to the director that any deficiency for which the suspension was given has been corrected within the suspension period. Failure to correct a deficiency within the time period established by the director may result in revocation of the holder's certificate of registration.~~

~~_____ (3) The director shall notify the holder in writing of any suspension or revocation under this section. Written notice must also be given to any particular courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration is suspended under this section. The director shall include in the notice the reason for the suspension or revocation, the scope of the suspension, the date the director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any suspended courtesy vehicle or transportation-for-hire vehicle operator of the right of appeal. The period of suspension or~~

revocation begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the director denies issuance or renewal of a ground transportation service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation-for-hire vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, shall immediately cease any ground transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.

(d) Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation service certificate of registration is denied by the director, any holder whose certificate of registration has been revoked or suspended by the director, or any courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended by the director may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-63. FEES.

(a) A person performing ground transportation service at the airport shall pay the following fees to the director:

(1) Decal fees. An annual decal fee of \$15 will be charged for each courtesy vehicle or transportation-for-hire vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code, by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is \$15.

(2) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged \$2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-64. CUSTOMER FACILITY CHARGE.

(a) Definitions. In this section:

(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement either (A) directly with an airport rental car company; or (B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company. A person qualifies as an airport customer regardless of whether the person receives the car at the airport, future ConRAC location, or at an off-airport location.

(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.

(3) CFC means customer facility charge and is a user fee imposed on a transactional basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is, at all times, property of the city.

~~———— (4) COMMON TRANSPORTATION SYSTEM means a shared shuttle system dedicated solely to the transportation of airport customers between the passenger terminals and the ConRAC.~~

~~———— (5) ConRAC means a consolidated rental car facility.~~

~~———— (6) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.~~

~~———— (7) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with city to provide car rental services.~~

~~———— (8) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party.~~

~~———— (b) CFC amount. An airport customer shall pay a CFC of \$3.00 per transaction day.~~

~~———— (c) Director's power and duties.~~

~~———— (1) The director is authorized to implement and administer the CFC consistent with the policy of this article.~~

~~———— (2) The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.~~

~~———— (d) Airport rental car company's duties. The airport rental car company shall:~~

~~———— (1) charge and collect from each airport customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and shall list the CFC separately on the invoice, describing it as a "Customer Facility Charge";~~

~~———— (2) remit the total amount of the CFC along with supporting documentation in a format acceptable to the director by the following deadlines:~~

~~———— (A) for an off-airport rental car company, the CFC shall be remitted directly to the city monthly, and not later than the 15th day of the month following the month in which the CFC was invoiced to the airport customer;~~

~~———— (B) for an on-airport rental car company, the CFC shall be remitted pursuant to the terms of its concession contract with the city; and~~

~~———— (3) maintain adequate records that account for the CFC charged to its customers and collected for the city, in accordance with generally accepted accounting principles, and make the records available to the city upon request of the director.~~

~~———— (e) Use of CFC. The city may use the CFC to pay costs associated with studying, planning, designing, managing projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The CFC may also be used to analyze the operational, physical, and financial feasibility of developing the ConRAC and other rental car facilities for airport rental car companies as well as for leasing property, construction costs, and common use transportation systems. (Ord. Nos. 30842; 31556)~~

<u>STREET</u>	<u>EXTENT</u>
Good-Latimer Expressway	Elm Street to Commerce Street
Commerce Street	Good-Latimer Expressway to Hall Street
Hall Street	Commerce Street to Elm Street
Elm Street	Hall Street to Good-Latimer Expressway.

(C) The following streets or portions of streets:

<u>STREET</u>	<u>EXTENT</u>
Clarendon Drive	Westmoreland Road to Hampton Road
Hampton Road	Sharon Avenue to Catherine Street
Westmoreland Road	Sharon Avenue to Brooklyndell Avenue.

(D) The following streets or portions of streets:

<u>STREET</u>	<u>EXTENT</u>
Shady Trail	Willowbrook Road to Fabens Road
Harry Hines Boulevard	Royal Lane to Lombardy Lane
Walnut Hill Lane	Composite Drive to Harry Hines Boulevard
Southwell Road	Ables Lane to Harry Hines Boulevard.

(3) TRAFFIC CONTROL POINT means any point established by the chief of police within a no cruising zone for the purpose of monitoring cruising.

~~—(b) A person commits an offense if:~~

~~—(1) between 8:00 p.m. and 4:00 a.m. on any day of the week, he cruises in an area marked in accordance with Subsection (e) as a no cruising zone, as defined in Subsection (a)(2)(A) or (a)(2)(B); or~~

~~—(2) between 3:00 p.m. and 1:00 a.m. on any day of the week, he cruises in an area marked in accordance with Subsection (e) as a no cruising zone, as defined in Subsection (a)(2)(C).~~

(b) A person commits an offense if:

(1) between 8:00 p.m. and 4:00 a.m. on any day of the week, he cruises in an area marked in accordance with Subsection (e) as a no cruising zone, as defined in Subsection (a)(2)(A) or (a)(2)(B);

(2) between 3:00 p.m. and 1:00 a.m. on any

day of the week, he cruises in an area marked in accordance with Subsection (e) as a no cruising zone, as defined in Subsection (a)(2)(C); or

(3) between 4:30 p.m. and 8:00 a.m. on any day of the week, he cruises in an area marked in accordance with Subsection (e) as a no cruising zone, as defined in Subsection (a)(2)(D).

(c) A citation will be issued under Subsection (b) any time after the third passage of the vehicle by the traffic control point.

(d) It is a defense to prosecution under Subsection (b) that the motor vehicle was:

(1) an official public safety or emergency vehicle;

(2) a licensed public transportation vehicle;

or

(3) a vehicle being used for business purposes.

(e) The traffic engineer shall mark a no cruising zone by conspicuously posting appropriate signs at each entrance to the zone.

(f) Enforcement authority expires on January 1, 2022 for those streets or portions of streets in Section 28-42.1(a)(2)(D). (Ord. Nos. 20606; 23616; 25274; 31714)

Division 2. Speed Regulations.

SEC. 28-43. SPEEDS GREATER THAN 30 MILES PER HOUR ON PUBLIC STREETS OR 15 MILES PER HOUR ON PUBLIC ALLEYS NOT REASONABLE OR PRUDENT.

A person commits an offense if he operates a vehicle on any street within the city at a speed greater than 30 miles per hour or on any public alley at a speed greater than 15 miles per hour, unless otherwise provided by this chapter. Any speed in excess of 30 miles per hour on a public street or 15 miles per hour in a public alley, unless otherwise provided by this chapter, shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful. (Ord. 14584)

SEC. 28-44. STREETS OTHER THAN EXPRESSWAYS AND FREEWAYS.

A person commits an offense if he operates or drives a vehicle on the following designated streets at a speed greater than the speed designated by this section for that street or portion of that street, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Interstate Highway 35E Managed Lanes	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 114058, as amended	Lyndon B. Johnson Freeway (IH 635)	N. Central Expressway (US 75) to Kingsley Road	Set by Texas Transportation Commission Minute Order No. 114203
Interstate Highway 635 Managed Lanes	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 114058, as amended	Lyndon B. Johnson Freeway (IH 635)	Stemmons Freeway (IH 35E) to N. Central Expressway (US 75)	Set by Texas Transportation Commission Minute Order No. 114203
Interstate Highway 635 Managed Lanes	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 114554, as amended	Marvin D. Love Freeway (US 67)	S. R. L. Thornton Freeway (IH 35E) to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
John W. Carpenter Freeway (SH 183)	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 106769, as amended	Mountain Creek Lake Bridge	From the Grand Prairie city limits to Mountain Creek Parkway	Set by North Texas Tollway Authority Resolution No. 97-31, as amended
Julius Schepps Freeway (IH 45)	E. R. L. Thornton Freeway (IH 30) to Hutchins north city limits	Set by Texas Transportation Commission Minute Order No. 114203	N. Central Expressway (IH 345)	Woodall Rodgers Freeway (Spur 366) to E. R. L. Thorton Freeway (IH 30)	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Grand Prairie east city limits to Duncanville west city limits	Set by Texas Transportation Commission Minute Order No. 114203	N. Central Expressway (US 75)	Richardson south city limits to Woodall Rodgers Freeway (Spur 366)	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Duncanville east city limits to Lancaster west city limits	Set by Texas Transportation Commission Minute Order No. 114203	President George Bush Turnpike	All portions within the city limits	Set by North Texas Tollway Authority Resolution No. 01-40, as amended
Lyndon B. Johnson Freeway (IH 20)	Lancaster east city limits to Hutchins west city limits	Set by Texas Transportation Commission Minute Order No. 114203	R. L. Thornton Freeway (IH 30)	Stemmons Freeway to First Avenue	55
Lyndon B. Johnson Freeway (IH 20)	Hutchins east city limits to Balch Springs west city limits	Set by Texas Transportation Commission Minute Order No. 114203	S. R. L. Thorton Freeway (IH 35E)	E. R. L. Thorton Freeway (IH 30)to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Farmers Branch city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203	Spur 408	Walton Walker Boulevard (Loop 12) to Lyndon B. Johnson Freeway (IH 20)	Set by Texas Transportation Commission Minute Order No. 114229

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Stemmons Freeway West Service Road	Regal Row to Mockingbird Lane	40
Stemmons Freeway West Service Road	Commonwealth Drive to Industrial Boulevard	40
Stemmons Freeway West Service Road	Industrial Boulevard to Commerce Street	35
Stemmons Freeway East Service Road	Industrial Boulevard to Regal Row	40
Walton Walker Boulevard East Service Road	Illinois Avenue to 2300 feet north of Davis Street	40
Walton Walker Boulevard East Service Road	2300 feet north of Davis Street to 900 feet north of the Interstate Highway 30 bridge	35
Walton Walker Boulevard East Service Road	900 feet north of the Interstate Highway 30 bridge to Singleton Boulevard	40
Walton Walker Boulevard West Service Road	Illinois Avenue to 2300 feet north of Davis Street	40
Walton Walker Boulevard West Service Road	2300 feet north of Davis Street to 50 feet north of Richey Street	35
Walton Walker Boulevard West Service Road	50 feet north of Richey Street to Singleton Boulevard	40
Woodall Rodgers Freeway North Service Road	Central Expressway to Routh Street	35
(Ord. Nos. 14584; 14922; 14974; 15194; 15455; 16018; 16166; 16411; 16501; 17345; 18265; 18283; 19749; 19814; 20196; 22643; 22731; 25833; 27294; 27700; 28583; 28871; 29613; 30022; 31770)		

SEC. 28-46. STREETS IN PARK AREAS.

A person commits an offense if he operates or drives a vehicle on a street, roadway, path, or parking area open to the public, whether dedicated or not, contained within the following designated city parks, at a speed greater than the speed designated, and any

speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.

<u>PARK</u>	<u>MAXIMUM SPEED (MPH)</u>
Arcadia Park	20
Arcadia Heights Park	20
Bachman Park	20
Barnes Bridge Road (from Lake Ray Hubbard Generator Plant to the edge of Lake Ray Hubbard)	15
Crawford Park	15
Fair Oaks Park (excluding Merriman Parkway)	15
Fair Oaks Park (Merriman Parkway)	30
Fair Park	20
Kiest Park (excluding picnic area)	20
Kiest Park (picnic area)	10
L. B. Houston (gun range)	15
L. B. Houston (golf course)	20
Mountain Creek Lake Park	20
Norbuck Park	25
North Lake Park	20
Reverchon Park	15
Robertson Park, North	20
Robertson Park, South	20
Rochester Park	20
Samuell, East Park	20
Samuell-Grand Park	25
Samuell-Hobby Park	10
Tenison Park (picnic area)	10
White Rock Park	25

(Ord. Nos. 14584; 14818; 15455)

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Carroll Avenue	1500-2000	137' S. of Ross Avenue to 150' S. of Lafayette Street	Church Road	9300-9500	200'W. of White Rock Trail to 30'W. of Dahman Circle
Carroll Avenue	2300-2500	170'S. of Capitol Avenue to 175'N. of Weldon Street	Church Road	9700-9800	250'E. of Audelia Road to 60'W. of Winding Ridge Drive
Casa Oaks Drive	9900-10000	125'N. of Larry Drive to 20'S. of Andrea Lane	Church Road	10200-10300	Trailpine Drive to 210'E. of Kirkhaven Drive
Catawba Road	8100-8300	125'W. of Elsby Avenue to 150'E. of Bluffview Boulevard	Churchill Way	6100-6300	200'W. of Whitley Lane to 240'E. of Hughes Lane
Cedar Crest Boulevard	2200-2300	340'E. to 320'W. of Bonnie View Road	W. Clarendon Drive	1300-1500	300'W. of Windomere Avenue to 300'E. of Edgefield Avenue
Cedar Crest Boulevard	2600-2800	200'N. of Diceman Avenue to 5'S. of Chrysler Drive	Claremont Drive	8000-8100	Stonycreek Drive to El Cerrito Drive
Cedar Springs Road	4000-4100	215'S. of the west leg of Knight Street to 175'N. of the east leg of Knight Street	Clark Road	8700-8900	375'N. to 375'S. of Big Stone Gap
Cedar Springs Road	5500-5600	300'N. of Hedgerow Drive to 250'N. of Inwood Road	Cliffbrook Drive	7200-7400	535'E. of Birchridge Drive to 380'W. of Meandering Way
Celestial Road	5100	210'W. of Noel Road to 65'W. of Montfort Drive.	Clover Lane	3700-3800	70'E. of Marsh Lane to 350'E. of Mixon Drive
Centerville Road	1700-2100	210' W. of Desdemona Drive to 170' E. of Galena Street	Club Meadow Drive	8400-8800	240'S. of Summer Glen Lane to 150'N. of Loma Vista Drive
Centerville Road	2300-2400	260'E. to 260'W. of Joaquin Drive	S. Cockrell Hill Road	2600	100'S. of Wood Valley Drive to 220'S. of Briarglen Drive
Chariot Drive	7300-7500	90' W. of Berridge Lane to 220' E. of Trace Road	S. Cockrell Hill Road	3000-3200	250' S. to 250' N. of Kiest Boulevard
Chariot Drive	7800-7900	220' W. to 250' E. of Wimbleton Way	Coit Road	13500-13700	150'S. of Purple Sage Road to 200'N. of Spring Grove Avenue
Chaucer Place	7400	270'N. of Kimwood Drive to Kimwood Drive	Cold Harbor Drive	11800-11900	215'N. to 255'S. of Deep Valley Drive
Chenault Street	1500-1700	200' W. of Dilido Road to 200' E. of Chevrolet Drive	Cole Avenue	3800-3900	205'S. to 270'N. of Haskell Avenue
Cherry Laurel Lane	800-900	200' N. to 180' S. of Keeneland Parkway	Colorado Boulevard	700-800	230' W. to 250' E. of Ewing Avenue
Cheyenne Road	700-900	20'S. of Big Thicket Drive to 50'S. of Pleasant Woods Drive	<u>W. Colorado Boulevard</u>	<u>200-300</u>	<u>220' E. of N. Clinton Avenue to 250' E. of Turner Avenue</u>
Cheyenne Road	1500-1600	205'N. of Cradlerock Drive to 50'N. of Checota Drive	W. Colorado Boulevard	1000-1100	30' W. of N. Winnetka Avenue to 130' E. of N. Winnetka Avenue
Chimney Hill Lane	10000-10100	160'W. to 170'E. of Pleasant Valley Drive	W. Colorado Boulevard	2500-2800	170'W. of Westmount Avenue to 50'W. of Stevens Ridge Drive
Chiswell Road	9100-9300	20' S. of Overwood Road to 125' S. of Highedge Drive	Comal Street	700-800	150' W. to 100' E. of Ewing Avenue
Church Road	9000-9100	125' W. of Arborgate Drive to 370' E. of Tory Sound Drive			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Coming Avenue	200E-200W	110'E. of Beckley Avenue to 110'W. of Toluca Avenue	W. Davis Street	4900-5100	35'E. of Justin Avenue to 75'E. of Bond Avenue
Community Drive	3200	225'S. to 215'N. of Timberline Drive	Deerfield Lane	3700-3800	150'S. of Gibb Williams Road to 100'N. of Bridal Wreath Lane
Congress Avenue	4000-4100	160' N. to 160' S. of Throckmorton Street	Deer Path Drive	1900-2200	200'E. of Garrison Street to 225'W. of Easter Avenue
Conner Drive	1300-1400	15'N. of Lake June Road to 425'S. of Grovecrest Drive	Delmar Avenue	2800-3000	150'S. of Marquita Avenue to 120'N. of Vickery Boulevard
Conroe Street	3100-3200	480' S. of Nomas Street to Nomas Street	Delmar Avenue	4100	200'N. of Winton Street to 100'S. of Anita Street
Corinth Street	300-400	350'S. of Avenue B to 15'S. of Avenue D	Denley Drive	1200-1400	100'S. of Forester Drive to 75'S. of Genoa Avenue
Corning Avenue	700-1000	210'E. of Ewing Avenue to 165' W. of Maryland Avenue	Dennis Road	11300-11600	320' S. of Northaven Road to 200' N. of Modella Avenue
Cortland Avenue	7600-7700	150'N. of Anson Road to 50'S. of Bombay Avenue	Diceman Drive	9000-9100	Old Gate Lane to 100' W. of San Saba Drive
County View Lane	9200-9300	200'S. of Field View Lane to 150'N. of Long Canyon Trail	Dickerson Street	17800-18000	270' S. of Hidden Creek Drive to 235' N. of Maribeth Drive
Cox Lane	11900-12100	60'N. of Crest Cove Circle to 270'S. of High Vista Drive	Dilido Road	3100-3700	25' N. of Britain Way to 100' S. of Senate Street
Cradlerock Drive	10500-10600	200'W. of Amity Lane to Cheyenne Road	Drury Drive	1100-1400	600'W. of Polk Street to 1000'E. of Regatta Drive
N. Crawford Street	100-300	200'S. of Ninth Street to 100'N. of Eighth Street	Duncanville Road	2000-2300	380'N. to 1225'N. of Illinois Avenue
Cromwell Drive	11300-11500	130'S. of Flair Drive to 60'S. of Winged Foot Court	Duncanville Road	2200	1610'N. to 2735'N. of Illinois Avenue
Crown Shore Drive	3800	130'W. of Cold Harbor Lane to 140'E. of Cox Lane	Dunlap Drive	8600-8700	235'W to 265'E. of Odeneal Street
Cummings Avenue	2900	Sunnyvale Street to 20'W. of Tacoma Street	Durham Street	8200-8400	200' S. of Wentwood Drive to 50' S. of Northwest Parkway
Dale Crest Drive	9800-9900	175' S. to 345' N. of Park Lane	Easter Avenue	3200-3300	210' N. of Deerpath Drive to 25' S. of Village Way
Dallas North Tollway west service road		220'N. of Wycliff Avenue to Wycliff Avenue	Easton Road	400-800	380' S. of Bon Aire Drive to 160' S. of Lippit Avenue
Darien Street	3600-3700	Bickers Street to Bayside Street	Eastridge Drive	6600-6700	420'E. to 350'W. of Ridgcrest Road
W. Davis Street	400-600	170'E. of Woodlawn Avenue to 200'W. of Cedar Hill Avenue	Edd Road	1400	390'E. of Vida Lane to 40'W. of Garden Grove Drive
W. Davis Street	1500-1800	220'E. of Montclair Avenue to 440'W. of Mary Cliff Road			
W. Davis Street	2400-2500	20' W. of N. Terrace Boulevard to 75'E. of Bernice Street			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
N. Edgefield Avenue	600-800	200'N. of Kings Highway to 150'S. of Taft Street	N. Ewing Avenue	200	E. Eighth Street to E. Jefferson Boulevard
S. Edgefield Avenue	400-700	190'S. of Brooklyn Avenue to 170'N. of Twelfth Street	N. Ewing Avenue	700-900	150' S. of Comal Street to 105' N. of Colorado Boulevard
S. Edgefield Avenue	1000-1200	500'N. of Lebanon Avenue to 200'N. of Clarendon Drive	S. Ewing Avenue	1200-1400	200'N. of Winters Street to 170'S. of Genoa Avenue
S. Edgefield Avenue	2100-2300	150'N. of Wilbur Street to 75'N. of Berkley Avenue	S. Ewing Avenue	1500-1600	90' N. of Korgan Street to 30' N. of Vermont Avenue
Edgemere Road	10700-10900	175'S. of Azalea Lane to 200' S. of Royal Lane	S. Ewing Avenue	2000-2100	170'S. to 180'N. of E. Woodin Boulevard
Edgeworth Drive	500-700	100'S. of Seagoville Road to 150'N. of Rylie Crest Drive	S. Ewing Avenue	2900-3100	200'N. of McVey Avenue to 275'S. of Corning Avenue
E. Eighth Street	500-800	90' E. of N. Ewing Avenue to 55' W. of Lansing Street	Fair Oaks Avenue	7000	170' E. to 895' E. of Ridgecrest Road
E. Eighth Street	1000-1300	Eads Avenue to 240' E. of Denley Drive	Fair Oaks Avenue	7400-7600	150' N. to 1910' N. of Pineland Avenue
Elam Road	6200-6300	15'W. of Bethpage Avenue to 240'W. of Ella Avenue	Farola Drive	2000-2200	20'N. of Montalba Avenue to 300'N. of Itasca Drive
Elam Road	7000-7100	310'W. to 290'E. of Jim Miller Road	Ferguson Road	7800-8100	250'S. to 1300'N. of Highland Road
Elam Road	8400-8500	100'W. of Ravenwood Drive to 15'E. of Freddie Drive	Ferguson Road	9600-9700	1400'E. to 370'W. of Peavy Road
Elam Road	10500	250'E. to 250'W. of Pleasant Vista Drive	Ferguson Road	9800-9900	225' N. to 225' S. of Millmar Drive
Ella Avenue	300-400	230'S. of Alcorn Avenue to 200'N. of Misty Wood Drive	Ferguson Road	10800-11000	75'N. of Cassandra Way to 150'S. of Delford Circle
Elsie Faye Heggins Street	2400-2500	200' E. of Leland Avenue to 250' E. of Crozier Street	Ferndale Road	9400-9700	120'S. of Lakemere Road to Dentport Drive
Elsie Faye Heggins Street	2700-3000	250' W. of Malcolm X Boulevard to 30' E. of Louie Lane	Ferndale Road	9800-9900	150'S. of Estate Lane to 150'S. of Caribou Trail
Elsie Faye Heggins Street	3200-3300	10' W. of Spring Garden Drive to 200' W. of Bradshaw Street	Ferris Branch Boulevard	9000	220' N. of Whitehurst Drive to end of Ferris Branch Boulevard
N. Ervay Street	400-600	195'S. to 75'N. of Patterson Avenue	Fieldfare Drive	10100	150'S. of Fieldfare Court to Killion Drive
S. Ervay Street	900-1000	90'S. to 185'N. of Corsicana Street	Field View Lane	7100-7200	610' W. of Sugarberry Road to Country View Lane
S. Ervay Street	1500-1600	100' S. of Gano Street to Sullivan Drive	Fifty-Second Street	2100-2200	215'E. to 285'W. of Eastgate Circle
Estate Lane	10200-10300	220'W. to 200'E. of Kirkhaven Drive	Fifty-Second Street	2300-2400	215'W. of Horizon Drive to 195'E. of Veterans Drive
Everglade Road	5300-5600	75'E. of Elkridge Drive to 150'E. of Hazelhurst Lane	N. Fitzhugh Avenue	3000-3100	360'S. to 280'N. of McKinney Avenue

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Meredith Avenue	3900-4100	20'W. of Red Bud Lane to 20'E. of Albrook Street	Montfort Drive	12600-12700	Nuestra Drive to McShann Road
Merrell Road	2900-3100	175'E. of Dundee Drive to Carrizo Lane	Montfort Drive	14500-14600	240'S. to 375'N. of Celestial Road
Merrell Road	4100	192'W. of Midway Road to 260'E. of Westlawn Drive	N. Morocco Avenue	1100-1200	250' S. to 755' N. of Goodman Street
Metropolitan Avenue	4100-4300	500'W. of Lagow Street to 500'E. of Clem Street	Morrell Avenue	1700-1800	170'E. to 200'W. of Hutchins Road
Midbury Drive	7000-7100	350'W. of St. Michaels Drive to 300'W. of St. Judes Drive	Morrell Avenue	2100-2200	200'E. to 250'W. of Avenue G
Midpark Road	8400	100'E. to 800'E. of Maham Road	Moser Avenue	1800	90'E. of Monarch Street to 220'W. of Ross Avenue
Midway Road	9300-9400	150' S. of Rosa Road to 175' S. of Gloster Road	Moss Farm Lane	9100-9200	400'E. to 200'W. of Club Meadows Drive
Midway Road	9800-10100	60'N. of Valley Ridge Road to 130'N. of Better Drive	Mountain Creek Parkway	7200-7400	250'W. of Country View Road to 250'E. of Timberbluff Road
Midway Road	11000-11200	85' S. of San Gabriel Drive to 210' S. of Northaven Road	Mouser Street	2000-2100	90'E. of Bonnie View Drive to 200'E. of Signet Street
Military Parkway	6700-7000	200'W. of Wilkes Avenue to 300'E. of Jim Miller Road	Munger Avenue	4500-4600	50' E. of Annex Avenue to Carroll Avenue
Military Parkway	7700-7800	200'E. of Scottsdale Drive to 300'E. of Cedar Lake Drive	S. Munger Boulevard	500-600	Junius Street to 30'N. of Tremont Street
Military Parkway	8900-9200	700'W. of Prairie Creek Road to 75'E. of Kingsford Avenue	Murdock Road	400-500	300'N. to 300'S. of Komalty Drive
Millmar Drive	2000-2400	275'E. of Ferguson Road to 350'E. of Peavy Road	Neches Street	100-300	290'W. of Madison Avenue to 35'E. of Elsbeth Avenue
Millmar Drive	2500-2700	150'E. of Shiloh Road to 150'W. of Casa Oaks Drive	Nedra Way	15500-15800	10'N. of Warm Breeze Lane to La Cosa Drive
Mixon Drive	9400-9700	60'S. of Dunhaven Road to 60'S. of Highgrove Drive	Neering Drive	11600-11800	50' N. of Sinclair Avenue to 100' N. of Lippitt Avenue
E. Mockingbird Lane	5700-5900	150'W. of Matilda Street to 150'W. of Concho Street	Ninth Street	100 W.-300 E.	215'E. of Zang Boulevard to 50'W. of Patton Avenue
Monarch Street	5100-5200	180' E. of Moser Avenue to 60' E. of Garrett Avenue	W. Ninth Street	800-1000	70' W. of Polk Street to 125' E. of Tyler Street
Montana Avenue	600-700	30' E. of Marsalis Avenue to 15' E. of Alaska Avenue	Noel Road	14600	170'N. to 170'S. of Celestial Road
N. Montclair Avenue	600-800	300'S. of Taft Street to 500'S. of Kyle Avenue	Nomas Street	800-1100	105' E. of Crossman Avenue to 115' W. of Sylvan Avenue
N. Montclair Avenue	1700-1900	300'N. of Fort Worth Avenue to 150'N. of Walmsley Avenue	Nomas Street	5100-5300	200'E. of Clymer Street to 200'W. of Tumalo Trail
Monterrey Avenue	2000-2100	Itasca Drive to 150'W. of Farola Drive	Northaven Road	2800-3000	140'E. of Marcus Drive to 150'W. of Dennis Road

