

# **CITY OF DALLAS, TEXAS**

## **CODE OF ORDINANCES**

### **VOLUME I**

Contains 7/22-1/23 Supplement, current through  
Ordinance 32239-32363, passed 6-22-2022-12-14-2022

**AMERICAN LEGAL PUBLISHING CORPORATION**

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

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modified, by city council resolution, with respect to a particular parcel of land. (Ord. 28684)

#### SEC. 2-25. TYPE OF CONVEYANCE.

The city attorney shall determine the type of conveyance or other instrument to be executed by the city prior to the initiation of formal bid procedures or public auction procedures, and this information may be included in the notice when necessary. (Ord. Nos. 17259; 28684)

#### SEC. 2-26. BIDDER INFORMATION.

A bidder for the purchase of real property or an interest in real property from the city, whether bidding through formal bid procedures or at a public auction, must state the full name of the prospective purchaser as it should appear in an instrument of conveyance. If a bid is made on behalf of another person, firm, trust, partnership, association, or corporation, disclosure of the facts relating to the agency may be required by the city manager. Failure to furnish the information upon request, before or after bid acceptance, is grounds for rejection of a submitted or accepted bid. (Ord. Nos. 17259; 28684)

#### SEC. 2-26.1. CITY MANAGER RECOMMENDATION AND AWARD OF SALE.

(a) Formal bid procedures and negotiated sales. After receipt and tabulation of bids using formal bid procedures or after reaching agreement for a negotiated sale under Section 2-24 of this division, the city manager shall make a recommendation to the city council. The city council may act by resolution to award or reject the sale. Upon approval, the city attorney shall prepare and the city manager shall execute an appropriate instrument of conveyance.

#### (b) Public auction.

(1) After receipt and tabulation of bids at a public auction under Section 2-24.1 of this division, the city manager shall determine whether the highest qualifying bid equals or exceeds the reserve amount established by the city council for the real property.

(2) If the highest qualifying bid at the public auction equals or exceeds the reserve amount established for the property, the city manager may, without further council action, execute with the successful bidder a purchase and sales agreement and an appropriate instrument of conveyance, as prepared by the city attorney.

(3) If the highest qualifying bid is less than the reserve amount established for the property, the city manager shall make a recommendation to the city council, and the city council may, by resolution, accept or reject the sale. Upon approval of a sale by the city council, the city attorney shall prepare and the city manager shall execute a purchase and sales agreement and an appropriate instrument of conveyance.

(4) For purposes of this subsection, "highest qualifying bid," means the highest bid received from a prospective purchaser who is financially capable of purchasing the property and meets all qualifications established by the city for ownership of the property. (Ord. Nos. 17259; 28684)

#### SEC. 2-26.2. ABANDONMENT OF PUBLIC RIGHTS-OF-WAY.

~~— (a) Application by property owner. A property owner whose property abuts a public right-of-way may apply to the city manager for abandonment, in whole or in part, of the abutting right-of-way. An application must be accompanied by:~~

~~— (1) a nonrefundable application fee of \$4,250, plus recording fees;~~

(a) Application by property owner. A property owner whose property abuts a public right-of-way may apply to the city manager for abandonment, in whole or in part, of the abutting right-of-way. An application must be accompanied by:

(1) a nonrefundable application fee of

\$4,595, plus recording fees;

~~\_\_\_\_\_ (2) the written concurrence of all persons who own property abutting the area proposed to be abandoned; and~~

~~\_\_\_\_\_ (3) copies of recorded deeds showing current ownership of all property abutting the area proposed to be abandoned.~~

(2) the written concurrence of all persons who own property abutting the area proposed to be abandoned; and

(3) copies of recorded deeds showing current ownership of all property abutting the area proposed to be abandoned.

(b) Investigation and notice. Upon receipt of an application for abandonment of a public right-of-way, the city manager or the city manager's designee shall investigate the request and send written notice of the requested abandonment to all affected city departments, all public service franchise holders, and, if the proposed right-of-way abandonment is outside of the central business district freeway loop, then to all persons owning property within 300 feet of the right-of-way proposed to be abandoned.

(c) Date of valuation. The date for establishing the market value of the area proposed to be abandoned is the date the abandonment request is considered by the city council. Any independent appraisal used to establish market value for an abandonment must be performed not more than 180 days before the date on which the city council considers the abandonment request. The city manager or the city manager's designee may require that a more current independent appraisal be performed at the applicant's expense if the city manager or the city manager's designee determines that the market value of the proposed abandonment area has significantly changed since the date of the last independent appraisal.

(d) Market value.

(1) If the estimated abandonment fee, to be established in accordance with Subsection (f), is less than \$20,000:

(A) the city staff may use the appraised land value per square foot, as determined by the Dallas Central Appraisal District, of a fee simple interest in a

useable tract of an abutting property to determine market value of the area proposed to be abandoned; or

(B) the city manager or the city manager's designee may obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned, if the city manager or city manager's designee has reason to believe the proposed abandonment area has experienced increases in property value.

(2) If the estimated abandonment fee is \$20,000 or more, the city manager or the city manager's designee shall obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned.

(3) If an independent appraisal is obtained under Paragraph (1)(B) or (2) of this subsection, the proposed abandonment area must be appraised as if it were an assembled portion of the applicant's abutting property. The applicant shall pay the city the cost of an independent appraisal whether or not the abandonment is approved.

(e) Cases of disputed value. If the first appraisal obtained by the city is disputed by the applicant, the applicant shall obtain a second independent appraisal at the applicant's expense. If the city manager or the city manager's designee determines that there is a substantial difference between the two appraisals, the city manager or the city manager's designee shall engage an independent appraiser to perform a review appraisal, the cost of which must be paid by the applicant. The city manager or the city manager's designee shall then make a final determination of market value, which will be binding upon both parties.

~~\_\_\_\_\_ (f) Fees for abandonment. Before the city council authorizes the abandonment of all or part of a public right-of-way, the applicant shall pay an abandonment fee calculated in accordance with one of the following methods:~~

(f) Fees for abandonment. Before the city council authorizes the abandonment of all or part of a public right-of-way, the applicant shall pay an abandonment fee calculated in accordance with one of the following methods:

\_\_\_\_\_ (1) ~~Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a \$5,400 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:~~

\_\_\_\_\_ (A) ~~15% for a full abandonment with any encumbrance or easement retained;~~

\_\_\_\_\_ (B) ~~30% for an air rights abandonment;~~

\_\_\_\_\_ (C) ~~70% for a subsurface rights abandonment; and~~

\_\_\_\_\_ (D) ~~85% for an air rights abandonment deed restricted against use.~~

\_\_\_\_\_ (2) ~~Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: \$5,400 processing fee, plus \$1,000 for each easement in excess of five being abandoned.~~

\_\_\_\_\_ (3) ~~Fee for an abandonment of a utility or drainage easement originally purchased by the city: an amount equal to the greatest of:~~

\_\_\_\_\_ (A) ~~the square footage of the area abandoned x the market value of the area per square foot x 50%;~~

\_\_\_\_\_ (B) ~~the square footage of the area abandoned x the per-square-foot purchase price of the easement when originally purchased by the city; or~~

\_\_\_\_\_ (C) ~~a \$5,400 processing fee.~~

\_\_\_\_\_ (4) ~~Fee for an abandonment of a street, alley, or storm water management area originally dedicated at no cost to the city when the original dedicatior applies for abandonment before the sale of abutting property has been made: \$5,400 processing fee.~~

(1) Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a \$7,800 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:

(A) 15% for a full abandonment with any encumbrance or easement retained;

(B) 30% for an air rights abandonment;

(C) 70% for a subsurface rights abandonment; and

(D) 85% for an air rights abandonment deed restricted against use.

(2) Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: \$7,800 processing fee, plus \$1,000 for each easement in excess of five being abandoned.

(3) Fee for an abandonment of a utility or drainage easement originally purchased by the city: an amount equal to the greatest of:

(A) the square footage of the area abandoned x the market value of the area per square foot x 50%;

(B) the square footage of the area abandoned x the per-square-foot purchase price of the easement when originally purchased by the city; or

(C) a \$7,800 processing fee.

(4) Fee for an abandonment of a street, alley, or storm water management area originally dedicated at no cost to the city when the original dedicatior applies for abandonment before the sale of abutting property has been made: \$7,800 processing fee.

successors, and assigns, shall become liable for all of the terms and conditions of the abandonment ordinance.

(4) Before the city council authorizes the abandonment of all or part of a public right-of-way for conversion to a private street, private alley, or private drive for which a credit is allowed under this subsection, the applicant shall pay a fee of \$5,400 for processing the transaction, plus all applicable application, appraisal, and recording fees. (Ord. Nos. 17642; 18056; 19455; 19875; 23345; 24051; 24057; 25048; 25651; 26598; 27980; 28684; 29477, ~~eff. 10/1/14~~; 32310)

#### **SEC. 2-26.3. RESERVED.**

(Repealed by Ord. No. 23694)

#### **Division 2. Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing.**

#### **SEC. 2-26.4. PURPOSE.**

(a) It is the intent of the city council in adopting this division to establish, in accordance with Section 253.010 of the Texas Local Government Code, as amended, an alternate manner of sale of tax-foreclosed and seized real property to nonprofit organizations to provide for affordable housing in the city.

(b) Nothing in this division may be construed to require the city council to approve the sale of land to a nonprofit organization, to approve zoning changes for the land, or to provide funding for any proposal submitted under this division. (Ord. Nos. 23713; 24046; 25443)

#### **SEC. 2-26.5. DEFINITIONS.**

In this division:

(1) **AFFORDABLE HOUSING** means:

(A) owner-occupied housing that:

(i) is sold or resold under this division to a low-income individual or family; and

(ii) has a purchase price and an estimated appraised value at acquisition that does not exceed 95 percent of the "HUD 203B" maximum mortgage amounts established and published annually by HUD in Part 203, Title 24 of the Code of Federal Regulations, as amended; or

(B) renter-occupied housing for which housing expenses do not exceed HUD fair market rents, as defined in Part 888, Title 24 of the Code of Federal Regulations, as amended.

(2) **DIRECTOR** means the director of the department designated by the city manager to administer this division, or the director's authorized representative.

(3) **HUD** means the United States Department of Housing and Urban Development.

(4) **LAND** or **PROPERTY** means any real property that has been acquired by the city, for itself or as trustee for any other taxing unit, pursuant to Chapters 33 and 34 of the Texas Property Tax Code, as amended, by:

(A) foreclosure of a tax lien; or

(B) seizure.

(5) **LAND ASSEMBLY PROGRAM** means a city program established by Resolution No. 97-1504, as amended, that provides for the sale of tax-foreclosed

**SEC. 2-168. DEFINITIONS; STORMWATER DRAINAGE UTILITY RATES; EXEMPTIONS; INCENTIVES FOR RESIDENTIAL-BENEFITTED PROPERTIES; BILLING AND COLLECTION PROCEDURES.**

(a) Definitions.

(1) BENEFITTED PROPERTY has the meaning assigned in Section 552.044, Chapter 552, Texas Local Government Code, as amended.

(2) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.

(3) CUSTOMER OF RECORD has the meaning assigned in Section 49-1 of this code, as amended, and also includes the term customer, as assigned in Section 49-1 of this code, as amended.

(4) DIRECTOR means the director of the department designated by the city manager to manage the stormwater drainage utility or the director's designee.

(5) DRAINAGE SYSTEM has the meaning assigned in Subchapter C, Chapter 552 of the Texas Local Government Code, as amended.

(6) IMPERVIOUS AREA means any surface that prevents or substantially impedes the natural infiltration of stormwater into the ground, and includes, but is not limited to, roads, parking areas, buildings, patios, sheds, driveways, sidewalks, and surfaces made of asphalt, concrete, and roofing materials.

(7) RESIDENTIAL - BENEFITTED PROPERTY means a benefitted property that contains one of the following structures: single family (including townhouse), duplex, or multifamily with four or fewer dwelling units, as those terms are defined in the Dallas Development Code, as amended.

(8) STORMWATER means rainfall runoff, snow or ice melt runoff, or surface runoff and drainage.

(b) Stormwater drainage utility rates.

(1) The stormwater drainage charge for residential-benefitted property per month is as follows:

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	\$4.44
2,001 - 3,500	\$7.06
3,501 - 5,500	\$10.57
more than 5,500	\$17.28

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	\$4.64
2,001 - 3,500	\$7.38
3,501 - 5,500	\$11.05
more than 5,500	\$18.06

~~—————(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$2.39 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$6.82 per month for non-residential-benefitted property.~~

~~—————(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$2.50 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$7.13 per month for non-residential-benefitted property.

(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.



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; 32003; 32310)

#### **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

(c) Odors (emission standard). A stationary source may not emit beyond its property line an odor, the strength of which equals or exceeds two odor units, as measured by the director on a Barnaby-Cheney Scentometer or equivalent odor-testing device.

(d) The director shall prescribe by rule such additional regulations as he determines are necessary to implement this section and may provide by rule for temporary suspension of the application of the air pollution standards prescribed by this section to a source that is operating under unusual conditions or circumstances that prevent compliance. (Ord. Nos. 15079; 18223; 18902)

#### SEC. 5A-8. REGISTRATION FEES.

(a) Any person operating or maintaining a facility registered with the director under Section 5A-5(a) or (b) shall pay a nonrefundable registration fee for each calendar year. The fee is based upon the applicable facility class, or upon the facility source status. The fee for each calendar year must be paid by December 31 of the previous calendar year.

(b) The fee for each class of facility is as follows:

<del>Class "1" facility</del>	<del>\$1,465</del>
<del>Class "2" facility</del>	<del>\$1,200</del>
<del>Class "3" facility</del>	<del>\$940</del>
<del>Class "4" facility</del>	<del>\$960</del>
<del>Class "5" facility</del>	<del>\$110</del>
Class "1" facility	\$1,442
Class "2" facility	\$1,093
Class "3" facility	\$988
Class "4" facility	\$988
Class "5" facility	\$86

(c) The annual registration fee for a new facility will be prorated from the date on which operations begin to the end of the calendar year.

(d) If the annual registration fee is not received

by the date due, the registration for the facility lapses, and a reinstatement fee of \$50 must be paid in addition to the registration fee before the registration will be renewed.

(e) A person commits a separate offense each day that he fails to either register a facility or pay the appropriate registration fee for a facility by the date due. (Ord. Nos. 19647; 20612; 26598; 27353; 28019; 29477; 29879, ~~eff. 10/1/15; 32310~~)

#### **SEC. 5A-9. COMPLIANCE ORDER AND EMERGENCY ACTION.**

(a) If the director determines that a source is in violation of the emission standard prescribed by Section 5A-7(a), (b) or (c), the director by written order may require a person who owns, controls, or manages the source to take such action as the director determines is necessary to promote or effect compliance with the emission standard.

(b) If the director determines that an imminent and serious threat to the public health or safety exists because of violation of Section 5A-7, the director may take or cause to be taken such immediate action as is necessary under the circumstances to abate the threat.

(c) Exercise of authority granted by this section is not a prerequisite to prosecution of an offense under Section 5A-14. (Ord. Nos. 15079; 18902)

#### **SEC. 5A-10. MONITORING REQUIREMENTS.**

(a) The director by rule may prescribe reasonable requirements for monitoring or measuring emission of air contaminants by a person who owns, controls, or operates a source that emits an air contaminant identified in Section 5A-7.

(b) The director by rule may prescribe reasonable requirements for maintaining records on monitoring or measuring emissions by a person who is required to monitor or measure emission of air contaminants under Subsection (a) of this section. (Ord. 15079)

(5) supervise the administration of arrest warrants;

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

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

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

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

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

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

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

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

~~—(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk.~~

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

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

(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk; and

(3) enforce Sections 28-61.1 and 28-63.3 of the Dallas City Code. (Ord. Nos. 13288; 13832; 14926; 18837; 19802; 32330)

#### SEC. 13-11. CITY MARSHAL'S AUTHORITY; ELIGIBILITY FOR PENSION.

(a) The city marshal and his deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.

(b) The city marshal and his deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his deputies are paid law enforcement officers for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes. (Ord. Nos. 13288; 14926; 19802)

#### SEC. 13-12. FIDELITY BONDS.

The municipal clerk and all of his assistants having responsibilities for collection of fines shall execute fidelity bonds in favor of the city in an amount prescribed by the city council. The premium of the bond shall be paid by the city. (Ord. Nos. 15603; 17029; 19802)

#### SEC. 13-13. COLLECTION OF FINES.

**Division 4. Miscellaneous Licensee and Driver Regulations.**

- Sec. 15D-43. Licensee's and driver's duty to comply.
- Sec. 15D-44. Licensee's duty to enforce compliance by drivers.
- Sec. 15D-45. Apparel to be worn by drivers.
- Sec. 15D-46. Insurance.
- Sec. 15D-47. Information to be supplied upon request of director.
- Sec. 15D-48. Emergency wrecker service records.
- Sec. 15D-49. Failure to pay ad valorem taxes.

**Division 5. Service Rules and Regulations.**

- Sec. 15D-50. Emergency wrecker service zones; wrecker ~~rotation~~-list procedure.
- Sec. 15D-51. Removal of a vehicle with a wrecker.
- Sec. 15D-52. Requirements and operating procedures ~~for emergency wrecker service~~.
- Sec. 15D-53. Rapid response program.
- Sec. 15D-53.1. Rapid response locations.
- Sec. 15D-54. Disposition of towed vehicles.
- Sec. 15D-55. Notification of police department; impounded vehicle receipts.
- Sec. 15D-56. City-owned wreckers.

**Division 6. Fee Schedule.**

- Sec. 15D-57. Maximum fee schedule for emergency wrecker service.

**Division 7. Vehicles and Equipment.**

- Sec. 15D-58. Vehicles and equipment.

**Division 8. Enforcement.**

- Sec. 15D-59. Authority to inspect.
- Sec. 15D-60. Enforcement by police department.

- Sec. 15D-61. Correction order.
- Sec. 15D-62. Service of notice.
- Sec. 15D-63. Appeal.
- Sec. 15D-64. Offenses.

**ARTICLE III.**

**PUBLIC SERVICE CORPORATIONS.**

- Sec. 15D-65. Definitions.
- Sec. 15D-66. Permit required.
- Sec. 15D-67. Application.
- Sec. 15D-68. Permit issuance; standards of operation.
- Sec. 15D-69. Term; posting.
- Sec. 15D-70. Operators to have chauffeur's license.

**ARTICLE IV.**

**MOTOR VEHICLE ACCIDENT CLEANUP FEE.**

- Sec. 15D-71. Motor vehicle accident cleanup fee.

**ARTICLE I.**

**AMBULANCES.**

**Division 1. General Provisions.**

**SEC. 15D-1. STATEMENT OF POLICY.**

It is the policy of the city to provide for the protection of the public interest as it relates to the transportation of the sick, injured, and deceased within the city, and as it relates to the efficient use of emergency medical services within the city. To this end, this article provides for the regulation of emergency ambulance service, emergency medical services, and private ambulance service to be administered in a manner that protects the public

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

(6) CONVICTION means a conviction in a federal court or court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

(7) CUSTODIAL ARREST means an arrest during which a peace officer employed by the city takes the owner or operator of a vehicle into custody and determines that it is necessary to cause the person's vehicle to be removed from the police scene for storage or for use in a criminal investigation.

(8) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes representatives, agents, and department employees designated by the director.

(9) DISABLED VEHICLE means a vehicle that reasonably requires removal by a wrecker because it:

(A) has been rendered unsafe to be driven as the result of some occurrence other than a wreck, including, but not limited to, mechanical failure, breakdown, fire, or vandalism; or

(B) is in a safe driving condition, but the owner is not present, able, or permitted to drive.

**(9.1) DISPATCHER means the chief of police for the City of Dallas, and includes representatives, agents, and department employees designated by the chief, as well as third-parties authorized by the chief of police to dispatch wreckers.**

(10) DRIVER means an individual who drives or operates a wrecker.

(11) EMERGENCY WRECKER COMPANY means a person who owns, controls, or has a financial interest in an emergency wrecker service.

(12) EMERGENCY WRECKER SERVICE means the business of towing or removing wrecked, disabled, illegally parked, or city-owned vehicles from the streets upon request of the chief of police.

(13) HEAVY DUTY WRECKER means a wrecker that:

(A) has a manufacturer's gross vehicle weight rating of not less than 48,000 pounds;

(B) has a power-operated winch, winch line, and boom, with a factory-rated lifting capacity of not less than 50,000 pounds and a dual line capacity of not less than 20,000 pounds;

(C) has an underlift device with a factory-rated lifting capacity of not less than 14,000 pounds when extended;

(D) has a dual rear axle; and

(E) is capable of towing a vehicle that weighs up to 80,000 pounds.

(14) ILLEGALLY PARKED VEHICLE means a vehicle that is parked on a street or other public property in violation of any city ordinance or state law regulating the parking of vehicles.

(15) INCIDENT MANAGEMENT TOWING OPERATOR'S LICENSE means a tow truck operator's license issued by the state under Section 2308.153 of the Texas Occupations Code, as amended.

(16) LAWFUL ORDER means a verbal or written directive that:

(A) is issued by the director or the chief of police in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article; and

(B) does not violate the United States Constitution or the Texas Constitution.

(17) LICENSEE means a person licensed under this article to engage in emergency wrecker service. The term includes:

(C) a vehicle has been abandoned on a street or other public property;

(D) a custodial arrest has taken place;

(E) a disabled vehicle is blocking a traffic lane of a street; or

(F) an illegally parked vehicle is subject by law to removal or impoundment by the chief of police or any other authorized city official.

(28) RAPID RESPONSE LOCATION means an area designated under Section 15D-53.1 to which an emergency wrecker must provide rapid removal of wrecked, disabled, or illegally parked vehicles.

~~———— (29) RAPID RESPONSE ROTATION LIST means a list, maintained by the chief of police as provided for in Section 15D-53 of this article, of licensed emergency wrecker companies participating in the rapid response program.~~

~~———— (30) ROTATION means an occasion when the chief of police calls an emergency wrecker from either the wrecker rotation list or the rapid response rotation list to perform a vehicle tow.~~

(29) RAPID RESPONSE LIST means a list, maintained by the chief of police as provided for in Section 15D-53 of this article, of licensed emergency wrecker companies participating in the rapid response program.

(30) Reserved.

~~———— (31) STREET means any public street, road, right-of-way, alley, avenue, lane, square, highway, freeway, expressway, high occupancy vehicle lane, or other public way within the corporate limits of the city. The term includes all paved and unpaved portions of the right-of-way.~~

~~———— (32) TILT BED/ROLL BACK CARRIER means a motor vehicle that is designed and equipped so as to be capable of lifting another vehicle upon itself for the purpose of transporting the vehicle when it cannot be safely transported by a conventional wrecker and that:~~

~~———— (A) has a manufacturer's gross vehicle weight rating of not less than 15,000 pounds;~~

~~———— (B) has a steel or aluminum carrier bed that is at least 17 feet long, with a load rating of not less than 8,000 pounds;~~

~~———— (C) has a power-operated winch and winch line, with a factory-rated lifting capacity of not less than 8,000 pounds, single line capacity;~~

~~———— (D) has a wheel lift tow bar with a factory-rated lifting capacity of not less than 3,000 pounds; and~~

~~———— (E) complies with all applicable state and federal vehicle weight laws.~~

~~———— (33) VEHICLE means a device in, upon, or by which a person or property may be transported on a public street. The term includes, but is not limited to, an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively upon a stationary rail or track.~~

~~———— (34) VEHICLE OWNER OR OPERATOR means a person, or the designated agent of a person, who:~~

~~———— (A) holds legal title to a vehicle, including any lienholder of record;~~

~~———— (B) has legal right of possession of a vehicle; or~~

~~———— (C) has legal control of a vehicle.~~

~~———— (35) VEHICLE STORAGE FACILITY has the meaning given that term in the Vehicle Storage Facility Act.~~

~~———— (36) VEHICLE STORAGE FACILITY ACT means Chapter 2303, Texas Occupations Code, as amended.~~

(31) STREET means any public street, road, right-of-way, alley, avenue, lane, square, highway, freeway, expressway, high occupancy vehicle lane, or other public way within the corporate limits of the city. The term includes all paved and unpaved portions of the right-of-way.