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Pomona Road	4500	Cherokee Trail to Catawba Road	Ridge Center Drive	6100-6200	Wandt Drive to 495' W. of Cedar Ridge Road
Prairie Creek Road	3600-3800	60' N. of Tampus Lane to 300' S. of Cedar Run Drive	Ridgecrest Road	5800-5900	Holly Hill Drive to 240' E. of Fair Oaks Avenue
N. Prairie Creek Road	1900-2000	80' S. of Donnybrook Lane to 150' N. of Seaway Drive	Ridgecrest Road	6500-6600	340' S. to 115' N. of Eastridge Drive
Preston Road	10500-10600	200' S. of Street Marks Circle to 200' S. of Over Downs Drive	Ridgeside Drive	4400-4500	100' W. of Welch Road to 245' E. of Crestline Drive
Prichard Lane	2400	180' S. of Ravehill Lane to Ravehill Lane	Robert B. Cullum Boulevard	1600-1700	250' W. to 250' E. of Pennsylvania Avenue
Prichard Lane	2900	700' S. of Scyene Road to Scyene Road	Rolling Hills Lane	7900-8000	254' W. to 232' E. of Coit Road
Pritchard Lane	2500-2600	195' S. of Reva Street to Hume Drive	Rolling Hills Lane	13900-14000	180' W. of Waterfall Way to 350' W. of Flagstone Lane
Racine Drive	7600-8000	5' S. of Edgedale Drive to 200' S. of Jadewood Drive	Roper Street	6700-7100	W. University Boulevard to 200' S. of Thedford Avenue
Ravensway Drive	10000	150' S. of Church Road to 200' S. of Windledge Drive	Ross Avenue	4400-4500	2' W. of Ashby Street to 461' E. of Carroll Avenue
Ravinia Drive	2000-2400	80' S. of Rolinda Drive to 183' S. of Poinsettia Drive	Ross Avenue	4400-4500	60' W. of Ashby Street to 461' E. of Carroll Avenue
S. Ravinia Drive	1100-1200	20' S. of Clarendon Drive to 40' N. of Grafton Street	Ross Avenue	4600-4900	175' E. of Annex Avenue to 400' W. of Bennett Avenue
S. Ravina Drive	1400-1700	200' S. of Sharon Avenue to 150' N. of Falls Drive	Ross Avenue	5200-5300	300' N. of Moser Avenue to 65' S. of N. Garrett Avenue
Raydell Place	3100	75' E. of Schooldell Drive to 60' W. of Barnett Avenue	Rosser Road	12200-12400	40' N. of Port Royal Drive to 70' S. of High Summit Drive
E. Red Bird Lane	1300-1600	245' E. of Samcar Trail to 230' E. of Old Ox Road	Round Rock Road	7500-7900	75' E. of Meandering Way to 220' E. of Spring Creek Road
W. Red Bird Lane	3700-3800	255' W. to 270' E. of Red Bird Center Drive	Routh Street	1700-2100	215' N. of Ross Avenue to 50' S. of Woodall Rodgers (North Service Road)
Regal Road	1900	660' S. of Harry Hines Boulevard to Harry Hines Boulevard	Royal Lane	2000-2200	340' W. of Newkirk Street (North Leg) to 860' W. of Goodnight Avenue
Regatta Drive	5600-5700	25' N. of Reynoldston Lane to 300' S. of Chalet Lane	Royal Lane	5500-5700	600' W. of Netherland Drive to 100' W. of the Dallas North Tollway off ramp
Reiger Avenue	6100	175' N. of Slaughter to 60' S. of N. Paulus Avenue	Royal Lane	6400-6600	260' W. to 610' E. of Edgemere Road
Remond Drive	2600	145' E. of Hartsdale Drive to 100' E. of Fullerton Drive	Royal Lane	9100-9200	265' E. to 265' W. of Arborside Drive
Reynoldston Lane	1200-1400	600' E. of Spring Glen Drive to 10' E. of Caracas Drive	Rugged Drive	3800-4000	150' S. of Vatican Lane to 300' N. of Rubens Drive
Richwater Drive	5800-6000	200' W. to 570' E. of Campbell Road	Rylie Crest Drive	11000-11100	100' E. of the South Leg of Haymarket Road to the east city limits

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Rylie Road	10200-10500	200'E. of Haymarket Road to 30'W. of Trewitt Street	Sonnet Drive	11300-11400	170' S. of Flair Drive to 200' N. of Orchard Ridge Court
Salado Drive	16100	120'N. of La Manga Drive to 13'S. of Carta Valley Drive	Southern Oaks Boulevard	3300-3400	300'N. to 300'S. of Tips Boulevard
San Leandro Drive	8300-8400	150' W. of St. Francis Avenue to Whittier Avenue	Sprague Drive	3300-3400	300'W. of Boulder Drive to 15'E. of Westmoreland Road
Schroeder Road	12300-12400	280'S. to 190'N. of Towns Street	Spring Grove Avenue	13400-13600	150'W. of Meandering Way to 200'E. of Knollwood Drive
Scyene Road	7800-7900	150'E. of Scyene Circle to 100'E. of Prichard Lane	Stag Road	3000-3100	2500'E. of Bonnie View Road to 1040'W. of Haas Drive
Scyene Road	9500-9600	530' N. to 683' S. of N. St. Augustine Road	St. Augustine Road	100S-200N	220'S. of Grady Lane to 200'N. of Grove Oaks Boulevard
Seagoville Road	11000	100'E. of Haymarket Road to the east city limits	St. Augustine Road	1600	420'S. to 530' N. of Musgrove Drive
Seagoville Road	15600-15900	295'W. to 750'E. of Woody Road	N. St. Augustine Road	500-700	200'S. of Calico Drive to 400'N. of Rhoda Lane
Seagoville Road	16100-16200	450'W. to 310'E. of Stark Road	N. St. Augustine Road	1000	75'N. of Paramount Avenue to 75'S. of Angelus Road
S. Seagoville Road	300	300'W. of St. Augustine Drive to St. Augustine Drive	N. St. Augustine Road	2000-2200	50' S. of Olde Towne Row to 310' S. of Bruton Road
Searcy Drive	2900	111' W. to 120' E. of Cowart Street	N. St. Augustine Road	2000-2200	50' S. of Olde Towne Row to 435' S. of Bruton Road
Sebring Drive	6500-6600	60'S. of Tioga Street to 300'N. of Soft Wind Drive	N. St. Augustine Road	2400-2500	170'S. of Bluffcreek Drive to 170'N. of Highfield Drive
Seco Boulevard	6800-7100	Celeste Drive to 300'W. of Gillette Street	N. St. Augustine Road	2900-3100	630' W. to 360' E. of Scyene Road
Second Avenue	4300-4500	10'N. of York Street to 150'N. of Carpenter Avenue	St. David Drive	2800-2900	225' W. of St. Gabriel Drive to 60' W. of St. Rita Drive
Shadybank Road	16400-16500	100'S. of Redpine Road to 150'S. of Embers Road	Stevens Forest Drive	1800-2000	135' W. of Mary Cliff Road to 220'E. of Stevens Village Drive
Sheila Lane	3400	300' E. of Lakefield Boulevard to Hargrove Drive	St. Francis Avenue	1600-1700	125'S. of San Cristobal Drive to 200'N. of San Leandro Drive
Shiloh Road	9900-10000	175'S. of Healey Drive to 150'N. of Milmar Drive	St. Francis Avenue	4400-4500	205' W. of Berridge Lane to 145' E. of Trace Road
Shiloh Road	10800	35'W. of Centerville Road to Ferguson Road	St. Judes Drive	11200-11400	140' S. of Midbury Drive to 140' N. of Mason Dells Drive
Singleton Boulevard	1600-1800	410'W. to 330'E. of Vilbig Road	St. Michaels Drive	11200-11400	200' S. of Midbury Drive to 180' N. of Mason Dells Drive
Singleton Boulevard	2800-3000	190'E. of Westerfeld Avenue to 280'E. of Kingbridge Street	St Moritz Avenue	6200	250' E. of Norris Street to 50' W. of Alderson Street
Singleton Boulevard	5300-5600	250'E. of Clymer Street to 60'E. of Lumley Street			
Sondra Drive	6700	215'W. of Hillbrook Street to Wendover Road			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Winedale Drive	7100	Abrams Road to Kingsley Road
N. Winnetka Avenue	3100-3300	50'S. of McBroom Street to 200'S. of Pueblo Street
Woodall Rodgers (South Service Road)	2400-2600	50' W. of Jack Evans Street to 100' E. of Routh Street
E. Woodin Boulevard	500-600	150'W. of Alaska Avenue to 90'W. of S. Marsalis Avenue
Woody Road	900-1000	610'S. of Seagoville Road to Seagoville Road
Worth Street	4500	N. Carroll Avenue to 670' E. of N. Carroll Avenue
Worth Street	5700-5900	300'W. of Lowell Street to 400'E. of Ridgeway Street
Wozencraft Drive	5700	45'E of Nuestra Drive to 300'W of Jamestown Road
Wright Street	2800-2900	150'W. to 220'E. of Ravinia Drive
Wycliff Avenue	2100-2300	260'S. to 360'N. of Rosewood Avenue
Wycliff Avenue	2500-2800	75'W. of Hartford Street to 350'E. of Maple Avenue

(Ord. Nos. 14584; 18409; 18483; 18983; 19749; 20196; 21237; 21564; 22763; 22926; 23078; 23158; 23294; 23556; 23917; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 29613; 30022; 30217; 31552; 31770)

SEC. 28-51. SPEED IN PARKING LOT OF DALLAS CONVENTION CENTER.

A person commits an offense if he drives or operates a vehicle upon a parking lot of the Dallas Convention Center at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14584)

SEC. 28-52. SPEED IN THE DALLAS CITY HALL PARKING GARAGE.

A person commits an offense if he drives or operates a vehicle in the parking garage, as designated in Section 28-128.1 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14911)

SEC. 28-52.1. SPEED IN THE BULLINGTON STREET TRUCK TERMINAL.

A person commits an offense if he drives or operates a vehicle in the terminal, as designated in Section 28-128.8 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 18408)

Division 3. Turning Movements.

SEC. 28-53. OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left, or U turn is permitted, the driver of a vehicle shall obey the directions of the sign. (Ord. 14584)

SEC. 28-54. LIMITATION ON U TURNS.

A person commits an offense, if as the operator of a vehicle, he turns the vehicle so as to proceed in the opposite direction upon any street in a business district unless a U turn sign permitting such a turn has been installed in the area, or in any other district unless the movement can be made in safety and without interfering with other traffic. (Ord. 14584)

CHAPTER 34**PERSONNEL RULES****ARTICLE I.****GENERAL PROVISIONS.**

- Sec. 34-1. Policy.
- Sec. 34-2. Administration.
- Sec. 34-3. Penalty.
- Sec. 34-4. Definitions.
- Sec. 34-5. Conditions of employment.
- Sec. 34-6. Requirements for induction.
- Sec. 34-7. Application for employment.
- Sec. 34-8. Appointments.
- Sec. 34-9. Eligibility for benefits.
- Sec. 34-10. Reappointments.
- Sec. 34-11. Probation.
- Sec. 34-12. Demotions.
- Sec. 34-13. Transfers and reassignments.
- Sec. 34-14. Terminations.

ARTICLE II.**COMPENSATION.**

- Sec. 34-15. General.
- Sec. 34-16. Work hours.
- Sec. 34-17. Overtime and paid leave for civilian employees.
- Sec. 34-18. Pay for vacation leave.
- Sec. 34-19. Work hours, paid leave, and overtime for public safety employees.
- Sec. 34-20. Exempt employees.
- Sec. 34-21. Distribution of pay checks.

ARTICLE III.**LEAVE POLICIES.**

- Sec. 34-21.1. General.
- Sec. 34-22. Sick leave.
- Sec. 34-22.1. Medical testing.
- Sec. 34-23. Vacation leave.
- Sec. 34-24. Compensatory leave.

- Sec. 34-24.1. Family and medical leave.
- Sec. 34-25. Holidays.
- Sec. 34-26. Court leave.
- Sec. 34-27. Death-in-family leave.
- Sec. 34-28. Leave without pay.
- Sec. 34-29. Leave with pay (excused absence).
- Sec. 34-30. Military service/military leave.
- Sec. 34-31. Injury leave.
- Sec. 34-31.1. Mandatory city leave.

ARTICLE IV.**BENEFITS.**

- Sec. 34-32. Health benefit plans.
- Sec. 34-33. Life insurance.
- Sec. 34-34. Reserved.

ARTICLE V.**RULES OF CONDUCT.**

- Sec. 34-35. Fair employment practices.
- Sec. 34-36. Rules of conduct.

ARTICLE VI.**DISCIPLINE, GRIEVANCE, AND
APPEAL PROCEDURES.**

- Sec. 34-37. Discipline procedures.
- Sec. 34-38. Grievance and appeal procedures.
- Sec. 34-39. Appeals to the civil service board.
- Sec. 34-40. Appeals to the trial board or administrative law judge.
- Sec. 34-41. Reserved.

ARTICLE VII.**WAGE SUPPLEMENTATION.**

- Sec. 34-42. Reserved.
- Sec. 34-43. Wage supplementation plan.
- Sec. 34-44. Reserved.
- Sec. 34-45. Benefit policy for off-duty security or traffic control services.

ARTICLE I.

GENERAL PROVISIONS.

SEC. 34-1. POLICY.

The provisions of this chapter are subject to modification, rescission, and amendment by the Dallas city council at any time. Nothing in this chapter conveys a contract of employment with the city of Dallas and nothing in this chapter is intended to be a term of a contract when combined with any other document, instrument, or writing. Nothing in this chapter conveys a private cause of action to any employee. (Ord. Nos. 24873; 26182; 30657)

SEC. 34-2. ADMINISTRATION.

(a) City manager.

(1) The city manager is designated by the charter as the chief administrative and executive officer with appointing authority for all positions of employment with the city, except as otherwise provided by the city charter.

(2) The city manager is responsible for employee efficiency, morale, and welfare. The city manager, a department director, or a designated representative of either may discharge, demote, suspend, or reprimand any employee, subject to provisions of the charter.

~~—— (b) Director of human resources. The director of human resources is appointed by the city manager to administer the personnel system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws. Responsibilities include, but are not limited to, the following:~~

~~—— (1) Establishing processing and orientation procedures for all new city employees.~~

~~—— (2) Reviewing and approving all appointments, reappointments, and reinstatements to city employment.~~

~~—— (3) Providing and administering personnel programs, rules, regulations, procedures, and actions affecting employment status, including, but not limited to, promotions, transfers, leaves of absence, and paid leave programs.~~

~~—— (4) Administering and ensuring compliance with disciplinary and grievance procedures in cooperation with department directors, assistant directors, and supervisors, except as otherwise provided in this chapter.~~

~~—— (5) Reviewing departmental personnel programs, rules, regulations, procedures, and actions and ensuring compliance with city policies and this chapter.~~

~~—— (6) Ensuring departmental compliance and cooperation with the rules and regulations of the civil service board, when applicable.~~

~~—— (7) Providing regulations, guidelines, procedures, and assistance to employees and departments regarding personnel-related complaints, excluding formal complaints filed with the civil service board.~~

~~—— (8) Regulating information made available to employees by regular distribution, including all charity drives or fund solicitations in which employees are asked to contribute or participate.~~

~~—— (9) Developing and administering, in cooperation with other departments, training programs for city employees.~~

~~—— (10) Administering the employee benefit program as directed by the city manager.~~

~~—— (11) Developing, recommending, and administering equitable compensation and benefit programs for city employees.~~

(b) Director of human resources. The director of human resources is appointed by the city manager to administer the human resources system as established

by the city charter, this chapter, and other applicable city ordinances and state and federal laws. Responsibilities include, but are not limited to, the following:

(1) Establishing processing and orientation procedures for all new city employees.

(2) Reviewing and approving all appointments, reappointments, and reinstatements to city employment.

(3) Providing and administering human resources programs, rules, regulations, procedures, and actions affecting employment status, including, but not limited to, promotions, transfers, leaves of absence, and paid leave programs.

(4) Administering and ensuring compliance with disciplinary and grievance procedures in cooperation with department directors, assistant directors, and supervisors, except as otherwise provided in this chapter.

(5) Reviewing departmental human resources programs, rules, regulations, procedures, and actions and ensuring compliance with city policies and this chapter.

(6) Ensuring departmental compliance and cooperation with the rules and regulations of the civil service board, when applicable.

(7) Providing regulations, guidelines, procedures, and assistance to employees and departments regarding human resources-related complaints, excluding formal complaints filed with the civil service board.

(8) Regulating information made available to employees by regular distribution, including all charity drives or fund solicitations in which employees are asked to contribute or participate.

(9) Developing and administering, in cooperation with other departments, training and development programs for city employees.

(10) Administering the employee benefit program as directed by the city manager.

(11) Developing, recommending, and administering equitable compensation and benefit

programs for city employees.

~~———— (12) Maintaining master employee personnel files and, in consultation with the city attorney, developing procedures for responding to all requests for personnel information.~~

~~———— (13) Reviewing all council resolutions amending the number of budgeted positions or the salary and classification schedules.~~

~~———— (14) Maintaining an employee service awards program.~~

~~———— (15) Administering classification and evaluation programs applicable to positions of employment.~~

~~———— (16) Administering the unemployment compensation program.~~

~~———— (17) Maintaining a human resources information system and preparing and submitting all statistical personnel reports required by federal, state, or other agencies.~~

~~———— (18) Providing guidance, consultation, and personnel information to other departments.~~

~~———— (19) Developing and maintaining an employee performance evaluation and associated merit pay program.~~

~~———— (20) Performing all other actions necessary for the proper administration of the personnel system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.~~

(12) Maintaining master employee human resources files and, in consultation with the city attorney, developing procedures for responding to all requests for human resources information.

(13) Reviewing all council resolutions amending the number of budgeted positions or the salary and classification schedules.

(14) Maintaining an employee service awards program.

(15) Administering classification and evaluation programs applicable to positions of

employment.

(16) Administering the unemployment compensation program.

(17) Maintaining a human resources information system and preparing and submitting all statistical human resources reports required by federal, state, or other agencies.

(18) Providing guidance, consultation, and personnel information to other departments.

(19) Developing and maintaining an employee performance evaluation and associated merit pay program.

(20) Performing all other actions necessary for the proper administration of the human resources system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws.

~~———— (c) Fire and police departments. The chiefs of the fire and police departments shall, respectively, designate an officer of rank in each department who shall act as personnel officer, subject to the direction and supervision of the chief of the department. Those officers shall cooperate with the director of human resources in all departmental personnel matters relating to their respective departments and maintain complete departmental personnel records.~~

(c) Fire and police departments. The chiefs of the fire and police departments shall, respectively, designate an officer of rank in each department who shall act as human resources officer, subject to the direction and supervision of the chief of the department. Those officers shall cooperate with the director of human resources in all departmental human resources matters relating to their respective departments and maintain complete departmental human resources records.

(d) Certification for classified positions. The names of persons eligible for classified positions are certified by the civil service board only upon request of the city manager, a department head, the director of human resources, or a designated representative. (Ord. Nos. 19340; 19473; 22026; 24873; 28424; 31745)

SEC. 34-3. PENALTY.

An employee who fails to comply with this chapter, or who violates one or more of the rules of conduct set forth in this chapter, is subject to appropriate disciplinary action, including reprimand, suspension, demotion, or discharge, whichever is applicable. All disciplinary action taken and any appeal from the disciplinary action must be in conformance with the procedures established by the city charter, this chapter, departmental rules and regulations, and other applicable law. (Ord. Nos. 19340; 24873)

SEC. 34-4. DEFINITIONS.

In this chapter:

(1) ADMINISTRATIVE TERMINATION means termination because of death, disability, service retirement, or end of a temporary assignment.

(2) APPOINTMENT means:

(A) initial city employment; or

(B) placement into a position of department director, assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter, regardless of whether the placement was through a competitive or noncompetitive selection process.

(3) ASSIGNMENT PAY means additional compensation for specialized duties as established by the salary and classification schedule.

(4) AUTHORIZED POSITION means an individual position described by a specific classification title and approved by the city council. Any change to an authorized position requires city council approval.

~~— (5) BASE HOURLY RATE OF PAY means the hourly rate of an employee's base salary as established in the salary and classification schedule.~~

(5) BASE HOURLY RATE OF PAY means the hourly rate of an employee's base salary as established in the salary and classification schedule for nonexempt employees.

(6) BENEFIT means an employer-sponsored program that includes, but is not limited to, paid leave and health and life insurance benefits, but does not include wages, merit increases, service credit, or seniority.

(7) BREAK IN SERVICE means termination for one or more work days as a result of:

(A) administrative termination, resignation, reduction in force, or discharge, followed by reappointment; or

(B) leave of absence without pay for more than six consecutive calendar weeks, except to the extent that the leave without pay is authorized by federal or state law.

(8) CITY means the city of Dallas, Texas.

(9) CIVIL SERVICE BOARD means the civil service board of the city.

(10) CLASSIFICATION means all positions, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

(A) be called by the same descriptive title;

(B) be accorded the same pay scale under like conditions; and

(C) require substantially the same education, experience, and skills.

(11) CLASSIFICATION CHANGE means revision of a position title that may include an adjustment of pay

range.

~~—(23) GENDER IDENTITY AND EXPRESSION means an individual's real or perceived gender identity as male, female, both, or neither.~~

(23) GENDER IDENTITY AND EXPRESSION means an individual's real or perceived gender identity as male, female, both, or neither.

(24) GRADE means a division of a salary and classification schedule with specified rates or ranges of pay.

(25) GRIEVANCE means an employee's formal, written complaint regarding work conditions that the employee claims have been adversely affected by a violation, misinterpretation, or misapplication of a specific law, ordinance, resolution, policy, rule, or regulation.

~~—(26) IMMEDIATE FAMILY MEMBER means:~~

~~—(A) a husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, brother, or sister of an employee; or~~

~~—(B) any person related to an employee by blood or marriage and who resides in the same household as the employee.~~

(26) IMMEDIATE FAMILY MEMBER means:

(A) a husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, foster child, brother, or sister of an employee; or

(B) any person related to an employee by blood or marriage and who resides in the same household as the employee.

(27) INTERNAL APPEAL means an administrative appeal to which an employee may be entitled under this chapter, this code, the city charter, or departmental regulations.

(28) LEAVE WITHOUT PAY means an authorized temporary absence without pay.

(29) MANDATORY CITY LEAVE means paid leave that is provided to employees by the city as a result of budget-related pay reductions.

(30) MERIT INCREASE means a discretionary

increase in salary based on performance.

(31) MILITARY LEAVE means authorized leave to perform duties in the military service as provided for in:

(A) the Uniformed Services Employment and Reemployment Rights Act;

(B) Chapter 431 of the Texas Government Code, as amended; and

(C) Chapter 613 of the Texas Government Code, as amended.

(32) MILITARY SERVICE means:

(A) the uniformed services, as defined in the Uniformed Services Employment and Reemployment Rights Act;

(B) the state militia, as defined in Chapter 431 of the Texas Government Code, as amended; and

(C) the military service, as defined in Chapter 613 of the Texas Government Code, as amended.

(33) NON-CIVIL SERVICE EMPLOYEE means an employee who fills a position that is exempt from the provisions applicable to the civil service, as designated by the city charter. Non-civil service employees include:

(A) employees of the legal department, the city manager's office, the city auditor's office, the city secretary's office, the library department, the park and recreation department, and the radio department (WRR);

(B) municipal court judges; and

(C) city council office staff.

(34) NONEXEMPT EMPLOYEE means a nonexempt employee as defined by the Fair Labor Standards Act, as amended.

~~—(35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, fifteen days of military leave each calendar year, and mandatory city leave.~~

(35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, fifteen days of military leave each fiscal year, and mandatory city leave.

(35.1) PERMANENT EMPLOYEE means an employee who is not a temporary employee. A permanent employee's employment with the city may be terminated based on a reduction-in-force, for cause, or for any reason not prohibited by this chapter, the city

charter, or federal, state, or local law.

(36) POLICE AND FIRE PENSION BOARD means the board of trustees of the police and fire pension system of the city of Dallas.

(37) POSITION means a collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual.

(38) PROBATION:

(A) Probation means a minimum six-month period:

(i) after initial appointment, during which an employee can be terminated without right of appeal; or

(ii) after promotion, during which an employee can be:

(aa) returned to the previous position, if a retreat right to the previous position exists; or

(bb) terminated without right of appeal, if no retreat right exists.

(B) Probation may be extended to allow:

(i) six months on-the-job work performance; or

(ii) completion of any written prerequisites to employment.

(C) Probation does not apply to positions in departments exempt from civil service, and employees in those positions do not serve a probationary period.

(D) The service of a probationary period or the successful completion of a probationary period does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city.

(39) PROMOTION means an increase in grade with a resulting increase in salary due to placement in a position as a result of a competitive or noncompetitive selection process.

(39.1) PRORATED SALARY RATE means a proportionate salary rate based on the annual salary divided by the employee's standard annual work hours for exempt employees.

(40) REAPPOINTMENT means re-employment of a former city employee.

(41) REASSIGNMENT means a change of an employee to an equivalent position (same grade) within the same department.

(42) REDUCTION IN FORCE means a reduction in the number of budgeted positions due to a change in work or funds.

~~—(43) REGULAR RATE OF PAY means an employee's base hourly rate of pay plus additional payments as established in the salary and classification schedule.~~

(43) REGULAR RATE OF PAY means a nonexempt employee's base hourly rate of pay or a prorated salary rate for exempt employees plus additional payments as established in the salary and classification schedule.

(44) RESIGNATION means a voluntary termination.

(45) SALARY AND CLASSIFICATION SCHEDULE means a city council-approved resolution that establishes all position classifications for city employment and the corresponding pay rates.

(46) SERVICE CREDIT means the total duration of city employment, less any adjustments for breaks in service.

(47) SEXUAL ORIENTATION means the actual or perceived status of an individual with respect to the individual's sexuality. Heterosexual, homosexual, and bisexual are examples of sexual orientation.

(48) SHIFT DIFFERENTIAL PAY means additional compensation for regularly scheduled work hours outside of the city's normal business hours, as specifically described in administrative directives of the city.

(49) STEP means one salary increment within a

(51) SWORN EMPLOYEES OF THE POLICE DEPARTMENT means:

(A) police officers and all related classifications, including trainee police officers; and

(B) park rangers and all classifications above park ranger in the same classification family.

(52) TASKING means release from duty upon completion of assigned work before the scheduled end of the work day.

(52.1) TEMPORARY EMPLOYEE means an employee who has been designated as temporary pursuant to Section 34-8.

(53) TERMINATION means cessation of employment with the city.

(54) TRANSFER means the change of an employee from a position in one department to an equivalent position (same grade) in another department, but that does not result in either promotion or demotion.

(55) UNCLASSIFIED POSITION means an unclassified civil service position as designated by Section 3, Chapter XVI of the city charter.

(56) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT means the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C.A. §§ 4301 et seq.), as amended.

(57) WORK WEEK means the seven-day period from Wednesday through Tuesday.

(58) WORKING DAYS means Monday through Friday, excluding official holidays observed by the city of Dallas as set forth in Section 34-25 of this chapter. (Ord. Nos. 19340; 19473; 19679; 22195; 22296; 22318; 24873; 28024; 28794; 29480; 30216; 31745)

SEC. 34-5. CONDITIONS OF EMPLOYMENT.

(a) Compliance with rules and laws. Every city employee shall comply with:

(1) the provisions of the city charter and ordinances; and

(2) instructions and regulations promulgated by the city council or by any person in whom authority is vested by the city council.

(b) Retirement fund membership. Every permanent employee must be a member of the employees' retirement fund except a sworn employee of the police or fire department, who shall be a member of the police and fire pension system.

(c) Subrogation. Every employee of the city accepts employment upon the condition that, if in the course of employment the employee sustains injury attributable in whole or in part, directly or indirectly, through the negligence or wrongdoing of a third person, firm, or corporation, the city shall be subrogated to the employee's rights, remedies, and claims against the third party to the extent of the amounts expended by the city for and on behalf of the employee, including wage supplementation during absence from work, workers' compensation, and medical costs arising out of or in any manner connected with the injury.

(d) Nepotism.

(1) An employee may not work under the line of supervision of a relative or the employee's domestic partner.

(2) An employee shall not make, or attempt to influence, any determination concerning the employment status or eligibility for employment of a relative or the employee's domestic partner.

(3) For purposes of this subsection:

(A) DOMESTIC PARTNER has the meaning given that term in Section 12A-2 of the Dallas City Code.

~~_____ (B) RELATIVE means the employee's spouse, mother, father, stepmother, stepfather, mother-in-law, father-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister-in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage.~~

(B) RELATIVE means the employee's spouse, mother, father, stepmother, stepfather, mother-in-law, father-in-law, son, daughter, foster child, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister-in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage.

(e) Notification of arrest. Within one business day after returning to work, an employee who has been arrested in the United States or any other country shall notify the human resources representative for the employee's department of the arrest and the reason for the arrest. An arrested employee who gives notice under this subsection is still required to comply with the notice of absence or tardiness requirements set forth in Section 34-36(b)(1)(B) of this chapter. (Ord. Nos. 19340; 22296; 22318; 24873; 28024; 31745)

SEC. 34-6. REQUIREMENTS FOR INDUCTION.

~~_____ To obtain employment with the city, an applicant must:~~

~~_____ (1) be at least 16 years of age, unless otherwise approved under a federally-sponsored program;~~

~~_____ (2) be eligible to work in the United States in accordance with the federal Immigration Reform and Control Act, as amended;~~

~~_____ (3) have a social security number;~~

~~_____ (4) agree to be fingerprinted, if requested;~~

~~_____ (5) take a polygraph examination related specifically to job performance, for positions designated by the director of human resources; and~~

~~_____ (6) pass a medical, physical agility, and/or mental examination after an employment offer has been extended, for positions designated by the director of human resources.~~

To obtain employment with the city, an applicant must:

(1) be at least 16 years of age, unless otherwise approved under a federally-sponsored program;

(2) be eligible to work in the United States in accordance with the federal Immigration Reform and Control Act, as amended;

(3) have a social security number;

(4) agree to be fingerprinted, if requested;

(5) take a polygraph examination related specifically to job performance, for positions designated by the director of human resources; and

(6) pass a medical, physical agility, drug and alcohol, and/or mental examination after an employment offer has been extended, appropriate for the position as designated by the director of human resources. (Ord. Nos. 19340; 22026; 22195; 24873; 31745)

(G) a position scheduled to work less than 20 hours per week.

(2) Release. A temporary employee does not serve probation and may be released at any time without right of internal appeal.

~~—(b) Permanent employees. An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources.~~

(b) Permanent employees. An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources. Nothing in this provision conveys a contract of employment with the City of Dallas and nothing in this provision is intended to be a term of a contract when combined with any other document, instrument, or writing.

(c) Full-time and part-time status. An employee is designated as:

(1) full-time when appointed on a work schedule that is at least 40 hours per week or averages 40 hours per week;

(2) part-time when appointed on a work schedule that:

(A) is less than the usual work schedule of the unit to which the employee is assigned; or

(B) averages less than 40 hours per work week.

(d) Special appointments. An employee is designated as a special appointment when the appointment is:

(1) to a special body or commission not fully under the jurisdiction of the city, but where the employee is carried on the city payroll for administrative purposes;

(2) a mobility appointment under the federal Intergovernmental Personnel Act; or

(3) a cooperative appointment with another agency or organization. (Ord. Nos. 19340; 19473; 22026; 24873; 31745)

SEC. 34-9. ELIGIBILITY FOR BENEFITS.

(a) Permanent employees.

~~———— (1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law.~~

(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law and subject to city council approval when required, for any lawful reason, including budget constraints.

(2) An employee hired in a classification other than permanent full-time is eligible for benefits in accordance with federal law and as described in the applicable plan documents.

(b) City council members. City council members are not employees. City council members are eligible for certain tax-favored benefits in accordance with federal law and as described in the applicable plan documents. (Ord. Nos. 19340; 22026; 22195; 22296; 22318; 24873; 25051; 29883; 31745)

SEC. 34-10. REAPPOINTMENTS.

(a) Retrieving continuous full-time service.

(1) A person who is reappointed as a city employee retrieves previous continuous full-time service earned during the immediately preceding period of full-time city employment if the person:

(A) previously had completed at least six months, but less than five years, of continuous full-time service with the city; and

(B) is reappointed within one year after termination of the previous city employment.

(2) A person who is reappointed as a city employee retrieves previous continuous full-time service earned during the longest single preceding period of full-time service if the person:

(A) previously had completed at least five years of continuous full-time service with the city; and

(B) is reappointed within 10 years after termination of the previous city employment.

(3) Continuous full-time service retrieved under this subsection will be for purposes of determining all service related benefits except retirement benefits. Service credit for retirement and pension programs is defined in the governing documents, ordinances, and statutes establishing those programs.

(b) Probation. A reappointed employee who retrieves service under Subsection (a) of this section must serve a new probation period, if applicable, starting with the reappointment date. The service of a probationary period or the successful completion of a probationary period does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city.

(c) Pay grade within one year. When a person is reappointed to the same classification or to a comparable one within one year after termination of prior city employment, the person may be returned to the same salary level held before termination. The date of reappointment determines the date of eligibility for a pay increase.

(d) Reappointment with no service time retrieved. A reappointed employee will be governed by regulations applying to new appointments if the employee is ineligible to retrieve continuous full-time service under Subsection (a) of this section after a break in service.

(e) Return from military service. Reappointment of an employee from military service must be in accordance with Section 34-30 of this chapter and

administrative directives established pursuant to that section. (Ord. Nos. 19340; 22296; 22318; 24873; 25663; 28024)

SEC. 34-11. PROBATION.

~~—(a) Charter provisions. Section 10, Chapter XVI of the city charter establishes the period of probation, when applicable.~~

(a) Charter provisions. Section 10, Chapter XVI of the city charter establishes the period of probation, when applicable.

~~—SEC. 10. PROBATIONARY PERIOD.~~

~~—(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal.~~

~~—(b) Probationary periods may be extended under civil service rules or personnel rules to allow six months on the job work performance or completion of any written prerequisites to employment.~~

(b) Purpose. The purpose of any probation is to determine that the employee can and will perform satisfactorily. The service of a probationary period or the successful completion of a probationary period does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city.

(c) Applicability.

(1) All employees in a classified or unclassified civil service position (including directors, assistant directors, and other managerial personnel designated by the city council of departments that are not exempt from civil service provisions under Section 9, Chapter XVI of the Dallas City Charter) serve a

probationary period of six months after an initial appointment or a promotion.

(2) Non-civil service employees do not serve a probationary period after either an initial appointment or a promotion.

(3) No employee serves a probationary period after a lateral transfer or demotion.

(d) Initial probation. Until an employee in a classified or unclassified civil service position successfully completes probation required to be initially served after appointment or reappointment to city employment, the employee has no right to an internal appeal of a determination that the employee failed probation or of any subsequent termination of employment with the city. Even after serving an initial probation, appeal rights of department directors, assistant department directors, and other managerial personnel designated by the city council are limited by this chapter and Section 11, Chapter XVI of the Dallas City Charter.

(e) Promotional probation. Until an employee in a classified or unclassified civil service position successfully completes probation required to be served after a promotion, the employee has no right to an internal appeal of a determination that the employee failed probation or of any subsequent demotion. Even after serving a promotional probation, appeal rights of department directors, assistant department directors, and other managerial personnel designated by the city council are limited by this chapter and Section 11, Chapter XVI of the Dallas City Charter.

(f) A probationary period may be extended by the civil service board in the classified service or by the director of human resources, with approval of the city manager, in the unclassified service to include the entire training period of a formal apprenticeship training program or to allow six months on-the-job work performance or completion of any written prerequisites to employment. An employee will be informed in writing of the approval of such an extension.

(g) Notification of failed probation. Upon failing initial or promotional probation, an employee shall be immediately notified of the failure and:

(1) terminated, if serving an initial probation;

(2) given an opportunity to retreat, if serving a promotional probation and a right to retreat exists; or

(3) terminated, if serving a promotional probation and no right to retreat exists.

(h) Right to retreat.

~~———— (1) If an employee is promoted into a classified or unclassified civil service position and fails to complete probation in that position, whether voluntarily or because of nonsatisfactory performance, the employee maintains a right to retreat to the immediately former position, grade, and base hourly rate of pay or step, whichever is applicable, held or to a comparable one, provided that probation was completed in the immediately former position and the former position was a classified or unclassified civil service position.~~

~~———— (2) The right to retreat does not apply to an employee promoted to or from a position that is not a classified or unclassified civil service position or to an employee appointed to the position of director, assistant director, or other managerial personnel designated by the city council.~~

~~———— (3) An employee's right to retreat does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city.~~

(1) Right to retreat for certain positions.

(A) Right to retreat for classified and unclassified civil service civilian employees. If an employee is promoted into a classified or unclassified civilian civil service position and fails to complete probation in that position, whether voluntarily or because of nonsatisfactory performance, the employee maintains a right to retreat to the immediately former position, grade, and base hourly rate of pay or step, whichever is applicable if the immediately former

position is vacant, provided that probation was completed in the immediately former position and the former position was a classified or unclassified civil service position. A department director, in their discretion, may allow an employee in the classified or unclassified civil service to retreat to a vacant comparable position if the immediately former position is no longer available.

(B) Right to retreat for classified civil service sworn employees. Promotion of any classified civil service sworn employee of the police and fire department shall not be deemed complete until a period of six months shall have elapsed from the date of appointment to the higher rank. If, during the six-month period, the promoted employee does not merit the promotion and it is recommended by the Chief of the department that the employee be reduced, then the employee so promoted shall be returned to the rank held by the employee at the time of promotion.

(2) Not applicable to certain positions. The right to retreat does not apply to an employee promoted to or from a position that is not a classified or unclassified civil service position or to an employee appointed to the position of director, assistant director, or other managerial personnel designated by the city council.

(3) Property interest not conveyed. An employee's right to retreat does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city. (Ord. Nos. 19340; 19932; 22296; 22318; 24873; 28024; 31745)

SEC. 34-12. DEMOTIONS.

(a) Demotion means a reduction in grade with a resulting decrease in salary. Demotions are not

necessarily the result of or limited to reductions in grade resulting from disciplinary action. Department directors, assistant department directors, and other managerial personnel designated by the city council may be reduced in grade without a right to an internal appeal.

(b) Salary adjustment. If an employee who has completed probation is demoted by the employee's own election, demoted as a result of a reduction in force, or demoted in a disciplinary action, the employee's salary will be adjusted as outlined in the administrative directives of the city and in accordance with city council-approved salary schedules for the demoted position. (Ord. Nos. 19340; 22296; 22318; 24873)

SEC. 34-13. TRANSFERS AND REASSIGNMENTS.

(a) Processing promotional transfers. A supervisor shall process an employee transfer that results in promotion within two weeks following notification of the employee's intent to accept the promotion. The director of human resources must approve exceptions to this subsection.

~~—(b) Reassignments. A department director may reassign positions and staff within a department to provide for the best interest of the employee or the department. A reassignment is not grievable.~~

(b) Reassignments. A department director may reassign positions and staff within a department to provide for the best interest of the employee or the department. An employee may not grieve a reassignment, including situations in which the employee:

(1) was involuntarily reassigned; or

(2) applied for and was not selected for the reassignment.

~~—(c) Transfers. An employee who requests a transfer must meet the minimum qualifications of the requested position. The following procedures apply to a transfer:~~

~~—(1) Present and prospective supervisors~~

~~shall cooperate in considering and processing a transfer when operations of the transferring or receiving department are not impaired and department directors for both departments agree to the transfer. Supervisors shall process the release of an employee transfer within a reasonable time following notification of the employee's intent to accept the transfer.~~

~~————— (2) An employee who is transferred has no right to return to the immediately former position or a comparable position.~~

~~————— (3) An employee who accepts a transfer is not guaranteed the same base hourly rate of pay held in the immediately former position.~~

(c) **Transfers.** An employee who applies for a transfer must meet the minimum qualifications of the requested position. The following procedures apply to a transfer:

(1) **Present and prospective supervisors** shall cooperate in considering and processing a transfer when operations of the transferring or receiving department are not impaired and department directors for both departments agree to the transfer. Supervisors shall process the release of an employee transfer within a reasonable time following notification of the employee's intent to accept the transfer.

(2) **An employee who is transferred has no right to return to the immediately former position or a comparable position.**

(3) **An employee who accepts a transfer is not guaranteed the same base hourly rate of pay held in the immediately former position.**

(d) **Retention of benefits.** A transferred employee maintains all benefits, including accrued leave, subject to the provisions of this chapter.

(e) **Retirement plans.** An employee who transfers to a position that is covered by a different retirement program than the one that covered the employee's previous position with the city must change membership to the appropriate employee retirement program. (Ord. Nos. 19340; 22026; 22296; 22318; 24873; 31745)

(4) administrative.

(b) **Death during working hours.** An employee who dies during working hours will be paid as if the employee had worked the entire regular work day.

(c) **Benefits.** Benefits due a terminating employee are stipulated elsewhere in this chapter under the sections pertaining to the respective benefit. (Ord. Nos. 19340; 24873; 28024)

SEC. 34-14. TERMINATIONS.

(a) **Classification.** A termination is classified as follows:

- (1) resignation;
- (2) discharge;
- (3) reduction in force; or

ARTICLE II.

COMPENSATION.

SEC. 34-15. GENERAL.

~~— (a) Charter provisions. Section 18, Chapter XXIV of the city charter provides:~~

(a) Charter provisions. Section 18, Chapter XXIV of the city charter provides that the wages, hours, and conditions of employment of all city employees shall be fixed and approved by the city council.

~~— SEC. 18. EMPLOYEES' WAGES.~~

~~— The wages, hours and conditions of employment of any and all of the city employees shall be fixed and approved by the city council.~~

(b) Salary schedule. All classifications and salary ranges existing in city employment are identified in the salary and classification schedule. Any addition to or deletion from this schedule must be made by resolution of the city council.

(c) The provisions of this article may be modified by a city council ordinance or resolution adopting a meet and confer or collective bargaining agreement. If any provision of this article conflicts with a provision of a meet and confer or collective bargaining agreement adopted by the city council, the provision of the meet and confer or collective bargaining agreement will prevail. (Ord. Nos. 19340; 24873; 28024; 31745)

SEC. 34-16. WORK HOURS.

(a) Standard work day. The standard work day is eight hours, but may deviate depending on departmental operating needs. The work day may exclude approved meal periods, but may include a 15-minute break period within any uninterrupted four-hour work period. An employee may be required to work hours other than the employee's normal work schedule.

(b) The standard work week is 40 hours, but may deviate depending on departmental operating needs.

(c) Alternate work schedules. The following alternate work schedules, and any additional ones adopted by city council resolution, may be selected and implemented for a department, with prior written approval from the director of human resources and the city manager.

SCHEDULE	HOURS PER WEEK	HOURS PER 24 HOUR PERIOD BEGINNING AT MIDNIGHT
(1) Four 10-hour days a week.	40	Maximum of 10.
(2) 12-hour days on Monday and Tuesday and 8-hour days on Thursday and Friday. Tasking is allowed.	40	Varies from a minimum of 8 to a maximum of 12.
(3) Five 8-hour days a week. Tasking is allowed.	40	Maximum of 8.
(4) Four 9-hour days and one 4-hour day a week.	40	Varies from a minimum of 4 to a maximum of 9.
(5) Three 11-1/2 hour days one week of a pay period and four 11-1/2 hour days the other week of a pay period.	Varies from 34.5 to 46.	Maximum of 11-1/2.
(6) Three 12-hour days one week of a pay period and four 12-hour days the other week of a pay period.	Varies from 36 to 48	Maximum of 12
(7) Three 12-hour days one week of a pay period and three 12-hour days and one 8-hour day the other week of a pay period.	Varies from 36 to 44	Varies from a minimum of 8 to a maximum of 12
(8) Two 13-hour days and one 14-hour day a week	40	Varies from a minimum of 13 to a maximum of 14.
(9) Any combination of hours, ranging from a minimum of 4 to a maximum of 12, in a day. A work week consists of a minimum of 3-1/2 days and a maximum of 7 days. Tasking is allowed.	Varies from 32 to 48	Varies from a minimum of 4 to a maximum of 12.

(d) 24-hour staffing. For jobs requiring 24-hour staffing, meals may be eaten while on duty. An

employee is considered on duty during all meal breaks and is expected to be readily available to perform required duties.

(e) Take-home vehicles. The work day for an employee who travels to and from a regular jobsite in city equipment begins at the time and location at which the employee is initially required to report for duty. The work day ends when the employee is relieved of duty.

(f) Flex time. Rules regarding the use and application of flex time are addressed in the administrative directives of the city. (Ord. Nos. 19340; 19473; 22296; 22318; 24052; 24873; 28024)

SEC. 34-17. OVERTIME AND PAID LEAVE FOR CIVILIAN EMPLOYEES.

(a) Weekly overtime. Any nonexempt employee will be paid an overtime hourly rate of 1-1/2 times the employee's regular rate of pay for all hours worked over 40 in any work week.

(b) Paid leave. An employee is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. Except for holiday leave, mandatory city leave, and court leave pursuant to Section 34-26, paid leave will not be counted as work time for purposes of computing overtime or compensatory leave.

(c) Call backs. A nonexempt employee who is called back to work and reports back to work outside of the employee's scheduled work hours must be paid a minimum of two hours worked, if the call back does not merge with the employee's scheduled start time.

(d) Exception. This section does not apply to a sworn employee of the police department or the fire

department. (Ord. Nos. 19340; 19473; 22296; 22318; 24052; 24873; 25389; 28024; 30216)

SEC. 34-18. PAY FOR VACATION LEAVE.

~~—(a) Rate of pay. When pay in lieu of vacation leave is approved as provided by Section 34-23(o), the employee will receive the employee's base hourly rate of pay. This pay is not considered in determining eligibility for overtime pay under Section 34-17.~~

(a) Rate of pay. When pay in lieu of vacation leave is approved as provided by Section 34-23(o), the employee will receive the employee's base hourly rate of pay for nonexempt employees or the employee's prorated salary rate for exempt employees. This pay is not considered in determining eligibility for overtime pay under Section 34-17.

(b) Exception. This section does not apply to a sworn employee of the police department or the fire department. (Ord. Nos. 19340; 22296; 22318; 24873; 31745)

SEC. 34-19. WORK HOURS, PAID LEAVE, AND OVERTIME FOR PUBLIC SAFETY EMPLOYEES.

(a) Police department. The work period and work hours for sworn employees of the police department are as follows:

(1) For purposes of the Fair Labor Standards Act, as amended, the work period for a nonexempt sworn employee of the police department is 28 days.

(2) Weekly overtime. A nonexempt sworn employee of the police department will be paid an overtime hourly rate of 1-1/2 times the employee's regular rate of pay for all hours worked over 40 in any work week, or be granted compensatory leave for all hours in excess of 40.

(3) Paid leave. Any sworn employee of the police department is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave

(7) Compensatory leave may be earned by a sworn employee of the fire department other than an exempt employee above the ranks of fire battalion/section chief and fire prevention section chief. Compensatory leave will be granted within a reasonable time after being requested if the use of the compensatory leave does not unduly disrupt the operations of the department. Compensatory leave may be taken in hourly increments. The accrual and use of compensatory leave is governed by the Fair Labor Standards Act, as amended, and Section 142.0016 of the Texas Local Government Code, as amended. Compensatory leave not taken during the payroll quarter in which it is accrued or during the following two payroll quarters will be paid at the employee's regular rate of pay earned at the time of payment or at the time of forfeiture of the compensatory leave, whichever rate is higher. Compensatory leave will be paid upon termination at the higher of:

(A) the average regular rate of pay received by the employee during the last three years of the employee's employment with the city; or

(B) the final regular rate of pay received by the employee.

(8) A sworn employee of the fire department must use or be paid for all accrued compensatory leave before transferring to or from the emergency response bureau of the fire department or whenever the employee's full-time regular work schedule is increased or reduced.

(9) Authorized attendance incentive leave, vacation leave, holiday leave, leave with pay as defined by Section 34-29, compensatory leave, court leave pursuant to Section 34-26, mandatory city leave, military leave, and death-in-family leave will be counted as work time for purposes of computing overtime or compensatory leave.

(10) Call backs. A nonexempt sworn employee of the fire department who is called back to work and reports back to work outside of the employee's scheduled work hours must be paid a

minimum of two hours worked, if the call back does not merge with the employee's scheduled start time.

(11) A sworn employee of the fire department may, with prior approval from the fire chief or a designated representative, trade time with another sworn employee. Trade time is not considered as work time in determining overtime, but trading time is subject to the Fair Labor Standards Act, as amended. (Ord. Nos. 19340; 22195; 24873; 24930; 25142; 25389; 28024; 30216)

SEC. 34-20. EXEMPT EMPLOYEES.

~~—(a) Pay. An exempt employee is paid on a weekly salary basis regardless of the number of hours worked, unless an absence is taken when the employee has no remaining paid leave balances or when the employee is on furlough leave. In rare instances, and with the approval of the city manager, an exempt employee may receive his or her regular rate of pay for overtime worked.~~

(a) Pay. An exempt employee is paid on a weekly salary basis regardless of the number of hours worked, unless an absence is taken when the employee has no remaining paid leave balances or when the employee is on furlough leave. In rare instances, and with the approval of the city manager, an exempt employee may receive additional compensation for overtime worked.

(b) Absence. Pursuant to the principles of public accountability and depending upon the reason for the absence, an absence of an exempt employee may be charged to administrative leave, sick leave, vacation leave, compensatory leave, furlough leave, mandatory city leave, family leave, court leave, death-in-family leave, military leave, or leave without pay.

(c) Prorated salary. If part of a week is taken as leave without pay, a proportionate part of the weekly salary will be paid to an exempt employee for the hours worked or charged to paid leave. A proportionate part of the weekly salary will be paid to an exempt employee for the part of the week worked in the initial or terminal week of employment.

(d) Emergency work. As appropriate, during emergencies, such as a declaration of local state of

disaster, and subject to the approval of the department director, an employee may be temporarily required to perform work outside of the employee's normal job duties. In such situations, the employee will not lose their exempt status. (Ord. Nos. 19340; 19473; 20075; 22195; 24873; 26182; 28024; 31745)

SEC. 34-21. DISTRIBUTION OF PAY CHECKS.