(32) TILT BED/ROLL BACK CARRIER

means a motor vehicle that is designed and equipped so as to be capable of lifting another vehicle upon itself for the purpose of transporting the vehicle when it cannot be safely transported by a conventional wrecker and that:

(A) has a manufacturer's gross vehicle weight rating of not less than 15,000 pounds;

(B) has a steel or aluminum carrier bed that is at least 17 feet long, with a load rating of not less than 8,000 pounds;

(C) has a power-operated winch and winch line, with a factory-rated lifting capacity of not less than 8,000 pounds, single line capacity;

(D) has a wheel lift tow bar with a factory-rated lifting capacity of not less than 3,000 pounds; and

(E) complies with all applicable state and federal vehicle weight laws.

(33) VEHICLE means a device in, upon, or by which a person or property may be transported on a public street. The term includes, but is not limited to, an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively upon a stationary rail or track.

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(B) has legal right of possession of a vehicle; or

(C) has legal control of a vehicle.

(35) VEHICLE STORAGE FACILITY has the meaning given that term in the Vehicle Storage Facility Act.

(36) VEHICLE STORAGE FACILITY ACT means Chapter 2303, Texas Occupations Code, as amended.



~~———— (37) WRECKED VEHICLE means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker.~~

~~———— (38) WRECKER means a vehicle designed for the towing or carrying of other vehicles.~~

~~———— (39) WRECKER DRIVER'S PERMIT means a permit issued under this article to an individual by the director authorizing that individual to operate a wrecker for an emergency wrecker service in the city.~~

~~———— (40) WRECKER ROTATION LIST means a list of licensed emergency wrecker companies maintained by the chief of police, as provided for in Section 15D-50 of this article.~~

~~———— (41) ZONE means a geographical area in which a licensee is licensed by the city to operate.~~

(37) WRECKED VEHICLE means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker.

(38) WRECKER means a vehicle designed for the towing or carrying of other vehicles.

(39) WRECKER DRIVER'S PERMIT means a permit issued under this article to an individual by the director authorizing that individual to operate a wrecker for an emergency wrecker service in the city.

(40) WRECKER LIST means a list of licensed emergency wrecker companies maintained by the chief of police, as provided for in Section 15D-50 of this article.

(41) Reserved. (Ord. Nos. 13977; 14685; 15612; 17226; 21175; 24661; 27487; 31233; 32265)

**SEC. 15D-16. DRIVING WRECKER TO A POLICE SCENE PROHIBITED; EXCEPTION.**

~~———— A person commits an offense if he drives a wrecker, whether licensed or unlicensed, to a police scene unless the person has been called to the scene by~~

~~the chief of police.~~

A person commits an offense if he drives a wrecker, whether licensed or unlicensed, to a police scene unless the person has been dispatched to the scene by the chief of police. (Ord. Nos. 13977; 14685; 24661; 32265)

**SEC. 15D-17. SOLICITING WRECKER BUSINESS AT A POLICE SCENE PROHIBITED; PRESENCE AT SCENE AS EVIDENCE OF VIOLATION.**

(a) A person commits an offense if he, in any manner, directly or indirectly solicits on the streets of the city the business of towing a vehicle in need of

emergency wrecker service from a police scene, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, or purchasing the vehicle.

~~—(b) Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee, or agent, on a street in the city at or near a police scene within one hour after the happening of an incident that resulted in the need for emergency wrecker service is prima facie evidence of a solicitation in violation of this section, unless the particular wrecker company has been called to the police scene by the chief of police.~~

(b) Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee, or agent, on a street in the city at or near a police scene within one hour after the happening of an incident that resulted in the need for emergency wrecker service is prima facie evidence of a solicitation in violation of this section, unless the particular wrecker company has been dispatched to the police scene by the chief of police. (Ord. Nos. 13977; 14685; 24661; 32265)

#### **SEC. 15D-18. SOLICITING BY ADVERTISING.**

(a) A person commits an offense if he, personally or through an employee or agent, solicits at or near a police scene any business that deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading, or purchase of a wrecked, disabled, or illegally parked vehicle on the streets, sidewalks, or other public place of the city by distributing an advertisement for, or by otherwise advertising, a repair shop, garage, or place of business where the wrecked, disabled, or illegally parked vehicle may be repaired, stored, wrecked, traded, or purchased.

(b) Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing, or offering to purchase or trade for a wrecked, disabled, or illegally parked vehicle at or near a police scene is prima facie evidence of solicitation in violation of this section. (Ord. Nos. 13977; 14685; 24661)

**SEC. 15D-19. RESPONSE TO PRIVATE CALLS PROHIBITED.**

A wrecker company shall not respond within the city to a private request for wrecker service at a police scene, unless specifically authorized by the chief of police. (Ord. Nos. 13977; 14685; 24661)

**Division 2. Emergency Wrecker Service License.**

**SEC. 15D-20. LICENSE REQUIRED; TRADE NAME REGISTRATION; BUSINESS LOCATION.**

(a) A person commits an offense if he, or his agent or employee, engages in emergency wrecker service in the city without a valid emergency wrecker service license issued by the director under this article. Only one license may be issued to each emergency wrecker company.

(b) The owner of an emergency wrecker company shall register with the director a trade name that clearly differentiates that emergency wrecker company from all other companies engaging in emergency wrecker service and shall use no other trade name for the emergency wrecker company.

(c) A licensee shall maintain a permanent and established place of business at a location in the city where an emergency wrecker service is not prohibited by the Dallas Development Code. This location must be either within the zone in which the licensee is licensed to operate an emergency wrecker service or within one-half mile outside the established boundaries of that zone.

(d) A licensee shall operate the licensed emergency wrecker service from a location inside the city. (Ord. Nos. 13977; 14685; 15612; 16554; 24661; 27487)

**SEC. 15D-21. LICENSE APPLICATION; CHANGE OF ZONE.**

~~— (a) A person desiring to engage in emergency wrecker service in the city shall file with the director a written application upon a form provided for that purpose, accompanied by a nonrefundable application processing fee of \$250. The application must be signed by an individual who will own, control, or operate the proposed emergency wrecker service. The application must be verified and include the following information:~~

~~— (1) The trade name under which the applicant does business and the street address and telephone number of the emergency wrecker service's business location.~~

~~— (2) The number and types of wreckers to be operated, including the year, make, model, vehicle identification number, and state license plate number of, and the type of winch or lifting device to be operated on, each wrecker.~~

~~— (3) The name, address, and telephone number of the applicant.~~

~~— (4) An agreement that the applicant will participate in the wrecker rotation list.~~

~~— (5) A list, to be kept current, of the owners (including each owner's percentage of ownership) and management personnel of the emergency wrecker service, and of all employees who will participate in emergency wrecker service, including names, state driver's license numbers, wrecker driver's permit numbers, and whether the person holds an incident management towing operator's license.~~

~~— (6) A statement attesting that all property, both real and personal, used in connection with the emergency wrecker service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes.~~

(a) A person desiring to engage in emergency wrecker service in the city shall file with the director an application upon a form provided for that purpose, accompanied by a nonrefundable application processing fee of \$250. The application must be signed by an individual who will own, control, or operate the proposed emergency wrecker service. The application

must be verified and include the following information:

(1) The trade name under which the applicant does business and the street address and telephone number of the emergency wrecker service's business location.

(2) The number and types of wreckers to be operated, including the year, make, model, vehicle identification number, and state license plate number of, and the type of winch or lifting device to be operated on, each wrecker.

(3) The name, address, and telephone number of the applicant.

(4) An agreement that the applicant will participate in the wrecker list.

(5) A list, to be kept current, of the owners (including each owner's percentage of ownership) and management personnel of the emergency wrecker service, and of all employees who will participate in emergency wrecker service, including names, state driver's license numbers, wrecker driver's permit numbers, and whether the person holds an incident management towing operator's license.

(6) A statement attesting that all property, both real and personal, used in connection with the emergency wrecker service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes.

~~(7) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this article.~~

~~(8) Proof of an ability to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police pursuant to this article.~~

~~(9) Detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant's federal income tax statements for the previous three calendar years relating to the business.~~

~~(10) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the emergency wrecker service business.~~

(7) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this article.

(8) Proof of an ability to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police pursuant to this article.

(9) Detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant's federal income tax statements for the previous three calendar years relating to the business.

(10) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the emergency wrecker service business.

(b) If a licensee requests a change of zone, the requirements of an initial applicant must be met.

(c) The director may, at any time, require additional information of an applicant or licensee to clarify items on the application. (Ord. Nos. 13977; 14685; 15612; 16554; 16578; 17208; 21175; 24661; 27487; 27695; 30215; 32265)

## SEC. 15D-22. LICENSE QUALIFICATIONS.

~~(a) To qualify for an emergency wrecker service license, an applicant must:~~

~~(1) be at least 19 years of age;~~

~~(2) be currently authorized to work full-time in the United States;~~

~~\_\_\_\_\_ (3) be able to communicate in the English language; and~~

~~\_\_\_\_\_ (4) not have been convicted of a crime:~~

~~\_\_\_\_\_ (A) involving:~~

~~\_\_\_\_\_ (i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~

~~\_\_\_\_\_ (ii) kidnapping as described in Chapter 20 of the Texas Penal Code;~~

~~\_\_\_\_\_ (iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

~~\_\_\_\_\_ (iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;~~

~~\_\_\_\_\_ (v) robbery as described in Chapter 29 of the Texas Penal Code;~~

~~\_\_\_\_\_ (vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~\_\_\_\_\_ (vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~\_\_\_\_\_ (viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~\_\_\_\_\_ (ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed~~

~~(a) To qualify for an emergency wrecker service license, an applicant must:~~

~~(1) be at least 19 years of age;~~

~~(2) be currently authorized to work full-time in the United States;~~

~~(3) be able to provide all associated drivers with a GPS-enabled device;~~

~~(4) be able to communicate in the English Language; and~~

~~(5) not have been convicted of a crime:~~

~~(A) involving:~~

~~(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~

~~(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;~~

~~(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

~~(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;~~

~~(v) robbery as described in Chapter 29 of the Texas Penal Code;~~

~~(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;~~

~~(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was~~

committed against a person with whom the applicant  
came in contact while engaged in a towing or wrecker  
service;

against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

\_\_\_\_\_ (x) ~~public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

\_\_\_\_\_ (xi) ~~the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

\_\_\_\_\_ (xii) ~~a violation of the Texas Dangerous Drug Act (Chapter 483, Texas Health and Safety Code), or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

\_\_\_\_\_ (xiii) ~~a violation of the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law; or~~

\_\_\_\_\_ (xiv) ~~criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xiii) of this subsection; and~~

\_\_\_\_\_ (B) ~~for which:~~

\_\_\_\_\_ (i) ~~less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

\_\_\_\_\_ (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 be addicted to the use of alcohol or narcotics;~~

\_\_\_\_\_ (6) ~~be subject to no outstanding warrants of arrest;~~

\_\_\_\_\_ (7) ~~not employ any person who is not qualified under this subsection;~~

\_\_\_\_\_ (8) ~~be able to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police under this article;~~

\_\_\_\_\_ (9) ~~have at least three years experience in wrecker operations and provide detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant's federal income tax statements for the previous three calendar years relating to the business; and~~

\_\_\_\_\_ (10) ~~have an established drug testing policy as required under Chapter 2308 of the Texas Occupations Code, as amended.~~

\_\_\_\_\_ (x) ~~public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

\_\_\_\_\_ (xi) ~~the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

\_\_\_\_\_ (xii) ~~a violation of the Texas Dangerous Drug Act (Chapter 483, Texas Health and Safety Code), or of any comparable state or federal~~



law, but only if the violation is punishable as a felony under the applicable law;

(xiii) a violation of the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law; or

(xiv) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xiii) of this subsection; and

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(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;

(6) not be addicted to the use of alcohol or narcotics;

(7) be subject to no outstanding warrants of arrest;

(8) not employ any person who is not qualified under this subsection;

(9) be able to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police under this article;

(10) have at least three years experience in

wrecker operations and provide detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant's federal income tax statements for the previous three calendar years relating to the business; and

(11) have an established drug testing policy as required under Chapter 2308 of the Texas Occupations Code, as amended.

(b) An applicant who has been convicted of, or who employs a person who has been convicted of, an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement

imposed for the conviction, may qualify for an emergency wrecker service license only if the director determines that the applicant, or the employee, is presently fit to engage in the business of an emergency wrecker service. In determining present fitness under this section, the director shall consider the following:

- (1) the extent and nature of the applicant's, or employee's, past criminal activity;
- (2) the age of the applicant, or employee, at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the applicant's, or employee's, last criminal activity;
- (4) the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;
- (5) evidence of the applicant's, or employee's, rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) other evidence of the applicant's, or employee's, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.

(d) An applicant for an emergency wrecker service license has the burden of proving that the applicant is qualified to operate an emergency wrecker service under this article.

(e) In determining whether the applicant is qualified to operate an emergency wrecker service in the city, the director shall consider, but not be limited to considering, the fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant's compliance with other city, state, and federal laws. (Ord. Nos. 24661; 27487; ~~32265~~)

**SEC. 15D-23. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.**

(a) The director shall, within 30 days after the date of application, issue an emergency wrecker service license to an applicant who complies with this article.

(b) A license issued to an emergency wrecker service authorizes the licensee and any bona fide employee to engage in emergency wrecker service.

(c) The annual fee for an emergency wrecker service license is \$520, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is \$20. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) An emergency wrecker service license issued pursuant to this article must be conspicuously displayed in the emergency wrecker service's business location.

(e) An emergency wrecker service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) An emergency wrecker service license expires June 30 of each year and may be renewed by applying in accordance with Section 15D-21. Application for renewal must be made not less than 30

this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before a license suspended under this section will be reinstated.

(j) No person with any direct or indirect ownership interest in the licensee's emergency wrecker service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the emergency wrecker service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 21175; 21238; 24661; 25215; 27487)

**SEC. 15D-47. INFORMATION TO BE  
SUPPLIED UPON REQUEST OF  
DIRECTOR.**

Upon request of the director, a licensee shall submit to the director the following information:

- (1) A current consolidated list of vehicles.
- (2) A current financial statement that includes a balance sheet and income statement.
- (3) Names of current officers, owners, and managers.
- (4) A list of current drivers employed by the licensee, with their wrecker driver's permit numbers indicated, and a copy of the incident management towing operator's license issued by the state to each driver.

(5) A copy of the licensee's drug testing policy established under Chapter 2308 of the Texas Occupations Code, as amended.

(6) Any additional information deemed necessary by the director relating to the operations and activities of the emergency wrecker service. (Ord. Nos. 24661; 27487)

**SEC. 15D-48. EMERGENCY WRECKER  
SERVICE RECORDS.**

A licensee shall maintain the business records of the emergency wrecker service, including but not limited to records relating to the activities, operations, service, and safety record of the emergency wrecker service, at its business location required by Section 15D-20(c). The licensee shall make the emergency wrecker service records available for inspection by the director or the chief of police upon reasonable notice and request. (Ord. 24661)

**SEC. 15D-49. FAILURE TO PAY AD  
VALOREM TAXES.**

A licensee or an applicant for an emergency wrecker service license shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the emergency wrecker service to become delinquent. (Ord. 24661)

**Division 5. Service Rules and Regulations.**

**SEC. 15D-50. EMERGENCY WRECKER  
SERVICE ZONES; WRECKER  
~~ROTATION LIST~~  
PROCEDURE.**

~~—(a) The chief of police shall partition the city into zones for emergency wrecker service and shall place~~

~~the names of all emergency wrecker companies licensed under this article on a wrecker rotation list. Notice of the boundary limits of each zone will be provided to each licensee on the rotation list. Each licensee may apply for and be assigned to only one zone.~~

~~—(b) When an emergency wrecker is needed at a police scene, the police officer or other authorized city official at the scene will communicate that need immediately to the police department. On receiving the first request for emergency wrecker service, the dispatcher will call the first available emergency wrecker company on the rotation list assigned to the zone in which the police scene is located and order removal of the wrecked, disabled, or illegally parked vehicle to a place designated by the chief of police. On each succeeding request for emergency wrecker service, the dispatcher will call the next available emergency wrecker company on the rotation list that is assigned to the zone involved, or call the nearest available emergency wrecker in an adjacent zone if none are available in the zone involved. Proper notation of each call for emergency wrecker service must be made on the master rotation list.~~

~~—(c) The chief of police may direct that an emergency wrecker be called out of its zone or out of rotation when determined to be in the best interest of the public health, safety, and welfare.~~

(a) The chief of police shall partition the city into zones for emergency wrecker service and shall place the names of all emergency wrecker companies licensed under this article on a wrecker list. Notice of the boundary limits of each zone will be provided to each licensee on the list. Each licensee may apply for and be assigned to only one zone.

(b) When an emergency wrecker is needed at a police scene, the police officer or other authorized city official at the scene will communicate that need immediately to the police department. On receiving the first request for emergency wrecker service, the dispatcher will dispatch the first available emergency wrecker company on the list assigned to the zone in which the police scene is located and order removal of the wrecked, disabled, or illegally parked vehicle to a place designated by the chief of police. On each succeeding request for emergency wrecker service, the dispatcher will dispatch the next available emergency wrecker company on the list that is assigned to the zone involved, or dispatch the nearest available emergency

wrecker in an adjacent zone if none are available in the zone involved. Proper notation of each dispatch for emergency wrecker service must be made on the master list.

(c) The chief of police may direct that an emergency wrecker be dispatched out of its zone or out of when determined to be in the best interest of the public health, safety, and welfare. (Ord. Nos. 13977; 14685; 15612; 16850; 24661; 27487; 32265)

#### SEC. 15D-51. REMOVAL OF A VEHICLE WITH A WRECKER.

A licensee or permittee commits an offense if he, either personally or through an employee or agent, removes a vehicle from a street or other public property without:

- (1) using a wrecker; or
- (2) first completing every procedure required to secure the vehicle to the wrecker or wrecker

equipment, including the attachment of any safety chains, so that the vehicle may be safely towed. (Ord. Nos. 24661; 27487)

**SEC. 15D-52. REQUIREMENTS AND OPERATING PROCEDURES FOR EMERGENCY WRECKER SERVICE.**

~~— (a) A licensee shall comply with the following requirements and procedures:~~

~~— (1) Maintain a 24 hour emergency wrecker service and operate a two-way communication system on a 24-hour basis. The licensee shall keep the business location required under Section 15D-20(c) open and staffed from 9:00 a.m. to 5:00 p.m. weekdays, except for:~~

~~— (A) holidays recognized by the city; and~~

~~— (B) other times for which the licensee has:~~

~~— (i) obtained prior written approval from the chief of police; and~~

~~— (ii) provided the director with a copy of that approval.~~

~~— (2) Arrive at the police scene, if it is not a rapid response location, within 30 minutes after having been notified to do so by the chief of police.~~

~~— (3) Deliver, in every instance, the wrecked, disabled, or illegally parked vehicle directly to a location designated by the chief of police without stopping at any other location or for any reason other than mechanical breakdown or problems with the vehicle hookup to the wrecker. In the event of a mechanical breakdown or problem with the vehicle hookup to the wrecker, the wrecker driver or the licensee shall immediately notify the chief of police.~~

**(a) A licensee shall comply with the following requirements and procedures:**

**(1) Maintain a 24 hour emergency wrecker service and operate a two way communication system on a 24 hour basis. The licensee shall keep the business location required under Section 15D-20(c) open and staffed from 9:00 a.m. to 5:00 p.m. weekdays, except for:**

**(A) holidays recognized by the city; and**

**(B) other times for which the licensee has:**

**(i) obtained prior written approval from the chief of police; and**

**(ii) provided the director with a copy of that approval.**

**(2) Arrive at the police scene, if it is not a rapid response location, within 30 minutes after having been notified to do so by the chief of police.**

**(3) Deliver, in every instance, the wrecked, disabled, or illegally parked vehicle directly to a location designated by the chief of police without stopping at any other location or for any reason other than mechanical breakdown or problems with the vehicle hookup to the wrecker. In the event of a mechanical breakdown or problem with the vehicle hookup to the wrecker, the wrecker driver or the licensee shall immediately notify the chief of police.**

~~———— (4) Report to the director all changes in emergency wreckers and equipment used in the licensee's emergency wrecker service and render all additional vehicles for inspection by the director. A wrecker without a valid emergency wrecker inspection sticker is not allowed to participate in the wrecker rotation list or the rapid response rotation list.~~

~~———— (5) Employ at least four emergency wrecker drivers who hold valid wrecker driver's permits issued under this article and valid incident management towing operator's licenses.~~

~~———— (6) Upon arrival at the scene of an accident and in a manner that minimizes the duration of interference with normal traffic flow, promptly clear the wreckage and debris from the travelled portion of the roadway or confine it to the smallest possible portion of the travelled roadway while removal is taking place and, before leaving the accident site, completely remove from the site all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes.~~

~~———— (7) Request the police officer or other authorized city official at a police scene to call for the dispatch of another emergency wrecker if additional wreckers are needed to clear a police scene.~~

~~———— (8) Not permit the use of the licensee's wrecker by another licensee.~~

~~———— (b) Nothing in this article permits the operation of a wrecker as an authorized emergency vehicle.~~

(4) Report to the director all changes in emergency wreckers and equipment used in the licensee's emergency wrecker service and render all additional vehicles for inspection by the director. A wrecker without a valid emergency wrecker inspection sticker is not allowed to participate in the wrecker list or the rapid response list.

(5) Employ at least four emergency wrecker drivers who hold valid wrecker driver's permits issued under this article and valid incident management towing operator's licenses.

(6) Upon arrival at the scene of an accident and in a manner that minimizes the duration of interference with normal traffic flow, promptly clear the wreckage and debris from the travelled portion of

the roadway or confine it to the smallest possible portion of the travelled roadway while removal is taking place and, before leaving the accident site, completely remove from the site all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes.

(7) Request the police officer or other authorized city official at a police scene to request the dispatch of another emergency wrecker if additional wreckers are needed to clear a police scene. (Ord. Nos. 13977; 14685; 16554; 21175; 24661; 27487; 32265)

## SEC. 15D-53. RAPID RESPONSE PROGRAM.

~~———— (a) The chief of police shall create a rapid response rotation list to assign licensed emergency wrecker companies to city-owned vehicles and rapid response locations in a particular zone for each day of the week. The chief of police may modify the rotation~~

~~list on a monthly basis to prevent one emergency wrecker company from always working the same day of the week in rotation.~~

~~—(b) Participation by a licensed emergency wrecker company in the rapid response program is voluntary. An emergency wrecker company may request to be placed on the rapid response rotation list only when applying for license issuance or renewal or at other times designated by the chief of police. An emergency wrecker company may request to have its name removed from the rapid response rotation list at any time.~~

~~—(c) Each participating emergency wrecker company shall provide at least one conventional light duty wrecker and one tilt bed/roll back carrier to be available for a designated day assigned by the chief of police to remove vehicles as directed by the chief of police. The emergency wrecker company shall be available to provide emergency wrecker service under the rapid response program for the full 24 hours of its assigned day.~~

~~—(d) On each subsequent day, an adequate number of emergency wrecker companies next appearing on the rapid response rotation list will be assigned to remove vehicles as directed by the chief of police.~~

~~—(e) The chief of police shall designate back-up emergency wrecker companies in the event that a primary emergency wrecker company is unable to respond on an assigned day. If a primary emergency wrecker company is unable to respond, it shall immediately notify the chief of police, and the chief of police will dispatch a back-up emergency wrecker company to the police scene at the rapid response location.~~

~~—(f) An emergency wrecker company responding to a dispatch under the rapid response program shall arrive at the dispatched location within 15 minutes after notification to do so by the chief of police.~~

(a) The chief of police shall create a rapid response list to assign licensed emergency wrecker companies to city-owned vehicles and rapid response locations.

(b) Participation by a licensed emergency wrecker company in the rapid response program is voluntary. An emergency wrecker company may request to be placed on the rapid response list only when applying for license issuance or renewal or at other times designated by the chief of police. An

emergency wrecker company may request to have its name removed from the rapid response list at any time.

(c) Each participating emergency wrecker company shall provide at least one conventional light duty wrecker and one tilt bed/roll back carrier to be available to remove vehicles as directed by the chief of police.

(d) Reserved.

(e) If a primary emergency wrecker company is unable to respond, it shall immediately notify the chief of police, and the chief of police will dispatch a back-up emergency wrecker company to the police scene at the rapid response location.

(f) An emergency wrecker company responding to a dispatch under the rapid response program shall arrive at the dispatched location within 15 minutes after notification to do so by the chief of police.

~~—(g) On its assigned day, an emergency wrecker company may stage its wreckers in strategic locations within its approved zone (but not on a freeway, highway, or expressway) to facilitate timely response to a police scene in a rapid response location. An emergency wrecker company may not respond to a police scene without first being dispatched by the chief of police.~~

~~—(h) An emergency wrecker company dispatched to a rapid response location may conduct a "double tow" by loading two vehicles onto a single tilt bed/rollback carrier, but only when both vehicles are towed from a single police scene to the same location approved by the chief of police. If the emergency wrecker company receives a subsequent call for service at a different location, it must send another wrecker to the other location.~~

~~—(i) All towed vehicles must be disposed of in accordance with Section 15D-54.~~

(g) An emergency wrecker company may stage its wreckers in strategic locations (but not on a freeway, highway, or expressway) to facilitate timely response to a police scene in a rapid response location. An emergency wrecker company may not respond to a police scene without first being dispatched by the chief of police.

(h) An emergency wrecker company dispatched to a rapid response location may conduct a "double tow" by loading two vehicles onto a single tilt bed/rollback carrier, but only when both vehicles are towed from a single police scene to the same location approved by the chief of police. If the emergency wrecker company receives a subsequent request for service at a different location, it must send another wrecker to the other location.

(i) All towed vehicles must be disposed of in accordance with Section 15D-54. (Ord. Nos. 13977; 14685; 15612; 21175; 24661; 27487; 31233; 32265)

- (2) Central Expressway.
- (3) East R. L. Thornton Freeway.
- (4) Interstate Highway 20.
- (5) John W. Carpenter Freeway.
- (6) Julius Schepps Freeway.
- (7) Lyndon B. Johnson Freeway.
- (8) Marvin D. Love Freeway.

#### SEC. 15D-53.1 RAPID RESPONSE LOCATIONS.

The following are rapid response locations:

- (1) C. F. Hawn Freeway.



accordance with rules and regulations established by the chief of police.

(c) If a licensee or wrecker driver refuses to leave a towed vehicle at the vehicle owner or operator's designated delivery location for failure of the vehicle owner or operator to pay all fees allowed under Section 15D-57, the licensee or wrecker driver shall tow the vehicle to a location designated by the chief of police under Subsection (a) and report the change in the delivery location to the police department in accordance with Section 15D-55. (Ord. Nos. 21175; 24661; 27487)

#### SEC. 15D-55. NOTIFICATION OF POLICE DEPARTMENT; IMPOUNDED VEHICLE RECEIPTS.

~~—(a) A licensee or wrecker driver commits an offense if he fails to notify and provide all of the following information to the police department within two hours after removing a vehicle from a police scene with an emergency wrecker:~~

~~—(1) The location from which the vehicle was removed and the date and time of removal.~~

~~—(2) The reason for removal of the vehicle.~~

~~—(3) A physical description of the removed vehicle, including the year, make, model, color, state license plate number, and vehicle identification number of the vehicle.~~

~~—(4) The trade name of the emergency wrecker service.~~

~~—(5) The name, address, and telephone number of the vehicle storage facility or other location to which the vehicle was taken.~~

~~—(6) The fee paid to the licensee or wrecker driver for removal of the vehicle and a copy of the~~

~~receipt given to the owner or operator of the towed vehicle, which receipt must be signed by, and list the telephone number of, the vehicle's owner or operator.~~

~~—(7) The dispatch number assigned by the chief of police to authorize the removal of the vehicle.~~

~~—(b) A licensee or wrecker driver shall obtain from the chief of police impounded vehicle receipt forms on which to record the information required in Subsection (a) and any other information determined necessary by the director or the chief of police. A licensee or wrecker driver shall complete a separate impounded vehicle receipt for each vehicle removed by the licensee or wrecker driver under this article. The licensee or wrecker driver shall return copies of all completed impounded vehicle receipts to the police department in a manner and on a schedule required by the chief of police.~~

(a) A licensee or wrecker driver commits an offense if he fails to notify and provide all of the following information to the police department or an approved vehicle storage facility within two hours after removing a vehicle from a police scene with an emergency wrecker:

(1) The location from which the vehicle was removed and the date and time of removal.

(2) The reason for removal of the vehicle.

(3) A physical description of the removed vehicle, including the year, make, model, color, state license plate number, and vehicle identification number of the vehicle.

(4) The trade name of the emergency wrecker service.

(5) The name, address, and telephone number of the vehicle storage facility or other location to which the vehicle was taken.

(6) The fee paid to the licensee or wrecker driver for removal of the vehicle and a copy of the receipt given to the owner or operator of the towed vehicle, which receipt must be signed by, and list the telephone number of, the vehicle's owner or operator.

(7) The dispatch number assigned by the chief of police to authorize the removal of the vehicle.

(b) A licensee or wrecker driver shall obtain from the chief of police impounded vehicle receipt forms on which to record the information required in Subsection (a) and any other information determined necessary by the director or the chief of police. A licensee or wrecker driver shall complete a separate impounded vehicle receipt for each vehicle removed by the licensee or wrecker driver under this article. The licensee or wrecker driver shall return copies of all completed impounded vehicle receipts to the police department in a manner and on a schedule required by the chief of police. This subsection does not apply if a licensee or wrecker driver has provided the required information to the police department or an approved vehicle storage facility through an electronic database. (Ord. Nos. 24661; 27487; 32265)

#### **SEC. 15D-56. CITY-OWNED WRECKERS.**

~~Nothing in this article prevents the chief of police from calling a city-owned wrecker to a police scene to render emergency wrecker service in lieu of calling an emergency wrecker from the wrecker rotation list or the rapid response rotation list.~~

Nothing in this article prevents the chief of police from dispatching a city-owned wrecker to a police scene to render emergency wrecker service in lieu of dispatching an emergency wrecker from the wrecker list or the rapid response list. (Ord. Nos. 13977; 14685; 24661; 27487; 32265)

#### **Division 6. Fee Schedule.**

#### **SEC. 15D-57. MAXIMUM FEE SCHEDULE FOR EMERGENCY WRECKER SERVICE.**

~~(a) The following fees are authorized for providing emergency wrecker service to vehicles (except for vehicles owned by the city):~~

~~(1) \$139 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more~~

than 10,000 pounds, plus a fee of \$73 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

— (2) ~~\$219 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, plus a fee of \$109 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

— (3) ~~\$509 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, plus a fee of \$182 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

— (4) ~~\$73 for any service a wrecker operator or driver performs that renders a vehicle operable, including, but not limited to, removing or straightening a bumper or fender, or another similar service.~~

— (5) ~~When dispatched by the chief of police to a location more than 100 yards outside the corporate limits of the city to tow a vehicle from the dispatched location to a location inside the corporate limits of the city, \$4 for each loaded one-way mile that the wrecker travels, measured from the dispatched location to the nearest point of the corporate limits of the city using the most direct and expeditious route.~~

— (6) ~~When dispatched by the chief of police to a location inside the corporate limits of the city to tow a vehicle to a location more than 100 yards outside the corporate limits of the city, \$4 for each loaded one-way mile that the wrecker travels, measured from the nearest point of the corporate limits of the city to the vehicle delivery location using the most direct and expeditious route.~~

— (7) ~~No additional fee may be charged for linkage of a vehicle prior to a tow or for the use of towing dollies, go-jacks, winching, or air bags.~~

(a) The following fees are authorized for providing emergency wrecker service to vehicles (except for vehicles owned by the city):

(1) \$150 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, plus a fee of \$73 for each hour over

two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(2) \$300 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, plus a fee of \$109 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(3) \$550 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, plus a fee of \$182 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(4) \$73 for any service a wrecker operator or driver performs that renders a vehicle operable, including, but not limited to, removing or straightening a bumper or fender, or another similar service.

(5) When dispatched by the chief of police to a location more than 100 yards outside the corporate limits of the city to tow a vehicle from the dispatched location to a location inside the corporate limits of the city, \$4 for each loaded one-way mile that the wrecker travels, measured from the dispatched location to the nearest point of the corporate limits of the city using the most direct and expeditious route.

(6) When dispatched by the chief of police to a location inside the corporate limits of the city to tow a vehicle to a location more than 100 yards outside the corporate limits of the city, \$4 for each loaded one-way mile that the wrecker travels, measured from the nearest point of the corporate limits of the city to the vehicle delivery location using the most direct and expeditious route.

(7) No additional fee may be charged for linkage of a vehicle prior to a tow or for the use of towing dollies, go-jacks, winching, or air bags.

(b) The charges allowed in Subsections (a)(1), (2), and (3) are calculated from the time a wrecker is dispatched by the chief of police to the time the vehicle to be towed is delivered to a location designated by the chief of police.

(c) A licensee or permittee commits an offense

if he, either personally or through an employee or agent:

(1) charges more than the maximum towage fee allowed by this section for the particular vehicle towed;

(2) charges any fee in addition to those lawfully charged under this section; or

(3) requests payment of a fee for emergency wrecker service from a person or in a manner not authorized by this article or rules and regulations established by the director or the chief of police pursuant to this article. (Ord. Nos. 13977; 14685; 15612; 16403; 17673; 18566; 21175; 21311; 24661; 27487; 30993; 32362)

## **Division 7. Vehicles and Equipment.**

### **SEC. 15D-58. VEHICLES AND EQUIPMENT.**

(a) An applicant or licensee shall submit each wrecker to be used in the emergency wrecker service for inspection in a manner determined by the director. Each wrecker must:

(1) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, meet the requirements for a light duty wrecker or a tilt bed/roll back carrier;

(2) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, meet the requirements for a medium duty wrecker;

(B) fails to pay the annual inspection fee on or before the due date;

(C) extensively remodels the facility from which it operates;

(D) constructs a new facility or mobile food preparation vehicle; or

(E) changes ownership.

(5) Transferability. A permit is not transferable. A person who acquires an existing food establishment may not operate the establishment without obtaining a new permit within 30 days of the change of ownership.

(6) Operating authority. A permit issued under this article gives only the person to whom the permit is issued the authority to operate the establishment identified on the permit. As a lawful condition to the operation of the establishment, the director may impose in the permit such additional requirements relating to the operation of the food establishment as the director determines is necessary to protect the public health and safety.

(7) Application. A person who desires a permit for a food establishment shall apply for the permit on a form provided by the department, requiring such information as the director determines is necessary to implement or enforce this chapter. A food establishment shall apply for a new permit if:

(A) the facility from which it operates is to be extensively remodeled;

(B) a new facility or mobile food preparation vehicle is to be constructed; or

(C) there is a change of ownership.

(8) (Reserved.)

(9) Issuance. If the director finds that a food establishment applying for a permit complies with

applicable requirements of this chapter and other law and is current on the payment of all fees owed to the city under this chapter, the director shall issue the permit. The director may not issue a permit for any mobile food unit that is equipped with any sound amplification device that, when operated, violates Section 30-2(k) of this code.

(10) Acceptance. Acceptance of a permit issued by the director constitutes an agreement by the food establishment to:

(A) comply with all conditions of the permit and all applicable provisions of this chapter; and

(B) allow the lawful inspection of its facility, vehicles, and operations.

(11) Display. A food establishment that operates from a fixed facility shall display its permit in a frame with a glass cover at a prominent place inside the facility where it can be easily seen by the public.

(d) Permit application fee.

~~\_\_\_\_\_ (1) An applicant for a permit for a food establishment shall pay the city an application fee for each separate and distinct fixed facility and for each mobile food unit inside the city from which the establishment is to be operated.~~

~~\_\_\_\_\_ (2) Effective until September 30, 2022, the applicant shall pay a nonrefundable fee according to the following schedule:~~

(1) An applicant for a permit for a food establishment shall pay the city an application fee for each separate and distinct fixed facility and for each mobile food unit inside the city from which the establishment is to be operated.

(2) The applicant shall pay a nonrefundable fee according to the following schedule:

	Fixed Facility	Class I and Class II Mobile Food Unit	Class III and Class IV Mobile Food Unit
Application Fee	\$197	\$121	\$481
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	\$199		

~~\_\_\_\_\_ (3) Effective October 1, 2022, the applicant shall pay a nonrefundable fee according to the following schedule:~~

	Fixed Facility	Class I and Class II Mobile Food Unit	Class III and Class IV Mobile Food Unit
Application Fee	\$197	\$197	\$481
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	\$199		

~~\_\_\_\_\_ (4) Section 17-10.2(d) does not apply to:~~

~~\_\_\_\_\_ (A) a temporary food service establishment permitted under this chapter; or~~

~~\_\_\_\_\_ (B) a wholesale produce dealer permitted under Chapter 29 of this code.~~

~~\_\_\_\_\_ (5) The permit application and reinstatement fees required to be paid under this section are in addition to the annual inspection fees required to be paid under Section 17-10.2(g) or (h), whichever applies.~~

**(3) Section 17-10.2(d) does not apply to:**

**(A) a temporary food service establishment permitted under this chapter; or**

**(B) a wholesale produce dealer permitted under Chapter 29 of this code.**

**(4) The permit application and reinstatement fees required to be paid under this section are in addition to the annual inspection fees required to be paid under Section 17-10.2(g) or (h), whichever applies.**

**(e) Plans and specifications.**

~~\_\_\_\_\_ (1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting); or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director.~~

~~\_\_\_\_\_ (A) Except as provided in this paragraph, a request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$562 for a mobile food unit.~~

~~\_\_\_\_\_ (B) A request for approval of plans and specifications for a Class II mobile food unit limited to a mobile kiosk/coffee cart must be accompanied by a nonrefundable plan review fee of \$205. This subparagraph is effective until September 30, 2022.~~

(1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director.

(A) In general. Except as provided in this paragraph, a request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$562 for a mobile food unit.

(B) Class II mobile food unit limited to a coffee cart. A for approval of plans and specifications for a Class II mobile food unit limited to a coffee cart must be accompanied by a nonrefundable plan review fee of \$205.

(2) The director's written approval of plans and specifications is valid until whichever of the following dates or events occurs first:

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$191 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

(5) Inspection form. The director shall prepare and use an inspection form for rating the code compliance of a food establishment.

(6) On-site food establishment risk profile assessment inspection. An on-site food establishment risk profile assessment inspection may be conducted when the establishment is newly opened, changes ownership, or experiences a substantial change in menu offerings or food handling processes. Inspection frequency is based on types of food preparation processes used by the food establishment, the food served and sold, the average number of meals served, and the population served. A non-refundable service fee of \$106.00 will be charged for each on-site food establishment risk profile assessment inspection.

(7) Entry of persons other than the director. Nothing in this chapter authorizes the entry of persons other than the director and the director's authorized representatives into food preparation or equipment and utensil washing areas of a food establishment.

(g) Annual inspection fees: catering services and mobile food units.

~~———— (1) Catering service.~~

~~———— (A) Effective until September 30, 2022, a catering service shall pay the city a nonrefundable annual inspection fee of \$125 for each vehicle used to operate the service inside the city.~~

~~———— (B) Effective October 1, 2022, a catering service shall pay the city a nonrefundable annual inspection fee of \$311 for each vehicle used to operate the service inside the city.~~

~~———— (2) Mobile food unit.~~

~~———— (A) Effective until September 30, 2022, a food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:~~

(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$125 for each vehicle used to operate the service inside the city.

(2) Mobile food unit. A food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:

<u>Type of Operation</u>	<u>Each Vehicle</u>
Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$300
Class II mobile food unit	\$240
Class III and IV mobile food unit	\$185

~~———— (B) Effective October 1, 2022, a food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:~~



<u>Type of Operation</u>	<u>Each Vehicle</u>
Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$300
Class II mobile food unit	\$408
Class III and IV mobile food unit	\$330

(h) Annual inspection fee: fixed facilities.

(1) Requisite. A food establishment shall pay the city a nonrefundable annual inspection fee for each separate and distinct, fixed facility inside the city from which the establishment is operated. If a building contains multiple facilities, a separate fee will be calculated for each facility required to be permitted under Section 17-10.2(c).

(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:

(A) For facilities not included in Section 17-10.2(h)(2)(B):

Risk Level One Establishment:

Area in square feet	Annual fee
1 to 2,000	\$141
2,001 or more	\$155

Risk Level Two Establishment:

Area in square feet	Annual fee
1 to 2,000	\$283
2,001 or more	\$308

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	\$468
2,001 or more	\$513

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

Risk Level One Establishment:

Area in square feet	Annual fee
1 to 2,000	\$141
2,001 or more	\$155

Risk Level Two Establishment:

Area in square feet	Annual fee
1 to 2,000	\$283
2,001 or more	\$308

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	\$468
2,001 or more	\$513

(3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year. Failure to pay all fees by December 31 of the year can result in the establishment being subject to the preclosure process. Food establishments subject to the preclosure process shall pay the city a nonrefundable fee of \$158 and may receive citations for operating without a valid permit.

must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO. FOR COMPLAINTS RELATED TO THE DOG FRIENDLY PATIO, CALL 311." Signs must be:

(i) no smaller than 9-1/2 inches long by 12 inches wide;

(ii) printed in English and Spanish with bolded lettering of at least 36 point font in contrasting colors; and

(iii) displayed in a landscape orientation.

(D) Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment.

(E) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.

(F) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), or, if a food establishment has continuous food or beverage service without designated shifts, then every six hours that the establishment is open for business, except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be cleaned up with animal friendly chemicals within five minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment. A food

establishment must maintain a log of the cleaning schedule of the dog friendly patio and make the log available to the director for inspection upon request.

(G) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.

(H) A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.

(I) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.

(J) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

(K) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container.

(8) Reserved.

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section. (Ord. Nos. 26023; 26134; 26556; 26598; 27190; 27353; 27695; 28046; 28488; 29177; 30134; 30653; 30938; 31376; 32003; 32148; 32181; 32232; **32310**)

**ARTICLE IV.****PRIVATE SOLID WASTE  
COLLECTION SERVICE.****Division 1. In General.**

- Sec. 18-29. Definitions.  
 Sec. 18-30. Authority of director.  
 Sec. 18-31. Defenses.

**Division 2. Solid Waste Collection Franchises.**

- Sec. 18-32. Franchise and decal required.  
 Sec. 18-33. Franchise application.  
 Sec. 18-34. Franchise grant.  
 Sec. 18-35. Franchise fees.  
 Sec. 18-36. Issuance and display of vehicle decal;  
 proof of franchise to be shown upon  
 request.  
 Sec. 18-37. Suspension or revocation of franchise;  
 assessment of civil penalties.  
 Sec. 18-38. Amendments to and transfer of a  
 franchise.  
 Sec. 18-39. Expiration and renewal of franchise;  
 voidance of authority to operate  
 vehicles.  
 Sec. 18-40. Franchisee's records and reports.  
 Sec. 18-41. Annual report.  
 Sec. 18-42. Failure to pay ad valorem taxes.  
 Sec. 18-43. Notification of change of address or  
 ownership.  
 Sec. 18-44. Vehicle inspection.

**Division 3. Miscellaneous Requirements relating to  
Solid Waste Collection, Disposal, and Vehicles.**

- Sec. 18-45. Requirements for solid waste  
 collection vehicles.  
 Sec. 18-46. Responsibility of producer of dry or  
 wet solid waste.  
 Sec. 18-47. Hazardous waste material.  
 Sec. 18-48. Restrictions on removal of solid waste.

- Sec. 18-49. Restrictions on disposal of waste.  
 Sec. 18-50. Accumulations and deposit of waste  
 prohibited.

**Division 4. Violations and Penalties.**

- Sec. 18-51. Penalties for violations.

**ARTICLE IV-a.****MULTIFAMILY SITE RECYCLING COLLECTION  
AND REMOVAL SERVICES.**

- Sec. 18-52. Director of sanitation's authority.  
 Sec. 18-53. Multifamily site recycling collection  
 service.  
 Sec. 18-54. Inspections, suspensions, revocations,  
 and penalties.

**ARTICLE V.****TIRES.**

- Sec. 18-55. Definitions.  
 Sec. 18-56. Tire business license and mobile tire  
 repair unit permit required;  
 application; transferability.  
 Sec. 18-57. License and permit fees.  
 Sec. 18-58. Issuance, denial, and display of a  
 license or permit; **tire disposal  
 records.**  
 Sec. 18-59. Revocation of a license.  
 Sec. 18-60. Appeals.  
 Sec. 18-61. Expiration and renewal of license;  
 voidance of authority to operate a  
 mobile tire repair unit.  
**Sec. 18-61.1. Required training.**  
**Sec. 18-61.2. Scrap tire storage methods.**  
**Sec. 18-61.3. Tire identification.**  
 Sec. 18-62. Transporting scrap tires.  
 Sec. 18-63. Impoundment of vehicles.  
 Sec. 18-64. Unauthorized disposal of tires.  
 Sec. 18-65. Exemptions.  
**Sec. 18-65.1. Required inspections.**  
 Sec. 18-66. Penalty.

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

~~(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.~~

(F) Additional rollcarts for garbage and recyclable materials may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal

solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 96 gallons in capacity, and the combined weight of the waste and the container must not exceed 250 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers. Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 24743; 26960; 28019; 29879; 32310)

(1) Where garbage or recyclable materials are collected from the street curbline adjacent to the property, a container must be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

(2) A container must be placed in a manner that protects it from overturn and spillage.

(3) A container may not be placed in a rack, and any rack on the premises may not extend into the street or sidewalk or interfere with solid waste collection service.

(d) Placement of garbage and recycling containers for packout or drive-in collection service. Garbage containers and recycling containers must be placed at locations and under such conditions approved by the director of sanitation for packout or drive-in collection service by the sanitation services of the city.

(e) Placement of brush and bulky trash. Brush and bulky trash must be placed just behind the curb line of the street abutting the property from which the brush and trash originated, or as otherwise designated by the director of sanitation, but must not be placed:

(1) in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service;

(2) out for collection earlier than the Thursday preceding the collection week or later than 7:00 a.m. on the Monday of the collection week;

(3) within five feet from a rollcart, mailbox, fence or wall, water meter, telephone connection box, or parked cars;

(4) under low hanging tree limbs or power lines;

(5) in an alley either paved or unpaved; or

(6) in front of a vacant lot or business.

(f) Allowable quantity of brush and bulky trash.

(1) The quantity of brush and bulky trash set out during a collection week may not exceed 10 cubic yards, unless the service unit has designated their monthly collection as their one time per year oversized collection.

(2) Limits may be temporarily lifted at the discretion of the director of sanitation for matters concerning public health and safety.

(g) Oversized brush and bulky trash collection.

(1) In general. The occupant of a residence or duplex may request one oversized brush and bulky trash collection per year to occur during one of their normal collection months. This oversized collection will take the place of one of the 12 monthly brush and bulky trash collections.