~~—(a) Administration.—The city controller is responsible for proper distribution of pay checks. Any~~

~~discrepancy in a pay check resulting in overpayment or otherwise should be brought to the attention of the employee's supervisor and/or the human resources representative for the employee's department. The employee shall also report the discrepancy to the city controller payroll section.~~

(a) Administration. The city controller is responsible for proper distribution of pay checks. Any discrepancy in a pay check resulting in overpayment or otherwise should be brought to the attention of the employee's supervisor. The employee shall also report the discrepancy to the city controller payroll section.

(b) Payday. Friday is the official payday of the city.

(c) Pay information for the appropriate payroll will be made available electronically to employees immediately after payroll processing is completed. This electronic information is provided in lieu of paper pay stubs and may be accessed from any computer with internet access. If necessary, signature pay checks will be released on or about 2:00 p.m. Friday by the city controller to authorized departmental personnel or directly to payee employees. (Ord. Nos. 19340; 22296; 22318; 24873; 28024; 31745)

ARTICLE III.

LEAVE POLICIES.

SEC. 34-21.1. GENERAL.

The provisions of this article may be modified by a city council ordinance or resolution adopting a meet and confer or collective bargaining agreement. If any provision of this article conflicts with a provision of a meet and confer or collective bargaining agreement adopted by the city council, the provision of the meet and confer or collective bargaining agreement will prevail. (Ord. 28024)

SEC. 34-22. SICK LEAVE.

(a) Eligibility. Every permanent employee accrues and may use sick leave upon initial appointment.

employee in the emergency response bureau of the fire department and 1,440 hours for any other employee. When an employee's accrued sick leave reaches the maximum number of hours, the accrual ceases until the employee takes sick leave hours.

(f) Computation of sick leave taken. An absence charged to sick leave will be for the number of hours in the standard work day and will not include overtime whether scheduled or not. An absence charged to sick leave for a sworn employee of the emergency response bureau of the fire department will be made on the basis of 24 hours for each scheduled work shift.

(g) Sick leave usage. Sick leave may only be granted or taken when:

(1) an employee is incapacitated for the performance of duties due to an illness, surgical procedure, or off-job injury;

(2) a medical, dental, or optical examination or treatment is necessary, provided that prior approval of the supervisor is obtained;

(3) an employee is incapacitated by or recovering from pregnancy, miscarriage, abortion, or childbirth;

(4) it is necessary to care for an immediate family member who is ill or incapacitated;

(5) an employee has been exposed to a contagious disease, meaning one that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others;

(6) it is allowed under the city's wage supplementation plan; or

(7) it is allowed under the city's administrative directives governing the administration of the Family and Medical Leave Act.

(h) Notice of unexpected absence.

(1) Notice of absence due to an illness, injury, or any other unexpected reason must be given in the following manner:

(A) Every employee, except one covered by Paragraph (1)(B) of this subsection, must give notice to the employee's supervisor from within two hours before to within 30 minutes after starting time, depending upon departmental procedures. The supervisor may require the employee to report on each succeeding day of absence.

(B) An employee in a department with a 24-hour, seven-day work schedule must give notice to the employee's supervisor at least one hour before reporting time on the first day of the absence and, if required by the supervisor, on each succeeding day of absence.

(2) Failure to give the notice required in this subsection may result in the employee being declared absent without leave and subject to disciplinary action.

~~— (i) Physician's statement. Upon request by a supervisor, a department director, or the director of human resources, an employee may be required to:~~

~~— (1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (h)(1), (2), (3), (4), or (5) of this section; or~~

~~— (2) submit to a physical or mental examination by a health care provider (including but not limited to a physician or psychologist) selected by the city.~~

(i) Physician's statement. Upon request by a supervisor, a department director, or the director of human resources, an employee may be required to:

(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (g)(1), (2), (3), (4), or (5) of this section; or

(2) submit to a physical or mental examination by a health care provider (including but

not limited to a physician or psychologist) selected by the city.

(j) Refusal to return from sick leave. An employee who is released by the treating physician to return to regular or limited duty and who refuses to report for work or perform assigned duties is subject to disciplinary action.

(ii) any credited service purchased for retirement purposes under Section 40A-14 of this code after a termination resulting from a reduction in force.

(2) Disability. Any employee who is placed on a disability pension shall be granted lump sum payment of any sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee. The appropriate pension board will determine the date of permanent disability. Use of sick leave will be discontinued and lump sum payment made effective on that date.

(3) Death. If an employee dies, the total accumulated sick leave in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee shall be computed with the final settlement of the employee's wages and paid in a lump sum to the employee's beneficiary or estate.

(4) Computation. Lump sum payment of sick leave is computed by multiplying the number of hours of sick leave to which an employee is entitled by the employee's regular rate of pay on the date of termination. An employee who elects to receive lump sum payment of sick leave upon termination and who is later reemployed with the city may not receive another lump sum payment of sick leave.

(5) Eligibility. An employee hired or rehired by the city on or after October 1, 2003 is not eligible for any lump sum payment of sick leave under this subsection.

(t) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's sick leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c).

(u) Discretionary sick leave for new third-tier executive and above. In addition to sick leave accrual authorized in Subsection (d) of this section, the city manager may, beginning on the person's employment start date, approve up to 80 hours of sick leave for a person hired into a third-tier executive position and above. This subsection does not apply to a city employee who is promoted into a third-tier executive position and above.

(v) Department rules. Departments that implement rules regarding employee attendance must do so with review and input by the Department of Human Resources and the City Attorney's Office.

(w) Sick leave to be used first. Accrued sick leave balances must be used first for sick leave purposes before other types of accrued leave balances can be used. (Ord. Nos. 19340; 19932; 22026; 22195; 22296; 22318; 24873; 24930; 25386; 28024; 28425; 29480; 29883; 30657; 31745)

SEC. 34-22.1. MEDICAL TESTING.

(a) An employee may be required to submit to drug and/or alcohol testing. Specific procedures regarding drug and/or alcohol testing are outlined in the administrative directives of the city.

(b) An employee may be required to submit to a physical and/or mental examination by a city-selected health care provider, including, but not limited to, a physician or psychologist, in order to evaluate the employee's current mental or physical status as it relates to the ability to perform the employee's job duties. (Ord. 24873)

SEC. 34-23. VACATION LEAVE.

(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment. Except for a newly hired third-tier executive and above who has been granted discretionary vacation leave pursuant to Subsection (r) of this section, vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months

(B) A sworn employee in the communications bureau of the fire department accrues eight hours each bi-weekly pay period, to a maximum of 160 hours annually.

(C) Every other bi-weekly paid employee accrues 10 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 160 hours annually.

(D) A weekly paid employee accrues 10 percent of hours paid up to 40 in each weekly pay period, to a maximum of 160 hours annually.

(5) Every permanent employee with 19 or more years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 13.8 hours each bi-weekly pay period, to a maximum of 276 hours annually.

(B) A sworn employee in communication bureau of the fire department accrues 9.2 hours each bi-weekly pay period, to a maximum of 184 hours annually.

(C) Every other bi-weekly paid employee accrues 11.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 184 hours annually.

(D) A weekly paid employee accrues 11.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 184 hours annually.

~~—(d) Maximum accumulation. An employee may accumulate vacation leave up to an amount equal to the employee's vacation leave entitlement for a two-year period. When accumulated vacation leave reaches the maximum allowed, the accrual ceases until vacation leave is taken.~~

(d) Maximum accumulation.

(1) Except as provided in this subsection, an employee may accumulate vacation leave up to an amount equal to the employee's vacation leave entitlement for a two-year period. When accumulated vacation leave reaches the maximum allowed, the

accrual ceases until vacation leave is taken.

(2) During a local state of disaster declared by the city, employees who are prohibited by their department from taking vacation leave due to the local state of disaster may continue to accrue vacation leave beyond the maximum allowed for the duration of the local state of disaster. Any vacation leave accrued beyond the maximum allowed during a local state of disaster will be forfeited if not used within one year after the expiration of the local state of disaster.

(e) Acceleration and increased accrual limits. Upon the date of an employee's 5th, 9th, 15th and 19th service anniversary:

is promoted into a third-tier executive position and above. (Ord. Nos. 19340; 19473; 19932; 22195; 22296; 22318; 24873; 24930; 28024; 29480; 29883; 30657; 31745)

SEC. 34-24. COMPENSATORY LEAVE.

—(a) Eligibility. An exempt employee (other than the city manager, the first assistant city manager, an assistant city manager, a department director, an assistant department director, other managerial personnel designated by the city council, or an exempt employee of the city attorney's office) who works overtime one full hour or more in a pay period may earn compensatory leave. A nonexempt employee (other than a sworn employee of the police or fire department) may not accrue compensatory leave but will be paid overtime for any overtime hours worked.

(a) Eligibility. An exempt employee (other than the city manager, the first assistant city manager, an assistant city manager, a department director, an assistant department director, other managerial personnel designated by the city council, or an exempt employee of the city attorney's office or the city auditor's office) who works overtime one full hour or more in a pay period may earn compensatory leave. A nonexempt employee (other than a sworn employee of the police or fire department) may not accrue compensatory leave but will be paid overtime for any overtime hours worked.

(b) Accrual. Compensatory leave is accrued in half hour increments for each half hour worked over 80 hours in a pay period, up to a maximum balance of 80 hours.

(c) Reporting and records. Compensatory leave must be reported biweekly. As with any payroll transaction, the recording of compensatory time may be subject to audit.

(d) Maximum balance. An employee's compensatory leave balance may not exceed 80 hours at any time. Hours accrued in excess of this maximum amount will be immediately forfeited. An exempt employee may not be paid for accrued compensatory hours.

(e) This section does not apply to an exempt sworn employee of the fire department below the rank

of deputy chief. (Ord. Nos. 19340; 20075; 22195; 24873; 24930; 29480; 31745)

SEC. 34-24.1. FAMILY LEAVE.

—(a) Federal regulations. The terms used in this section that are not defined in Section 34-4 of this chapter have the meanings given them in the Family

~~and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. All interpretations and applications of this section must be made in compliance with the minimum requirements of the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. If any provision of this section conflicts with a provision of the federal law governing family leave, the federal law prevails.~~

~~—(b) Eligibility. Every employee is eligible for family leave if the employee has:~~

~~——(1) been employed by the city for at least 12 months; and~~

~~——(2) worked at least 1,250 hours during the 12-month period immediately preceding the commencement of family leave.~~

~~—(c) When family leave may be taken.~~

~~——(1) An eligible employee may take family leave only in the following circumstances:~~

~~——(A) for the birth of the employee's son or daughter or to care for the child after its birth;~~

~~——(B) for the placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement;~~

~~——(C) to care for a spouse, son, daughter, parent, or "designated care recipient" of the employee, if the spouse, son, daughter, parent, or "designated care recipient" has a serious health condition;~~

~~——(D) for a serious health condition that makes the employee unable to perform the functions of the employee's position;~~

~~——(E) for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or "designated care recipient" is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or~~

SEC. 34-24.1. FAMILY AND MEDICAL LEAVE.

(a) Federal regulations. The terms used in this section that are not defined in Section 34-4 of this chapter have the meanings given them in the Family and Medical Leave Act and Part 825, Title 29 of the

Code of Federal Regulations, as amended. All interpretations and applications of this section must be made in compliance with the minimum requirements of the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. If any provision of this section conflicts with a provision of the federal law governing family and medical leave, the federal law prevails.

(b) Eligibility. Every employee is eligible for family and medical leave if the employee has:

(1) been employed by the city for at least 12 months; and

(2) worked at least 1,250 hours during the 12-month period immediately preceding the commencement of family and medical leave.

(c) When family and medical leave may be taken. An eligible employee may take family and medical leave only in the following circumstances:

(A) for the birth of the employee's son or daughter or to care for the child after its birth;

(B) for the placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement;

(C) to care for a spouse, son, daughter, or parent of the employee, if the spouse, son, daughter, or parent has a serious health condition;

(D) for a serious health condition that makes the employee unable to perform the functions of the employee's position;

(E) for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or

(F) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

~~_____ (F) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member or if the service member is a "designated care recipient" of the employee.~~

~~_____ (2) For purposes of this subsection, "designated care recipient" means one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis.~~

~~_____ (d) Administration of family leave. Specific procedures and requirements for the administration of the Family and Medical Leave Act are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Family and Medical Leave Act or Part 825, Title 29 of the Code of Federal Regulations, as amended.~~

~~_____ (e) Disciplinary action. Disciplinary action, up to and including discharge from city employment, may be taken against an employee who:~~

~~_____ (1) falsifies or misrepresents any facts in order to obtain family leave; or~~

~~_____ (2) shares confidential medical information relating to a request for family leave with any person not authorized to receive the information.~~

(d) Administration of family and medical leave. Specific procedures and requirements for the administration of the Family and Medical Leave Act are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Family and Medical Leave Act or Part 825, Title 29 of the Code of Federal Regulations, as amended.

(e) Disciplinary action. Disciplinary action, up to and including discharge from city employment, may be taken against an employee who:

(1) falsifies or misrepresents any facts in order to obtain family and medical leave; or

(2) shares confidential medical information relating to a request for family and medical leave with

any person not authorized to receive the information.
(Ord. Nos. 22195; 24873; 28024; 29320; 31745)

SEC. 34-25. HOLIDAYS.

(a) Days designated.

(1) The following official holidays will be observed:

(A) New Year's Day (January 1);

(B) Martin Luther King's Birthday
(third Monday in January);

(e) Fees. All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the city did not furnish travel, meals, lodging, or miscellaneous expenses.

(f) Standard work day credit. An employee on court leave is credited with a standard work day on the payroll. No allowance will be made for overtime the employee might have earned if the employee had worked.

(g) Return to work. When an employee on court leave is excused by proper court authority, the employee shall report back to the employee's place of employment when as much as two hours working time remains. (Ord. Nos. 19340; 24873)

SEC. 34-27. DEATH-IN-FAMILY LEAVE.

~~—(a) Eligibility. An allowance of three work days with pay is extended to every permanent employee when a member of the employee's immediate family, or the employee's designated care recipient, as defined in Sec. 34-24.1(c)(2) of this chapter, dies.~~

(a) Eligibility. An allowance of three work days with pay is extended to every permanent employee when a member of the employee's immediate family dies.

(b) Other than immediate family. Death of a relative not included in the immediate family may be considered individually and up to three days leave time allotted as the circumstances warrant.

(c) Multiple deaths. If multiple deaths occur within a family simultaneously, special exceptions to the normal allowance of three days may be made by the department director. (Ord. Nos. 19340; 24873; 29480; 31745)

SEC. 34-28. LEAVE WITHOUT PAY.

(a) Eligibility. Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right, but it may be granted to any employee.

~~—(b) When granted. An employee may be granted~~

leave without pay for the following reasons:

—————(1) To participate in training that would result in increased job ability.

—————(2) To achieve an educational level necessary to advancement in the city.

—————(3) To perform a service that will contribute to the public welfare.

—————(4) To recover from an illness or disability, not believed to be of a permanent or disqualifying nature, for which sick leave and wage supplementation benefits have been exhausted or are not available.

—————(5) When return to work would threaten the health of others.

—————(6) To provide necessary care for a family member who is ill or incapacitated.

—————(7) For an excused absence during the initial six months of employment.

—————(8) For an excused, but noncompensable, absence of less than a day.

—————(9) To permit vacation.

—————(10) To perform duties in the military service as authorized by Section 34-30 of this chapter and administrative directives established pursuant to that section.

—————(11) To take family leave.

—————(12) At the discretion of the department director, as other circumstances may warrant granting leave without pay.

(b) When granted. An employee may be granted leave without pay for the following reasons:

(1) To participate in training that would result in increased job ability.

(2) To achieve an educational level necessary to advancement in the city.

(3) To perform a service that will contribute to the public welfare.

(4) To recover from an illness or disability, not believed to be of a permanent or disqualifying nature, for which sick leave and wage supplementation

benefits have been exhausted or are not available.

(5) When return to work would threaten the health of others.

(6) To provide necessary care for a family member who is ill or incapacitated.

(7) For an excused absence during the initial six months of employment.

(8) For an excused, but noncompensable, absence of less than a day for a nonexempt employee.

(9) To permit vacation.

(10) To perform duties in the military service as authorized by Section 34-30 of this chapter and administrative directives established pursuant to that section.

(11) To take family and medical leave.

(12) At the discretion of the department director, as other circumstances may warrant granting leave without pay.

(c) Allowable length of leave.

(1) An employee's department director may authorize leave without pay for a period not to exceed six consecutive calendar weeks. Leave without pay in excess of six consecutive calendar weeks must be requested by the department director and approved

by the director of human resources. The city manager must approve leave without pay in excess of 13 consecutive calendar weeks.

(2) Notwithstanding Paragraph (1) of this subsection, leave without pay for an employee performing duties in the military service is governed by Section 34-30 of this chapter and administrative directives established pursuant to that section.

(d) Service credit.

(1) An employee who is on leave without pay from work for more than six consecutive calendar weeks loses service credit for that period in excess of the six calendar weeks, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions.

(2) Notwithstanding Paragraph (1) of this subsection, service credit for an employee performing duties in the military service is governed by Section 34-40 of this chapter and administrative directives established pursuant to that section.

(e) Accrued leave. An employee granted leave without pay forfeits use and accrual of sick leave, vacation leave, holiday leave, death-in-family leave, and court leave, except to the extent that the leave without pay is authorized by federal or state law.

(f) Termination. An employee granted leave without pay must physically return to work to retrieve sick leave credit, but will be paid for any vacation leave balance due if the employee terminates. Payment of the vacation leave balance will be at the pay rate in effect at the beginning of the leave without pay. (Ord. Nos. 19340; 19473; 20716; 22026; 22195; 24873; 29480; ~~31745~~)

SEC. 34-29. LEAVE WITH PAY (EXCUSED ABSENCE).

(a) Discretionary. Certain authorized absences not provided for under regular leave policies fall within the category of administrative discretion. This

leave with pay is referred to as administrative leave and is recorded as such in payroll records.

(b) When granted. A department director may administratively excuse an employee for the time necessary:

(1) to take a civil service examination;

(2) to take a physical examination required by the city;

(3) to make an oral appeal before the civil service board, accident review board, or any other board or committee (except the city council) whose function may affect the employee's work status;

(4) to vote in a city, state, or national election;

(5) for urgent personal reasons; or

(6) for other circumstances at the department director's discretion.

(c) Pending disciplinary action. An employee charged with a violation of a city, state, or federal law, rule, or policy, which if proven would justify formal disciplinary action, may be placed on leave with pay pending the outcome of any investigation to determine the exact nature and extent of the violation and pending the imposition of any disciplinary action taken for the violation. Formal disciplinary action includes reprimand, suspension, demotion, or discharge. (Ord. Nos. 19340; 24873)

SEC. 34-30. MILITARY SERVICE/MILITARY LEAVE.

(a) Federal and state regulations. The terms used in this section, and in other provisions of the city's military service/military leave policy, that are not defined in this chapter have the meanings given them in the Uniformed Services Employment and Reemployment Rights Act; Chapter 431 of the Texas

Government Code, as amended; and Chapter 613 of the Texas Government Code, as amended. All interpretations and applications of this section and other provisions of the city's military service/military leave policy must be made in compliance with the minimum requirements of those federal and state laws. If any provision of this section or of any other provision of the city's military service/military leave policy conflicts with a provision of the federal or state law governing military service and military leave, the federal or state law prevails.

(b) Nondiscrimination. The city does not discriminate with regard to hiring, reemployment, retention, promotion, or any benefit of employment because of an applicant's or employee's membership, application for membership, or performance of duty in the military service.

~~—(c) Military leave. The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, as amended, and Chapters 437 and 613 of the Texas Government Code, as amended. Specific procedures and requirements for the administration of military service/military leave policies are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Uniformed Services Employment and Reemployment Rights Act, as amended, or with Chapters 437 or 613 of the Texas Government Code, as amended.~~

(c) Military leave. The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, as amended, and Chapters 437 and 613 of the Texas Government Code, as amended. No procedure or requirement adopted by administrative directive may conflict with the Uniformed Services Employment and Reemployment Rights Act, as amended, or with Chapters 437 or 613 of the Texas Government Code, as amended.

(d) Responsibility. Responsibility for administering the city's military service/military leave policy rests with:

(1) the department director and the civil service board for an employee in a classified position;

(2) the department director and the director of human resources for an employee in an unclassified position; and

(3) the department director for an employee in a non-civil service position. (Ord. Nos. 19340; 22195; 22296; 22318; 24873; 30657; 31745)

(h) Mandatory city leave adjustment for changes in work schedules. A sworn employee of the fire department will have any mandatory city leave balance adjusted proportionately to reflect differences in work schedules when:

(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(i) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's mandatory city leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c). (Ord. 28024)

ARTICLE IV.

BENEFITS.

SEC. 34-32. HEALTH BENEFIT PLANS.

(a) The city extends participation in health benefit plans to every permanent full-time employee and to every city council member. Other classifications of employees are eligible to participate in the city's health benefit plans in accordance with federal law and as described in the applicable plan documents.

(b) Eligibility, premium rates, and procedures for participation in the health benefit plans for active employees, retired employees, and city council members are defined in plan documents adopted by the city council and on file with the department of human resources. The city may change the health benefit plans at any time, subject to applicable law.

~~———— (c) Notice of retirees' rights to purchase continued health benefits.~~

~~———— (1) Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires~~

~~from the city and is entitled to receive city retirement benefits is entitled to purchase retiree health benefits coverage from the city for the person and any eligible dependents.~~

~~———— (2) To receive continued health benefits coverage, the person must inform the city, within thirty days of the day on which the person retires, of the election to continue coverage.~~

~~———— (3) If the person elects to continue health benefits coverage for the person and/or any dependents and on any subsequent date elects to discontinue that coverage, then the person is no longer eligible for coverage from the city.~~

~~———— (4) If a person is not participating in the city's active employee health benefit plans at the time the person retires from the city, the person is not eligible for continued health benefits coverage under the city's retiree health benefit plans.~~

~~———— (5) A person hired as a city employee on or after January 1, 2010 who retires from the city may participate in the retiree health benefit plans but the cost of the continued health benefits coverage must be paid entirely by the person.~~

(c) Notice of retirees' rights to purchase continued health benefits.

(1) Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement benefits is entitled to purchase retiree health benefits coverage from the city for the retiree and any eligible dependents.

(2) To receive continued health benefits coverage, the retiree must inform the city, within thirty days of the day on which the person retires, of the election to continue coverage.

(3) If the retiree elects to continue health benefits coverage for the retiree and/or any dependents and on any subsequent date elects to discontinue that coverage, then the retiree is no longer eligible for coverage from the city.

(4) If a person is not participating in the city's active employee health benefit plans at the time

the person retires from the city, the retiree is not eligible for continued health benefits coverage under the city's retiree health benefit plans.

(5) A person hired as a city employee on or after January 1, 2010 who retires from the city may participate in the retiree health benefit plans but the cost of the continued health benefits coverage must be paid entirely by the person. (Ord. Nos. 19340; 20088; 22026; 22296; 22318; 24873; 28024; 29883; 31745)

SEC. 34-33. LIFE INSURANCE.

(a) Every permanent employee is a participant in the group life insurance program. The city will pay the full cost of the basic term life insurance coverage for a permanent full-time employee and one-half the cost for a permanent part-time employee.

(b) An employee has the option to elect additional life insurance coverage. The employee shall pay the full cost of additional life insurance coverage. (Ord. Nos. 19340; 24873)

SEC. 34-34. RESERVED.

(Repealed by Ord. 24873)

ARTICLE V.

RULES OF CONDUCT.

SEC. 34-35. FAIR EMPLOYMENT PRACTICES.

~~—(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city's master health plan, the employees' retirement fund program, or the police and fire pension system or under any other city ordinance or resolution or state or federal law.~~

(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations, nor shall city management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city's master health plan, the employees' retirement fund program, or the police and fire pension system or under any other city ordinance or resolution or state or federal law.

(b) City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise

adversely affect an employee's status because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations. (Ord. Nos. 19340; 22195; 22296; 22318; 24873; 29480; 31745)

SEC. 34-36. RULES OF CONDUCT.

(a) Performance standards.

(1) Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies,

unlike the isolated rule violations noted in Subsections (b) and (c) of this section, should first be addressed by the mutually cooperative efforts of the supervisor and the employee.

(2) If performance standards are not met, the employee is subject to a formal disciplinary action of reprimand, suspension, demotion, or discharge. The specific action taken determines what, if any, appeal rights are available to the employee.

(b) Unacceptable conduct. The following types of conduct are unacceptable and may be cause for corrective discipline in the form of reprimand, suspension, demotion, or discharge depending upon the facts and circumstances of each case. The examples given are typical but not all-inclusive.

(1) Unsatisfactory attendance is exemplified by, but is not limited to, the following violations:

(A) unexcused absence or tardiness;

(B) failure to give notice of an absence or tardiness to the supervisor from within two hours before to within 30 minutes after starting time, as prescribed by departmental procedure;

(C) excessive separate absences or tardiness;

(D) absence or tardiness that causes service reduction or disruption; or

(E) excessive amounts of time off the job, regardless of the reason.

(2) Position abandonment occurs when an employee is absent from a position for three consecutive work days without authorization, or refuses an order to report to work. The employee is deemed to have abandoned the position and may be discharged.

~~(3) Inability to come to work occurs when an employee is absent due to an extended illness or~~

injury after sick leave and wage supplementation have been exhausted.

(3) Inability to come to work occurs when an employee is absent due to an extended illness or injury after sick leave and/or wage supplementation have been exhausted.

(4) Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:

(A) failure to follow written or verbal instructions;

(B) arguing over assignments or instructions; or

(C) other deficiencies indicating the employee's failure to adequately perform the responsibilities of the position.