(2) Dimensions. An oversized collection may not exceed 20 cubic yards or consist of more than 10 cubic yards of bulky trash.

(3) Request. An occupant of a residence or duplex must submit, either online or by phone, an oversized collection service request through the city's 311 services requests systems before the beginning of an occupant's normally scheduled collection week in order to avoid an excessive volume service fee.

~~(4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance.~~

(4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee set forth in Section 18-4(h).

(h) Excessive and non-compliant brush and bulky trash service fees.

(1) Excessive brush and bulky trash service fees. Where the quantity of brush and bulky trash set out for collection exceeds 10 cubic yards and a request for an oversized brush and bulky trash collection was not submitted, the set out may be collected and a fee will be assessed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.

(2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.

(3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section. (Ord. Nos. 16367; 19172; 19991; 21058; 21632; 22295; 24000; 24142; 24299; 26960; 28019; 31231; 31332; ~~32310~~)

**SEC. 18-5. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE MATERIALS FROM APARTMENTS, INSTITUTIONS, COMMERCIAL ESTABLISHMENTS, AND MOBILE HOME PARKS.**

(a) The manual collection of dry or wet solid waste from an apartment, institution, commercial establishment, or mobile home park shall be performed by a sanitation services employee only where each container conforms to the requirements of Section 18-3(b) of this chapter.

(b) Brush or trash collection from an apartment, institution, commercial establishment, or mobile home park shall not be rendered as a packout service by a sanitation services employee.

(c) No person other than a sanitation services employee in the performance of official duties, shall collect dry or wet solid waste, including salvageable cardboard, from an area designated by this chapter or by the director of sanitation as a city waste collection location at an apartment, institution, commercial establishment, or mobile home park.

(d) Solid waste collection from an apartment, institution, commercial establishment, or mobile home park may be performed by a person who has a solid waste collection license as provided in Article IV of this chapter.

sanitation services fees and charges and to water utilities charges that have become due.

(b) General regulations.

(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.

(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.

(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.

(4) A commercial property in the city cannot receive service for more than 10 recycling rollcars.

(A) A commercial property has the option to apply for an exemption to receive more than 10 recycling rollcars upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a commercial property to fewer than 10 recycling rollcars if the property does not have adequate space or if the property cannot reasonably be provided with recycling service.

(5) A commercial property in the city cannot receive service for more than 10 garbage rollcars.

(A) A commercial property has the option to apply for an exemption to receive more than 10 garbage rollcars upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a property to fewer than 10 garbage rollcars if the property does not have adequate space or if the property cannot reasonably be provided with garbage service.

(6) Commercial establishments that are located within a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by sanitation services. Commercial establishments that are located outside of a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by the sanitation services of the city only if the director of sanitation agrees in writing.

(7) A commercial property shall comply with the following requirements when using a recycling rollcart:

(A) The rollcart must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) The rollcart must be closed or secured at the top to prevent spillage.

(C) Only recyclable materials may be placed in a recycling rollcart. A recycling rollcart that is used for non-recyclable materials or that contains a significant amount of non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

~~—————(D) A recycling rollcart must be placed on the curb in accordance with Section 18-3(a)(4) and Section 18-4(c). A recycling rollcart that is not kept clean or that causes a nuisance may be removed from the premises at the direction of the director of sanitation.~~

**(D) A recycling rollcart must be placed on the curb in accordance with Section 18-3(a) and Section 18-4(c). A recycling rollcart that is not kept clean or that causes a nuisance may be removed from the premises at the direction of the director of sanitation.**

(8) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection

(c) Schedule of service charges.

~~———— (1) The collection service charge for a residence or duplex is as follows:~~

~~———— (A) Alley or curb collection service for municipal solid waste - \$34.30 per dwelling unit per month for one roll-cart, plus \$13.27 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.~~

~~———— (B) Packout or drive-in collection service for municipal solid waste - \$119.47 per dwelling unit per month for one roll-cart, plus \$13.27 for each additional garbage roll-cart requested by the owner or occupant of the premises.~~

~~———— (2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:~~

~~———— (A) Alley, curb, or drive-in collection service for municipal solid waste - \$34.30 per apartment unit or mobile home space per month.~~

~~———— (B) Packout collection service for municipal solid waste - \$119.47 per apartment unit or mobile home space per month.~~

(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - \$35.81 per dwelling unit per month for one roll-cart, plus \$13.85 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$124.73 per dwelling unit per month for one roll-cart, plus \$13.85 for each additional garbage roll-cart requested by the owner or occupant of the premises.

(C) Effective October 1, 2022, the owner or occupant of a dwelling unit with one rollcart for recyclable materials may request one additional rollcart for recyclable materials from the director of sanitation for no additional fee. Dwelling units with two or more rollcars for recyclable materials may request additional rollcars for recyclable materials for a one-time processing and handling fee for \$50.00 per rollcart, which will be applied to the dwelling unit's water account.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$35.81 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$124.73 per apartment unit or mobile home space per month.

~~———— (3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:~~

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:



### TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)  
A multiplier will be used for multiple carts.

	NUMBER OF COLLECTIONS PER WEEK*						
	1	2	3	4	5	6	7
96-gallon RollCarts	\$35.66	\$71.32	\$106.98	\$142.64	\$178.30	\$213.96	\$249.62

	NUMBER OF COLLECTIONS PER WEEK*						
	1	2	3	4	5	6	7
96-gallon RollCarts	\$37.44	\$74.89	\$112.33	\$149.77	\$187.22	\$224.66	\$262.10

~~———— (4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:~~

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

## TABLE OF MONTHLY CHARGES

(Recycling-Only Service, Outside of the Central Business District)

A multiplier will be used for multiple carts.

NUMBER OF COLLECTIONS PER WEEK							
	1	2	3	4	5	6	7
96-gallon RollCarts	\$23.18	\$46.36	\$69.54	\$92.72	\$115.90	\$139.07	\$162.25

NUMBER OF COLLECTIONS PER WEEK							
	1	2	3	4	5	6	7
96-gallon RollCarts	\$24.34	\$48.68	\$73.02	\$97.36	\$121.70	\$146.02	\$170.36

~~————— (5) Extraordinary collection and removal service: A cost plus rate of \$50 per five cubic yards, billed in five cubic yard increments for materials not included in the regular collection service as described in Section 18-8, as amended.~~

(5) Extraordinary collection and removal service is as follows:

(A) A cost plus rate of \$60 per five cubic yards, billed in five cubic yard increments for materials set out for collection in advance or after the period designed by the director of sanitation, as described in Section 18-4(e), as amended, and for materials not included in the regular collection service as described in Section 18-8, as amended.

(B) The director of sanitation may provide an out-of-cycle collection of garbage and recyclable materials from rollcarts owned and provided by the city, upon a customer's request through the city's 311 system, for a fee of \$25 for garbage and \$25 for recyclable materials. In the event a customer submits a service request through the city's 311 system claiming regular collection services were missed, and the director of sanitation later determines through vehicle on-board camera systems that the rollcart(s) in question were not set out at the prescribed time of collection, or did not comply with the requirements of Sections 18-3 or 18-4 of this article, the director of sanitation may assess a collection fee of \$25 for garbage and \$25 for recyclable materials to the dwelling unit's water account.

~~————— (6) Miscellaneous collection service charges will be as follows:~~

~~————— (A) Public housing may be charged as apartments.~~

~~————— (B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.~~

~~————— (7) The service charge for the collection and removal of grass cuttings from any premises is:~~

~~————— (A) \$1.50 per bag, if the service is performed by city sanitation services; and~~

~~————— (B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3), as amended.~~

~~————— (8) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement~~

required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

————— (9) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$49.59 for a garbage rollcart or \$52.94 for a recycling rollcart.

————— (10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$125 per animal.

————— (11) Construction debris may be collected for a fee as part of a non-compliant brush and bulky trash collection as outlined in Section 18-4(h)(2) or as a cost plus rate as outlined in Section 18-9(c)(5). Loose or small construction debris such as roofing materials, shingles, brick, concrete, stone, drywall, insulation, glass, masonry materials, and other materials designated in writing by the director of sanitation will not be collected by the department of sanitation services.

(6) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(7) The service charge for the collection and removal of grass cuttings from any premises is:

(A) \$1.50 per bag, if the service is performed by city sanitation services; and

(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3), as amended.

(8) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

(9) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$67.90 for a garbage rollcart or \$70.81 for a recycling rollcart.

(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$125 per animal.

(11) Construction debris may be collected for a fee as part of a non-compliant brush and bulky trash collection as outlined in Section 18-4(h)(2) or as a cost plus rate as outlined in Section 18-9(c)(5). Loose or small construction debris such as roofing materials, shingles, brick, concrete, stone, drywall, insulation, glass, masonry materials, and other materials designated in writing by the director of sanitation will not be collected by the department of sanitation services.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879; 30215; 30653; 30993; 31231; 31332; 31657; 32003; ~~32310~~)

#### **SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.**

##### **(a) General regulations.**

(1) A person commits an offense if he disposes of dry or wet solid waste or other waste materials inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal. The owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Public Safety showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city's transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of sanitation services. A designated employee of the department of sanitation services may cause the removal from a transfer station or landfill site of any person or vehicle in violation of this paragraph.

(b) Processing and disposal of solid waste materials by private persons, firms, or corporations will be permitted only after application has been made to, and approved by, the director of sanitation as complying with all applicable city, county, state, and federal regulations pertaining to solid waste processing and disposal operations, and all fees required by this article have been paid.

(1) The director of sanitation shall have authority to curtail, temporarily suspend, or permanently halt any solid waste processing or disposal operation being conducted by any private person, firm, or corporation that does not conform to the requirements of city, county, state, or federal regulations pertaining to solid waste processing and disposal operations or that in any manner jeopardizes the public health, safety, and welfare. The director of sanitation shall have authority to maintain curtailment or suspension restrictions until, in the director's judgment, adequate measures have been taken to assure that removal of the restrictions will not jeopardize the public health, safety, or welfare.

(2) The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as "article," "thing," or "item," and it is not necessary to allege that the thing had "value."

(2) The director of sanitation shall have authority to designate those processing or disposal sites operated by the city that will be open to public access and those that will not be open to public access. (Ord. Nos. 16367; 20599; 24743)

**SEC. 18-11. SPECIFYING CHARGES FOR DISPOSAL OF SOLID WASTE MATERIALS.**

(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

(1) Earth, rocks, and inert material will not be accepted at the station.

(2) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to the station - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semi-trailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

~~———— (5) Except as provided in Subsection (a)(6), the charge for all materials accepted at the transfer station is \$58.65 per ton based on the transfer station weighing system, with a minimum charge of \$58.65 for any load that is less than one ton.~~

(5) Except as provided in Subsection (a)(6), the charge for all materials accepted at the transfer station is \$61.58 per ton based on the transfer station weighing system, with a minimum charge of \$61.58 for any load that is less than one ton.

~~———— (6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:~~

~~———— (A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to the station - \$59.34 per load.~~

(6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to the station - \$64.09 per load.

~~\_\_\_\_\_ (B) Commercial pickups - \$59.34 per load.~~

~~\_\_\_\_\_ (C) Trucks or trailers with a cargo bed length of less than 15 feet - \$233.45 per load.~~

~~\_\_\_\_\_ (D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$292.10 per load.~~

(B) Commercial pickups - \$64.09 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$252.13 per load.

(D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$315.47 per load.

~~\_\_\_\_\_ (b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:~~

~~\_\_\_\_\_ (1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)~~

~~\_\_\_\_\_ (2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$34.88 per ton based on the landfill weighing system, with a minimum charge of \$34.88 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.~~

~~\_\_\_\_\_ (3) Whenever the landfill weighing system is inoperable, the following fees will be charged for materials accepted at a city landfill:~~

~~\_\_\_\_\_ (A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$52.63 per load.~~

~~\_\_\_\_\_ (B) Commercial pickups - \$52.63 per load.~~

~~\_\_\_\_\_ (C) Trucks or trailers with a cargo bed length of less than 15 feet - \$122.40 per load.~~

~~—————(D) Trucks or trailers with a cargo bed length of 15 feet or greater - \$262.55 per load.~~

~~—————(E) Roll-off containers, whether open top or compactor - \$280.30 per load.~~

~~—————(F) Compactor trucks - \$350.06 per load.~~

~~—————(4) A fee of \$48.80 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.~~

~~—————(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$91.50 per use.~~

~~—————(6) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$10 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.~~

~~—————(7) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.~~

(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$37.67 per ton based on the landfill weighing system, with a minimum charge of \$37.67 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.

(3) Whenever the landfill weighing system is inoperable, the following fees will be charged for materials accepted at a city landfill:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$56.84 per load.

(B) Commercial pickups - \$56.84 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$132.19 per load.

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - \$283.55 per load.

(E) Roll-off containers, whether open top or compactor - \$302.72 per load.

(F) Compactor trucks - \$378.06 per load.

(4) A fee of \$52.70 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$98.82 per use.

(6) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$40 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(7) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.

(8) Effective January 1, 2023, an environmental fee will be applied to all commercial disposal customers at \$2.00 per ton with a minimum charge of \$2.00 for any load that is less than one ton.

(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section 18-29 of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:



(f) A person who refuses to pay a disposal service charge required by this section or who breaches a term or condition of a disposal service contract entered into under Subsection (c) may not deposit any waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477; 30215; 30993; 31332; 31396; 31657; 32003; 32310)

**SEC. 18-12. REGULATING THE COLLECTION AND REMOVAL OF ILLEGALLY DUMPED SOLID WASTE MATERIALS ON PRIVATE PREMISES.**

(a) In this section:

(1) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this section or the director's authorized representative.

(2) **PREMISES** means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.

(b) An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article.

(c) City authorized to collect and remove solid waste materials. Upon the failure of the owner, occupant, or person in control of private premises to comply with Subsection (b) of this section, or upon the written request and authorization of the owner after notification under Subsection (d) of this section, or upon a determination by the city health officer that the conditions constitute an immediate health hazard, the director shall have the solid waste materials collected and removed from the premises.

(d) Notice to remove.

(1) Before removing illegally-deposited solid waste material from private premises, the director must notify the owner of the premises to remove the solid waste material within seven days. This notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(2) If personal service to the owner cannot be obtained, then the owner may be notified by:

(A) publication at least once in the official newspaper adopted by the city council;

(B) posting the notice on or near the front door of each building on the premises to which the violation relates; or

(C) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(3) If the director mails a notice to a property owner in accordance with Subsection (d)(1) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner

of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than \$500 or less than \$150. (Ord. 30879, eff. 1-1-19)

## ARTICLE V.

### TIRES.

#### SEC. 18-55. DEFINITIONS.

In this article:

- ~~———— (1) CITY means the city of Dallas, Texas.~~
- ~~———— (2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director's authorized representatives.~~
- ~~———— (3) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.~~
- ~~———— (4) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.~~
- ~~———— (5) SCRAP TIRE means a whole tire or any portion of a tire that:~~
  - ~~———— (A) can no longer be used for its original intended purpose; or~~
  - ~~———— (B) is being held, transported, or processed for disposal or recycling.~~
- ~~———— (6) TIRE BUSINESS means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored,~~

~~including but not limited to a mobile tire repair business and a salvage yard.~~

~~———— (7) TIRE RECYCLING FACILITY means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.~~

~~———— (8) VEHICLE means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle.~~

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

(2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director's authorized representatives.

(3) MANIFEST means a tracking mechanism to monitor the transfer of tires from the point of generation to their end-use or final destination, such as a tire storage site, scrap tire facility, permitted landfill, or land reclamation project using tires. The manifest is a five-part form whose format and content is prescribed by the Texas Commission on Environmental Quality.

(4) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.

(5) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.

(6) SCRAP TIRE means a whole tire or any portion of a tire that:

(A) can no longer be used for its original intended purpose; or

(B) is being held, transported, or processed for disposal or recycling.

(7) SCRAP TIRE GENERATOR means a fleet operator, an automotive dismantler, or a retailer, wholesaler, manufacturer, recapper, or retreader of new or used tires.

(8) **SCRAP TIRE TRANSPORTER** means any business or person who transports more than six scrap tires at any one time or is loading or unloading scrap tires to or from any location within the city.

(9) **TIRE BUSINESS** means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored, including but not limited to a mobile tire repair business and a salvage yard.

(10) **TIRE RECYCLING FACILITY** means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.

(11) **VEHICLE** means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle.  
(Ord. Nos. 25635; 32334)

**SEC. 18-56. TIRE BUSINESS LICENSE AND  
MOBILE TIRE REPAIR UNIT  
PERMIT REQUIRED;  
APPLICATION;  
TRANSFERABILITY.**

(a) A person commits an offense if, within the city, he:

(1) owns or operates a tire business without a valid tire business license issued under this article; or

(2) owns, operates, or permits the operation of a mobile tire repair unit without displaying a valid mobile tire repair unit permit in a visible and conspicuous location on the unit.

~~—(b) To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:~~

~~—(1) The name, mailing address, county of residence, and telephone and facsimile numbers of each owner and operator of the tire business.~~

~~—(2) The physical address and telephone number of the tire business.~~

(b) To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:

(1) The name, residential mailing address, county of residence, email address, and telephone and facsimile numbers of each owner and operator of the tire business.

(2) The physical address, email address, and telephone number of the tire business.

~~\_\_\_\_\_ (3) The approximate number of tires that will be stored on site at the tire business.~~

~~\_\_\_\_\_ (4) If the tire business is located in the city of Dallas, the zoning district or districts where the business is located.~~

~~\_\_\_\_\_ (5) The tax identification number or taxpayer identification number of each owner and operator listed in the license application.~~

~~\_\_\_\_\_ (6) A statement that the tire business is in compliance with the requirements of Section 19-34.1 of this code.~~

~~\_\_\_\_\_ (7) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.~~

(3) The approximate number of tires that will be stored on site at the tire business.

(4) If the tire business is located in the city of Dallas, the zoning district or districts where the business is located.

(5) The tax identification number or taxpayer identification number of each owner and operator listed in the license application.

(6) A statement that the tire business is in compliance with the requirements of Section 19-34.1 of this code.

(7) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, color, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(8) The registration or license number of any Texas Commission on Environmental Quality registration or license, if applicable.

(c) A separate tire business license is required for each separate establishment operated as a tire business. A separate mobile tire repair unit permit is required for each separate vehicle operated as a mobile tire repair unit. Licenses and permits are not transferable between persons, businesses, or vehicles. (Ord. Nos. 25635; 32334)

#### SEC. 18-57. LICENSE AND PERMIT FEES.

(a) The annual fee for a tire business license is \$58.

(b) The annual fee for each mobile tire repair unit permit is \$58.

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is \$9.

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made. (Ord. Nos. 25635; 26598; 29879; 31332; eff. 10/1/19)

**SEC. 18-58. ISSUANCE, DENIAL, AND  
DISPLAY OF A LICENSE OR  
PERMIT; TIRE DISPOSAL  
RECORDS.**

~~—(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:~~

~~—(1) failed to completely fill out an application;~~

~~—(2) provided false information on an application;~~

~~—(3) failed to pay a license or permit fee required under this article; or~~

~~—(4) has had a tire business license revoked within the preceding 12 months.~~

~~—(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.~~

~~—(c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~—(d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination.~~

(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

(1) failed to completely fill out an application;

(2) provided false information on an application;

(3) failed to pay a license or permit fee

required under this article;

(4) has had a tire business license revoked within the preceding 12 months; or

(5) has failed to complete the training required by Section 18-61.1.

(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

(c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. The director shall provide the notice within 10 business days of making the determination.

(d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination.

(e) A tire business shall keep a state approved manifest of all tires received and transported out of its facility. A notarized audit of all tire transactions must be made available upon the request of the director, chief of police, city marshal, or city attorney. A tire business shall maintain manifest records for three years at the physical address designated on its license.

(f) A tire business, mobile tire repair unit, or scrap tire transporter commits an offense if it allows any tire to be transported upon any public street other than by an approved and registered permit holder. Each tire business, mobile tire repair unit, and scrap tire transporter shall maintain daily records of the numbers of tires generated at each premise under its control. (Ord. Nos. 25635; 32334)

**SEC. 18-59. REVOCATION OF A LICENSE.**

~~—(a) The director shall revoke a tire business license if the licensee:~~

~~—(1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;~~

~~—(2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns; or~~

~~—(3) violates any provision of this article or Section 19-34.1 of this code.~~

(a) The director shall revoke a tire business license if the licensee:

(1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;

(2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns;

(3) violates any provision of this article or Section 19-34.1 of this code; or

(4) does not complete the training required by Section 18-61.1.

(b) Any person whose license or permit has been revoked shall return the license or permit to the director, along with any identification stickers or decals issued to the licensee within 10 business days of revocation. (Ord. Nos. 25635; 32334)

**SEC. 18-60. APPEALS.**

If the director denies issuance of a license or a license renewal or revokes a license issued pursuant to this article, this action is final unless the applicant or licensee shall, within 30 days after the receipt of written

notice of the director's action, file with the city manager a written appeal. The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining or reversing the action. The decision of the city manager is final. (Ord. 25635)

**SEC. 18-61. EXPIRATION AND RENEWAL OF LICENSE; VOIDANCE OF AUTHORITY TO OPERATE A MOBILE TIRE REPAIR UNIT.**

(a) A tire business license expires one year from the date of issuance and may be renewed by making application in accordance with Section 18-56. A licensee shall apply for renewal at least 30 days before the expiration of the license.

(b) Any permit to operate a mobile tire repair unit that is granted under this article expires upon expiration, revocation, suspension, or nonrenewal of the accompanying tire business license. (Ord. 25635)

#### **SEC. 18-61.1. REQUIRED TRAINING.**

(a) The licensee and each of the licensee's authorized agents at each tire business location and mobile tire repair unit shall complete a two-hour training course delivered by the director prior to initial registration and annually thereafter prior to renewal.

(b) The licensee shall notify the director within 15 days of the separation of any authorized agent or the termination of the agency relationship.

(c) All new authorized agents shall complete the required training within 30 days of the establishment of the agency relationship. If the training is not completed within 30 days, the tire business license is subject to revocation pursuant to Section 18-59.

(d) For purposes of this section, an authorized agent is manager, supervisor, or person in control of a tire business or mobile tire repair unit. (Ord. 32334)

#### **SEC. 18-61.2. SCRAP TIRE STORAGE METHODS.**

(a) Tires stored by a tire business must be stored under a roofed structure.

(b) All used tires and scrap tires must be stored in a manner which prevents exposure to natural elements.

(c) Tires must be stored to prevent the collection of water, debris, dirt, rubbish, and other materials.

(d) Used tires and scrap tires pieces stored outside must be screened from public view.

(e) Tires must be secured to prevent unauthorized removal from the structure.

(f) Tires must be stored in compliance with the Dallas Fire Code.

(g) Tires must be stored in a regular manner that tends to eliminate mosquito breeding and rodent habitation.

(h) Tires stored in violation of this section will be deemed a public nuisance subject to abatement at the expense of the premise owner.

(i) Tires must be stored at each facility in accordance with all local, state, and federal laws and regulations.

(j) Scrap tire generators storing more than 500 scrap tires on the ground or more than 2,000 scrap tires in enclosed and lockable containers at a facility must obtain a scrap tire storage registration pursuant to 30 Texas Administrative Code Section 328.56, as amended. (Ord. 32334)

#### **SEC. 16-61.3. TIRE IDENTIFICATION.**

Within one business day of receipt, the tire business who first receives the scrap tire must mark it with the assigned business's license number. The license number must be placed on each tire using a permanent marking system and:

(1) be at least one inch in height;

(2) be of contrasting color; and

(3) be located on at least one side of the tire.