~~_____ (5) Indifference towards work is exemplified by, but is not limited to, the following violations:~~

~~_____ (A) inattention, inefficiency, loafing, sleeping, carelessness, or negligence;~~

~~_____ (B) failure to remain at one's work station, leaving work without permission, or taking excessive time for eating or break periods;~~

~~_____ (C) performance of personal business, including but not limited to excessive use of personal cell phones, blackberries, PDAs, or other electronic devices while on duty;~~

~~_____ (D) interference with the work of others;~~
or

~~_____ (E) discourteous or irresponsible treatment of the public or other employees.~~

(5) Indifference towards work is exemplified by, but is not limited to, the following violations:

(A) inattention, inefficiency, loafing, sleeping, carelessness, or negligence;

(B) failure to remain at one's work

station, leaving work without permission, or taking excessive time for eating or break periods;

(C) performance of personal business, including but not limited to use of work time to study or complete school assignments when school work is not part of the employee's work duties and excessive use of personal cell phones or other electronic devices while on duty;

(D) interference with the work of others;
or

(E) discourteous or irresponsible treatment of the public or other employees.

(6) Sabotage is exemplified by, but is not limited to, the following violations:

(A) deliberate damage to or destruction of city equipment or property;

(B) defacing of city property;

(C) unauthorized alteration, removal, destruction, or disclosure of city records;

(D) advocacy of or participation in unlawful trespass or seizure of city property;

(E) encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;

(F) refusal to cross picket lines;

(G) interference with the public use of or access to city services, properties, or buildings; or

(H) threats to commit any act of sabotage as defined in this paragraph.

~~————— (7) Safety violations are exemplified by, but are not limited to, the following violations:~~

~~————— (A) failure to follow city or departmental safety rules and regulations;~~

~~————— (B) failure to use required safety apparel;~~

~~————— (C) removal or circumvention of a safety device;~~

~~————— (D) lifting in an unsafe manner;~~

~~————— (E) operation of a vehicle or other equipment in an unsafe manner;~~

~~————— (F) smoking in a prohibited area;~~

~~————— (G) endangering of one's own safety or that of others by careless or irresponsible actions or negligence;~~

~~————— (H) failure to report an on-the-job injury, vehicle accident, or unsafe work conditions;~~

~~————— (I) failure of a supervisor to remove from the workplace or to assist to a safe location an~~

~~employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress;~~

~~_____ (J) failing a city-required drug or alcohol test; or~~

~~_____ (K) texting or emailing while operating a motor vehicle on city business.~~

(7) Safety violations are exemplified by, but are not limited to, the following violations:

(A) failure to follow city or departmental safety rules and regulations;

(B) failure to use required safety apparel;

(C) removal or circumvention of a safety device;

(D) lifting in an unsafe manner;

(E) operation of a vehicle or other equipment in an unsafe manner;

(F) smoking, including the use of tobacco products and e-cigarettes, in a prohibited area;

(G) endangering of one's own safety or that of others by careless or irresponsible actions or negligence;

(H) failure to report an on-the-job injury, vehicle accident, or unsafe work conditions;

(I) failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress;

(J) failing a city-required drug or alcohol test; or

(K) texting or emailing while operating a motor vehicle on city business.

(8) Dishonesty is exemplified by, but is not limited to, the following violations:

(A) acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employee;

(B) cheating, forging, or willful falsification of official city reports or records;

(C) false reporting of the reason for paid leave of absence; or

(D) any other falsifying action detrimental to the city or fellow employees.

~~_____ (9) Theft, regardless of item value, is exemplified by, but is not limited to, the following violations:~~

~~_____ (A) unauthorized taking of city property or the property of others;~~

~~_____ (B) unauthorized use of city or employee funds;~~

~~_____ (C) using or authorizing the use of city equipment or employee services for other than official city business; or~~

~~_____ (D) using or authorizing the use of city equipment or employee services without proper authority.~~

(9) Theft, regardless of item value, is exemplified by, but is not limited to, the following violations:

(A) unauthorized taking of city property or the property of others, including items from the trash;

(B) unauthorized use of city or employee funds;

(C) using or authorizing the use of city equipment or employee services for other than official city business; or

(D) using or authorizing the use of city equipment or employee services without proper authority.

(10) Insubordination is exemplified by, but

(cc) on city property;

(iii) an employee possesses or ingests an alcoholic beverage:

(aa) during working hours;

(bb) in a city vehicle; or

(cc) on city property, except at an authorized city event; or

(iv) an employee tests positive on a drug or alcohol test.

(B) In this paragraph:

(i) "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code.

(ii) "Alcoholic beverage" means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, that is capable of use for beverage purposes, either alone or when diluted.

(C) An employee or a city council member may be required to take a drug or alcohol test, administered in accordance with directives established by the city manager and reviewed by the city attorney, if there is reasonable suspicion that:

(i) the employee or city council member has ingested, inhaled, or injected a drug into the employee's or city council member's body or ingested an alcoholic beverage; and

(ii) the presence of the drug or alcoholic beverage in the body of the employee or city council member has made the employee or city council member unfit for work, compromised the performance of the job duties of the employee or city council member, or created a safety hazard.

(D) An employee who is ordered to submit to a drug and/or alcohol test and refuses to do

so, or submits a false specimen for testing, will be discharged for insubordination.

(E) An employee who tests positive for drugs or alcohol may be discharged.

~~(12) Disturbance is exemplified by, but is not limited to, the following violations:~~

~~(A) fighting or boisterous conduct;~~

~~(B) deliberate causing of physical injury to another employee or citizen;~~

~~(C) intimidation;~~

~~(D) unnecessary disruption of the work area;~~

~~(E) use of profane, obscene, abusive, threatening, or loud and boisterous language;~~

~~(F) harassment or workplace violence as defined in the administrative directives of the city;~~

~~(G) spreading of false reports; or~~

~~(H) other disruption of the harmonious relations among employees or between employees and the public.~~

(12) Disturbance is exemplified by, but is not limited to, the following violations:

(A) fighting or boisterous conduct;

(B) deliberate causing of physical injury to another employee or citizen;

(C) intimidation, including but not limited to bullying and online harassment;

(D) unnecessary disruption of the work area;

(E) use of profane, obscene, abusive, threatening, or loud and boisterous language or gestures;

(F) harassment, including but not limited to sexual harassment, or workplace violence as

defined in the administrative directives of the city;

(G) spreading of false reports; or

(H) other disruption of the harmonious relations among employees or between employees and the public.

(13) Abuse of city property.

(A) Abuse of city property is exemplified by, but is not limited to, the following violations:

(i) negligent damage or destruction of city equipment or property;

(ii) waste of materials or negligent loss of tools or materials;

(iii) improper maintenance of equipment; or

(iv) damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

(B) In addition to being subject to appropriate disciplinary action, an employee shall be responsible for the repair or replacement of any item willfully or recklessly damaged by the employee. Failure to reimburse the city is cause for discharge.

(14) Misconduct is any conduct or criminal offense, during or off working hours, that, on becoming public knowledge, could have an adverse effect on the city or on the confidence of the public in city government.

(15) Disregard of public trust is any conduct, during or off working hours, that, on becoming public knowledge, could impair the public's confidence or trust in the operation of city government.

(16) Possession of weapons.

(A) Possession of a weapon capable of causing serious bodily injury is prohibited on city property, unless specifically authorized and work related.

~~(B) In this paragraph, a weapon capable of causing serious bodily injury means, but is not limited to:~~

~~(i) any firearm;~~

~~(ii) any illegal knife, including but not limited to:~~

~~(aa) a knife with a blade over five and one-half inches;~~

~~(bb) a hand instrument designed to cut or stab another by being thrown;~~

~~(cc) a dagger, including but not limited to a dirk, stiletto, or poniard;~~

~~(dd) a bowie knife;~~

~~(ee) a sword; and~~

~~(ff) a spear;~~

~~(iii) a switchblade knife;~~

~~(iv) any club, including but not limited to:~~

~~(aa) a blackjack;~~

~~(bb) a nightstick;~~

~~(cc) a mace; and~~

~~(dd) a tomahawk;~~

~~(v) any explosive weapon or device;~~

~~(vi) a firearm silencer;~~

~~(vii) knuckles;~~

~~(viii) ammunition;~~

~~(ix) a zip gun;~~

~~(x) any chemical dispensing device;~~

~~(xi) any caustic or corrosive liquid, such as acid or lye, capable of causing serious bodily harm; and~~

~~(xii) a taser.~~

(B) In this paragraph, a weapon capable of causing serious bodily injury means, but is not limited to:

(i) any firearm;

(ii) any prohibited knife, including but not limited to:

(aa) a knife with a blade over five and one-half inches;

(bb) a hand instrument
designed to cut or stab another by being thrown;

(cc) a dagger, including but
not limited to a dirk, stiletto, or poniard;

(dd) a bowie knife;

(ee) a sword; and

(ff) a spear;

(iii) a switchblade knife;

(iv) any club, including but not
limited to:

(aa) a blackjack;

(bb) a nightstick;

(cc) a mace; and

(dd) a tomahawk;

(v) any explosive weapon or
device;

(vi) a firearm silencer;

(vii) knuckles;

(viii) ammunition;

(ix) a zip gun;

(x) any chemical dispensing
device;

(xi) any caustic or corrosive liquid,
such as acid or lye, capable of causing serious bodily
harm; and

(xii) a taser.

(C) All other terms used in this
paragraph have the meanings respectively given to
them in the Texas Penal Code, as amended.

(D) An employee's personal belongings
located on city property may be searched if there is

reasonable suspicion that the employee is in possession of a weapon capable of causing serious bodily injury on city property.

(E) Small personal canisters of pepper spray are permitted.

(F) Notwithstanding Paragraph (16)(A) of this subsection, an employee who holds a license to carry a concealed handgun, or who otherwise lawfully possesses a firearm or ammunition, may possess the firearm or ammunition in a locked, privately-owned vehicle in a city parking lot, a city parking garage, or any other parking area provided by the city for its employees.

(G) Every employee should refer to specific procedures, requirements, and definitions regarding possession of weapons that are additionally outlined in the administrative directives of the city.

(17) Failure to maintain dress, grooming, and personal hygiene standards appropriate to the employee's work situation.

(18) Violation of an administrative directive of the city or a departmental rule or procedure.

(19) Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in this subsection within 10 working days after obtaining knowledge of the violation.

(c) Conflict of interest and undue political influence.

(1) Conflict of interest rules. Conflict of interest rules prohibit activities that tend to compromise an employee's allegiance to the city. These rules are set forth in Chapter 12A, "Code of Ethics," of this code and in Section 11, Chapter XXII of the city charter.

(2) Undue political influence in a city council election. To avoid undue influence of a city

employee on the outcome of a Dallas city council election, and to avoid undue influence of city council members or candidates on a city employee, an employee or employee association shall comply with the regulations set forth in Chapter 12A, "Code of Ethics," of this code, Section 16(b), Chapter XVI of the city charter, and any applicable court decisions.

(3) Non-city council elections. In an election other than a Dallas city council election, an employee shall comply with the regulations set forth in Chapter 12A, "Code of Ethics," of this code, Section 16(c), Chapter XVI of the city charter, and any applicable court decisions.

(d) Disciplinary and legal actions. Where the evidence supports a violation of this section, disciplinary action may be taken independently of and prior to any legal action or conviction. (Ord. Nos. 19340; 20251; 22296; 22318; 24873; 28024; 28425; 28794; 31745)

ARTICLE VI.

DISCIPLINE, GRIEVANCE, AND APPEAL PROCEDURES.

SEC. 34-37. DISCIPLINE PROCEDURES.

(a) Guidelines. The director of human resources is authorized and directed to promulgate guidelines and procedures, consistent with the city charter, ordinances, and civil service rules and regulations, as are reasonably necessary and appropriate to implement the rules of employee conduct and discipline contained in this chapter.

(b) Departmental rules. Because of the variety of services performed by the city, it may be necessary for departments to establish codes of conduct, rules, orders, directives, and procedures to accomplish departmental responsibilities. An employee who violates a departmental code of conduct, rule, order, directive, or procedure is subject to disciplinary action.

(1) A department director, assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter.

(2) A non-civil service employee.

~~—(b) Purpose. The grievance and appeal procedures described in this section are provided for the purpose of giving an employee the opportunity to:~~

~~—(1) present a grievance concerning the employee's working conditions that the employee claims have been adversely affected by a violation, misinterpretation, or misapplication of a specific law, ordinance, resolution, policy, rule, or regulation; or~~

~~—(2) appeal a disciplinary action.~~

(b) Purpose. The grievance and appeal procedures described in this section are provided for the purpose of giving an employee the opportunity to:

(1) present a grievance concerning the employee's working conditions that the employee claims have been adversely affected by a violation, misinterpretation, or misapplication of a specific law, ordinance, resolution, policy, rule, or regulation;

(2) appeal a disciplinary action; or

(3) appeal a job performance rating or merit rating.

(c) Terms and conditions.

(1) An employee who may appeal a grievance or disciplinary action may have two levels of appeal hearings but no more than a total of four hearings. Appeals of demotions or terminations to the civil service trial board or an administrative law judge are counted as one level of appeal hearing.

(2) A grievance or a disciplinary appeal may be heard during regularly scheduled working hours without loss of pay to the employee, provided the privilege is not abused.

(3) Preparation of a grievance or a disciplinary appeal, except for seeking assistance from the department of human resources, is not permitted

during the employee's working hours.

(4) A sworn member of the police department or fire department may appeal a grievance only through Step 3, except that the grievance may be appealed beyond Step 3 if it involves:

(A) a claim of discrimination because of the employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic

characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer; or

(B) a claim relating to an interpretation or application of a civil service rule.

~~————— (5) Except for the final step in appealing a suspension, demotion, or discharge, a hearing under these procedures is an informal discussion held without the taking of a written record. An employee must be willing to discuss the evidence and answer questions concerning the grievance or appeal at each step. Failure to discuss the facts of the case at any informal level of these procedures will constitute withdrawal of the grievance or appeal and will cause the last decision rendered to become nonappealable.~~

(5) Except for the final step in appealing a demotion or discharge, a hearing under these procedures is an informal discussion held without the taking of a written record. During any appeal hearing, a participant may take written notes. An employee must be willing to discuss the evidence and answer questions concerning the grievance or appeal at each step. Failure to discuss the facts of the case at any informal level of these procedures will constitute withdrawal of the grievance or appeal and will cause the last decision rendered to become nonappealable.

(6) An employee may seek assistance or representation in presenting a grievance or an appeal at any step. Guidance and assistance on the grievance or appeal procedures may be obtained from the department of human resources. If another employee is selected to provide assistance or representation on the grievance or appeal, that employee is not eligible for regular pay but may be released on vacation leave or leave without pay, depending upon departmental procedure. The supervisor may also obtain assistance or representation.

(7) The days used to establish time limits in this section are working days. Time limits begin to run the working day following the incident, event, hearing, or notice. Unless otherwise provided, the time limits for grievance or appeal requests require that the grievance or appeal request actually be received within that time period by the office designated as the next step for the grievance or appeal.

(8) Unless due to reasons beyond the employee's control, if an employee fails to file a grievance or an appeal within the time limits prescribed

in Subsection (f) of this section or fails to personally appear at a hearing, the matter will be considered as having been accepted and the last decision rendered will be nonappealable.

(9) If the hearing of a grievance or an appeal is not held within 20 working days after the date the request is received (unless the hearing date is extended by mutual agreement or for extraordinary circumstances such as a death in the family or documented illness), the employee requesting the hearing may proceed to the next level of appeal. The city manager, park board, civil service board, trial board, and administrative law judge hearing processes are excluded from this time limitation.

(10) If a disposition of a grievance or an appeal is not issued within the specified time limit, the employee may proceed to the next step, if applicable, by filing a grievance or appeal request to the next step within 20 working days after the date of the last hearing in the grievance or appeal process. If the employee fails to timely file a grievance or appeal request to the next step, the last disposition of the grievance or appeal is nonappealable.

(11) Any time limit specified in the procedures under this section may be extended by mutual agreement.

(12) A grievance filed against a department other than the employee's own department must be brought to the director of the charged department and is initiated at Step 3 of these procedures. The charged department is responsible for keeping the employee's own department informed of progress at each step of the grievance or appeal and for supplying the employee's department with copies of the findings.

(13) An employee who has not completed probation, when required, after appointment or reappointment to city employment may not file an appeal of a disciplinary action. An employee who has not completed probation, when required, after a promotion may not appeal a demotion.

(14) An employee shall not be subject to retaliation for using the grievance or appeal procedures.

~~(15) An appeal concerning a job performance rating, efficiency rating, or merit rating may not~~

~~proceed beyond Step 3 unless the person issuing the job performance rating is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.~~

(15) An appeal concerning a job performance rating or merit rating may not proceed beyond Step 3 unless the person issuing the job performance rating is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member. For purposes of this paragraph, "issuing" refers to the initial job performance rating.

~~(16) An appeal of a reprimand may not proceed beyond Step 3 unless the person issuing the reprimand is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.~~

(16) An appeal of a reprimand may not proceed beyond Step 3 unless the person issuing the reprimand is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member. For purposes of this paragraph, "issuing" refers to the initial job performance rating.

(17) The right to grieve ends if the employee terminates employment with the city.

(18) An employee may not grieve a position classification.

(19) The city vehicle collision appeal process will be administered in accordance with any applicable provisions of this chapter and with specific procedures and requirements outlined in the administrative directives of the city.

(20) An employee who files a grievance and subsequently files an appeal of the disposition of that grievance shall submit a copy of the original grievance at all levels of appeal.

(21) At every grievance appeal level, the hearing officer shall only hear matters contained in the

~~————— (5) A witness served with a subpoena who fails to appear at the hearing or fails to produce requested evidence may be punished for contempt.~~

(5) A subpoena for an active city employee may be served through the director of the employee's department. The assistant city manager assigned to the appeal hearing should forward subpoenas for non-city employees to the Dallas City Marshal for service on the witness. A witness served with a subpoena who fails to appear at the hearing or fails to produce requested evidence may be punished for contempt.

(6) The disposition of a suspension appeal by the assistant city manager, the employees' retirement fund board, or the police and fire pension board, whichever is applicable, is nonappealable.

(i) Final decision.

~~————— (1) The disposition of a grievance or an appeal by the assistant city manager, city manager, employees' retirement fund board, secretary of the civil service board, city auditor, or city secretary is nonappealable, except when the grievance or appeal involved a:~~

~~————— (A) claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board;~~

~~————— (B) civil service rule challenge, which may be appealed to the civil service board; or~~

~~————— (C) demotion or discharge, which may be appealed to the trial board, unless provided otherwise in the city charter.~~

(1) The disposition of a grievance or an appeal by the assistant city manager, city manager, employees' retirement fund board, secretary of the civil service board, city auditor, or city secretary is nonappealable, except when the grievance or appeal involved a:

(A) claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic

characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board;

(B) civil service rule challenge, which may be appealed to the civil service board; or

(C) demotion or discharge, which may be appealed to the trial board or an administrative law judge, unless provided otherwise in the city charter.

(2) The disposition of a grievance or an appeal by the police and fire pension board is nonappealable, except when the grievance or appeal involved:

(A) a claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board; or

(B) a civil service rule challenge, which may be appealed to the civil service board.

(j) Nothing in this section conveys upon, implies, or intends to imply that an employee has a property interest in continued employment or a contract of employment with the city based on any right to grieve or appeal provided by this section or on the nondiscrimination policy stated in Section 34-35 of this chapter. Nothing in this section or in the nondiscrimination policy creates any right or remedy under any law or limits any existing right or remedy provided under any law.

(k) For purposes of this section only, a reference to an assistant city manager also refers to a non-sworn managerial chief designated by the city manager, including, without limitation, chief of economic development and housing, chief of community services, and chief of staff to the city manager. (Ord. Nos. 19340; 19562; 21674; 22026; 22195; 22296; 22318; 24873; 24930; 25389; 26182; 26693; 28024; 29480; 30657; 31745)

SEC. 34-39. APPEALS TO THE CIVIL SERVICE BOARD.

(a) General provisions, applicability, jurisdiction, and quorum.

(1) To the extent that a rule adopted by the civil service board and approved by the city council conflicts with a provision of this chapter, this chapter prevails.

(2) In this section:

(A) BOARD means the civil service board of the city.

(B) SECRETARY means the secretary of the civil service board.

(3) This section does not apply to:

(A) a department director, an assistant department director, or other managerial personnel

(3) Relief. The trial board or the administrative law judge may grant the prevailing party relief that is just and equitable as is consistent with the city charter and other applicable law.

(4) Costs. The trial board or the administrative law judge may not authorize payment of attorney's fees, expenses, or costs or provide payment of damages beyond payment of salary and benefits that would have ordinarily been paid to the appealing employee.

(f) Post-hearing deadlines.

(1) Motion for rehearing.

(A) Within 10 working days after the date on the written order, a motion for rehearing may be filed by either party.

(B) A motion for rehearing may be granted by the trial board or the administrative law judge only if the order:

(i) exceeds the authority of the trial board or the administrative law judge;

(ii) contains provisions impermissible under applicable law;

(iii) is unclear; or

(iv) incorrectly states the disposition of the matter.

(C) A motion for rehearing must be considered by the same trial board or administrative law judge who heard the appeal, except that if any trial board member or the administrative law judge is unavailable, the secretary shall designate a replacement.

~~(2) Appeals to state district court~~

~~(A) Either party may appeal the order of the trial board or administrative law judge to state district court within one year after:~~

~~(i) the date on the last written order, if no rehearing is requested;~~

~~(ii) the date on the written order denying the rehearing, if a rehearing is requested and denied; or~~

~~(iii) the date on the written order issued after the rehearing, if a rehearing is requested and granted.~~

~~(B) The appeal to the district court must be decided upon review of the record of the hearing.~~

~~(C) An appeal by the city must be approved by the city manager and the city attorney.~~

~~(D) The appealing party shall, at its expense, furnish to the court a copy of the complete hearing record presented to the trial board or the administrative law judge, including but not limited to pleadings, hearing transcripts, exhibits, orders, and all evidence admitted during the hearing.~~

~~(E) If the appealing party fails to provide the court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed.~~

(2) Appeals to state district court.

(A) Either party may appeal the order of the trial board or administrative law judge to state district court within one year after:

(i) the date on the last written order, if no rehearing is requested;

(ii) the date on the written order denying the rehearing, if a rehearing is requested and denied; or

(iii) the date on the written order issued after the rehearing, if a rehearing is requested and granted.

(B) The appeal to the district court must be decided upon review of the record of the hearing.

(C) An appeal by the city must be approved by the city manager and the city attorney.

(D) The appealing party shall, at its expense, furnish to the court a copy of the complete hearing record presented to the trial board or the administrative law judge, including a certified copy of the transcript taken by the court reporter, pleadings, hearing transcripts, exhibits, orders, and all evidence admitted during the hearing. The appealing party is responsible for paying the court reporter's fees for preparing the official hearing transcript.

(E) If the appealing party fails to provide the district court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed.

(F) Any appeal to state district court must be initiated by a citation and service of process pursuant to Texas Rule of Civil Procedure 106.

(g) Other matters.

(1) Reserved.

(2) If a court of law rules on an issue involved in the appeal, the order of the trial board or administrative law judge must conform with the court's ruling or must be vacated in deference to the court's ruling, whichever is applicable.

(3) The chair of the civil service board may order, with the consent of the parties, that any matters having common issues of fact be consolidated.

(4) No party or party representative shall communicate with any trial board member or

administrative law judge regarding the issues involved in the appeal except at the hearing.

(5) The trial board, by majority vote, or the administrative law judge may seek advice regarding its jurisdiction or the nature and extent of its authority from the city attorney.

(6) A party may be heard through a representative if that representative is designated:

(A) in writing filed with the secretary and served on all parties;

(B) on the record at the hearing before evidence is accepted; or

(C) through the signature of the representative on any paper filed with the secretary on behalf of the party.

(7) The secretary shall ensure that the trial board or the administrative law judge receives any materials filed by the parties.

(8) Any paper served by a party on the secretary must include a certificate showing service to all other parties.

(9) Service upon the city must be accomplished by serving the assistant city attorney assigned to the hearing.

(10) Nothing in this section may be construed to authorize the practice of law except as permitted by the Supreme Court of Texas.

(11) By presenting to the trial board or the administrative law judge (whether by signing, submitting, or later advocating) a request for a hearing, a complaint, a written or oral motion, or any other document, the party is certifying that it is acting in good faith. (Ord. Nos. 19340; 20526; 21304; 21674; 22612; 24873; 24930; 26182; 27098; 28024; 29480; 31745)

SEC. 34-41. RESERVED.

(Repealed by Ord. 26182)

ARTICLE VII.

WAGE SUPPLEMENTATION.

SEC. 34-42. RESERVED.

(Repealed by Ord. 25389)

SEC. 34-43. WAGE SUPPLEMENTATION PLAN.

(a) Administration. The director of risk management is authorized and directed to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees' wage supplementation plan. Department directors shall authorize wage supplementation for their employees in accordance with the administrative directives. Determinations and decisions made by department directors are final, conclusive, and binding on all parties.

(b) Eligibility.

(1) A permanent employee who, as the result of an injury sustained in the course of employment with the city, is being paid weekly workers' compensation payments, or would be paid workers' compensation payments if the disability continued for a period of more than seven days, may receive payments, as injured employee wage supplementation, separate and distinct from and in addition to the weekly workers' compensation payments. An injured employee must complete an "Initiation of Wage Supplementation Form" provided by the city before being granted partial or full-day injury leave. An injured employee has 60 days from

CHAPTER 42A**SPECIAL EVENTS; NEIGHBORHOOD MARKETS;
DALLAS FARMERS MARKET FARMERS
MARKET; STREETLIGHT POLE BANNERS****ARTICLE I.****GENERAL PROVISIONS.**

- Sec. 42A-1. Purpose.
- Sec. 42A-2. Definitions.
- Sec. 42A-3. General authority and duty of director.
- Sec. 42A-4. Chapter cumulative.
- Sec. 42A-5. Exemptions.
- Sec. 42A-6. Fees.
- Sec. 42A-7. Indemnification.
- Sec. 42A-8. Appeal from denial or revocation of a permit.
- Sec. 42A-9. Amplified outdoor sound and lighting.
- Sec. 42A-10. High impact areas.
- Sec. 42A-11. Clean zone.