(Ord. 32334)

#### **SEC. 18-62. TRANSPORTING SCRAP TIRES.**

~~— (a) A person commits an offense if he transports scrap tires in a vehicle within the city without:~~

~~— (1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle;~~

~~— (2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle's scrap tire transporter decal that is on file with the director; or~~

~~— (3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended.~~

(a) A person commits an offense if he transports scrap tires in a vehicle within the city without:

(1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear

of the vehicle;

(2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle's scrap tire transporter decal that is on file with the director;

(3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended;

(4) the appropriate identification markings as described by Section 18-61.3; or

(5) displaying the decal owner's name, phone number, and decal number on both sides of each vehicle owned and operated by the owner and used in the transporting of scrap tires. The lettering must be permanently affixed to the vehicle, be of a contrasting color, and be at least two inches in height. The decal number must be preceded by the letters "CODL." For purposes of this paragraph, magnetic lettering is not considered permanently affixed.

(b) A person wishing to transport scrap tires in the city must apply for a scrap tire transporter decal on a form provided by the director for that purpose. A separate application must be made for each vehicle to be used to transport scrap tires. The application must be signed and verified by the applicant, be accompanied by a nonrefundable fee of \$58, and contain all of the following information:

(1) The name, mailing address, county of residence, and telephone and facsimile numbers of the transporter and all authorized drivers of the vehicle.

(2) The year, make, model, vehicle identification number, and state registration number for the vehicle on which the tires will be transported, and proof that the vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(c) A scrap tire transporter decal is not transferable from one vehicle to another.



(d) It is a defense to prosecution under Subsections (a)(1) and (a)(2) of this section that:

(1) not more than six scrap tires were being transported at the same time in the same vehicle; or

(2) the scrap tires were being transported from a point outside of the Dallas city limits to another point outside of the Dallas city limits, and the vehicle did not stop within the Dallas city limits for the purpose of loading or unloading any scrap tires. (Ord. Nos. 25635; 31332, ~~eff. 10/1/19~~; 32334)

#### **SEC. 18-63. IMPOUNDMENT OF VEHICLES.**

(a) A peace officer is authorized to remove or cause the removal of a vehicle when the officer arrests a person for a violation of Section 18-62 and the officer is by law required to take the person arrested immediately before a magistrate.

(b) A vehicle removed and towed under this section must be kept at a place designated by the chief of police as a city pound location until application for redemption is made by the vehicle owner or the owner's authorized agent.

(c) A vehicle impounded under this section will be released to the vehicle owner or the owner's authorized agent in accordance with the provisions of Sections 28-4 and 28-5 of this code, after:

(1) the city has removed all illegal scrap tires from the impounded vehicle and stored or disposed of them in a manner prescribed by the director; and

(2) the vehicle owner or the owner's authorized agent has paid the following fees to the city:

(A) the towing fees required by Section 15D-57 of this code for the tow of a disabled vehicle by an emergency wrecker service;

(B) the notification, impoundment, and storage fees required by Section 28-4 of this code for an impounded vehicle; and

(C) a disposal fee of \$2.50 for each scrap tire removed from the impounded vehicle for disposal by the city. (Ord. 25635)

#### **SEC. 18-64. UNAUTHORIZED DISPOSAL OF TIRES.**

(a) A person commits an offense if he disposes of a scrap tire at any location within the city.

(b) It is a defense to prosecution under Subsection (a) that the scrap tire was disposed of:

(1) at a city landfill in compliance with city regulations governing the landfill; or

(2) at a tire recycling facility or a tire disposal facility that is registered or permitted by the state as required under Section 361.112 of the Texas Health and Safety Code, as amended, provided that the tires were delivered to the facility by a tire transporter registered by the state and the manifest for the tires was signed by the transporter and the facility accepting the tires. (Ord. 25635)

#### **SEC. 18-65. EXEMPTIONS.**

This article does not apply to any department, branch, or agency of the government of the United States or the State of Texas. (Ord. 25635)

#### **SEC. 18-65.1. REQUIRED INSPECTIONS.**

(a) The director is authorized, at a reasonable time, to inspect each tire business operating in the city for the purposes of ascertaining whether a violation of this article or any other city ordinance or state or federal law applicable to a tire business has occurred.

(b) The director shall inspect each tire business operating in the city at least once per year.

(c) When a tire business is inspected by the director and a violation of this article or any other city

ordinance or state or federal law applicable to the tire business is found, the tire business will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated. (Ord. 32334)

#### SEC. 18-66. PENALTY.

~~—(a) An offense under this article is punishable by a fine of not less than \$500 or more than \$2,000. Each tire transported in violation of this article constitutes a separate offense.~~

(a) An offense under this article is punishable by a fine of not less than \$500 or more than \$2,000.

(1) Each day that any violation continues constitutes a separate offense.

(2) Each tire transported in violation of this article constitutes a separate offense.

(b) A culpable mental state is not required for the commission of an offense under this article.

(c) If a vehicle that has previously been impounded and redeemed under this article is again impounded as the result of a subsequent violation of this article, the director is authorized to retain the vehicle as evidence in the criminal proceeding for that violation until the termination of the criminal case in municipal court. If, upon termination of the criminal case, the defendant is found not guilty of the violation, the defendant may redeem the vehicle without paying any storage fees. If the defendant is assessed a fine for the violation, the municipal court judge may, in lieu of requiring payment of the fine assessed and any costs, declare the vehicle is a criminal instrument, declare the vehicle is forfeited to the city, and order the sale of the impounded vehicle, with the proceeds of the sale to be used to satisfy any outstanding municipal court judgment. Any amount obtained in the sale of the vehicle that is in excess of the amount of the fine assessed and any costs will be returned to the defendant. (Ord. Nos. 25635; 32334)

# **SEC. 20A-32. VIOLATIONS, CORRECTIVE ACTION PERIOD, AND PENALTY.**

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) Corrective action period and extensions of mixed-income restrictive covenants.

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a reasonable corrective action period for failure to file a quarterly unit status report and a reasonable corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law. (Ord. Nos. 31142; 32195)

# **SEC. 20A-33. MIXED INCOME HOUSING DEVELOPMENT BONUS FUND.**

(a) Use. The mixed income housing development bonus fund may only be used for the following purposes:

(1) Funding programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(2) Funding for data and analysis in support of housing programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(3) Funding staff and expenses for management and administration of mixed income housing development bonus program and the mixed income housing development bonus fund.

(b) Administration. The mixed income housing development bonus fund will be administered by the department. (Ord. 32195)

# **SEC. 20A-34. FEES.**

(a) Program participation fees.

(1) Effective until December 31, 2022, the following fees apply:

<b>Program Participation Fees</b>	<b>Fee</b>
Pre-application meeting	\$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	\$625.00
Compliance monitoring during affordability period	\$3,736.00

(2) Effective January 1, 2023, the following fees apply:

<b>Program Participation Fees</b>	<b>Fee</b>
Pre-application meeting	\$1,390
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	\$485
Compliance monitoring during affordability period	\$11,082

(b) Fees in lieu of on-site provision of units.

<b>Fees in Lieu of On-Site Provision of Units Fee to be multiplied by the square footage of floor area as specified in Section 20A-23.1</b>	<b>Fee MVA Categories A-F</b>	<b>Fee MVA Categories G-I</b>
Under six stories	\$3.07	\$2.15
Between six and eight stories	\$4.91	\$3.44
Between nine and 12 stories	\$6.14	\$4.30
Over 12 stories	\$7.98	\$5.59

~~Consumer Price Index adjustment. The fees in lieu will be increased yearly by a percentage equal to the percentage change in the consumer price index statistics published by the United States Bureau of Labor. Comparisons will be made using the index entitled, "Housing in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted," series~~

~~ID CUURS37ASAH (1982-1984 = 100)," or similar comparable United States Bureau of Labor data on changes in the cost of living, if the initial index is no longer published. Beginning January 2023, the change will be determined by comparison of the figure for the previous January with that of January of the current year. This calculation may not reduce the fee in lieu below the listed amount for the preceding year.~~

Consumer Price Index adjustment. The fees in lieu will be increased yearly by a percentage equal to the percentage change in the consumer price index statistics published by the United States Bureau of Labor. Comparisons will be made using the index entitled, "Housing in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted," series ID CUURS37ASAH (1982-1984 = 100)," or similar comparable United States Bureau of Labor data on changes in the cost of living, if the initial index is no longer published. Beginning January 2023, the change will be determined by comparison of the figure for the previous January with that of January of the current year. This calculation may not reduce the fee in lieu below the listed amount for the preceding year. (Ord. Nos. 31142; 32195; 32310)

Sec. 27-16.16.	Failure to appear at an administrative hearing.
Sec. 27-16.17.	Hearing officers; qualifications, powers, duties, and functions.
Sec. 27-16.18.	Hearing for disposition of an administrative citation; citation as rebuttable proof of offense.
Sec. 27-16.19.	Financial inability to comply with an administrative order, pay for transcription of a record, or post an appeal bond.
Sec. 27-16.20.	Appeal to municipal court.
Sec. 27-16.21.	Disposition of administrative penalties, fees, and court costs.
Sec. 27-16.22.	Dallas Tomorrow Fund.
Sec. 27-16.23.	Administration of the Dallas Tomorrow Fund.

#### ARTICLE V.

#### ~~RESERVED~~ PUBLIC SAFETY NUISANCE.

Sec. 27-17.	Public safety nuisance.
Secs. 27-17-18 thru 27-23.	Reserved.

#### ARTICLE VI.

#### MASTER METERED UTILITIES.

Sec. 27-24.	Definitions.
Sec. 27-25.	Records of ownership and management maintained by utility companies.
Sec. 27-26.	Notice to tenants.
Sec. 27-27.	Notice of utility interruption.
Sec. 27-28.	Nonpayment of utility bills - Essential utility service.

#### ARTICLE VII.

#### REGISTRATION AND INSPECTION OF RENTAL PROPERTIES AND CONDOMINIUMS.

Sec. 27-29.	Authority of director.
Sec. 27-30.	Registration and posting requirements; defenses.
Sec. 27-31.	Registration; fees; renewal.

Sec. 27-32.	Registration application.
Sec. 27-33.	Review and acceptance of registration application.
Secs. 27-34 thru 27-37.	Reserved.
Sec. 27-38.	Registrant's records.
Sec. 27-39.	Required emergency response.
Sec. 27-40.	Failure to pay ad valorem taxes.
Sec. 27-41.	Reserved.
Sec. 27-42.	Property inspections; inspection and reinspection fees; self-certification process.
Sec. 27-42.1.	Revocation of certificate of occupancy.
Sec. 27-43.	Crime prevention addendum required.
Sec. 27-44.	Attendance at crime watch safety meetings.
Sec. 27-44.1.	Presumptions.

#### ARTICLE VIII.

#### HABITUAL CRIMINAL AND NUISANCE PROPERTIES.

Sec. 27-45.	Purpose.
Sec. 27-46.	Definitions.
Sec. 27-47.	Authority of the chief of police and director.
Sec. 27-48.	Presumptions.
Sec. 27-49.	Accord meeting.
Sec. 27-50.	Annual review.
Sec. 27-51.	Appeal from chief's or director's determination.
Sec. 27-52.	Placarding; conditions; inspections; notification to plan commission.
Sec. 27-53.	Fees.
Sec. 27-54.	Delivery of notices.
Secs. 27-55 thru 27-58.	Reserved.

#### ARTICLE IX.

#### RESERVED.

Secs. 27-59 thru 27-72.	Reserved.
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rehabilitation and/or repair of the property or premises as a result of the termination.

(i) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor.

(j) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation. If the city inspector determines that the property or premises does not comply with the notice of violation, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation.

(k) The administrator may only initiate project plans for projects costing \$20,000 or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds are needed in order to ensure that the property or premises complies with the notice of violation, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the

property or premises into compliance with the notice of violation, but that was not anticipated in the original project plan. Substantial changes to the project plan must be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator. (Ord. Nos. 25927; 29618; 30236)

## ARTICLE V.

### ~~RESERVED PUBLIC SAFETY NUISANCE.~~

#### SEC. 27-17. PUBLIC SAFETY NUISANCE.

(a) An unsafe property is a public safety nuisance and subject to abatement in accordance with Section 31-10. For purposes of this section, UNSAFE PROPERTY means any property that:

(1) either:

(A) has received a citation in the previous 12 months for violating Sections 27-11(c)(6), (d)(12), (d)(17), (h), or (j); or

(B) qualifies as a habitual criminal property or a habitual nuisance property as defined in Article VIII; and

(2) is located in an area identified by the office of integrated public safety solutions as being elevated risk by the risk terrain model. RISK TERRAIN MODEL means the risk assessment technique and diagnostic method for identifying the spatial attractors of criminal behavior and environmental factors that are conducive to crime.

(b) Unsafe properties must implement CPTED principles. CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private space from public space; and controlled access onto private property. (Ord. 32344)



## ARTICLE VIII.

HABITUAL CRIMINAL AND NUISANCE  
PROPERTIES.

## SEC. 27-45. PURPOSE.

(a) Consistent with the findings of fact in Section 27-1 of this chapter, the purpose of this article is to protect the health, safety, and welfare of the people of the city of Dallas by obtaining an owner's compliance with minimum property conditions and lawful operations, which compliance is likely to reduce certain criminal activity on property where that criminal activity is so prevalent as to render the property a habitual criminal property or a habitual nuisance property. Reducing the crime rate in the city of Dallas is essential to making properties safe, sanitary, and fit for human habitation and for improving quality of life for occupants of surrounding properties.

(b) This article does not create a private cause of action or expand existing tort liability against a property owner. This article is not a prerequisite to any suit and does not in any way impair the city's ability to file a lawsuit under Chapter 125 of the Texas Civil Practice and Remedies Code, as amended, or under any other law. (Ord. Nos. 30714; 32057)

## SEC. 27-46. DEFINITIONS.

In this article:

(1) ABATABLE CRIMINAL ACTIVITY means those activities listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include crimes of family violence.

(2) CHIEF OF POLICE OR CHIEF means the chief of the police department of the city or the chief's designee.

(3) CODE VIOLATIONS mean violations of the following provisions of the Dallas City Code:

(A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."

(B) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."

(C) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."

(D) Chapter 38A, "Promoters."

(E) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."

(F) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."

(G) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use.

(3) CODE VIOLATIONS mean violations of the following provisions of the Dallas City Code:

(A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."

(B) Section 7A-18, "Duty to Maintain Premises Free from Litter."

(C) Section 18-13, "Growth to Certain Height Prohibited; Offenses."

(D) Subsections (c) through (j) of Section 27-11, "Minimum Property Standards; Responsibilities of Owner," of Chapter 27, "Minimum Property Standards."

(E) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."

(F) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."

(G) Chapter 38A, "Promoters."

(H) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."

(I) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."

(J) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use.

(4) CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private space from public space; and controlled access onto private property.

(5) DIRECTOR means the director of the department of code compliance.

(6) HABITUAL CRIMINAL PROPERTY means a property that is described in Section 27-48(a).

(7) HABITUAL NUISANCE PROPERTY means a property that is described in Section 27-48(b).

(8) OWNER means a person or entity who has ownership or title of real property, including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed. (Ord. Nos. 30714; 32057; 32239; 32329)

#### **SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE AND DIRECTOR.**

(a) The chief of police shall implement and enforce this article as it pertains to abatable criminal properties and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable criminal properties.

(b) The director, in collaboration with the chief of the fire department, shall implement and enforce this article as it pertains to abatable nuisance properties and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable nuisance properties. (Ord. Nos. 30714; 32057)

#### **SEC. 27-48. PRESUMPTIONS.**

(a) A property is presumed a habitual criminal property if the property is the site:

(1) of five or more abatable criminal activities within 365 days resulting in either a report of a law enforcement agency documenting an investigation of an abatable criminal activity on the property or enforcement action against any person associated with the abatable criminal activity on the property; and

(2) at which persons have historically committed abatable criminal activities, according to recent crime data.

(b) A property is presumed a habitual nuisance property if the property is the site of three or more citations for code violations within 365 days.

(c) An owner of a habitual criminal or nuisance property is presumed to have knowingly tolerated the abatable criminal activity or code violations at the owner's property by failing to take reasonable steps, including those outlined in Section 27-49(b)(1) of this chapter, as amended, to abate the abatable criminal activity or code violations.

(d) The presumptions in this section are rebuttable at the accord meeting pursuant to Section 27-49 of this chapter, as amended. (Ord. Nos. 30714; 32057)

#### **SEC. 27-49. ACCORD MEETING.**

(a) If the chief of police or director determines that the presumptions in Section 27-48 are satisfied, the chief or director shall notify the owner of the property, in writing, of the chief's or director's preliminary determination and shall provide the owner with notice to attend an accord meeting. The notice must include a copy of this article.

(b) At the accord meeting, the following applies:

(1) The presumed owner may present evidence that the person is not the owner or that the owner has taken reasonable steps to abate the abatable criminal activity or code violations, including, without limitation, that the:

(c) In deciding the appeal, the permit and license appeal board is limited to the issues of whether the presumptions in Section 27-48 are satisfied.

(d) If a conflict exists between this article and Article IX of Chapter 2, this article controls. (Ord. Nos. 30714; 32057)

**SEC. 27-52. PLACARDING; CONDITIONS; INSPECTIONS; NOTIFICATION TO PLAN COMMISSION.**

For a property that has been finally determined to satisfy the presumptions in Section 27-48 the following applies:

(1) Placarding. The chief or director may require the owner to place a placard provided by the city on or near the front door or at any main entrance to the structure or dwelling unit. For multitenant and commercial properties, the chief or director may also require the owner to place a placard in a conspicuous place in a common area of the property.

(A) The placard must be visible at all times and must state one of the following:

"THE DALLAS POLICE DEPARTMENT HAS DECLARED THIS SITE A HABITUAL CRIMINAL PROPERTY UNDER ARTICLE VIII, CHAPTER 27, OF THE DALLAS CITY CODE. IF YOU HAVE QUESTIONS, PLEASE CALL DPD AT [TELEPHONE NUMBER DETERMINED BY THE CHIEF]. IF YOU SEE SOMETHING SUSPICIOUS OCCURRING AT THIS PROPERTY OR IN AN EMERGENCY, DIAL 911."

"THE DALLAS DEPARTMENT OF CODE COMPLIANCE HAS DECLARED THIS SITE A HABITUAL NUISANCE PROPERTY UNDER ARTICLE VIII, CHAPTER 27, OF THE DALLAS CITY CODE. IF YOU HAVE QUESTIONS, PLEASE CALL CODE COMPLIANCE AT [TELEPHONE NUMBER

DETERMINED BY THE DIRECTOR]. IF YOU WITNESS ~~VIOLATIONS~~ **VIOLATIONS** PERTAINING TO NOISE, OVERCROWDING, OR VEHICULAR TRAFFIC INTERFERENCE OCCURRING AT THIS PROPERTY, REPORT TO 311."

(B) A person commits an offense if the person:

(1) fails to place a required placard on the property and keep it posted for the duration required by the chief director; or

(2) without authority from the chief or director, removes or destroys the placard.

(2) Conditions. During the time a property is declared a habitual criminal or nuisance property, the chief or director may place conditions on the operation of the business at the property. The owner of the property and the operator of the business are responsible for compliance with any conditions put on the property. Some conditions the chief or director may put on the property include but are not limited to:

(A) Minimum number of security guards at the property, including parking lots, at all times or at certain times of operation.

(B) Patrol property and adjacent areas to monitor loitering, vandalism, excessive noise, crowd control, and illegal acts.

(C) Protocols to ensure prompt and orderly crowd dispersal from the property including on-site and off-site parking areas.

(D) Limit hours of entertainment activities including live music and music disseminated by a disc jockey.

(E) Additional protocols, including identification scanners, to ensure age restrictions of patrons is strictly enforced.

(F) Litter control protocols.

(G) Use of a mechanical counting device to ensure maximum occupancy limits.

(H) Bar/club/restaurant training for all or certain establishment employees.

(3) Inspections. The chief or director may inspect the property for compliance with the conditions and activities in Section 27-49(b)(1) or any other condition or activity the chief or director determines, in light of the chief's or director's training and experience, will reduce abatable criminal activity or code violations at the property.

(4) Notification to city plan commission. If an establishment operates under a specific use permit, the chief or director shall notify the city plan commission that the property is a habitual criminal or nuisance property. (Ord. Nos. 30714; 32057)

#### SEC. 27-53. FEES.

~~For a property that has been finally determined to satisfy the presumptions in Section 27-48, the owner shall pay an annual fee to the city according to the table below for each year that the presumptions in Section 27-48 are satisfied. In this section, residential and nonresidential refer to those uses as defined in the Dallas Development Code, as amended. The fees are not refundable in whole or in part.~~

For a property that has been finally determined to satisfy the presumptions in Section 27-48, the owner shall pay a monthly fee to the city according to the table below for each month that the presumptions in Section 27-48 are satisfied. In this section, residential and nonresidential refer to those uses as defined in the Dallas Development Code, as amended. The fees are not refundable in whole or in part.

501-1,000	\$5,317
1,001 or more	\$6,313

<del>RESIDENTIAL (by number of dwelling units)</del>	ANNUAL FEE
<del>0-2</del>	\$1,629
<del>3-20</del>	\$2,009
<del>21-59</del>	\$2,752
<del>60-250</del>	\$3,564
<del>251-500</del>	\$4,321

<b>NONRESIDENTIAL</b> <b>(by square footage of largest improvement)</b>	<b>ANNUAL FEE</b>
0-4,999	\$2,802
5,000-9,999	\$3,447
10,000-59,999	\$4,926
60,000-99,999	\$7,653
100,000 or more	\$9,825

<b>RESIDENTIAL</b> <b>(by number of dwelling units)</b>	<b>MONTHLY FEE</b>
0-2	\$268
3-20	\$449
21-59	\$557
60-250	\$717
251-500	\$943
501-1,000	\$936
1,001 or more	\$1,054

<b>NONRESIDENTIAL</b> <b>(by square footage of largest improvement)</b>	<b>MONTHLY FEE</b>
0-4,999	\$454
5,000-9,999	\$552
10,000-59,999	\$682
60,000-99,999	\$890
100,000 or more	\$949

(Ord. Nos. 30714; 32057; 32310; 32329)

#### **SEC. 27-54. DELIVERY OF NOTICES.**

Any notice to be provided by the city pursuant to this article shall be deemed effective if made to the owner. Notice is effective when:

(1) personally delivered to the owner; or

(2) mailed by certified U.S. mail, with return receipt requested, and addressed to the owner at the last address provided in the registration of the property under Article VII of this chapter, as amended, or, if the property is not subject to registration under this chapter, then to the last address in the central appraisal district records. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or whether the notice was returned unclaimed or undeliverable. (Ord. Nos. 30714; 32057)

**SECS. 27-55 THRU 27-58.** (Repealed by Ord. 30236)

#### **ARTICLE IX.**

#### **RESERVED.**

**SECS. 27-59 THRU 27-72.** (Repealed by Ord. 30236)

**ARTICLE VII.****ONE-WAY STREETS AND ALLEYS.**

- Sec. 28-59. One-way streets and alleys.  
 Sec. 28-60. One-way streets in school zones.

**ARTICLE VIII.****PEDESTRIANS' RIGHTS AND DUTIES.**

- Sec. 28-61. Duties of pedestrians while on sidewalks.  
 Sec. 28-61.1. Standing and walking in certain areas prohibited.  
 Sec. 28-62. Entering or alighting from vehicle; loading and unloading so not to interfere with traffic.  
 Sec. 28-63. Use of coasters, roller skates and similar devices restricted.  
 Sec. 28-63.1. Prohibiting crossing in central business district other than at crosswalk.  
 Sec. 28-63.2. Designation of one-way pedestrian zones.  
 Sec. 28-63.3. Solicitations to occupants of vehicles on public roadways prohibited.

**ARTICLE IX.****SIZE AND WEIGHT OF VEHICLES.**

- Sec. 28-64. Weight of load on enumerated bridges, per axle.  
 Sec. 28-65. Vehicles carrying greater loads than as required by Section 28-64.  
 Sec. 28-66. Civil liability for violation of article.  
 Sec. 28-67. Signs warning of maximum load limit on bridges.  
 Sec. 28-68. Routes for over-size equipment; damage caused by over-size equipment.

**ARTICLE X.****TRUCK ROUTES.**

- Sec. 28-69. Operation within central business district; boundaries of central business district defined.  
 Sec. 28-70. Operation in public parks.  
 Sec. 28-71. Designated for trailers, semitrailers or pole trailers.  
 Sec. 28-72. Departure from designated routes; hours on residential streets.  
 Sec. 28-73. Same - Justification of departure.  
 Sec. 28-74. Signs.  
 Sec. 28-75. Alternate routes.

**ARTICLE XI.****STOPPING, STANDING, AND PARKING GENERALLY.****Division 1. Generally.**

- Sec. 28-76. Obedience to signs.  
 Sec. 28-76.1. Unattended vehicles presumed left by owner.  
 Sec. 28-76.2. Illegally stopped vehicles; may be required to move.  
 Sec. 28-76.3. Parking ban.  
 Sec. 28-76.4. Parking defenses for city council members and law enforcement officers.  
 Sec. 28-76.5. Unattended motor vehicles.  
 Sec. 28-77. Unauthorized reserving of parking spaces.  
 Sec. 28-78. Animal-drawn wagons, pushcarts or bicycles.  
 Sec. 28-79. Vehicle to be parked within limit lines.  
 Sec. 28-80. Parking of commercial vehicles.  
 Sec. 28-81. Parking of vehicles with capacity of more than one and one-half tons in certain districts.  
 Sec. 28-81.1. Stopping, standing, or parking prohibited in specified places.

**SEC. 28-4. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.**

(a) A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police when:

(1) the vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass;

(2) the vehicle is illegally parked so as to block the entrance to any private driveway;

(3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;

(4) the officer has reasonable grounds to believe that the vehicle has been abandoned;

(5) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(6) an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;

(7) the vehicle is standing, parked, or stopped in any portion of a street, and the officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;

(8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;

(9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;

(10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized by Section 28-130.10 of this chapter;

(11) the vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(12) the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

~~—(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage. The chief of police shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:~~

~~—(1) The storage fee is \$20 for each day or portion of a day that a vehicle not longer than 25 feet is stored and \$35 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.~~

~~—(2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.~~

**(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage. The chief of police shall**



charge fees for storage of vehicles at city pound locations in accordance with the following regulations:

(1) The storage fee is \$21.03 for each day or portion of a day that a vehicle not longer than 25 feet is stored and \$36.08 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.

(2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.

~~———— (3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.~~

~~———— (4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.~~

~~———— (5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.~~

~~———— (6) An impoundment fee of \$20, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.~~

~~———— (7) A notification fee of \$50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.~~

(3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.

(5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(6) An impoundment fee of \$21.03, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(7) A notification fee of \$50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(c) A police officer may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.

(d) The chief of police or a designated representative may release a vehicle without payment of towage, notification, impoundment, or storage fees under the following circumstances:

(1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

(2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States,

who does not permanently reside in the United States, and who is entitled to diplomatic immunity;

(3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or

(4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.

(e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

(g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes. (Ord. Nos. 14584; 14686; 15949; 16287; 16477; 17406; 17547; 18411; 19300; 20076; 20448; 20965; 21819; 22906; 22964; 24743; 25384; 26134; 26293; 27189; ~~sec. 28-4(a)(12) eff. 1-1-09; 32362~~)

#### **SEC. 28-5. RELEASE OF IMPOUNDED VEHICLES TO LIENHOLDERS.**

Upon payment of all fees required by Section 28-4, a vehicle impounded by the police department pursuant to the enforcement of the provisions of this code may be released to the lienholder, or an authorized agent, holding a valid and existing mortgage lien on the vehicle impounded if the mortgage lienholder:

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Abrams Road	North city limits to Skillman Street	40	Belt Line Road	West city limits to Spring Creek Road	40
Abrams Road	Paulus Avenue to Beacon Street	35	Belt Line Road	Spring Creek Road to Coit Road	35
Abrams Road	Skillman Street to Lakeshore Drive	35	E. Belt Line Road	1250 feet east of Sanders Loop to 450 feet east of S. Northlake Road	50
Airdrome Drive	Mockingbird Lane to Lemmon Avenue	35	Bernal Drive	Walton Walker Boulevard to Westmoreland Road	35
Alamo Street	Cedar Springs Road to Wichita Street	35	Bethurum Street	Railroad Avenue to Woodville Avenue	20
Alonzo Place	McCoy Place to Washington Avenue	20	Beulah Place	Lyons Street to Watt Sims Walk	20
Alpha Road	The west city limits to Hillcrest Road	35	Big Town Boulevard	Forney Road to the city limits of Mesquite, Texas	40
Applegrove Street	Morris Street to Greenleaf Street	20	Bishop Avenue	Colorado Boulevard to Davis Street	35
Applegrove Street	Bickers Street to Canada Drive	20	Bluffview Boulevard	Lemmon Avenue to Lovers Lane	35
Arapaho Road	Dallas Parkway to Golden Creek Road	40	Bonnie View Road	Ledbetter Drive to Simpson-Stuart Road	40
Arapaho Road	Golden Creek Road to Coit Road	35	Bonnie View Road	Simpson-Stuart Road to Riverside Drive	35
Audelia Road	The north city limits to Skillman Street	40	Bonnie View Road	Riverside Drive to the south city limits	45
Audelia Road	Skillman Street to Northwest Highway	35	Brookhaven Avenue	Illinois Avenue to Beckley Avenue	25
Aviation Place	Tom Braniff Lane to one-half mile north of Tom Braniff Lane	20	Brown Place	Kings Road to Hawthorne Avenue	20
Baker Avenue	Pointer Avenue to Toronto Avenue	20	Bruton Road	Second Avenue to Moonlight Avenue	35
Barnes Bridge Road	Ferguson Road to the east city limits	35	Bruton Road	Moonlight Avenue to Jim Miller Road	50
Barnes Bridge Road	Garland Road to Shiloh Road	35	Bruton Road	Jim Miller Road to the east city limits	35
Barry Avenue	Crosstown Expressway to R. L. Thornton Freeway	35	Bucknell Drive	Northwest Highway to Trammell Drive	25
N. Beckley Avenue	750 feet north of Commerce Street to Canada Drive	35	<del>Buckner Boulevard</del>	<del>Carr Street to C.F. Hawn Freeway</del>	<del>40</del>
N. Beckley Avenue	Zang Boulevard to 750 feet south of Commerce Street	35	Buckner Boulevard	Northwest Highway to Edgelake Drive	45
			<del>Buckner Boulevard</del>	<del>Edgelake Drive to Samuel Boulevard</del>	<del>40</del>
			<del>Buckner Boulevard</del>	<del>Edgelake Drive to Sevens Circle</del>	<del>40</del>
			<del>Buckner Boulevard</del>	<del>Samuel Boulevard to Carr Street</del>	<del>45</del>

Buckner  
Boulevard

Scyene Circle to a  
point midway between  
Alto Garden Drive  
and Dell Garden Avenue

35

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
<del>Buckner Boulevard</del>	<del>From a point midway between Alto Garden Drive and Dell Garden Avenue to C. F. Hawn Freeway</del>	<del>40</del>	Cedar Springs Road (northbound)	From a point 500 feet south to 500 feet north of Howard Megredy Circle	30
California Crossing Road	The city limits at the Elm Fork of the Trinity River to Northwest Highway	40	Cedar Springs Road (northbound)	From a point 500 feet north to 1770 feet north of Howard Megredy Circle	20
Calypso Street	Holystone Street to Hampton Road	20	Cedar Springs Road (southbound)	Mockingbird Lane to a point 350 feet north of Howard Megredy Circle	40
Campbell Road	Coit Road to Preston Road	35	Cedar Springs Road (southbound)	From a point 350 feet north to 1725 feet north of Howard Megredy Circle	30
Camp Wisdom Road	Turnout Lane to Clark Road	40	Cedar Springs Road (southbound)	From a point 1725 feet north to 2375 feet north of Howard Megredy Circle	20
Camp Wisdom Road	3500 feet west of FM 1382 to Turnout Lane	35	Centerville Road	Garland Road to Shiloh Road	35
Camp Wisdom Road	West city limits to Lancaster Road	40	Chalk Hill Road	Singleton Boulevard to eight-tenths of a mile north of Davis Street	35
Canaan Street	Choice Street to Vesper Street	20	Chalk Hill Road	Davis Street to eight-tenths of a mile north of Davis Street	40
Canaan Street	Parsons Street to the south end of Canaan Street	20	Choice Street	Parsons Street to Canaan Street	20
Canada Drive	Pluto Street to Borger Street	35	Church Road	Abrams Road to Ashglen Circle	35
Canada Drive	Borger Street to Gulden Street	45	Clarendon Drive	Corinth Street Road to Cumberland Street	35
Canada Drive	Gulden Street to Beckley Avenue	35	Clark Road	The south city limits to Interstate Highway 20	40
Carver Place	Alonzo Place to La Fayette Place	20	Cochran Place	McCoy Place to Carver Place	20
Carver Place	Cochran Place to Munger Avenue	20	Cockrell Hill Road	Davis Street to Interstate Highway 30	40
Cedar Crest Boulevard	Martin Luther King Jr. Boulevard to Stella Avenue	35	Cockrell Hill Road	Kiest Boulevard to a point two hundred fifty feet south of Corral Drive at the south city limits	40
Cedardale Road	From a point 800 feet east of Glorietta Lane to Langdon Drive	35	Cockrell Hill Road	Kiest Boulevard to the south city limits of Cockrell Hill	35
Cedar Springs Road	Mockingbird Lane to Hudnall Street	35	Coit Road	Frankford Road at the north city limits to McCallum Boulevard	45
Cedar Springs Road (northbound)	Mockingbird Lane to a point 500 feet south of Howard Megredy Circle	40	Coit Road	McCallum Boulevard to a point 130 feet north of Campbell Road	40

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Northwest Highway	The west city limits at the Elm Fork of the Trinity River to 1360 feet east of Shady Trail	45	Prairie Creek Road	Scyene Road to Fostoria Drive	35
Northwest Highway	1360 feet east of Shady Trail to 550 feet west of Starlight Road	40	Preston Road	The north city limits to 100 feet north of Prestondell Drive	45
Northwest Highway	550 feet west of Starlight Road to Central Expressway	35	Preston Road	Prestondell Drive to Northwest Highway	35
Northwest Highway	Central Expressway to the east city limits	45	Prestonwood Boulevard	Arapaho Road to Belt Line Road	35
Oates Drive	Ferguson Road to the east city limits	35	Pueblo Street	Rupert Street to Kingsbridge Street	20
<b>Olympus Boulevard</b>	<b>Ranch Trail to Belt Line Road</b>	<b>35</b>	Ravinia Drive	Jefferson Boulevard to Gladstone Drive	20
Park Lane	Hillcrest Road to Greenville Avenue	35	Record Crossing Road	Stemmons Freeway to Harry Hines Boulevard	35
Park Lane	Larmanda Street to Abrams Road	35	Red Bird Lane	Cockrell Hill Road to Marvin D. Love Freeway	40
Parma Place	Spring Avenue to Teal Place	20	Regal Row	Governors Row to the Irving city limits	35
Parsons Street	Bexar Street to Choice Street	20	Regal Row	Governors Row to Harry Hines Boulevard	40
Pearl Street	McKinney Avenue to Live Oak Street	35	Remond Drive	Westmoreland Road to Fort Worth Avenue	35
Pemberton Hill Road	C. F. Hawn Freeway to Loop 12	35	Restland Road	Valley View Lane to Greenville Avenue	40
Pilgrim Drive	Commodore Drive to Bethurum Avenue	20	Riverfront Boulevard	Irving Boulevard to Corinth Street	35
Plano Road	Forest Lane to Chesterton Drive	40	Robert B. Cullum Boulevard	Ash Lane to Second Avenue	35
Plano Road	Chesterton Drive to Northwest Highway	35	Rosemeade Parkway	Marsh Lane to Dallas Parkway	35
Pleasant Drive	Bruton Road to Grovecrest Drive	35	Rowlett Road	2700 feet south of Chaha Road to 1700 feet north of Roan Road	40
Pointer Avenue	Vacek Street to Singleton Boulevard	20	Royal Lane	The west city limits to Central Expressway	35
Polk Street	Turner Avenue to Twelfth Street	35	Royal Lane	Central Expressway to Greenville Avenue	40
Polk Street	Vernon Avenue to Ledbetter Drive	35	Royal Lane	Greenville Avenue to Lyndon B. Johnson Freeway	35
Polk Street	Ledbetter Drive to the south city limits at Daniieldale Road	40			
Prairie Creek Road	Forney Road to Scyene Road	40			

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Youngblood Road	Central Expressway to a point one mile east of Central Expressway	15	Central Expressway (S. M. Wright Freeway; SH 310)	C. F. Hawn Freeway to a point two-tenths of a mile north of Overton Road	50
Zang Boulevard	Greenbriar Lane to one-eighth of a mile south of Clarendon Drive	35	Central Expressway (S. M. Wright Freeway; SH 310)	From a point two-tenths of a mile north of Overton Road to Linfield Drive	50
Zang Boulevard	One-eighth of a mile south of Clarendon Drive to three-tenths of a mile south of Saner Avenue	40	Central Expressway (S. M. Wright Freeway; SH 310)	Linfield Drive to a point 750 feet north of Ledbetter Drive	50
(Ord. Nos. 14584; 14696; 14818; 14869; 14922; 14974; 15194; 15430; 15455; 15541; 15699; 15760; 15835; 16018; 16091; 16166 16288; 16411; 16524; 16577; 16624; 16821; 16901; 16986; 17041; 17146; 17345; 17456; 17576; 17667; 17875; 18265; 18283; 18483; 18484; 18982; 18983; 19749; 20196; 20475; 21237; 21564; 22643; 22926; 23078; 23556; 23917; 25833; 26500; 27294; 27700; 28871; 30022; 30217; 31552; 32291)			Central Expressway (SH 310)	From a point 750 feet north of Ledbetter Drive to the south city limits at Langdon Drive	50
<b>SEC. 28-45. EXPRESSWAYS AND FREEWAYS.</b>			C. F. Hawn Freeway (US 175)	S. Central Expressway (SH 310) to Prairie Creek Road	Set by Texas Transportation Commission Minute Order No. 114203
(a) A person commits an offense if he operates or drives a vehicle on any of the following designated freeways or expressways at a speed greater than the speed designated by this section for that freeway or expressway or portion of freeway or expressway, 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.			C. F. Hawn Freeway (US 175)	Prairie Creek Road to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
			Dallas Ft. Worth Turnpike (IH 30)	West city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203
			Dallas North Tollway	From a divergent point of McKinnon Avenue and Harry Hines Boulevard to the north city limits	Set by North Texas Tollway Authority Resolution No. 97-30, as amended
<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	E.R.L. Thorton Freeway (IH 30)	First Avenue to Rockwall county line	Set by Texas Transportation Commission Minute Order No. 114203
Central Expressway	Woodall Rodgers Freeway to Live Oak Street	50	Good-Latimer Expressway	Taylor Street to Central Expressway	35
Central Expressway	From a point 600 feet south of Taylor Street to Park Row	35	Interstate Highway 30	Dallas county line to Rockwall west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Central Expressway (S. M. Wright Freeway; US 175)	Park Row to C. F. Hawn Freeway	Set by Texas Transportation Commission Minute Order No. 106769, as amended			



<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Altman Drive	3000-3100	110'W. to 340'E. of Goodyear Drive	Barnes Bridge Road	3300-3500	230' N. of Ruidosa Avenue to 30' N. of Pepperidge Circle
Amity Lane	1800-1900	250'N. of Cradlerock Drive to 15'N. of Checota Drive	S. Barry Avenue	1000-1200	75'S. of Gurley Avenue to 200'S. of E. Grand Avenue
Ann Arbor Avenue	100-300	200' W. of Sun Valley Drive to 360' E. of Southern Hills Drive	Bayside Street	1900-2000	150'W. of Puget Street to 230'E. of Darien Street
Ann Arbor Avenue	800-1000	150'E. of Maryland Avenue to 350'E. of Neptune Road	Beacon Street	500-700	180'N. of Junius Street to 160'N. of Tremont Street
Ann Arbor Avenue	1700-1900	200'E. of Lancaster Road to 800'W. of Denley Drive	Beckley Avenue	200N-200S	Melba Street to Sunset Avenue
Ann Arbor Avenue	2100	175'N. of Veterans Drive to Veterans Drive	N. Beckley Avenue	1100-1300	280' N. of Colorado Boulevard to 250'S. of Madison Avenue
Ann Arbor Avenue	2200-2300	175'W. to 175'E. of Garrison Street	S. Beckley Avenue	2800-3600	150'S. of Overton Road to 50'S. of Mitscher Street
Anson Road	2400-2700	1000'W. of Denton Drive to 200'W. of Thurston Avenue	Bedford Street	2800	Kingbridge Street to 160' E. of Kingbridge Street
Appleridge Drive	17900	405' N. of Frankford Road to Frankford Road	Bellcrest Drive	5600-5700	300'S. of Persimmon Road to 300'S. of Golden Hills Drive
<del>Arapaho Road</del>	<del>6200-6600</del>	<del>200' W. of Golden Creek Road to 340' E. of Nedra Way</del>	Bellewood Drive	9600	Chiswell Road to 75' E. of Broken Bow Road
<del>Arapaho Road</del>	<del>6200-6700</del>	<del>200' W. of Golden Creek Road to 340' E. of Nedra Way</del>	S. Belt Line Road	1400-1500	20'E. of Indian Wells Road to 40'W. of Biggs Street
Arapaho Road	7400-7800	Terrace Lawn Circle (W. Leg) to 160'W. of El Estado Drive	Bernal Drive	4400-4600	100' W. of Peoria Avenue to 60' E. of Schoefield Drive
Arborside Drive	8000-8600	110'S. of Canter Drive to 200'N. of Moss Farm Lane	Bernal Drive	5400-5500	300'W. of Clymer Drive to Kenesaw Drive
Ashbrook Road	4900-5100	100' S. of Hovenkamp Drive to 335' N. of Everglade Road	Berridge Lane	5000-5100	100' N. of Chariot Drive to 155' N. of St. Francis Avenue
Aspen Street	2300-2500	260'N. of Highfield Drive to 120'S. of Bluff Creek Drive	<del>Bethurum Avenue</del>	<del>2700</del>	<del>60' E. to 620' E. of Bexar Street</del>
Audelia Road	8400	350' S. to 450' N. of Trevor Road	<del>Bexar Street</del>	<del>5600-5800</del>	<del>45' S. of C.F. Hawn Service Road to 160' E. of Dyson Street</del>
Audelia Road	9900-10100	30'N. of Dartridge Drive to 280'N. of Church Road	Bickers Street	1900-2000	100'E. of Darien Street to 260'W. of Puget Street
Audelia Road	11700-11800	220' N. to 180' S. of Forest Lane	Bickers Street	2500-2900	200' W. of Holystone Street to 180' E. of Vine Maple Place
Audelia Road	12100-12400	250'N. of Applecreek Drive to 320'N. of Chimney Hill Lane	Bickers Street	3200-3300	150'E. of Westmoreland Road to 190'E. of Fuery Street
Audelia Road	13000-13180	100'N. of Lawler Road to 85'N. of Claymore Drive	N. Bishop Avenue	1000-1100	190'S. to 195'N. of Neches Street
Bainbridge Drive	3000-3300	155'N. of Meadow Stone Lane to 200'S. of Kirnwood Drive	Black Oak Drive	3700-3800	100'E. of Bellcrest Drive to 600'E. of Loud Drive
Barnes Bridge Road	1900-2300	290'W. of Desdemona Drive to 130'E. of Joaquin Drive			