ARTICLE II.**SPECIAL EVENT PERMITS.**

- Sec. 42A-12. Application; issuance.
- Sec. 42A-13. Security; crowd control; and traffic control.
- Sec. 42A-14. Emergency medical services.
- Sec. 42A-15. Insurance.
- Sec. 42A-16. Street closures.
- Sec. 42A-17. Parking.
- Sec. 42A-18. Notice.
- Sec. 42A-19. Portable restroom and trash receptacle requirements.
- Sec. 42A-20. Denial or revocation.

ARTICLE III.**NEIGHBORHOOD MARKET.**

- Sec. 42A-21. Application; issuance.
- Sec. 42A-22. Location of a neighborhood market.
- Sec. 42A-23. Operation of a neighborhood market.
- Sec. 42A-24. Street closures.
- Sec. 42A-25. Parking.
- Sec. 42A-26. Products at a neighborhood market.
- Sec. 42A-27. Vendor's statement.
- Sec. 42A-28. Denial or revocation.

ARTICLE IV.**~~RESERVED~~ DALLAS STREET SEATS PILOT
PROGRAM.**

- Sec. 42A-28.1. Establishment of rules and regulations.
- Sec. 42A-28.2. Application; issuance.
- Sec. 42A-28.3. Location, design, and operations.
- Sec. 42A-28.4. Public safety review.
- Sec. 42A-28.5. Community support and property authorization.
- Sec. 42A-28.6. Public notice.
- Sec. 42A-28.7. Insurance requirements.
- Sec. 42A-28.8. Street seat removal.
- Sec. 42A-28.9. Denial or revocation.

ARTICLE V.**DALLAS FARMERS MARKET FARMERS
MARKET.**

- Sec. 42A-29. Application; issuance.
- Sec. 42A-30. Street closures.
- Sec. 42A-31. Parking.
- Sec. 42A-32. Operations of Dallas Farmers Market farmers market.
- Sec. 42A-33. Products at Dallas Farmers Market.
- Sec. 42A-34. Denial or revocation.

ARTICLE VI.**STREETLIGHT POLE BANNERS.**

- Sec. 42A-35. Application; issuance.
- Sec. 42A-36. Permit extension.
- Sec. 42A-37. Insurance.

Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539, inclusive of future agreements and leases executed between the city and the Dallas Farmers Market and amendments to existing agreements and leases.

(9) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(10) DISTRICT IDENTIFICATION BANNER means a long-term banner that identifies a geographic location or place of interest with defined perimeters.

(11) ESTABLISHED SPECIAL EVENT means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 for each day of the event or activity;

(C) contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(12) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a permitted activity as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(13) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(13.1) GUIDEBOOK means the Dallas Street Seats Pilot Program Guidebook, published annually by the director on the office of special events website and containing city requirements and regulations for street seats.

(14) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(15) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected total attendance, adding alcohol distribution, and changes to complex scenes.

(16) MOVING EVENT means an event that is not confined to a fixed location.

(16.1) NACTO means the National Association of City Transportation Officials.

(17) NEIGHBORHOOD MARKET means a temporary outdoor marketplace, outside of the central business district, on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(18) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(19) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a permitted activity will occur.

(20) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(21) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(21.1) PRIVATE STREET SEAT means a street seat that is permitted within the public rights-of-way for use by an establishment with an abutting property interest as an extension of its business capacity.

(21.2) PUBLIC STREET SEAT means a street seat that is open to the public and is permitted to a non-abutting person, property owner, or business operator with consent of abutting owners.

(22) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of

the following on private or public property where otherwise prohibited by ordinance:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to public property;

(C) sale of merchandise, food, alcohol, or other beverages where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market farmers market permit;

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet;

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;

(F) use of city hall plaza;

(G) a run, walk, ride, or special event parade;

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(23) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(24) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(24.1) STREET SEATS PROGRAM means the city council approved pilot program using one of the city's pre-approved plans to transition no more than two unobstructed street parking spaces into a small useable area by installing a safe perimeter and a platform that extends the sidewalk into the abutting rights-of-way and is accompanied by amenities like benches, tables, bicycle parking, and planters. All street seats in the pilot program are managed and maintained by the permit holder.

(25) STREETLIGHT POLE BANNER means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(25.1) TEMPORARY PARKLET PROGRAM means the program approved by the Dallas City Council in response to the impacts of COVID-19 to permit the activation of adjacent parking spaces or sidewalks for use as additional seating or service areas in an effort to assist local businesses with their economic recovery.

(26) TENT means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(27) TRAFFIC CONTROL PLAN means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with an activity permitted under this chapter.

(28) UNOBSTRUCTED STREET PARKING means a dedicated parking spot without time restrictions. (Ord. Nos. 18702; 19869; 21934; 29016; 31144; 31557; 31708)

(c) Street seats. An applicant for a street seats permit shall pay the following application processing fees:

STREET SEATS PERMIT PROCESSING FEES	
Base Application Fee : Phase I Permit (construction approved)	\$500
Phase II Permit (occupancy approved)	\$500

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREET POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per Pole Fee	\$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	5 poles at no charge
District Identification Banners - District identification banners do not include short-term event banners designed to promote events, festivals, major sporting events, or tourism programs with specific dates or time periods.	No charge

~~(d) Dallas Farmers Market. An applicant for a Dallas Farmers Market farmers market permit shall pay an annual application processing fee of \$400.~~

~~(e) Additional application processing fees for all permit types.~~

~~(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-29, or 42A-35 before the scheduled activity is to begin. This fee is limited to five days.~~

~~(2) An application processing fee of \$50 per minor change to an application requested by the applicant.~~

~~(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.~~

~~(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.~~

~~(5) An application processing fee of \$500 for a clean zone.~~

~~(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.~~

~~(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.~~

~~(f) Additional city department related fees when applicable.~~

~~(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.~~

~~———— (2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.~~

~~———— (3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.~~

~~———— (4) A fee for the number of Dallas police officers, Dallas fire-rescue officers, or vehicles required by Sections 42A-13 and 42A-14 to provide security, crowd control, and traffic control at a permitted activity.~~

~~———— (5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.~~

~~———— (6) Fee for all other required permits and licenses must be paid.~~

~~———— (g) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.~~

~~———— (h) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).~~

~~———— (i) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.~~

~~———— (j) Police and fire-rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, neighborhood~~

~~market, or Dallas Farmers Market farmers market within 15 business days after receipt of an invoice from the city.~~

~~———— (k) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.~~

~~———— (l) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date.~~

(e) Dallas Farmers Market. An applicant for a Dallas Farmers Market farmers market permit shall pay an annual application processing fee of \$400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), (e), and (f) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-28.2, 42A-29, or 42A-35 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire-rescue officers, or vehicles required by Sections 42A-13 and 42A-14 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (k), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire-rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, neighborhood market, street seats, or Dallas Farmers Market farmers market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date. (Ord. Nos. 21934; 31144; 31557; 31708)

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity. (Ord. 31144)

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

~~(j) After reviewing and confirming all permit requirements have been met, the director shall issue the special event permit unless denial or revocation is required by Section 42A-20. Except as provided in this subsection, a special event permit will be issued for a period not to exceed 10 consecutive days. A special~~

~~event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. Except as provided in this subsection, a special event permit may be extended for additional consecutive 10-day periods not to exceed 60 days in a calendar year. Except as provided in this subsection, all applicable fees must be paid for any permit extensions. A special event permit issued under the temporary parklet program may be extended for additional consecutive 10-day periods until December 31, 2020. No fees are required for extension of a special event permit issued under the temporary parklet program.~~

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the special event permit unless denial or revocation is required by Section 42A-20. Except as provided in this subsection, a special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. Except as provided in this subsection, a special event permit may be extended for additional consecutive 10-day periods not to exceed 60 days in a calendar year. Except as provided in this subsection, all applicable fees must be paid for any permit extensions. A special event permit issued under the temporary parklet program may be extended for additional consecutive 10-day periods until April 30, 2021. No fees are required for extension of a special event permit issued under the temporary parklet program.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

~~(l) Special event permits issued under the temporary parklet program may not be extended beyond December 31, 2020.~~

(l) Special event permits issued under the temporary parklet program may not be extended beyond April 30, 2021. (Ord. Nos. 18702; 19312; 19869; 20612; 21934; 22026; 23694; 24554; 26136; 27697; 28126; 28424; 30239; 30654; 31144; 31557; 31708)

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held. (Ord. 31144)

ARTICLE IV.

~~RESERVED~~ DALLAS STREET SEATS PILOT PROGRAM.

(a) The director shall publish a guidebook entitled Dallas Street Seats Pilot Program Guidebook on the office of special events website.

(b) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(c) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each street seats permit holder and such other persons as the director determines are interested in the subject matter of the hearing.

(d) After the public hearing, the director shall notify all street seats permit holders and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 31708)

SEC. 42A-28.2. APPLICATION; ISSUANCE.

(a) A person desiring to host a street seat shall submit an online application with the office of special events. A complete application must be filed a minimum of 90 days before the proposed street seat opening date or a minimum of 60 days before the proposed construction start date.

(1) Applications for a street seats permit will be accepted starting on February 4, 2021; and

(2) All permits issued under the street seats program will expire on July 31, 2022.

(b) An application must be completed in full before it can be invoiced. The application review process will not begin until the application processing fee has been paid. Submission of a complete application does not guarantee a street seats permit will be issued. All requirements must be met prior to permit issuance. Applications are processed on a first come first serve basis.

(c) An applicant shall provide a \$1,000 refundable bond to secure removal of the street seat prior to issuance of the Phase I permit. The bond will be refunded upon removal of the street seat to the

satisfaction of the city.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicants.

(e) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(f) If the applicant makes major changes to the original submission of an application after the review has been initiated, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(g) An application may be cancelled if there is a scheduled utility repair/installation, street improvement, adjacent development project, parking space reassignment, or other restoration project, or if the location is deemed inappropriate by the director of transportation, public works, or office of special events. The applicant may be given the option to proceed with a shorter-term permit or to delay installation.

(h) An application that has been cancelled because it is incomplete cannot be appealed under section 42A-8 and all application processing fees are forfeited.

(i) Upon receipt of a complete application, the application processing fee, and a \$1,000 refundable removal bond, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. Consideration will be given based on accessibility, public safety, location, potential to enhance street scape, community and property owner support, adherence to design and public safety standards, quality of design, and capacity to construct, maintain, and remove the street seat

among other factors.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue a street seats permit unless denial or revocation is required by Section 42A-28.9.

(1) Private street seats permits are issued for parking spaces immediately abutting the applicant's business for the purpose of expanding the businesses seating capacity.

(2) Public street seats permits may be issued to a non-abutting person or entity after obtaining consent from abutting properties and required public support.

(3) A street seats Phase I permit will be issued within 60 days of receipt of the application processing fee and proof of compliance with all requirements.

(4) A street seats Phase II permit may be issued within 30 days after construction commences based on successful site inspections, construction completion, and confirmation of compliance with all requirements

(k) No more than one street seat permit may be issued on a given block without written support from additional stakeholders as defined by director. (Ord. 31708)

SEC. 42A-28.3. LOCATION, DESIGN, AND OPERATIONS.

(a) A street seat must meet the requirements in this subsection which are further described in the guidebook.

(1) Street seats may only be placed adjacent to the curb in an unrestricted parking lane, on a street with dedicated permanent parking, and a posted speed limit of 30 miles-per-hour or less.

(2) A street seat may only activate in a space no larger than two parking spaces.

(3) A street seat may not interfere with other curb uses.

(4) A street seat must not create any interference with existing utility access and

maintenance (i.e. manholes, storm and wastewater, telecom, etc.).

(5) Street seats are prohibited within a designated fire lane.

(6) Street seats must maintain required distances from other street amenities in accordance with the guidebook.

(b) Each street seat application must include a site plan as detailed in the guidebook.

(c) A street seat may require site visits or inspections by city staff. If site visits or inspections are required, the applicant or the applicant's design and installation contractors shall accompany city staff on scheduled site visits or inspections.

(d) Applicants shall select from one of the pre-approved designs provided by the city which comply with NACTO parklet guidelines.

(e) A permit holder is responsible for providing and maintaining all street seats elements including furniture and amenities.

(f) Designs must meet all city requirements and safety regulations as detailed in the guidebook. (Ord. 31708)

SEC. 42A-28.4. PUBLIC SAFETY REVIEW.

The applicant shall provide a road safety review produced by a professional engineer licensed in the state of Texas within 14 days of application acceptance. The review must be specific to the proposed street seat location and must confirm that the proposed street seat follows the NACTO parklet guidelines and all city requirements and safety regulations as detailed in the guidebook. (Ord. 31708)

SEC. 42A-28.5. COMMUNITY SUPPORT AND PROPERTY AUTHORIZATION.

(a) An applicant must provide written approval from the following parties as part of the permit application:

(1) the property owner of the real estate immediately adjacent to the proposed street seat,

(2) all adjacent tenants if utilizing any public property that is immediately adjacent to or abutting an establishment other than the applicant's establishment,

(3) from the property owner if utilizing any private property other than property owned exclusively by the applicant.

(b) An applicant shall secure permission for utilizing restrooms owned by another establishment. (Ord. 31708)

SEC. 42A-28.6. PUBLIC NOTICE.

(a) Public notice must be displayed within the window of the abutting establishment for a minimum of 30 days during the application review to allow for public input.

(b) Written notice must be given to owners and occupants of real property abutting the proposed street seat and those impacted by the street seat utilizing the template provided by the director a minimum of five days prior to the first date of construction. Notice may be delivered by hand, mail, or email. (Ord. 31708)

SEC. 42A-28.7. INSURANCE REQUIREMENTS.

(a) An applicant for a street seat permit shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Texas; and

(2) is acceptable to the city.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a street seat.

(1) The certificate of insurance or policy and endorsements will be evidenced by delivery to Office of Special Events, 650 S. Griffin St., Dallas TX 75201.

(2) All certificates of insurance must name the City of Dallas as the certificate holder.

(c) An applicant shall maintain commercial general liability insurance and must provide single limits of liability for bodily injury (including death) and property damage of \$500,000 for each occurrence, with a \$1 million annual aggregate.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(4) comply with all applicable federal, state, and local laws.

(e) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial street seat permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

(f) Liquor liability insurance is required if street seats will be used for alcohol consumption, with a minimum limit of \$1 million each claim.

(g) In addition to the insurance requirements in this section, the director may require additional insurance for a permit if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare. (Ord. 31708)

SEC. 42A-28.8. STREET SEAT REMOVAL.

(a) The city reserves the right to require removal of a street seat for street improvements, utility work, emergencies, public safety, violation of agreements or permits, or other outstanding circumstances deemed necessary by the city.

(b) If at any time the directors of the office of special events or the departments of public works or transportation, require the removal of the street seat, the permit holder shall promptly remove the street seat within three business days in order to conform to the requirement, without any cost to the city.

(c) A permit holder shall, at its own expense, remove a street seat within five business days of permit expiration and return the area to the same condition as it was prior to installation. (Ord. 31708)

SEC. 42A-28.9. DENIAL OR REVOCATION.

(a) The director shall deny a street seats permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the guidebook;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the street seat;

(3) the applicant has had a street seats permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a street seat permit or this chapter;

(5) the director of transportation, public works, office of special events, the chief of the police department, or the chief of the fire-rescue department, determines that the street seat would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the street seat is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring street seats in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the abutting property; or

(9) a street seat will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(10) A street seat interferes with other curb uses including but not limited to:

(i) Fire hydrant.

(ii) Valet operation.

(iii) Bus stop or transit station.

(iv) Loading zone.

(v) Taxi zones.

(vi) Handicapped-access parking spaces.

(vii) Other specially designated zones.

(viii) Licensing to another establishment.

(b) The director shall revoke a street seats permit if:

(1) the applicant fails to comply with, or the street seat is in violation of, any provision of the street seats permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a street seat permit;

(3) the director of transportation, public works, office of special events, or the chief of the police department or the chief of the fire-rescue department determines that the street seat would pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the street seat;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed street seat or for a past street seat;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the street seats is overdue in

payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the abutting property. (Ord. 31708)

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person. (Ord. 31144)

ARTICLE VII.

ENFORCEMENT.

SEC. 42A-40. OFFENSES.

~~—(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a streetlight pole banner:~~

~~—(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or~~

~~—(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.~~

~~—(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.~~

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

~~—(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.~~

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a street seat or a streetlight pole banner:

(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, neighborhood market, or street seat within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

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

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, the director of mobility, and the director of public works, or their designated representatives. (Ord. Nos. 18702; 19869; 21934; 31144; 31708)

CHAPTER 45

RESERVED

(Repealed by Ord. 29596)

CHAPTER 45**TEMPORARY INCLEMENT WEATHER SHELTER PROGRAM****ARTICLE I.****GENERAL PROVISIONS.**

- Sec. 45-1. Purpose.
- Sec. 45-2. Definitions.
- Sec. 45-3. Authority and duties of the coordinator.
- Sec. 45-4. Operation of shelters generally.
- Sec. 45-5. Shelter space.
- Sec. 45-6. Chapter cumulative.
- Sec. 45-7. Exemption.

ARTICLE II.**TEMPORARY INCLEMENT WEATHER SHELTER PERMITS.**

- Sec. 45-8. Application; issuance.
- Sec. 45-9. Operation plan.
- Sec. 45-10. Expenses.
- Sec. 45-11. Indemnification.
- Sec. 45-12. Emergency response notice.
- Sec. 45-13. Expiration; reapplication.
- Sec. 45-14. Permit denial or revocation.
- Sec. 45-15. Notice and appeal from denial or revocation of a temporary inclement weather shelter permit.

ARTICLE I.**GENERAL PROVISIONS.****SEC. 45-1. PURPOSE.**

The purpose of this chapter is to establish standards for the operation of temporary shelters during times of inclement weather by entities that assure compatibility of shelter activities with surrounding uses and provide a safe place for individuals and families to obtain temporary shelter. (Ord. 31695)

SEC. 45-2. DEFINITIONS.

In this chapter,

(1) **APPLICANT** means a person or entity who submits a written application to host or operate a temporary inclement weather shelter.

(2) **INCLEMENT WEATHER** means the following weather conditions:

(A) **COLD WEATHER ADVISORY** means an advisory issued:

(1) when the minimum nighttime temperature is forecasted by the National Oceanic and Atmospheric Administration's National Weather Service to be 36 degrees Fahrenheit or below at any point between 4:00 p.m. and 8:00 a.m. (the next day);

(2) for any amount of freezing rain or ice; or

(3) for two or more inches of snow (alone or in combination with sleet and freezing rain).

(B) **HEAT WEATHER ADVISORY** means an advisory issued when the minimum nighttime temperature is forecasted by the National Oceanic and Atmospheric Administration's National Weather Service to be 90 degrees Fahrenheit or higher at any point between 10:00 p.m. and 8:00 a.m. (the next day).

(3) **OPERATOR** means a person or entity permitted by the city to operate a temporary inclement weather shelter for a specified period.

(4) **SHELTER PARTICIPANT** means a homeless individual or family lodging overnight at a shelter.

(5) **TEMPORARY INCLEMENT WEATHER SHELTER** or **SHELTER** means a facility operating as a temporary inclement weather shelter as defined in Sections 51-4.217 and 51A-4.217 and in accordance with this chapter.

(6) **TEMPORARY INCLEMENT WEATHER SHELTER COORDINATOR** or **COORDINATOR** means a city employee designated by the city manager to implement, administer, and

enforce this chapter or his or her designated representative.

(7) **TEMPORARY INCLEMENT WEATHER SHELTER PERMIT** means written approval issued by the coordinator to operate a shelter. (Ord. 31695)

SEC. 45-3. AUTHORITY AND DUTIES OF THE COORDINATOR.

(a) The coordinator shall implement and enforce this chapter and shall discharge any duty necessary under or to affect the policy of this chapter.

(b) The coordinator may assist the applicant or operator in coordinating applications for any required city-issued permit or license in addition to the temporary inclement weather shelter permit. (Ord. 31695)

SEC. 45-4. OPERATION OF SHELTERS GENERALLY.

(a) Shelters may only operate and host shelter participants during times of cold weather advisory and heat weather advisory.

(b) Shelters must be operated in compliance with an approved operation plan.

(c) Shelters' intake procedures must comply with Chapter 46, "Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression." (Ord. 31695)

SEC. 45-5. SHELTER SPACE.

(a) Except as provided in this section, shelters must provide a minimum of 40 square feet of space per shelter participant.

(b) Each designated sleeping area must provide a walkway of four feet between each row to provide emergency access. (Ord. 31695)

SEC. 45-6. CHAPTER CUMULATIVE.

The provisions of this chapter are cumulative of all city ordinances. Building, electrical, food establishment, fire safety, and all other permits and

licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of a temporary inclement weather shelter permit must be applied for separately, in accordance with the applicable city ordinance or state or federal law. (Ord. 31695)

SEC. 45-7. EXEMPTION.

The provisions of this chapter do not apply to a shelter established as disaster relief operated by the office of emergency management. (Ord. 31695)

ARTICLE II.

TEMPORARY INCLEMENT WEATHER SHELTER PERMITS.

SEC. 45-8. APPLICATION; ISSUANCE.

(a) To obtain a temporary inclement weather shelter permit, an applicant shall submit an application on a form provided for that purpose to the coordinator.

(b) The application must contain the following information:

(1) Proof of a valid certificate of occupancy for a use allowed by the Dallas Development Code.

(2) Project plans, including a site plan and floor plan, that accurately depict the location of the shelter facility and areas to be used by shelter participants.

(3) A proposed operation plan that complies with Section 45-9.

(c) Upon receipt of the completed temporary inclement weather shelter permit application, the coordinator may request a building and fire inspection to ensure required life safety systems and equipment are in working condition. City departments and the coordinator may prescribe additional licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly operation of a shelter, to be incorporated into the temporary inclement weather shelter permit before issuance. (Ord. 31695)

SEC. 45-9. OPERATION PLAN.

The operation of a shelter must comply with an operation plan approved by the coordinator. The operation plan must include the following:

- (1) A supportive services plan that describes supportive services, programs, and case management services, if any, offered to shelter participants.
- (2) Infection control policies and plans that comply with the guidelines of the Centers for Disease Control and Prevention.
- (3) Reasonable accommodations made for shelter participants who are deemed a vulnerable sub-population or require supportive equipment, such as a wheelchair, lift equipment, or service animals.
- (4) Staffing plan to support operations. (Ord. 31695)

SEC. 45-10. EXPENSES.

An operator shall pay any expenses incurred by the city associated with the operation of a shelter, such as a fire watch or requests for security to be provided by the city. (Ord. 31695)

SEC. 45-11. INDEMNIFICATION.

An applicant shall execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the temporary inclement weather shelter operation. (Ord. 31695)

SEC. 45-12. EMERGENCY RESPONSE NOTICE.

The coordinator shall notify the fire and police departments when a permit has been issued for a shelter at least 36 hours prior to operation and shall provide those departments with the approved site plan and floor plan. (Ord. 31695)

SEC. 45-13. EXPIRATION; REAPPLICATION.

A temporary inclement weather shelter permit

expires two years after the date of issuance. Applicants may file a new application to operate a temporary inclement weather shelter for the next two-year period before the expiration of the current period. (Ord. 31695)

SEC. 45-14. PERMIT DENIAL OR REVOCATION.

(a) The coordinator shall deny or revoke a temporary inclement weather shelter permit if:

- (1) The applicant falsifies information on, or fails to properly complete, the temporary inclement weather shelter application.
- (2) The operator fails to maintain public order in or around the shelter location.
- (3) The fire or police department declares a structure or property a serious threat to the public's health, safety, and welfare.
- (4) The applicant or operator has had a temporary inclement weather shelter permit revoked within the preceding 24 months or has committed two violations of this chapter within the preceding 12 months.
- (5) The operator fails to comply with or the shelter violates a city ordinance or state or federal law.
- (6) The operator fails to comply with Chapter 46, "Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression."

(b) Any violation of a city ordinance or state or federal law by shelter participants while on shelter premises may be grounds for revocation of shelter's temporary inclement weather permit. When considering whether to revoke a temporary inclement weather shelter permit on these grounds, the coordinator shall consider the severity of the violation and the frequency of repeated violations. (Ord. 31695)

SEC. 45-15. NOTICE AND APPEAL FROM DENIAL OR REVOCATION OF A TEMPORARY INCLEMENT WEATHER SHELTER PERMIT.

(a) If the coordinator denies or revokes a permit,

the coordinator shall contact and send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and the right to an appeal to the permit and license appeal board.

(b) An applicant or operator whose permit is denied or revoked by the coordinator may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals from Actions of Department Directors," of this code.

(c) The applicant or permit holder may reapply for a temporary inclement weather shelter permit once conditions are met upon inspection by appropriate city departments. (Ord. 31695)

CHAPTER 47A**TRANSPORTATION FOR HIRE****ARTICLE I.****GENERAL PROVISIONS.**

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ARTICLE II.**REGULATIONS APPLICABLE TO ALL
TRANSPORTATION-FOR-HIRE SERVICES.****Division 1. Operating Authority Permit.**

Sec. 47A-2.1.1.	Operating authority permit required.
Sec. 47A-2.1.2.	Application for operating authority permit.
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Sec. 47A-2.2.1.	Driver permit required.
Sec. 47A-2.2.2.	Qualifications for driver permit.

Sec. 47A-2.2.3.	Application for driver permit.
Sec. 47A-2.2.4.	Investigation of application for driver permit.
Sec. 47A-2.2.5.	Approval or denial of driver permit.
Sec. 47A-2.2.6.	Changes to information in driver permit application.
Sec. 47A-2.2.7.	Duration of driver permit.
Sec. 47A-2.2.8.	Duplicate driver permit.
Sec. 47A-2.2.9.	Display of driver permit.
Sec. 47A-2.2.10.	Suspension or revocation of driver permit.
Sec. 47A-2.2.11.	Nontransferability.
Sec. 47A-2.2.12.	Driver regulations.