<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	Everglade Road	5300-5600	75'E. of ElkrIDGE Drive to 150'E. of Hazelhurst Lane
S. Edgefield Avenue	400-700	190'S. of Brooklyn Avenue to 170'N. of Twelfth Street	N. Ewing Avenue	200	E. Eighth Street to E. Jefferson Boulevard
S. Edgefield Avenue	1000-1200	500'N. of Lebanon Avenue to 200'N. of Clarendon Drive	N. Ewing Avenue	700-900	150' S. of Comal Street to 105' N. of Colorado Boulevard
S. Edgefield Avenue	2100-2300	150'N. of Wilbur Street to 75'N. of Berkley Avenue	S. Ewing Avenue	1200-1400	200'N. of Winters Street to 170'S. of Genoa Avenue
Edgemere Road	10700-10900	175'S. of Azalea Lane to 200' S. of Royal Lane	S. Ewing Avenue	1500-1600	90' N. of Korgan Street to 30' N. of Vermont Avenue
Edgeworth Drive	500-700	100'S. of Seagoville Road to 150'N. of Rylie Crest Drive	S. Ewing Avenue	2000-2100	170'S. to 180'N. of E. Woodin Boulevard
E. Eighth Street	500-800	90' E. of N. Ewing Avenue to 55' W. of Lansing Street	S. Ewing Avenue	2900-3100	200'N. of McVey Avenue to 275'S. of Corning Avenue
E. Eighth Street	1000-1300	Eads Avenue to 240' E. of Denley Drive	Fair Oaks Avenue	7000	170' E. to 895' E. of Ridgecrest Road
Elam Road	6200-6300	15'W. of Bethpage Avenue to 240'W. of Ella Avenue	Fair Oaks Avenue	7400-7600	150' N. to 1910' N. of Pineland Avenue
Elam Road	7000-7100	310'W. to 290'E. of Jim Miller Road	Farola Drive	2000-2200	20'N. of Montalba Avenue to 300'N. of Itasca Drive
Elam Road	8400-8500	100'W. of Ravenwood Drive to 15'E. of Freddie Drive	Ferguson Road	7800-8100	250'S. to 1300'N. of Highland Road
Elam Road	10500	250'E. to 250'W. of Pleasant Vista Drive	Ferguson Road	9600-9700	1400'E. to 370'W. of Peavy Road
Ella Avenue	300-400	230'S. of Alcorn Avenue to 200'N. of Misty Wood Drive	Ferguson Road	9800-9900	225' N. to 225' S. of Millmar Drive
Elsie Faye Heggins Street	2400-2500	200' E. of Leland Avenue to 250' E. of Crozier Street	Ferguson Road	10800-11000	75'N. of Cassandra Way to 150'S. of Delford Circle
Elsie Faye Heggins Street	2700-3000	250' W. of Malcolm X Boulevard to 30' E. of Louie Lane	<del>Ferndale Road</del>	<del>9400-9700</del>	<del>120'S. of Lakemere Road to Dentport Drive</del>
Elsie Faye Heggins Street	3200-3300	10' W. of Spring Garden Drive to 200' W. of Bradshaw Street	<u>Ferndale Road</u>	<u>9400-9800</u>	<u>120'S. of Lakemere Road to 65' S. of Chesterton Drive</u>
N. Ervay Street	400-600	195'S. to 75'N. of Patterson Avenue	Ferndale Road	9800-9900	150'S. of Estate Lane to 150'S. of Caribou Trail
S. Ervay Street	900-1000	90'S. to 185'N. of Corsicana Street	Ferris Branch Boulevard	9000	220' N. of Whitehurst Drive to end of Ferris Branch Boulevard
S. Ervay Street	1500-1600	100' S. of Gano Street to Sullivan Drive	Fieldfare Drive	10100	150'S. of Fieldfare Court to Killion Drive
Esperanza Road	13400-14000	300' S. of Brookgreen Drive to 450' S. of Spring Valley Road	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
			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>
S. Fitzhugh Avenue	1000-1100	100'S. of Gurley Avenue to 300'N. of E. Grand Avenue	<b>Gilbert Avenue</b>	<b>4300-4500</b>	<b>125' E. of Herschel Avenue to 205' W. of Prescott Avenue</b>
Flair Drive	3400-3500	320'E. of Sonnet Drive to 250'E. of Cromwell Drive	Gladstone Drive	2300-2500	150'E. of S. Hampton Road to 100'W. of S. Franklin Avenue
Fordham Road	800-1000	160' E. of Maryland Avenue to 334' W. of Utah Avenue	Glasgow Drive	300N-300S	125'N. of Reiger Avenue to 125'S. of Covington Lane
Fordham Road	2800-3000	Stanley Smith Drive to 400'E. of Bonnie View Road (East Leg)	Glenhaven Boulevard	4100-4300	270'W. of Sunnyside Avenue to 280'E. of Andrews Street
Forest Lane	4500-4800	190'W. of Welch Road to 270'E. of Nanwood Drive	Goldwood Drive	1800	100'E. of Indian Ridge Trail to 150'W. of Forest Meadow Trail
Forest Lane	8800-8900	480'E. to 520'W. of Shepherd Road	Gooding Drive	10000-10100	150'N. of Killion Drive to 100'N. of Walnut Hill Lane
Forest Lane	9600-9700	820'E. to 400'W. of Oakshire Place	Goodman Street	5100-5200	60'W. of N. Bagley Street to N. Morocco Avenue
Forest Lane	9700-9800	230' W. to 230' E. of Audelia Road	Goodwin Avenue	5700-5900	50' E. of Delmar Avenue to 390' W. of Matilda Street
Forestgate Drive	11900-12000	500' N. of Forest Lane to 100' W. of east leg of Forestgate Drive	E. Grand Avenue	4900-5000	100'E. of Fitzhugh Avenue to 80'E. of S. Barry Avenue
Forney Road	7700	350'E. to 1050'W. of Wimbelton Way	E. Grand Avenue	5700-6200	50' W. of Parkview Avenue to 50' W. of Cristler Avenue
Fort Worth Avenue	2600-2700	370' W. to 290' E. of Westmount Avenue	East Grand Avenue	7200-7300	290'S. to 270'N. of LaVista Drive
Fox Creek Trail	8300-8400	210' W. of Wisdom Creek Drive to 200' E. of Firethorn Drive	Great Trinity Forest Way	3000-3200	525'W. of Bonnie View Road to 70'W. of Greencrest Drive
Frankford Road	2500-2600	500' E. of Kelly Boulevard to 150' W. of Creststone Drive	Great Trinity Forest Way	6900-7200	465'E. to 500'W. of Jim Miller Road
Frankford Road	4100-4200	375'E. of Voss Road to 32'W. of Whispering Gables Drive	Green Cove Lane	600-800	350'E. of Lone Oak Trail to 300'W. of Oak Trail
Frankford Road	5700-5800	200'W. of Gallery Road/ Windflower Way to 450'W. of Campbell Road	Greenmeadow Drive	2900-3000	John West Road to 180'N. of Forestcliff Drive
S. Franklin Street	3700-3900	210' S. of Gibb Williams Road to 25' N. of Bridal Wreath Lane	Greenmound Avenue	8800-9000	200'W. of McKim Drive to Blanton Street
Fullerton Drive	1200-1300	100' S. of Remond Drive to Colorado Boulevard	Greenspan Drive	6600-6900	100'N. of Midvale Drive to 300'N. of Brierfield Drive
Garden Grove Drive	10300	650'S. of Edd Road to Edd Road	Greenspan Drive	7700-7800	400'N. to 350'S. of Kirmwood Drive
Gaston Avenue	5700-5800	170'S. to 185'N. of Skillman Street	Greenville Avenue	2800-3000	Vickery Boulevard to 70'N. of Vanderbilt Avenue
Gayglen Drive	7600-7800	300'W. of Long Branch Lane to 15'W. of Anchorage Circle	Greenway Boulevard	7400-7500	100'N. of Glenwick Lane to 160'S. of Boaz Street
			Gross Road	1700-2100	110'W. of Lindaro Lane to Felicia Court
			Gus Thomasson Road	2900-3000	140'E. of Shiloh Road to 130'W. of Matterhorn Drive

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Gus Thomasson Road	3200-3300	30'E. of Libby Lane to the Mesquite city limits	Herschel Avenue	3700-4000	110' S. of Gilbert Avenue to 355' N. of Gilbert Avenue
Gus Thomasson Road	10300	170' S. of Mandalay Drive to 80' S. of Ruth Ann Drive	Highland Hills Drive	5900	90'W. of Moonstone Drive to Bonnie View Drive
Hampton Road	2000	215'S. of Elmwood Boulevard to 265'N. of Wright Street	Highland Road	2000-2300	405' E. of Ferguson Road to 620' W. of Villa Cliff Drive
N. Hampton Road	500-600	230' S. to 250' N. of Davis Street	Highland Road	2400	210'N. to 200'S. of Claremont Drive
N. Hampton Road	3200-3300	210' S. to 235' N. of Dennison Street	Hillbrook Street	2900-3000	Lake Circle to Sondra Drive
N. Hampton Road	3700-4100	70' S. of Bayside Street to 330' N. of Calypso Street	Hillburn Drive	2600	190'S. of Piedmont Drive to Piedmont Drive
S. Hampton Road	400-600	280'N. of W. Twelfth Street to 230'S. of Gladstone Drive	Hillcrest Road	9700-10300	140'N. of Stichter Avenue to 150'S. of Waggoner Drive
S. Hampton Road	2900-3000	135' S. to 800' S. of Perryton Drive	Hillcrest Road	15700	45'S. of La Bolsa Drive to 300'N. of Arapaho Road
S. Hampton Road	4000-4100	200' N. to 315' S. of Vatican Lane	Hillcrest Road	16300-16400	270'S. to 260'N. of Brentfield Drive
Hargrove Drive	9400	150' S. of Oradell Lane to Sheila Lane	Hillcrest Road	16900-17000	220'S. of Park Hill Drive to Dye Drive
Harry Hines Boulevard	8500-8600	350'S. to 330'N. of Regal Row	Hillside Drive	2700-2800	80'N. of Westlake Avenue to 120'N. of Blanch Circle
Harter Road	800-900	Riverton Road to 20' S. of Tarleton Street	Hodde Street	6800-7000	100'E. of Woodmont Drive to Jim Miller Road
Harvest Hill Road	4500-4800	255'W. of Welch Road to 250'E. of Harriet Drive	Holcomb Road	600-700	80'S. of Old Homestead Drive to 600'N. of Elam Heights Drive
Harvest Hill Road	5100-5200	200'E. of Inwood Road (East Leg) to Forest Bend Road	Holly Hill Drive	7000	240' W. to 780' E. of Ridgecrest Road
N. Haskell Avenue	1800-1900	400' N. to 200' S. of Munger Avenue	Horn Beam Drive	12700	550'S. of Bunchberry Drive to Bunchberry Drive
N. Haskell Avenue	3100	40'W. of McKinney Avenue to 30'E. of Cole Avenue	Hovenkamp Drive	4800-4900	100'N. of Winding Woods Trail to Ashbrook Road
Haymarket Road	1200-1400	100'S. of Cade Road to 465'S. of Sewell Circle	Hudnall Street	3100-3200	200' W. to 200' E. of Vandelia Street
Hazelhurst Lane	4800-5000	20'S. of Everglade Road to 50'N. of Fallon Place	Hume Drive	7600-7900	500'W. of Buckner Boulevard to Piedmont Drive
Healey Drive	2500-2700	210'W. of Casa Oaks Drive to 190'E. of Shiloh Road	Hunnicut Road	8200-8300	15'W. of Rivercrest Drive to 5'E. of Coolgreene Drive
Hedgeway Drive	10000-10100	Walnut Hill Lane to 300' N. of Killion Drive	Idaho Avenue	3900-4200	Grinnell Street to 200'S. of Brookmere Drive
Henderson Avenue	1800-1900	10'W. of Lewis Street to 250' W. of McMillan Avenue	E. Illinois Avenue	500-700	40'W. of Alaska Avenue to 20'W. of Maryland Avenue
N. Henderson Avenue	2500-2700	80' N. of Homer Street to 125' S. of Manett Street	W. Illinois Avenue	1300-1500	330' E. to 345' W. of S. Edgefield Avenue
Hermosa Drive	10100-10400	190'S. of Stevens Street to 150'S. of Fuller Drive			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
W. Kiest Boulevard	3900-4000	317' W. to 314' E. of Los Angeles Boulevard	La Manga Drive	6500-6600	160' W. to 255' E. of Shadybank Drive
W. Kiest Boulevard	4600-4700	150' E. of Morse Drive to 640' E. of Walton Walker Boulevard	La Manga Drive	7600-7800	100'E. of Meandering Way to 280'E. of Spring Creek Road
Killion Drive	3900-4200	120'E. of Hedgeway Drive to 210'E. of Midway Road	N. Lancaster Road	300-400	Eighth Street to 210'N. of Seventh Street
Kingbridge Street	2900	Singleton Boulevard to Bedford Street	S. Lancaster Road	4100-4300	50'S. of Fordham Road to 260'S. of Ann Arbor Avenue
Kings Highway	1300-1400	370' E. to 360' W. of Edgefield Avenue	S. Lancaster Road	4600-4900	250'N. of Atlas Drive to 235'S. of Fifty-Second Street
Kinkaid Drive	3100-3300	50'W. of Harwell Drive to 485'W. of Dale Crest Drive	Langdon Drive	5400-5500	200' W. to 1140' W. of J. J. Lemmon Road
Kirkhaven Drive	9900-10000	Estate Lane to 135'N. of Robindale Drive	La Prada Drive	9900-10000	100'N. of Larry Drive to 190'N. of Hillglen Road
Kirnwood Drive	700-800	220'W. to 205'E. of Racine Drive	Larmanda Street	6000-6200	150' E. of Town North Drive to 165' W. of Freemont Street
Kirnwood Drive	2700-2900	150'E. of Bainbridge Avenue to 100'W. of Chaucer Place	La Vista Drive	7300-7400	150' N. of East Grand Avenue to 400' N. of Dead End of La Vista Drive
Knight Street	2700-3000	180' W. of Congress Avenue to 150' E. of Dickason Avenue	Lawler Road	10100-10200	180'W. of Whispering Hills Drive to 140'W. of Forest Ridge Drive
Knoxville Street	2500-2800	25'S. of Western Oaks Drive to 200'N. of La Rue Street	<del>Lawnview Avenue</del>	<del>3000-3100</del>	<del>140' N. of Scyene Road to 200' N. of Hollis Avenue</del>
La Cosa Drive	6400-6700	350'E. of Meadowcreek Drive to 200'W. of Woodbriar Drive	<del>Lawnview Avenue</del>	<del>3000-3300</del>	<del>230'N. of Scyene Road to 100'S. of Wofford Drive</del>
Lagow Street	2200-2500	150'S. of Jamaica Street to 5'S. of Hamilton Avenue	W. Lawson Road	100-300	130' S. of Lasater Road to 430' S. of Golden Spur Road
Lakehurst Avenue	6800-7100	250'W. of Hillcrest Road to 150'E. of Airline Road	E. Ledbetter Drive	600-700	300'E. to 300'W. of Marsalis Avenue
Lake June Road	6500-6600	260' W. of Del Oak Drive to 245' E. of Spring Lake Drive	E. Ledbetter Drive	2200-2300	375'E. to 375'W. of Bronx Avenue
Lake June Road	8100-8300	200'W. of Conner Drive to 200'E. of Pleasant Drive	E. Ledbetter Drive	2400-2500	235'E. of Horizon Drive to 235'E. of Veterans Drive
Lake June Road	10800	300'W. to 300'E. of Cheyenne Road (North Leg)	W. Ledbetter Drive	400-500	580'W. to 430'E. of Parkwood Drive
Lakeland Drive	1800-1900	105'W. of Groveland Drive to San Benito Way	W. Ledbetter Drive	1900-2000	500'E. to 500'W. of Rugged Drive
Lakeland Drive	2600	Hunnicut Road to 170'W. of Sweetwood Drive	W. Ledbetter Drive	3100-3200	350'E. to 350'W. of Boulder Drive
Lakemere Drive	10000-10200	10'W. of Larchwood Drive to 140'W. of Lynngrove Drive	Lemmon Avenue	2300-2400	100'W. of Lucille Street to 150'E. of Watt Street

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Lindsley Avenue	6000-6100	Mt. Auburn Avenue to 110' W. of S. Glasgow Drive	Malcolm X Boulevard	4700-5000	50' S. of Hatcher Street to 50' S. of Hunter Street
Lindsley Avenue	7000-7100	20' E. of Blair Boulevard to 100' W. of Shadyside Lane	Mandalay Drive	10800	150' E. of Maylee Boulevard to Maylee Boulevard
Linfield Road	2800	120' E. of Bonnieview Road to 100' W. of Cranfill Drive	Manett Street	5100-5200	160' N. of N. Garrett Avenue to N. Henderson Avenue
Lippitt Avenue	11300-11100	150' E. of Lanewood Circle to 200' E. of Sunland Street	Maple Avenue	4400-4500	100' N. of Wycliff Avenue to 200' N. of Hawthorne Avenue
Live Oak Street	4900-5100	200' W. of Garrett Avenue to 20' W. of Bennett Avenue	Maple Avenue	5400-5700	250' N. of Inwood Road to 150' S. of Butler Street (east leg)
N. Llewellyn Avenue	100-300	400' S. of W. Ninth Street to 50' S. of W. Eighth Street	Maribeth Drive	7500-7600	Osage Plaza Parkway to 200' E. of Dickerson Street
S. Llewellyn Avenue	700-900	10' S. of Delaware Avenue to 50' N. of W. Pembroke Avenue	Mariposa Drive	1600-1700	100' N. of Dixie Lane to 500' S. of Alta Mira Drive
Lombardy Lane	2900-3000	275' W. to 295' E. of Brockbank Drive	N. Marsalis Avenue	100-400	200' E. of Ninth Street to 65' S. of E. Sixth Street
Longbranch Lane	300-500	300' N. of Gaylen Drive to 300' S. of Komalty Drive	S. Marsalis Avenue	200	155' S. of E. Jefferson Boulevard to 150' N. of E. Twelfth Street
Losa Drive	10000-10300	150' E. of Peavy Road to 200' W. of Moran Drive	S. Marsalis Avenue	2000-2200	75' N. of Illinois Avenue to 120' S. of Louisiana Avenue
E. Lovers Lane	6000-6200	150' W. of Skillman Street to 150' E. of Ridgelawn Drive	S. Marsalis Avenue	2900-3100	150' N. of McVey Avenue to 330' S. of Corning Avenue
E. Lovers Lane	6300-6400	180' W. of Abrams Road to 190' E. of Rexton Lane	S. Marsalis Avenue	3500-4000	200' N. of Overton Road to 200' S. of Fordham Road
W. Lovers Lane	4300-4400	260' E. of Crest Haven Road to 230' E. of Taos Road	S. Marsalis Avenue	5500-5700	5' S. of Calcutta Drive to 10' N. of Foxboro Lane
W. Lovers Lane	4900-5000	430' E. to 590' W. of Briarwood Lane	Marsh Lane	9600-9700	Fontana Drive to 50' N. of Hidalgo Drive
Lucas Drive	2100	165' E. to 405' W. of Rosewood Avenue	Marsh Lane	12000-12100	40' W. of High Vista Drive to 320' N. of Crown Shore Drive
<b>Lynbrook Drive</b>	<b>9700</b>	<b>80' N. of Walnut Hill Lane to 100' S. of Chesterton Drive</b>	Marsh Lane	17800-17900	340' S. to 300' N. of Briargrove Lane
Lynngrove Drive	9400-9500	Lakemere Drive to Edgecliff Drive	Martin Luther King, Jr. Boulevard	2900-3100	175' E. of Jeffries Street to 300' E. of Meadow Street
Lynn Haven Lane	1300-1500	50' W. of Stirling Avenue to 50' S. of Selkirk Drive	Mary Cliff Road	600-800	185' S. of Ranier Street to 160' N. of Taft Street
N. Madison Avenue	1000-1200	300' W. of Beckley Avenue to 180' S. of Neches Street	Maryland Avenue	2900-3100	500' N. of McVey Avenue to 230' S. of Corning Avenue
Malcolm X Boulevard	2500-2700	Coombs Street to 100' N. of Park Row Avenue	N. Masters Drive	100-200	150' N. of Grady Lane to 250' S. of Pebble Valley Lane
Malcolm X Boulevard	3600-3800	10' S. of Dathe Street to 200' N. of Hickman Street	N. Masters Drive	1500-1800	100' S. of Shayna Drive to 200' S. of Checota Drive

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
St. Michaels Drive	11200-11400	200' S. of Midbury Drive to 180' N. of Mason Dells Drive	Towns Street	8200-8300	Schroeder Road to Dandridge Drive
St Moritz Avenue	6200	250' E. of Norris Street to 50' W. of Alderson Street	Tumalo Trail	3200-3300	100'N. of Odessa Street to 500'N. of Nomas Street
Stichter Avenue	6300-6500	200'E. of Edgemere Road to 200'W. of Tibbs Street	W. Twelfth Street	500-600	250'E. to 250'W. of Llewellyn Avenue
Stoneview Drive	9000-9200	200'S. of Beckleymeade Avenue to 200'N. of Westfall Drive	W. Twelfth Street	1300-1500	85'W. of Clinton Avenue to 115'W. of the south leg of Windomere Avenue
Stults Road	8400-8500	116'E. of Pinewood Drive to 100'S. of Floyd Lake Drive	W. Twelfth Street	2300-2500	35'W. of Hollywood Avenue to 165'W. of Franklin Street
Stults Road	8600-8800	Shepherd Road to 200'W. of Woodshore Drive	N. Tyler Street	100	80'N. of Tenth Street to Melba Street
Sunland Street	11600-11800	160'N. of Lippitt Avenue to 150'S. of Flamingo Lane	S. Tyler Street	500-600	250'S. to 200'N. of Page Avenue
Sunnyvale Street	4700-4800	500'S. to 150'N. of Cummings Avenue	Tyree Street	6800	120'N. of Thedford Avenue to Linnet Lane
Sunnyvale Street	4100	185'N. to 185'S. of Wilhurt Avenue	Umphress Road	7700-7900	250'S. of Prichard Lane to 300'W. of Ormond Drive
Swansee Drive	2100-2000	80'E. of Alamosa Drive to 100'W. of Cassia Drive	University Boulevard	4300-4700	180'W. of Webster Drive to 140'E. of Roper Street
Sylvan Avenue	3200-3300	230'S. of Nomas Street to 150'N. of McBroom Street	Vail Street	18300	200' S. of Timberglen Road to Timberglen Road
Teagarden Road	10200	250'W. to 650'E. of Education Way	Vandelia Street	5500-5600	100' S. of Inwood Road to 150' N. of Hedgerow Drive
Telegraph Avenue	2400-2500	Claremont Drive to 140'E. of Rangeway Drive	Vanderbilt Avenue	5700-5900	200' W. of Matilda Street to 220' E. of Delmar Avenue
Thedford Avenue	3600-3800	160'N. of Tyree Street to 170'E. of Victoria Avenue	Verde Valley Lane	5100-5200	170'W. to 170'E. of Noel Road
Throckmorton Street	2700-3000	35'E. of Dickason Avenue to 120'W. of Congress Avenue	Vernon Avenue	2000-2300	100'S. of Ludlow Street to 150'S. of Ferndale Avenue
Tibbs Street	9700-9900	145'N. of Aberdeen Avenue to 155'N. of Walnut Hill Lane	Veterans Drive	4600	Ann Arbor Avenue to 500'S. of Ann Arbor Avenue
Timberglen Road	3400	Kelly Boulevard to 30'W. of Justice Lane	<del>Veterans Drive</del>	<del>4600-4900</del>	<del>765' N. of 52nd Street to 150' S. of Ledbetter Road</del>
Timberglen Road	3600	200' W. to 210' E. of Vail Street	<del>Veterans Drive</del>	<del>4700-4900</del>	<del>150' S. of Kristen Drive to 150' S. of Ledbetter Road</del>
Tioga Street	3500-3800	200'W. of Bonnie View Road to 190'W. of Strawberry Trail	Victoria Avenue	6700-6900	250'S. to 120'N. of Thedford Avenue
Toluca Avenue	3000	Corning Avenue to McVay Avenue	Victor Street	4500	N. Carroll Avenue to 270'E. of N. Carroll Avenue
Tosca Lane	2100-2200	20'W. of Rugged Drive to 250'W. of Ovid Avenue	Voss Road	17800-17900	206'S. of Briargrove Lane to 65'S. of Whispering Gables Drive
Town North Drive	6800-7000	150'S. of Berryhill Street to 150'N. of Larmanda Street			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Walmsley Avenue	1300-1500	75'E. of Neal Street to 150'W. of N. Edgefield Avenue	Wendover Road	3200-3400	220'W. of Alexander Drive to 120'N. of Meadow Lake Avenue
Walnut Hill Lane	2900-3000	210'W. of Monroe Drive to 60'E. of Goodyear Drive	Wentwood Drive	7200-7400	250' E. of Durham Street to 120' E. of Airline Road
Walnut Hill Lane	3300-3400	180' W. to 825' E. of Webb Chapel Road	Westmoreland Road	100 S-100 N	210' S. to 270' N. of West Jefferson Boulevard
Walnut Hill Lane	4100	160' W. of Ontario Lane to 230' W. of Midway Road	S. Westmoreland Road	500-600	40'S. of Arnoldell Street to 300'S. of Irwindell Boulevard
Walnut Hill Lane	4900-5000	300' E. of Surrey Oaks Drive to 40' W. of Strait Lane	S. Westmoreland Road	1400-1500	60'N. of Glen Haven Boulevard to 150'S. of Shelly Boulevard
Walnut Hill Lane	6300-6500	270'W. of Tibbs Street to 240'E. of Edgemere Road	<del>S. Westmoreland Road</del>	<del>3400-3900</del>	<del>50' N. of Kimballdale Road to 70' N. of Kiestcrest Drive</del>
Walnut Hill Lane	8700-8900	10'W. of Claybrook Drive to 150'W. of Abrams Road	<del>S. Westmoreland Road</del>	<del>3400-3900</del>	<del>50' N. of Kimballdale Road to 50' N. of Mapleleaf Lane</del>
Walnut Hill Lane	9400-9500	500' W. to 200' E. of Meadowhill Drive	S. Westmoreland Road	3400-3900	50' N. of Kimballdale Road to 50' N. of Mapleleaf Lane
Walnut Hill Lane	10100-10400	270' W. of Ferndale Road to 120' W. of Livenshire Drive	N. Westmoreland Road	3400-3600	450'S. of Morris Street to 250'N. of Bickers Street
Walnut Street	10200-10400	280'W. to 220'E. of Hornbean Drive	Wheatland Road	1700-2000	300'E. of McKissick Lane to 50'E. of Fellowship Drive
Walton Walker Boulevard northbound service road	800-900	320'S. to 105'N. of Keeneland Parkway	Wheatland Road	7100-7200	325'E. to 500'W. of County View Road
Walton Walker Boulevard southbound service road	800-900	275'N. to 115'S. of Keeneland Parkway	W. Wheatland Road	400-500	620' E. to 420' W. of Willoughby Boulevard
Wandt Drive	6700-7000	425' N. of Camp Wisdom Road to Ridge Center Drive	Whispering Hills Drive	12700-12900	125'N. of Laingtree Drive to Sunridge Trail
N. Washington Avenue	1900-2300	110' N. of Munger Avenue to 285' S. of Thomas Avenue	Whitehurst Drive	9200	320'W. to 300'E. of Club Meadows Drive
Waterfall Way	13600-13700	130'N. of Brookgreen Drive to 200'N. of Rolling Hill Lane	Whitehurst Drive	9300-9400	660'W. of Echo Valley Drive to 55'E. of Spring Hollow Drive
Wayne Street	900-1000	120'N. to 220'S. of Gurley Avenue	Whitehurst Drive	9400-9600	75'W. of Branch Hollow Drive to 60'E. of Glen Springs Drive
Webb Chapel Road	9800	30'S. of Park Lane (North Leg) to 20'N. of Manana Drive	Whitehurst Drive	9700-9800	275' E. of Arbor Park Drive to 120' E. of Ferris Branch Boulevard
Webb Chapel Road	9900-10000	50' N. of Lockmoor Lane to 245' N. of Walnut Hill Lane	White Rock Trail	9400-9700	70' S. of Crestedge Drive to 550' N. of Kingsley Road
Welch Road	11600-11800	230'S. of Hockaday Drive to 100'S. of Allencrest Lane	White Rock Trail	9900-10000	350'S. of White Rock Place to 330'S. of Church Road
Welch Road	12200-12300	115'S. of Ridgeside Drive to 200'S. of Rickover Drive	Whitewing Lane	8800-8900	25' S. of Quail Run to Pelican Drive
Welch Road	12600-12700	160'S. of Mill Creek Road to 110'N. of Harvest Hill Road	Willoughby Boulevard	8500-8700	40' S. to 650' N. of Adjective Street
			Willow Lane	4800-4900	90'W. of Shirestone Lane to 160'W. of Drujon Lane