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Sec. 47A-2.3.2.	Requirements for vehicle permit.
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ARTICLE I.**GENERAL PROVISIONS.****SEC. 47A-1.1. STATEMENT OF POLICY.**

It is the policy of the city of Dallas to promote safety and quality in transportation-for-hire services in the city. The purpose of these regulations is to:

- (1) protect the public health and safety;
- (2) promote the public convenience and necessity;
- (3) ensure that transportation-for-hire is a viable component of the public transportation system;
- (4) ensure public safety and consumer protection by regulating transportation-for-hire operating authorities, drivers, and vehicles;

(5) allow different modes of transportation-for-hire to compete directly with each other; and

(6) allow consumers to select the type of transportation-for-hire they prefer to use. (Ord. 29596; eff. 4/30/15)

SEC. 47A-1.2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter or state or federal law, as he determines are necessary to discharge his duty under, or to effect the policy of this chapter. (Ord. 29596; eff. 4/30/15)

SEC. 47A-1.3. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operating authority and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify the holders of permits issued under this section and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 29596; eff. 4/30/15)

(6) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(7) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(8) DISPATCH means any communication system that conveys passenger ride requests to drivers.

(9) DRIVE means to control the physical movements of a transportation-for-hire vehicle.

(10) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle.

(11) DRIVER PERMIT means the permit required by this chapter to drive a transportation-for-hire vehicle.

(12) HAILABLE VEHICLE means a transportation-for-hire vehicle that can be immediately summoned by a passenger without the use of dispatch, and that meets the requirements in Section 47A-2.4.9.

(13) HORSE means any member of the species Equus Caballus.

(14) HORSE-DRAWN CARRIAGE means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

(15) METER means a device that measures the time and distance of a trip.

(16) NON-MOTORIZED PASSENGER TRANSPORT VEHICLE means a horse-drawn carriage or a pedicab.

(17) OPERATING AUTHORITY means a person who is granted operating authority under this chapter to provide transportation-for-hire services.

(18) OPERATING AUTHORITY PERMIT means the permit required by this chapter to provide transportation-for-hire services.

~~(19) PEDICAB means a device with two or more wheels designed to carry passengers while being propelled by human power.~~

(19) PEDICAB means a non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers.

(20) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(21) PUBLICLY REMOTELY ACCESSIBLE DATA SITE means a website, digital platform, or mobile application ("app") that provides content in a manner that is accessible to the public through a network.

(22) SHUTTLE VEHICLE means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers.

(23) SMARTWAY VEHICLE means a passenger vehicle that is certified as a SmartWay vehicle under the Environmental Protection Agency's SmartWay program or a passenger vehicle with a seating capacity of 7 or more that is certified by the EPA as an ultra low emission vehicle or an equivalent or better emission rating.

(24) TEMPORARY VEHICLE PERMIT means a permit issued by the city to a person to operate a transportation-for-hire service for a specified period of time that is less than one year.

~~(25) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation.~~

(25) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation. The term

does not include a transportation network company as defined in Section 2402.001(5) of the Texas Occupations Code, as amended.

(26) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(27) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

(28) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended. (Ord. Nos. 29596; 31689)

29706; 30180; 31689)

SEC. 47A-1.6. PERMIT FEES.

~~—(a) The fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$282 per year for transportation-for-hire service provided by all other transport vehicles.~~

~~—(b) The fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$3 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.~~

~~—(c) The fee for a driver permit is \$30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated.~~

(a) The non-refundable fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$1,000 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The non-refundable fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$30 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.

(c) The non-refundable fee for a driver permit is \$76 per year.

(d) The fee to reinstate a suspended operating authority or driver permit is \$100. (Ord. Nos. 29596;

ARTICLE II.

REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.

DIVISION 1.

OPERATING AUTHORITY PERMIT.

SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter. (Ord. 29596)

SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

~~—(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee of \$133, containing the following:~~

~~—(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;~~

- (2) the verified signature of the applicant;
- (3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;
- (4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;
- (5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;
- (6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;
- (7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company;
- (8) a copy of the company's zero-tolerance policy for intoxicating substances; and
- (9) a statement that the applicant does not maintain an ownership interest of 20 percent or greater in, or maintain control over, an entity that inspects or certifies vehicles pursuant to Section 47A-2.3.3 of this chapter.

(b) An applicant shall file with the director a verified application statement containing the following:

- (1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and

(8) a copy of the company's zero-tolerance policy for intoxicating substances. (Ord. Nos. 29596; 29706; 30180; 31689)

(A) made a false statement as to a material matter in the application concerning the operating authority; or

(B) failed to maintain the insurance required by this chapter.

(2) After revocation of an operating authority permit, an operating authority permit holder is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation. (Ord. 29596)

SEC. 47A-2.1.6. ZERO-TOLERANCE DRUG POLICY.

(a) An operating authority shall employ, maintain, and enforce as to its drivers a zero-tolerance policy prohibiting the use of intoxicating substances.

(b) An operating authority shall include on its publicly remotely accessible data site notice of the operating authority's zero-tolerance policy for intoxicating substances and information on how passengers may report a possible violation of the policy to the operating authority and to the City. (Ord. 29596)

SEC. 47A-2.1.7. PUBLICLY REMOTELY ACCESSIBLE DATA SITE.

Each operating authority shall maintain a publicly remotely accessible data site that contains, at a minimum:

(1) the operating authority's rate information;

(2) the operating authority's zero-tolerance policy for intoxicating substances;

(3) the operating authority's contact information;

(4) a statement that wheelchair accessible vehicles are available upon request; and

(5) information on how to report complaints to the city. (Ord. 29596)

SEC. 47A-2.1.8. TRANSPORTATION-FOR-HIRE SERVICE AT DALLAS LOVE FIELD AIRPORT AND DALLAS-FORT WORTH INTERNATIONAL AIRPORT.

(a) In general. In addition to complying with this chapter, an operating authority providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall comply with all of the rules and regulations of those airports.

~~—(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for ground transportation shall, upon request of the director, provide the director with the information necessary to independently verify trip fees, as that trip fee is set in Chapter five of this code, as amended, owed by that operating authority on a daily, weekly, and monthly basis.~~

(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for transportation services shall, upon request of the director, provide the director with the information necessary to independently verify trip fees, as that trip fee is set in Chapter five of this code, as amended, owed by that operating authority on a daily, weekly, and monthly basis. (Ord. Nos. 29596; 30180; 31689)

SEC. 47A-2.1.9. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names. (Ord. 29596)

DIVISION 2.**DRIVER PERMIT.****SEC. 47A-2.2.1. DRIVER PERMIT REQUIRED.**

~~—(a) A person may not drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services without a valid driver permit issued under this article.~~

(a) A person may not drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services without a valid driver permit, associated with an operating authority, issued under this article.

(b) An operating authority may not knowingly request or allow a person who does not hold a valid driver permit issued under this article to drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services for that operating authority. (Ord. Nos. 29596; 30180; 31689)

SEC. 47A-2.2.2. QUALIFICATIONS FOR DRIVER PERMIT.

(a) To qualify for a driver permit, an applicant must:

(1) hold a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;

(2) not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;

(3) not have been convicted of more than three moving traffic violations arising out of separate incidents, or involved in more than one automobile accident in which it could be reasonably determined that the applicant was more than fifty percent at fault, within any 12-month period during the preceding 24 months;

(4) not have been convicted of a crime:

(A) involving:

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(5) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months;

or

(B) more than one time within the preceding five years; and

(6) not be subject to an outstanding warrant of arrest in the State of Texas.

(b) If an applicant is denied a driver permit on the basis that they have been convicted of an offense listed in Subsection (a)(4) or (5), for which the required time period has not elapsed since the date of conviction or the date of release from confinement imposed for the conviction, the Applicant may appeal the denial to the Permit and License Appeal Board in the manner set out in Dallas City Code 2-96. The Permit and License Appeal Board may determine that the driver is presently fit to engage in the occupation of a transportation-for-hire driver by considering the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant. (Ord. 29596)

SEC. 47A-2.2.3. APPLICATION FOR DRIVER PERMIT.

To obtain a driver permit or renewal of a driver permit, the applicant must complete a written application on a form provided for the purpose. The application must include the applicant's contact information, including the applicant's mailing address and telephone number, and a method for privately contacting the applicant electronically (such as an email address). (Ord. 29596)

SEC. 47A-2.2.4. INVESTIGATION OF APPLICATION FOR DRIVER PERMIT.

~~— (a) An applicant seeking an initial driver permit or renewal of an existing driver permit must provide to the director or to a third-party approved by the director for certification:~~

~~— (1) an official copy of the applicant's criminal history from the state of Texas and all other states in which the applicant resided in the preceding~~

~~five years, or the applicant's Identity History Summary Check from the Federal Bureau of Investigation; and~~

~~— (2) an official copy of the applicant's driving record from the state of Texas and all other states in which the applicant resided in the preceding three years;~~

~~— (b) If the director performs the review of the driver's criminal history and driving record, the fee for that review is \$23.~~

(a) An applicant seeking an initial driver permit or renewal of an existing driver permit must provide to the director:

(1) a current official criminal history report, issued by the Texas Department of Public Safety within the preceding 12 months, on each applicant to determine the applicant's qualification under Section 47A-2.2.2; and

(2) a current copy of the applicant's motor vehicle driving record and a list of any outstanding warrants for arrest of the applicant; and

(3) any other information the director considers necessary to determine whether an applicant qualifies for a driver's permit.

(b) The director shall provide the applicant, upon written request, a copy of all materials contained in the applicant's file to the extent allowed under Chapter 552 of the Texas Government Code. (Ord. Nos. 29596; 29706; 31689)

SEC. 47A-2.2.5. APPROVAL OR DENIAL OF DRIVER PERMIT.

(a) Applicants who are not seeking renewal of an existing driver permit must complete a training class approved by the director on city regulations, familiarity with the city, and customer service before the applicant may receive a driver permit.

(b) The director shall issue a driver permit to the applicant if:

(1) the director determines that the applicant is qualified to receive a permit under Section 47A-2.2.2; and

(2) the applicant has completed the training class required by Subsection (a) of this section.

(c) The director shall deny the application for a driver permit if the applicant:

(1) is not qualified under Section 47A-2.2.2, or

(2) makes a false statement of a material fact in his application for a driver permit.

(d) If the director determines that a driver permit should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal. (Ord. 29596)

**SEC. 47A-2.2.6. CHANGES TO INFORMATION
IN DRIVER PERMIT
APPLICATION.**

first name, picture, permit number, and information on
how to contact the city to make a complaint. (Ord.
Nos. 29596; 31689)

Any changes in the driver's contact information must be reported to the director prior to or contemporaneously with those changes. (Ord. 29596)

SEC. 47A-2.2.7. DURATION OF DRIVER PERMIT.

~~— (a) A driver permit expires two years from the date it is issued.~~

(a) A driver permit expires one year from the date it is issued.

(b) If a driver's state driver's license is suspended or revoked by the state, his transportation-for-hire driver permit automatically becomes void. A driver shall immediately notify the director and each operating authority for which he drives of a suspension or revocation of his driver's license by the state and shall immediately surrender his driver permit to the director. (Ord. Nos. 29596; 31689)

SEC. 47A-2.2.8. DUPLICATE DRIVER PERMIT.

~~— If a driver permit is lost or destroyed, the director shall issue the driver a duplicate driver permit.~~

If a driver permit is lost or destroyed, the director shall, for a \$50 fee, issue the driver a duplicate driver permit. (Ord. Nos. 29596; 29706; 31689)

SEC. 47A-2.2.9. DISPLAY OF DRIVER PERMIT.

~~— (a) A driver shall have the driver permit in his possession at all times that the driver is providing transportation-for-hire services.~~

~~— (b) A driver shall allow the director or a peace officer to examine the driver permit upon request.~~

(a) A driver shall have the driver permit in his possession at all times that the driver is providing transportation-for-hire services.

(b) A driver shall allow the director or a peace officer to examine the driver permit upon request.

(c) A driver shall at all times, while actively seeking or providing transportation-for-hire services, display driver permit information in a manner that is visible and legible to passengers, including the driver's

(4) After receipt of notice of revocation, the driver shall, on the date specified in the notice, surrender the driver permit to the director and discontinue driving a transportation-for-hire vehicle inside the city.

(5) If the driver appeals the revocation under this section, the driver may continue to drive a transportation-for-hire vehicle pending the appeal unless:

(A) the driver permit is revoked pursuant to Subsection (b)(1)(E) of this section; or

(B) the director determines that continued operation of a transportation-for-hire vehicle by the driver would impose an immediate threat to public safety. (Ord. 29596)

SEC. 47A-2.2.11. NONTRANSFERABILITY.

A driver permit issued to one person is not transferable to another. (Ord. 29596)

SEC. 47A-2.2.12. DRIVER REGULATIONS.

While driving a transportation-for-hire vehicle, a driver shall comply with this chapter, rules and regulations established under this chapter, and all other laws applicable to the operation of a motor vehicle in this state. A driver providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall also comply with all of the rules and regulations of those airports. (Ord. 29596)

DIVISION 3.

VEHICLE PERMIT.

SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.

~~No vehicle may be used to provide transportation-for-hire services without a valid permit for that vehicle issued under this article.~~

No vehicle may be used to provide transportation-for-hire services without current insurance, association with a registered operating authority, and a valid permit for that vehicle issued under this article. (Ord. Nos. 29596; 31689)

SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

~~(a) To obtain a vehicle permit, a permit applicant must provide the director or an approved company with the following information, including the:~~

~~(1) vehicle's current state issued vehicle registration expiration year and month;~~

~~(2) permit applicant's name, mailing address, email address, and telephone contact information;~~

~~(3) vehicle identification number of the vehicle to be permitted;~~

~~(4) year, make, and model of the vehicle to be permitted; and~~

~~(5) license plate number of the vehicle to be permitted.~~

~~(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3 of this chapter.~~

(a) To obtain a vehicle permit, a permit applicant must provide the director with the following information, including the:

(1) vehicle's current state issued vehicle

registration expiration year and month;

(2) permit applicant's name, mailing address, email address, and telephone contact information;

(3) vehicle identification number of the vehicle to be permitted;

(4) year, make, and model of the vehicle to be permitted;

(5) license plate number of the vehicle to be permitted;

(6) state vehicle inspection; and

(7) a vehicle lease agreement, if applicable.

(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and has a state vehicle inspection report.
(Ord. Nos. 29596; 29706; 30180; 31689)

SEC. 47A-2.3.3 VEHICLE QUALITY STANDARDS.

~~— (a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle meets all safety standards required by the State of Texas for passenger vehicles and the following additional standards:~~

~~— (1) the exterior and interior are clean and appear new or substantially like new;~~

~~— (2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear;~~

~~— (3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage;~~

~~— (4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage;~~

~~— (5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;~~

~~— (6) all recall work recommended by the vehicle's manufacturer has been performed;~~

~~— (7) air conditioner, heater, and defoggers function properly.~~

~~— (b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.~~

~~— (c) A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify~~

~~that a transportation-for-hire vehicle meets the standards in Subsection (a).~~

(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle meets all safety standards required by the State of Texas for passenger vehicles and the following additional standards:

(1) the exterior and interior are clean and appear new or substantially like new;

(2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear;

(3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage;

(4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage;

(5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;

(6) all recall work recommended by the vehicle's manufacturer has been performed;

(7) air conditioner, heater, and defoggers function properly.

(b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation. (Ord. Nos. 29596; 30180; 31689)

SEC. 47A-2.3.4. DISPLAY OF VEHICLE PERMIT.

(a) A person commits an offense if he:

(1) operates a transportation-for-hire vehicle with an expired vehicle permit or with no vehicle permit affixed to the vehicle;

(b) When accepting a credit card payment, an operating authority or driver must use a secure credit card processing method that encrypts information transmitted to authenticate a credit card payment transaction for approval. (Ord. 29596)

SEC. 47A-2.4.7. ~~SIGNAGE RESERVED.~~

~~— A driver shall at all times while the driver is providing transportation-for-hire services display inside the vehicle in a manner that is visible and legible to passengers: the driver's first name and picture, the driver permit number, the vehicle permit number, and information on how to contact the city to make a complaint. (Ord. 29596)~~

~~(Repealed by Ord. 31689)~~

SEC. 47A-2.4.8. RATES AND FARES.

(a) For purposes of this section, "payor" means the person paying for transportation-for-hire service.

(b) An operating authority shall inform the payor of the rate for the transportation-for-hire service before the transportation-for-hire service is provided.

(c) An operating authority must disclose its rates on a publicly remotely accessible data site. An operating authority must also disclose its rates on a sign placed in or on all hailable transportation-for-hire vehicles operated under the operating authority's permit.

(d) A driver or operating authority shall provide the payor of a fare with a legible receipt at the time of payment. The receipt, alone or in combination with additional contemporaneously produced document(s), must contain the following information:

- (1) the fare rate;
- (2) the total fare;
- (3) an itemization showing how the fare was calculated;

(4) the trip distance (if fare based in whole or in part on distance);

(5) the duration of the trip in minutes (if fare based in whole or in part on time);

(6) the name of the operating authority under which the driver was operating at the time of the ride;

(7) the driver's first name and driver permit number; and

(8) the vehicle permit number.

(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.

(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:

(1) General fares.

(A) Initial meter drop: \$2.25;

(B) Each 1/9 mile: \$0.20;

(C) Traffic delay time/waiting time, per 1- 1/2 minutes: \$0.45; and

(D) Each extra passenger (up to manufacturer's rated seating capacity): \$2.00.

(2) Love Field Airport fares.

(A) Each trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended.

(B) Minimum charge for each trip departing from the airport: \$8.00.

SEC. 47A-2.5.2. MINIMUM INSURANCE LIMITS.

~~— (a) Insurance policy limits for motorized transportation-for-hire vehicles. At a minimum, the liability coverage for motorized transportation-for-hire vehicles must be provided as follows:~~

~~— (1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of \$50,000 per person, \$100,000 per occurrence for bodily injury and \$25,000 in property damage; and~~

~~— (2) From the time a driver accepts a ride request, either by being physically hailed or dispatched, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for injury and property damage arising out of or caused by the operation of the vehicle in the following amounts:~~

~~(a) Insurance policy limits for motorized transportation-for-hire vehicles. At a minimum, the liability coverage for motorized transportation-for-hire vehicles must be provided as follows:~~

~~(1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of \$50,000 per person, \$100,000 per occurrence for bodily injury and \$25,000 in property damage; and~~

~~(2) From the time a driver accepts a ride request, either by being physically hailed or dispatched, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for injury and property damage arising out of or caused by the operation of the vehicle in the following amounts:~~

For vehicles with a manufacturer's rated seating capacity of 1-8 passengers	\$500,000
For vehicles with a manufacturer's rated seating capacity of 9 or more passengers	\$1,000,000.
For vehicles with a manufacturer's rated seating capacity of 1-5 passengers	\$300,000
For vehicles with a manufacturer's rated seating capacity of 6-10 passengers	\$500,000
For vehicles with a manufacturer's rated seating capacity of 11-14 passengers	\$1,000,000.

(b) Insurance policy limits for non-motorized passenger transport vehicles. The commercial general liability insurance for non-motorized passenger transport vehicles must provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of \$5,000 per person. (Ord. Nos. 29596; 30180; 31689)

MOTORIZED PASSENGER TRANSPORT VEHICLES.

SEC. 47A-3.1. ROUTE.

Transportation-for-hire service offered by non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the director. (Ord. 29596)

SEC. 47A-3.2. REQUIREMENTS FOR HORSES IN SERVICE.

(a) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish the director with:

(1) a state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

(2) proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and

(3) photographs showing identifying markings of the horse.

~~(b) A horse used in a non-motorized passenger transport service must:~~

~~(1) be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled work day;~~

~~_____ (2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;~~

~~_____ (3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;~~

~~_____ (4) be offered not less than five gallons of drinking water at least every two hours;~~

~~_____ (5) have at least a 10-minute rest period after every 50 minutes worked;~~

~~_____ (6) not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;~~

~~_____ (7) have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;~~

~~_____ (8) be properly cleaned with no offensive odors or caked dirt or mud;~~

~~_____ (9) wear a special sanitary device for containing animal excrement;~~

~~_____ (10) not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 150, as measured by the National Weather Service at Love Field; and~~

~~_____ (11) be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the director.~~

(b) A horse used in a non-motorized passenger transport service must:

(1) be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled work day;

(2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(4) be offered not less than five gallons of drinking water at least every two hours;

(5) have at least a 10-minute rest period after every 50 minutes worked;

(6) not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;

(7) have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;

(8) be properly cleaned with no offensive odors or caked dirt or mud;

(9) wear a special sanitary device for containing animal excrement;

(10) not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 150, as measured by the National Weather Service at Love Field; and

(11) be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the director.

(c) The director, or a designated representative of the department, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a

veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.

(d) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.

(e) An operating authority and driver shall use a trailer to transport a horse to a job location in the city that is more than three miles from the location where the horse is stabled.

(f) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the director. (Ord. Nos. 29596; 30240; 31689)

SEC. 47A-3.3. REQUIRED EQUIPMENT.

(a) An operating authority shall maintain for all non-motorized passenger transport vehicles operating under its permit, and a driver shall maintain for the non-motorized passenger transport vehicle he is driving for hire, the following equipment in good condition:

- (1) head-lights;
- (2) tail-lights;
- (3) flashing lights;
- (4) a braking system approved by the director;
- (5) rubber on all wheels;
- (6) a "slow moving vehicle" sign attached to the rear of the vehicle;

- Sec. 50-104. Powers and duties of the director.
- Sec. 50-105. License - Refusal to issue or renew.
- Sec. 50-106. License - Revocation.
- Sec. 50-107. License - Appeal from refusal to issue or renew; from decision to revoke.
- Sec. 50-108. Disclosure required for repairs on premises of owner.
- Sec. 50-109. Disclosure required for repairs in licensee's establishment.
- Sec. 50-110. Detailed statement required; return of replaced parts.
- Sec. 50-111. Unnecessary repairs; false representation of work.
- Sec. 50-112. Advertising.

ARTICLE IX.

MOTOR VEHICLE REPAIRS.

- Sec. 50-113. Definitions.
- Sec. 50-114. License required; trade name registration.
- Sec. 50-115. License application, place of business, issuance, renewal, and expiration.
- Sec. 50-116. Fees.
- Sec. 50-117. License display, replacement, and transferability.
- Sec. 50-118. Refusal to issue or renew license.
- Sec. 50-119. License revocation.
- Sec. 50-120. Appeal from refusal to issue or renew license; from decision to revoke license.
- Sec. 50-121. Powers and duties of the director.
- Sec. 50-122. Schedule of charges.
- Sec. 50-123. Disclosure of location of repairs, cost of repairs, time to complete.
- Sec. 50-124. Detailed invoice required; return of replaced parts.
- Sec. 50-125. Disclosure required for warranty.
- Sec. 50-126. Advertising.
- Sec. 50-127. Unnecessary repairs; charging for work not performed.
- Sec. 50-128. Exemptions.
- Sec. 50-129. Sign giving customer notice required.
- Sec. 50-130. Penalty.

ARTICLE X.

HOME REPAIR.

- Sec. 50-131. Article definitions.
- Sec. 50-132. Administration of article.
- Sec. 50-133. Article cumulative.
- Sec. 50-134. Home repair license required.
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- Sec. 50-136. License application, expiration, and renewal.
- Sec. 50-137. License fees.
- Sec. 50-138. Revocation of license.
- Sec. 50-139. Appeals.
- Sec. 50-140. Notice.
- Sec. 50-141. Regulations for home repairs under \$500.
- Sec. 50-142. Regulations for home repairs of \$500 or more.
- Sec. 50-143. Offenses.

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CREDIT SERVICES ORGANIZATIONS AND CREDIT ACCESS BUSINESSES.

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- Sec. 50-144. Purpose of article.
- Sec. 50-145. Definitions.
- Sec. 50-146. Violations; penalty.
- Sec. 50-147. Defense.

Division 2. Registration of Credit Services Organizations and Credit Access Businesses.

- Sec. 50-148. Registration required.
- Sec. 50-149. Registration application.
- Sec. 50-150. Issuance and display of certificate of registration; presentment upon request.
- Sec. 50-151. Expiration and renewal of certificate of registration.
- Sec. 50-151.1. Nontransferability.

Division 3. Miscellaneous Requirements for Credit Services Organizations and Credit Access Businesses.

- Sec. 50-151.2. Maintenance of records.
 Sec. 50-151.3. Consumer right to copy of agreement.
 Sec. 50-151.4. Restrictions on extensions of consumer credit.
 Sec. 50-151.5. Referral to consumer credit counseling.
 Sec. 50-151.6. Restrictions on non-deferred presentment or motor vehicle title loan extensions of consumer credit.
 Sec. 50-151.7. Compliance required.

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Division 1. In General.

- Sec. 50-152. Declaration of policy.
 Sec. 50-153. General authority and duty of the director.
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Division 2. Vending on Public Property.

- Sec. 50-158. Vendors on public property.
 Sec. 50-159. Restrictions for mobile food establishments.

Division 3. Vending on Private Property.

- Sec. 50-160. Vendors on private property.

Division 4. Entertainment in the Central Business District.

- Sec. 50-161. Entertainment performances in the central business district.

Division 5. Central Business District Concession Licenses.

- Sec. 50-162. Central business district concession license.
 Sec. 50-163. License application; investigation.

- Sec. 50-164. License issuance; fees; transferability; vending location sites; license expiration.

(4) fails to perform a duty imposed under a home repair contract, without legal excuse or justification, and with intent to violate the contract; or

(5) advertises that he is a home repair licensee; or

(6) intentionally interferes with the director in the performance of his duty or exercise of his authority.

(b) A culpable mental state is not required for the commission of an offense under this section unless the provision defining the offense expressly requires a culpable mental state.

(c) It is a defense to prosecution for the offense prescribed by Subsection (a)(1) of this section that the actor is a person who by virtue of Section 50-135 is not required to obtain a home repair license.

(d) An offense committed under this section is punishable by a fine of not more than \$500.

(e) Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. Nos. 14990; 19963)

ARTICLE XI.

CREDIT SERVICES ORGANIZATIONS AND CREDIT ACCESS BUSINESSES.

Division 1. General Provisions.

SEC. 50-144. PURPOSE OF ARTICLE.

—The purpose of this article is to protect the welfare of the citizens of the city of Dallas by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and

~~imposes recordkeeping requirements on credit access businesses.~~

The purpose of this article is to protect the welfare of the residents and consumers in the city of Dallas by monitoring credit services organizations and credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit services organizations and credit access businesses, imposes restrictions on extensions of consumer credit made by credit services organizations and credit access businesses, and imposes recordkeeping requirements on credit services organizations and credit access businesses. (Ord. Nos. 28287, eff. 1-1-12; 31747)

SEC. 50-145. DEFINITIONS.

—In this article:

—(1) ~~CERTIFICATE OF REGISTRATION~~ means a certificate of registration issued by the director under this article to the owner or operator of a credit access business.

—(2) ~~CONSUMER~~ means an individual who is solicited to purchase or who purchases the services of a credit access business.

—(3) ~~CREDIT ACCESS BUSINESS~~ has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

—(4) ~~DEFERRED PRESENTMENT TRANSACTION~~ has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

—(5) ~~DIRECTOR~~ means the director of the department designated by the city manager to enforce and administer this article and includes any representatives, agents, or department employees designated by the director.

—(6) ~~EXTENSION OF CONSUMER CREDIT~~ has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.

—(7) ~~MOTOR VEHICLE TITLE LOAN~~ has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

~~———— (8) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.~~

~~———— (9) REGISTRANT means a person issued a certificate of registration for a credit access business under this article and includes all owners and~~

In this article:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this article to the owner or operator of a credit services organization or credit access business.

(2) CONSUMER means an individual who is solicited to purchase or who purchases or seeks the services of a credit services organization or credit access business.

(3) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(4) CREDIT ACCESS BUSINESS FEES mean the fees charged by a credit access business pursuant to Section 393.602 of the Texas Finance Code, as amended.

(5) CREDIT SERVICES ORGANIZATION has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.

(6) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(7) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article and includes any representatives, agents, or department employees designated by the director.

(8) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.

(9) EXTENSION OF CONSUMER CREDIT TRANSACTION means the entirety of the agreements made by a consumer to obtain an extension of consumer credit, and includes any loan agreement between the lender and the consumer, and any fee agreement between the credit services organization or credit access business.

(10) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(11) OWNER means any person who directly or indirectly owns a credit services organization or a credit access business. For publicly traded companies, the term means any person who directly or indirectly owns or controls 10 percent or more of the outstanding shares of stock in the credit services organization or credit access business.

(12) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.

(13) REGISTRANT means a person issued a certificate of registration for a credit services organization or a credit access business under this article and includes all owners and operators of the credit access business identified in the registration application filed under this article.

operators of the credit access business identified in the registration application filed under this article.

~~—— (10) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended.~~

(14) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended.

(15) VALUABLE CONSIDERATION means the consideration described in Section 393.001(3) of the Texas Finance Code, as amended. Valuable consideration includes an immediate payment and any future payments in exchange for an extension of consumer credit as described in Section 393.001(3)(B) of the Texas Finance Code, as amended, or advice or assistance with regard to an extension of consumer credit as described in Section 393.001(3)(B) of the Texas Finance Code, as amended. (Ord. Nos. 28287; 31747)

SEC. 50-146. VIOLATIONS; PENALTY.

~~—— (a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.~~

~~—— (b) An offense under this article is punishable by a fine of not more than \$500.~~

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

~~—— (d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.~~

(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this article is punishable by

a fine of not more than \$500.

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

(d) Except as provided in Subsection (e), each day that a violation occurs is a separate offense.

(e) Each extension of consumer credit transaction is a separate offense if the extension of consumer credit transaction violates Section 50-151.4 or Section 50-151.6.

(f) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law. (Ord. Nos. 28287; 31747)

SEC. 50-147. DEFENSE.

~~—— It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G of the Texas Finance Code, as amended.~~

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit services organization or credit access business under Chapter 393 of the Texas Finance Code, as amended. (Ord. Nos. 28287; 31747)

Division 2. Registration of Credit Services Organizations and Credit Access Businesses.

SEC. 50-148. REGISTRATION REQUIRED.

~~—A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.~~

(a) A person commits an offense if the person acts, operates, or conducts business as a credit services organization or credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit services organization and credit access business.

(b) A person operating a business as both a credit services organization and a credit access business at the same location may obtain one certificate of registration for both per location. (Ord. Nos. 28287; 31747)

SEC. 50-149. REGISTRATION APPLICATION.

~~—(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:~~

~~—(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.~~

~~—(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.~~

~~—(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business.~~

~~—(4) A copy of a current, valid state license held by the credit access business.~~

(a) To obtain a certificate of registration for a credit services organization or credit access business, a person must submit an application on a form provided by the city for that purpose to the director. The application must contain the following:

(1) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit services organization or credit access business.

(2) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit services organization or credit access business and other persons with a financial interest in the credit services organization or credit access business, and the nature and extent of each person's interest in the credit services organization or credit access business.

(3) A copy of a current, valid state registration statement held by the credit services organization pursuant to Section 393.101 of the Texas Finance Code, as amended.

(4) A copy of a current, valid state license held by the credit access business pursuant to Section 393.603 of the Texas Finance Code, as amended.

~~—— (5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the Dallas Development Code.~~

~~—— (6) A non-refundable application fee of \$67.~~

~~—— (b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant.~~

(5) A copy of a current, valid city certificate of occupancy showing that the credit services organization or credit access business is in compliance with the Dallas Development Code.

(6) A non-refundable application fee of \$67.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license or state registration statement held by the applicant or registrant. (Ord. Nos. 28287; 29879; 31332; eff. 10/1/19; 31747)

SEC. 50-150. ISSUANCE AND DISPLAY OF CERTIFICATE OF REGISTRATION; PRESENTMENT UPON REQUEST.

~~—— (a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section 50-149.~~

~~—— (b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination.~~

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section 50-149.

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit services organization or credit access business. The certificate of registration must be presented upon request to the director or any peace

officer for examination. (Ord. Nos. 28287; 31747)

SEC. 50-151. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

~~—— (a) A certificate of registration expires on the earlier of:~~

~~—— (1) one year after the date of issuance; or~~

~~—— (2) the date of expiration, revocation, or other termination of the registrant's state license.~~

~~—— (b) A certificate of registration may be renewed by making application in accordance with Section 50-149. A registrant shall apply for renewal at least 30 days before the expiration of the registration.~~

(a) A certificate of registration expires on the earlier of:

(1) one year after the date of issuance; or

(2) if the certificate of registration is held by a credit access business, on the date of expiration, revocation, or other termination of the credit access business's state license.

(b) A certificate of registration may be renewed by making application in accordance with Section 50-149. A registrant shall apply for renewal at least 30 days before the expiration of the registration. (Ord. Nos. 28287; 31747)

SEC. 50-151.1. NONTRANSFERABILITY.

~~— A certificate of registration for a credit access business is not transferable.~~

A certificate of registration for a credit services organization or credit access business is not transferable. (Ord. Nos. 28287; 31747)

Division 3. Miscellaneous Requirements for Credit Services Organizations and Credit Access Businesses.

SEC. 50-151.2. MAINTENANCE OF RECORDS.

~~— (a) A credit access business shall maintain a complete set of records of all extensions of consumer credit made by the credit access business, which must include the following information:~~

~~— (1) The name and address of the consumer.~~

~~— (2) The principal amount of cash actually advanced.~~

~~— (3) The documentation used to establish a consumer's income under Section 50-151.3.~~

~~— (b) A credit access business shall maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).~~

~~— (c) A credit access business shall maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code, as amended.~~

~~— (d) The records required to be maintained by a credit access business under this section must be retained for at least three years and made available for inspection by the city upon request during the usual and customary business hours of the credit access business.~~

(a) A credit services organization and a credit access business shall maintain a complete set of records of all extensions of consumer credit transactions:

(1) that the credit services organization or credit access business arranged or obtained for a consumer; and

(2) on which the credit services organization or credit access business provide advice or assistance to a customer.

(b) A complete set of records must include the following information:

(1) The name and address of the consumer.

(2) The principal amount of cash actually advanced.

(3) The fees charged to arrange or obtain an extension of consumer credit.

(4) The fees charged to advise or assist a consumer in obtaining an extension of credit.

(5) The documentation used to establish a consumer's income under Section 50-151.3.

(6) A copy of each written agreement, between the credit services organization or credit access business and a customer, evidencing an extension of consumer credit including, but not limited to, any refinancing or renewal agreement with the consumer.

(7) Whether any part of the extension of consumer credit transaction has been refinanced or renewed and, if so, the number of refinances or renewals made.

(8) A copy of each written agreement between the lender and consumer.

(c) A credit access business shall maintain, and file with the director, copies, in a format prescribed by the director, of all annual reports, quarterly reports, and all revisions and updates to those reports, filed with the Texas Consumer Credit Commissioner under Chapter 393 of the Texas Finance Code, as amended. The reports, revisions, and updates must be submitted to the director within five business days of being submitted to the Texas Consumer Credit Commission.

(d) The records required to be maintained by a credit services organization or credit access business under this section must be retained for at least three years and, to the extent not filed with the director, made available for inspection by the city upon request during the usual and customary business hours of the credit services organization or credit access business. (Ord. Nos. 28287; 31747)

SEC. 50-151.3. CONSUMER RIGHT TO COPY OF AGREEMENT.

(a) A credit services organization and a credit access business shall give to the consumer, upon request, a printed copy of a signed contract, and any other document the credit services organization or credit access business requires a consumer to sign or acknowledge reading.

(b) All contracts and other documents that a credit services organization or credit access business requires the consumer to sign or acknowledge reading shall be in the language in which the contract was negotiated and explained to the consumer. (Ord. 31747)

SEC. 50-151.3-4. RESTRICTIONS ON EXTENSIONS OF CONSUMER CREDIT.

~~—(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed 20 percent of the consumer's gross monthly income.~~

~~—(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:~~

~~—(1) three percent of the consumer's gross annual income; or~~

~~—(2) 70 percent of the retail value of the motor vehicle.~~

~~—(c) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer's income.~~

~~—(d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal~~

~~amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.~~

~~—(e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.~~

~~(f) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.~~

(a) A credit services organization or credit access business shall not obtain for a consumer, or assist a consumer in obtaining, a cash advance under an extension of consumer credit transaction that exceeds 20 percent of the consumer's gross monthly income.

(b) A credit services organization or credit access business shall not obtain for a consumer, or assist a consumer in obtaining, a cash advance in the form of a motor vehicle title loan that exceeds the lesser of:

(1) three percent of the consumer's gross annual income; or

(2) 70 percent of the retail value of the motor vehicle.

(c) A credit services organization or credit access business shall use a paycheck, bank statement, IRS Form W-2 from the previous tax year, the previous year's tax return, a signed letter from an employer, or other similar documentation establishing income to determine a consumer's income.

(d) A credit services organization or credit access business that obtains for a consumer or advises or assists a consumer in obtaining an extension of consumer credit shall, by the terms of the extension of consumer credit transaction:

(1) require payment of the total amount of the extension of consumer credit transaction, including any principal, interest, and fees, valuable consideration, credit access business fees, and any other charges or costs, in four or fewer payments; and

(2) reduce by at least 25 percent per payment the total amount of the extension of consumer credit transaction, including any principal, interest, fees, valuable consideration, credit access business fees, and any other charges.

(e) A credit services organization or credit access business shall not refinance or renew any part of an extension of consumer credit transaction, unless the total amount of the extension of the consumer credit transaction, including any principal, interest, fees, valuable consideration, credit access business fees, and any other charges or costs, is due in a single payment.

(f) A credit services organization or credit access business that refinances or renews an extension of consumer credit transaction under Subsection (e):

(1) may not refinance or renew the extension of credit transaction more than three times; and

(2) the minimum payment amount due to refinance or renew such extension of consumer credit transaction must reduce by at least 25 percent the total amount of the extension of consumer credit transaction, including any principal, interest, fees, valuable consideration, credit access business fees, and any other charges or costs, such that the total amount owed by the consumer is paid in full after a maximum of three refinances or renewals.

(g) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit transaction has been paid by the consumer constitutes a refinancing or renewal. (Ord. Nos. 28287; eff. 1-1-12; 31747)

SEC. 50-151.5. REFERRAL TO CONSUMER CREDIT COUNSELING.

(a) A credit services organization and a credit access business shall provide a list of non-profit agencies that provide financial education, training programs, or cash assistance programs to each consumer who seeks to obtain or seeks advice or assistance on obtaining an extension of consumer credit. The list must be on a form approved by the director and contain information regarding extensions of consumer credit.

(b) A credit services organization and a credit access business must conspicuously display a poster, or other similar document, that contains information regarding extensions of consumer credit, as prescribed by the director. The organization or business must display the poster or similar document so that it is clearly visible to each consumer who enters the facility. (Ord. 31747)

SEC. 50-151.6. RESTRICTIONS ON NON-DEFERRED PRESENTMENT OR MOTOR VEHICLE TITLE LOAN EXTENSIONS OF CONSUMER

CREDIT.

(a) This section applies to an extension of consumer credit transaction that a credit services organization obtains or arranges for a consumer or provides advice or assistance to obtain and that is not a deferred presentment transaction or a motor vehicle title loan.

(b) The sum of all valuable consideration, fees, or other charges owed by the consumer to the credit services organization may not exceed 0.1 percent per day of the outstanding balance of the extension of consumer credit. (Ord. 31747)

The director, any representative of the city health officer or environmental health officer, or a peace officer may inspect any street vendor and the business procedure of a street vendor operating under this article to determine whether the vendor is complying with this article, regulations established under this article, and any other applicable city ordinance or state or federal law. (Ord. 29023)

SEC. 50-151.7. COMPLIANCE REQUIRED.

A person may not knowingly use a device, subterfuge, or pretense to evade the application of this article. (Ord. 31747)

ARTICLE XII.

STREET VENDORS.

Division 1. In General.

SEC. 50-152. DECLARATION OF POLICY.

It is the policy of the city to promote the protection of the public health, safety, and welfare by the regulation of street vendors operating inside the city. The provisions of this article are to be construed, according to the fair import of their terms, to effect this policy. (Ord. Nos. 16309; 29023)

SEC. 50-153. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.

The director shall implement and enforce this article. The director may prescribe rules and regulations governing the conduct of street vendors not inconsistent with the provisions of this article, including, but not limited to, the designation of zones and sites from which street vendors may operate. (Ord. Nos. 16309; 17675; 29023)

SEC. 50-154. AUTHORITY TO INSPECT.

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>
31657	9-23-20	10-1-20	1	Amends 2-168(b)
			2	Amends 18-9(c)(1)
			3	Amends 18-9(c)(2)
			4	Amends 18-11(a)(6)
			5	Amends 18-11(b)(2)
			6	Amends 18-11(b)(3)
			7	Amends 18-11(c)(5)
			8	Adds 28-24.2
			9	Adds Ch. 28, Art. XXI, 28-235
			10	Amends 32-26
			11	Amends 41A-6(b)
			12	Amends 43-126.6(a)
			13	Amends 43-126.6(d)
			14	Amends 49-18.1(c)
			15	Amends 49-18.1(f)(1)
			16	Amends 49-18.1(g)
			17	Amends 49-18.1(i)
			18	Amends 49-18.2(c)
			19	Amends 49-18.2(f)
			20	Amends 49-18.4(b)
			21	Amends 49-18.4(e)
			22	Amends 49-18.4(f)
			23	Amends 49-18.5(a)
			24	Amends 49-18.5(b)
			25	Amends 49-18.7(a)
			26	Amends 49-18.7(b)
			27	Amends 49-18.9
			28	Amends 49-18.11
31658	9-23-20	10-1-20	1	Amends Ch. 2, Art. VII-b, 2-75, 2-75.1
			2	Amends Ch. 2, Art. XV-b, 2-135.2, 2-135.3
31689	11-11-20		1	Amends 47A-1.5(19)
			2	Amends 47A-1.5(25)
			3	Amends 47A-1.6
			4	Amends 47A-2.1.2(b)
			5	Amends 47A-2.1.8(b)
			6	Amends 47A-2.2.1(a)
			7	Amends 47A-2.2.4
			8	Amends 47A-2.2.7(a)
			9	Amends 47A-2.2.8
			10	Amends 47A-2.2.9
			11	Amends 47A-2.3.1
			12	Amends 47A-2.3.2
			13	Amends 47A-2.3.3

		14	Amends 47A-2.4.7
		15	Amends 47A-2.5.2(a)
		16	Amends 47A-3.2(b)
31690	11-11-20	1	Amends ch. 5, 5-1 thru 5-64
31695	11-11-20	1	Amends ch. 45,
			45-1 thru 45-15
31708	12-9-20	1	Adds 42A-2(13.1)
		2	Adds 42A-2(16.1)
		3	Adds 42A-2(21.1)
		4	Adds 42A-2(21.2)
		5	Adds 42A-2(24.1)
		6	Adds 42A-2(28)
		7	Amends 42A-6
		8	Amends 42A-12(j)
		9	Amends 42A-12(l)
		10	Amends ch. 42A, art. IV,
			42A-28.1 thru 42A-28.9
		11	Amends 42A-40
31714	12-9-20	1	Amends 28-42.1(a)(2)
		2	Amends 28-42.1(b)
		3	Adds 28-42.1(f)
31745	1-27-21	1	Amends 34-2(b)
		2	Amends 34-2(c)
		3	Amends 34-4(5)
		4	Amends 34-4(23)
		5	Amends 34-4(26)
		6	Amends 34-4(35)
		7	Adds 34-4(35.1)
		8	Adds 34-4(39.1)
		9	Amends 34-4(43)
		10	Adds 34-4(52.1)
		11	Amends 34-5(d)(3)(B)
		12	Amends 34-6
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		14	Amends 34-9(a)(1)
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		16	Amends 34-11(h)
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		20	Amends 34-18(a)
		21	Amends 34-20(a)
		22	Adds 34-20(d)
		23	Amends 34-21(a)
		24	Amends 34-22(i)
		25	Adds 34-22(v)
		26	Adds 34-22(w)
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		33	Amends 34-32(c)
		34	Amends 34-35(a)
		35	Amends 34-36(b)(3)
		36	Amends 34-36(b)(5)
		37	Amends 34-36(b)(7)
		38	Amends 34-36(b)(9)
		39	Amends 34-36(b)(12)
		40	Amends 34-36(b)(16)(B)
		41	Amends 34-38(b)
		42	Amends 34-38(c)(5)
		43	Amends 34-38(c)(15)
		44	Amends 34-38(c)(16)
		45	Amends 34-38(h)(5)
		46	Amends 34-38(i)(1)
		47	Amends 34-40(f)(2)
31746	1-27-21	1	Adds ch. 2, art. XXIX, 2-170, 2-171
31747	1-27-21	1	Amends ch. 50, art. XI, 50-144 thru 50-151.7
31770	2-10-21	1	Amends 28-45(a)
		2	Amends 28-50(c)

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~10/20~~ **1/21** Supplement current through
Ordinance ~~31658~~ **31707**, passed ~~9-23-~~ **11-11-**20

AMERICAN LEGAL PUBLISHING CORPORATION

525 Vine Street, Suite 310 Cincinnati, Ohio 45202 (513) 421-4248

[illegible]

Dallas Development Code: Ordinance No. 19455, as amended

		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)	
4.217	ACCESSORY USES		RESIDENTIAL																		
1	Accessory community center (private)		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	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)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
11.1	Temporary inclement weather shelter	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
12	Pedestrian skybridges	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

Dallas Development Code: Ordinance No. 19455, as amended

[illegible]

Dallas Development Code: Ordinance No. 19455, as amended

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
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	11.1
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

(11.1) Temporary inclement weather shelter.

(A) Definition: A facility that offers shelter during times of inclement weather in compliance with Chapter 45.

(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) This use must comply with the regulations in Chapter 45.

(ii) This use may only operate in conjunction with a valid certificate of occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned facilities, this accessory use may not operate within 0.5 mile of the central business district.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

(12) Pedestrian skybridges.

(A) Definition: Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) Purpose. The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and

maintenance of pedestrian skybridges.

(C) Districts permitted. A pedestrian skybridge is permitted in any district by SUP. An SUP is required for pedestrian skybridges in planned development (PD) districts. A license or abandonment from the city of Dallas is also required to cross a city right-of-way. Provisions concerning licenses for use of the public right-of-way are contained in Chapter 43, "Streets and Sidewalks," of the Dallas City Code. Provisions concerning abandonment of the public right-of-way are contained in Chapter 2, "Administration," of the Dallas City Code.

(D) Application. An application for an SUP for a pedestrian skybridge must contain a statement outlining the need for the pedestrian skybridge and how the pedestrian skybridge will enhance the welfare of the area of request and adjacent properties.

(E) Specific use permit procedure. The provisions concerning specific use permits contained in Section 51A-4.219 apply except as modified by this subsection.

(i) Notification. The director shall send written notice of a public hearing on an

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(vii) At least 70 percent of the side walls should be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(H) Waiver. The city council may, by a three-fourths vote, grant a waiver to the pedestrian skybridge standards contained in this paragraph if the council finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver will not adversely affect neighboring property;

(iii) the waiver will not be contrary to the public interest; and

(iv) the waiver will not be contrary to the public health, safety, or welfare.

(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; 31607; 31705)

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) 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.

(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:~~ Manufactured homes may not be placed within a flood plain area. Recreational vehicle camping and parking locations are not permitted within a flood plain area.

~~—————(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.~~

(5) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other mechanical service facilities must be designed and located at least three feet above the design flood elevation 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 one-percent annual chance flood level. (Ord. Nos. 19455; 19786; 20360; 24085; 24543; 27697; 27893; 30994; 31314; 31707)

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

the appropriate county, and shall supply the director and the building official with a copy of the filed document.

(4) When a person applies for a building permit to use the transferred development rights, the building official shall forward the building permit application and the form transferring the development rights to the director. The director shall review the application and verify that the development rights have been properly transferred and may be used.

(5) The recipient of the transferred development rights may further transfer all of the development rights received by following the same process described in this section. (Ord. Nos. 23506; 24584; 25509; 27016)

Division 51A-11.400. Sunset Provision and Coordination with Pending Tax Exemptions.

SEC. 51A-11.401. SUNSET PROVISION.

~~—No certificates of eligibility may be granted, and no applications for extension of the deadline for rehabilitation or deadline for a certificate of occupancy may be considered, by the landmark commission under this article after December 31, 2020.—~~

No certificates of eligibility may be granted, and no applications for extension of the deadline for rehabilitation or deadline for a certificate of occupancy may be considered, by the landmark commission under this article after December 31, 2025. (Ord. Nos. 23506; 24584; 25509; 27016; 29953; 31694)

SEC. 51A-11.402. COORDINATION WITH PENDING TAX EXEMPTIONS.

(a) After issuance of the first letter of verification for that tax exemption (the initial verification), the tax exemption application process is completed, and the tax exemption is subject to the code provisions in place at the time of the initial verification.

(b) An application that has been determined to be eligible, but that has not yet received initial verification, is subject to the procedures for completion and verification in place at the time of the application for initial verification. If no completion date was specified in the determination of eligibility, the completion date is deemed to be three years from the date the landmark commission made its determination of eligibility.

(c) An applicant who has received a determination of eligibility for a tax exemption under previous provisions of this article may submit a revised application for consideration of eligibility under the current provisions of this article at any time prior to initial verification. The application may be made without resubmitting documentation except as necessary to meet current requirements. If the revised application is denied, the previously approved application remains in effect. If the revised application is approved, it replaces the previously approved application. (Ord. 27016)

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)
31152	3-27-19		1	Amends 51-4.201(b)(7)(E)(ii)
			2	Adds 51-4.404(a)(3)
			3	Adds 51-4.407(c)(2)
			4	Adds 51-4.408(b)(2)
			5	Amends 51-4.409(a)
			6	Adds Div. 51-4.900
31607	8-12-20		1	Amends 51-4.201(b)(1)(E)(viii)(ff)
31608	8-12-20		1	Amends 51-4.201(b)(3)(C)
31705	11-11-20		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>
31410 (Cont'd)			9	Amends 51A-7.1729(a)(8)
			10	Deletes 51A-7.1729(a)(11)
			11	Amends 51A-7.1729(a)(12)
			12	Deletes 51A-7.1729(a)(13)
			13	Amends 51A-7.1729(b)(3)(B)
31471	2-26-20		1	Amends 51A-4.701(b)(5)
			2	Amends 51A-4.701(c)
			3	Amends 51A-4.701(g)(5)(A)
31607	8-12-20		2	Adds 51A-2.102(140.1)
			3	Amends 51A-4.127(c)(8)(F)(i)
			4	Amends 51A-4.127(c)(8)(F)(iii)
			5	Amends 51A-4.209(b)(6)(E)(vii)(ff)
			6	Amends 51A-4.217(b)(12)(F)(xii)
			7	Adds 51A-4.217(b)(12)(G)(vii)
			8	Amends 51A-4.345(k)
			9	Amends 51A-4.605(a)(6)
			10	Amends 51A-4.906(b)(3)
			11	Amends 51A-13.201(34)
			12	Amends 51A-13.304(b)(6)
			13	Amends 51A-13.304(c)(6)
31608	8-12-20		2	Amends 51A-4.209(b)(5)(C)
			3	Adds 51A-13.403(j)
31657	9-23-20	10-1-20	29	Amends 51A-1.105(j)(4)
31658	9-23-20	10-1-20	3	Amends 51A-9.305(a)
31694	11-11-20		1	Amends 51A-11.401
31705	11-11-20		2	Adds 51A-4.217(b)(11.1)
31707	11-11-20		1	Amends 51A-5.104(b)(6)
			2	Amends 51A-5.104(c)(5)