<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Willowdell Drive	12200	250'W. of Schroeder Road to Schroeder Road
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; 32069; 32291)

**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)

<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>	<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>
Larkhill Drive	Forrestal Drive to Knoxville Street	East	Reiger Avenue	Glasgow Drive to Paulus Avenue	East
Linnet Lane	Tyree Street to Victoria Street	East	Ridgeway Street	Worth Street to Junius Street	South
Lowell Street	Worth Street to Junius Street	North	Rolling Hills Lane	Waterfall Way to Esperanza Road	East
Maryland Avenue	Corning Avenue to McVey Avenue	North	Rosewood Avenue	Lucas Drive to Arroyo Avenue	South
McKissick Lane	Egyptian Drive to Algebra Drive	South	San Jacinto Street	Fitzhugh Avenue to Prairie Avenue	West
Melba Street	N. Llewellyn Avenue to N. Adams Avenue	East	San Leandro Drive	St. Francis Avenue to Whittier Avenue	East
Melbourne Avenue	Clinton Avenue to Edgefield Avenue	West	Scottsboro Lane	Grassy Ridge Trail to Marsalis Avenue	West
Mercer Drive	Mariposa Drive to Ash Creek Drive	West	Silver Springs Drive	Knoxville Street to Sage Valley Lane	East
Military Parkway (North Service Road)	Jim Miller Road to Wilkes Avenue	West	Sprague Drive	Boulder Drive to Westmoreland Road	West
Mimosa Lane	Hillcrest Road to Thackery Street	West	Stichter Avenue	Tibbs Street to Edgemere Road	East
Mixon Drive	Clover Lane to Highgrove Drive	South	Sunset Street	Van Buren Avenue to Polk Street	East
Montana Avenue	Marsalis Avenue to Alaska Avenue	West	Taft Street	Mary Cliff Road to Montclair Avenue	East
Montclair Avenue	Taft Street to Ranier Street	South	Telegraph Avenue	Claremont Drive to Rangeway Drive	East
Morocco Avenue	Goodman Street to the alley 760 feet north of Goodman Street	North	Tennant Street	Oak Cliff Boulevard to Jefferson Boulevard	North
Mouser Street	Bonnie View Road to Signet Street	East	Tenth Street	Oak Cliff Boulevard to Tennant Street	West
W. Ninth Street	N. Adams Avenue to N. Llewellyn Avenue	West	Throckmorton Street	Dickason Avenue to Congress Avenue	West
Nomas Street	Clymer Street to Tumalo Trail	East	Tosca Lane	Rugged Drive to Ovid Avenue	West
Odom Drive	Holcomb Road to Odeneal Street	East	Towns Street	Schroeder Road to Oberlin Drive	West
Ouida Avenue	Schooldell Drive to Barnett Avenue	East	Tufts Street	Rylie Road to Cade Road	South
Paducah Avenue	Denley Drive to Lancaster Road	East	Tyree Street	Thedford Avenue to Linnet Lane	North
Palisade Drive	Greendale Drive to Prairie Creek Road	East	Vanderbilt Avenue	Hillbrook Street to Oakhurst Street	West
Philip Avenue	Fitzhugh Avenue to Munger Avenue	East	Vanderbilt Avenue	Matilda Street to Delmar Avenue	East
Pomona Road	Catawba Road to Cherokee Trail	East	Victoria Avenue	Linnet Lane to Thedford Avenue	South
Racine Drive	Kirwood Drive to Cleardale Drive	North	<b>Waterfall Way</b>	<b>Rolling Hills Lane to Brookgreen Drive</b>	<b>South</b>
Rangeway Drive	Telegraph Avenue to El Cerrito Drive	South	Waterview Road	Peavy Road to Brookhurst Drive	East
Raydell Place	Westmoreland Road to Barnett Avenue	West			

<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>
Winton Street	Concho Street to Delmar Avenue	West
Worth Street	Ridgeway Street to Lowell Street	West
Wyoming Street	Knoxville Street to Forrestal Drive	West
Zurich Drive	Edgeworth Drive to Haymarket Road	West

(Ord. Nos. 14584; 18409; 19749; 21237; 21564; 22926; 23078; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 30022; 30217; 31552; 32291)

## ARTICLE VIII.

### PEDESTRIANS' RIGHTS AND DUTIES.

#### SEC. 28-61. DUTIES OF PEDESTRIANS WHILE ON SIDEWALKS.

(a) Pedestrians shall stand on sidewalks or islands while waiting for a bus.

(b) Pedestrians, while waiting for a bus, shall stand on the side of a sidewalk either at or near the curb or the property line, in a manner which will not interfere with other pedestrians using the sidewalk.

(c) A pedestrian, except one wholly or partially blind, shall accord full right-of-way on a sidewalk or in a crosswalk, to all persons carrying a cane or walking stick which is white or white with the lower end red. (Ord. 14584)

#### SEC. 28-61.1. STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.

(a) A person commits an offense if the person stands or walks on a median that measures six feet or less in width, in areas where no median exists for roadways designated as divided roadways, or in an area designated as a clear zone.

(b) For purposes of this section,

(1) **CLEAR ZONE** means the unobstructed, traversable area provided beyond the edge of the through travelled way for the recovery of errant

vehicles. On a curbed street, the clear zone is the area four feet from the face of the curb. On an uncurbed street, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes. However, a clear zone does not include areas adjacent to the back of the curb where a paved sidewalk exists.

(2) **MEDIAN** means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.

(3) **RAISED SPLITTER ISLAND** (also known as separator islands) means a median that slows, directs, and separates conflicting traffic and may provide refuge for pedestrians who are crossing a road.

(4) **ROADWAY** means streets classified in the city's thoroughfare plan as major/principal or minor arterials, frontage roads or parkways along controlled access freeways and tollways, non-controlled access state roadway facilities and associated intersections with city's major or minor arterials.

(c) This section does not apply if the person:

(1) is crossing a divided roadway in the most direct route possible inclusive of roadways that have provisions for dedicated bicycle lane facilities or curb bump outs;

(2) is the victim of or rendering aid in an emergency situation or in compliance with the directions of a peace officer;

(3) is performing work in the right-of-way in accordance with a permit issued under Chapter 43 of this code;

(4) is erecting or dismantling a barricade in the right-of-way in accordance with a permit issued under Chapter 52 of this code;

(5) has prior authorization from the city or is otherwise in compliance with applicable laws and regulations;

(6) is standing in a raised splitter island that is not less than four feet in width while attempting to cross a divided roadway in the most direct route possible; or

(7) is walking or standing on a paved sidewalk if the sidewalk is adjacent to the back of the curb on a curbed roadway.

(d) This section must be reviewed at least once a year by the city council. (Ord. 32333)

**SEC. 28-62. ENTERING OR ALIGHTING FROM VEHICLE; LOADING AND UNLOADING SO NOT TO INTERFERE WITH TRAFFIC.**

(a) A person shall not enter or alight from a vehicle on the side of the vehicle adjacent to lanes of moving traffic unless reasonably safe to do so and unless it will cause no interference with the movement of other traffic.

(b) A person shall not load or unload goods or merchandise in or on a vehicle in a manner which will interfere with moving traffic, except where other provisions of this chapter apply.

(c) A person commits an offense if he enters or alights from a vehicle while the vehicle is moving. (Ord. 14584)

**SEC. 28-63. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.**

A person commits an offense if while upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, he goes upon any roadway except while crossing a street on a cross-walk, and when so crossing the person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. (Ord. 14584)

**SEC. 28-63.1. PROHIBITING CROSSING IN CENTRAL BUSINESS DISTRICT OTHER THAN AT CROSSWALK.**

(a) A pedestrian commits an offense if, in the central business district, he crosses a roadway at a place other than a crosswalk.

service utility companies engaged in repairing or extending public service utilities; motor busses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone, or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs. (Ord. 14584)

**SEC. 28-81. PARKING OF VEHICLES WITH CAPACITY OF MORE THAN ONE AND ONE-HALF TONS IN CERTAIN DISTRICTS.**

(a) A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semitrailer, bus, trailer, or truck with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification, upon property within a residential area. This subsection shall not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers, freight, or merchandise.

(b) A person commits an offense if he stops, parks, or stands a motor home, house trailer, or recreational vehicle with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification, upon any public right-of-way abutting a residential area. This subsection shall not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers or property.

(c) In this section, RESIDENTIAL AREA means any block face containing a single family, duplex, or multi-family dwelling. (Ord. Nos. 14584; 19455; 20269)

**SEC. 28-81.1. STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.**

~~— (a) Except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer, a traffic and parking controller, or an official traffic-control device, a person commits an offense if he:~~

~~— (1) stops, stands, or parks a vehicle:~~

~~— (A) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;~~

~~— (B) on a sidewalk;~~

~~— (C) within an intersection;~~

~~— (D) on a crosswalk;~~

~~— (E) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;~~

~~— (F) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;~~

~~— (G) upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~

~~— (H) on any railroad track;~~

~~— (I) on the roadway of any street, when the vehicle constitutes a hazard to itself or to persons or other vehicles; or~~

~~— (J) in violation of a sign prohibiting the stopping of vehicles; or~~

**(a) Except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer, a traffic and parking controller, or an official traffic-control device, a person commits an offense if he:**

**(1) stops, stands, or parks a vehicle:**

**(A) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;**

(B) on a sidewalk;

(C) within an intersection;

(D) on a crosswalk;

(E) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(F) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(H) on any railroad track;

(I) on the roadway of any street, when the vehicle constitutes a hazard to itself or to persons or other vehicles;

(J) in violation of a sign prohibiting the stopping of vehicles; or

(K) in designated bike lanes; or

~~\_\_\_\_\_ (2) stands or parks a vehicle:~~

~~\_\_\_\_\_ (A) in front of a public or private driveway;~~

~~\_\_\_\_\_ (B) within 15 feet of a fire hydrant;~~

~~\_\_\_\_\_ (C) within 20 feet of a crosswalk at an intersection;~~

~~\_\_\_\_\_ (D) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;~~

~~\_\_\_\_\_ (E) when properly posted with signs, within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance;~~

~~\_\_\_\_\_ (F) in violation of a sign prohibiting the standing of vehicles; or~~

~~\_\_\_\_\_ (G) in a fire lane.~~

(2) stands or parks a vehicle:

(A) in front of a public or private driveway;

(B) within 15 feet of a fire hydrant;

(C) within 20 feet of a crosswalk at an intersection;

(D) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(E) when properly posted with signs, within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance;

(F) in violation of a sign prohibiting the standing of vehicles; or

(G) in a fire lane; or

(H) in designated bike lanes.

vehicle not lawfully under his control:

(1) an unlawful distance away from a curb;  
or

(2) into any area prohibited by this section.

(c) Notwithstanding Subsection (a)(1)(B), a person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk. (Ord. Nos. 20012; 20269; 32291)

(b) A person commits an offense if he moves a

(B) a position funded under a federal employment and training program as a participant meeting federal eligibility requirements, but not including administrative or staff positions;

(C) positions in the city's temporary help service program;

(D) a cooperative work-study program with an educational institution;

(E) a seasonal position, even though the assignment may last more than six months;

(F) a position that is intended to give introductory work experience to a person preparing for entry into the work force; and

(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. 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 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.~~

(a) 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 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.

(3) A temporary employee is entitled to holiday pay in accordance with Section 34-25(b).

(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; 32342)

(K) Day after Thanksgiving/ September 11th Remembrance Day; and

(L) Christmas Day (December 25).

(2) Additional holidays may be granted by ordinance or resolution of the city council at the recommendation of the city manager.

~~—(b) Holiday pay. Paid holidays are extended to every permanent employee. A temporary employee is extended the official holiday, but without pay, except that a temporary employee who is assigned to work on the official holiday will be paid for the hours worked. A full-time employee receives holiday pay equal to the employee's standard work day. A part-time employee receives holiday pay prorated on the basis of the average number of paid hours credited to the employee in the four payroll weeks preceding the holiday. For the purpose of calculating overtime, holidays are included as hours worked.~~

(b) Holiday pay. Paid holidays are extended to every permanent employee and to every temporary employee as described in Section 34-8(a). A full-time permanent or temporary employee receives holiday pay equal to the employee's standard work day. A part-time permanent or temporary employee receives holiday pay prorated on the basis of the average number of paid hours credited to the employee in the four payroll weeks preceding the holiday. For the purpose of calculating overtime, holidays are included as hours worked.

(c) Fire department. A sworn employee in the emergency response bureau of the fire department will receive the equivalent of 12 holidays a year in accordance with departmental regulations.

(d) Weekend holidays. When an official holiday falls on a weekend, the following alternative schedule applies:

(1) A holiday that falls on a Saturday will be taken the Friday before the holiday.

(2) A holiday that falls on a Sunday will be taken the Monday after the holiday.

(e) Worked holidays. In a department in which employees regularly work on holidays, the department

shall arrange schedules to allow each employee who works on the holiday a substitute holiday either before or after the holiday, but within a reasonable period of time. If the department cannot arrange a substitute holiday, the employee will be paid for hours equal to the employee's standard workday. This subsection does not apply to sworn fire department shift personnel.

(1) on unapproved leave without pay either the day before or the day following an official holiday;

(2) on unapproved leave without pay on a holiday on which the employee is normally scheduled to work; or

(3) on approved leave without pay the day before and the day following an official holiday, except to the extent the leave is authorized by the City's Family and Medical Leave provisions.

(g) Holiday during vacation or sick leave. When an official holiday occurs during an employee's vacation leave or sick leave, the employee will be paid for the holiday and no deduction from the employee's vacation or sick leave balance will be made for the holiday.

(h) Holiday during injury leave. Any employee who is on injury leave when a holiday occurs will be paid workers' compensation and will be paid for the holiday up to the number of hours needed to supplement the employee's pay. If the employee is on wage supplementation, no wage supplementation payments will be received for the holiday. No compensation will be provided for unused holiday time.

(i) Holiday during other leave. An employee on military leave, court leave, or death-in-family leave when a holiday occurs may take the holiday at a subsequent date convenient to the department.

(j) Death or discharge. Since final settlement of monies due an employee separated from the payroll because of death or discharge is paid in a lump sum, no holiday occurring after the date of death or discharge will be included in the determination of the settlement. (Ord. Nos. 19340; 24622; 24873; 28024; 28794; 29480; 32005; 32342)

#### SEC. 34-26. COURT LEAVE.

(a) Eligibility. Court leave is a privilege extended to every permanent employee.

(b) When granted. An employee shall be granted court leave when:

(1) summoned for jury duty; or

(2) subpoenaed to appear as a witness.

(c) Personal litigation. An employee may not be granted court leave when the employee is involved in personal litigation, except as permitted under Subsection (b) of this section.

(d) Notice to supervisor. The employee must notify the employee's supervisor upon receipt of a summons or subpoena for which court leave is requested.

(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 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.

(3) fails to pay the director the tax when payment is due;

(4) files a false report;

(5) fails to make and retain complete records as required by Section 44-43(d) of this article; or

(6) fails to comply with Section 44-44(a) when purchasing a motor vehicle rental business.

(b) An offense committed under Subsection (a) of this section is punishable by a fine not to exceed \$500, except that an offense committed under Subsection (a)(5) of this section is punishable by a fine of not less than \$25 or more than \$500.

(c) In addition to any criminal penalties imposed under Subsection (b) of this section, the owner of a motor vehicle failing to pay the tax to the director by the 25th day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to 10 percent of the tax due as a penalty. An additional penalty equal to 10 percent of the tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than \$5. Delinquent taxes draw interest at the rate of 10 percent per year beginning 60 days after the date the tax is due to the director. (Ord. 23456)

## ARTICLE VII.

### ADDITIONAL HOTEL OCCUPANCY TAX.

#### SEC. 44-48. DEFINITIONS.

In this article:

———— (1) ~~ACT means Chapter 334, Local Government Code, as amended.~~

———— (2) ~~APPROVED VENUE PROJECT means the Dallas Sports Arena Project that was approved by a~~

~~majority of the voters voting at the election held in the city on January 17, 1998, in accordance with the Act.~~

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

———— (4) ~~CONSIDERATION means the cost of a room in a hotel, and does not include:~~

———— (A) ~~the cost of any food served or personal services rendered to the occupant not related to cleaning and readying the room or space for occupancy; or~~

———— (B) ~~any tax assessed by any other governmental agency for occupancy of the room.~~

———— (5) ~~DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's designated representative.~~

———— (6) ~~HOTEL means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:~~

———— (A) ~~a hospital, sanitarium, or nursing home; or~~

———— (B) ~~a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.~~

———— (7) ~~OCCUPANCY means the use or possession, or the right to the use or possession, of any room in a hotel.~~

(1) ACT means Chapter 334, Local Government Code, as amended.

(2) APPROVED VENUE PROJECTS means the Convention Center Expansion Venue Project and Fair Park Facilities Venue Project that were approved

by a majority of the voters voting at the election held in the city on November 8, 2022, in accordance with the Act.

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

(4) CONSIDERATION means the cost of a room in a hotel, and does not include:

(A) the cost of any food served or personal services rendered to the occupant not related to cleaning and readying the room or space for occupancy; or

(B) any tax assessed by any other governmental agency for occupancy of the room.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's designated representative.

(6) HOTEL means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. For the purposes of the imposition of the tax under this chapter, "hotel" includes a "short term rental." The term does not include:

(A) a hospital, sanitarium, or nursing home; or

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

(7) OCCUPANCY means the use or possession, or the right to the use or possession, of any room in a hotel.

~~———— (8) OCCUPANT means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.~~

~~———— (9) TAX means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.~~

~~———— (10) VENUE PROJECT FUND means the fund entitled the "Arena Project Fund," created in Resolution No. 98-0749, adopted by the city council on February 25, 1998, as it may be amended.~~

(8) OCCUPANT means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

(9) SHORT TERM RENTAL means the rental of all or part of a residential property to a person who is not a permanent resident under Texas Tax Code Section 156.101.

(10) TAX means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

(11) VENUE PROJECTS FUND means the fund entitled the "Venue Projects Fund," created in Resolution No. \_\_\_\_\_, adopted by the city council on December 14, 2022, as it may be amended. (Ord. Nos. 23555; 32363)

#### SEC. 44-49. LEVY OF TAX; AMOUNT; DURATION.

(a) In addition to the hotel occupancy tax levied in Section 44-35 of this chapter, there is hereby levied a tax upon an occupant of any room that:

- (1) is in a hotel;
- (2) is ordinarily used for sleeping; and
- (3) the cost of occupancy of which is \$2 or more each day.

(b) The tax is equal to two percent of the consideration paid by the occupant of the room to the

hotel.

~~———— (c) The tax imposed under this section must be collected on every occupancy occurring on or after August 1, 1998, and must continue to be collected for so long as any bonds or other obligations that are issued by the city under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid.~~

(c) The tax imposed under this section must be collected on every occupancy occurring on or after January 1, 2023, and must continue to be collected for so long as any bonds or other obligations that are issued by the city under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue projects, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid. (Ord. Nos. 23555; 32363)

## SEC. 44-50. USE OF TAX REVENUE.

~~—(a) The revenue derived from the two percent tax imposed under this article must be deposited in the Arena Tax Proceeds Account within the venue project fund. Money in this account may be used only for the following purposes:~~

~~—(1) to reimburse the city for prior expenditures made in connection with, or to pay the costs of, planning, acquiring, establishing, developing, and constructing the approved venue project to the extent not prohibited by the ordinances or indentures authorizing bonds or other obligations payable from and secured by a pledge of the two percent tax imposed under this article; and~~

~~—(2) to pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the city, or to refund bonds or other obligations, that were issued for the purpose of providing the approved venue project.~~

~~—(b) For purposes of Subsection (a)(1) of this section, "costs" include, but are not limited to, overhead, legal, and accounting expenses of the city.~~

(a) The revenue derived from the two percent tax imposed under this article must be deposited in the 2% HOT Account within the Venue Projects Fund established by Resolution No. \_\_\_\_\_. Money in this account may be used only for the following purposes:

(1) to reimburse the city for prior expenditures made in connection with, or to pay the costs of, planning, acquiring, establishing, developing, constructing, or renovating the approved venue projects to the extent not prohibited by any ordinance or indenture authorizing bonds or other obligations payable from and secured by a pledge of the two percent tax imposed under this article;

(2) to pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the city, or to refund bonds or other obligations, that were issued for the purpose of providing the approved venue projects; and

(3) such other uses as permitted by applicable law.

(b) For purposes of Subsection (a)(1) of this section, "costs" include, but are not limited to, overhead, legal, and accounting expenses of the city.

(Ord. Nos. 23555; 32363)

## SEC. 44-51. EXEMPTIONS AND REFUNDS.

(a) A person described in Section 156.101 or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.

(b) A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

(c) A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

(d) To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the director on a form prescribed by the state comptroller and provided by the director. A governmental entity may file a refund claim with the director only for each calendar quarter for all reimbursements accrued during that quarter. (Ord. 23555)

**SEC. 44-52. RESPONSIBILITY FOR COLLECTION, REPORTING, AND PAYMENT OF TAX; STATEMENT OF TAX PURPOSE REQUIRED.**

(a) Every person owning, operating, managing, or controlling any hotel shall collect the tax for the city and report and pay the tax to the city in accordance with all requirements and procedures set forth in this article.

(b) Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

~~The City of Dallas requires that an additional tax of two percent be imposed on each hotel charge for the purpose of financing a venue project, consisting of the Dallas Sports Arena Project approved by the voters of the city on January 17, 1998.~~

**The City of Dallas requires that an additional tax of two percent be imposed on each hotel charge for the purpose of financing venue projects, consisting of the Convention Center Expansion Venue Project and Fair Park Facilities Venue Project approved by the voters of the city on November 8, 2022.**

(Ord. Nos. 23555; 32363)

**SEC. 44-53. REPORTS; PAYMENTS; FEES.**

(a) On the 15th day of the month following each month in which a tax is earned, every person required by this article to collect the tax shall file a report with the director showing:

(1) the consideration paid for all occupancies in the preceding month;

(2) the amount of the tax collected on the

occupancies; and



(2) a wholesale service contract involving a governmental entity;

(3) a contract by which the city receives water or wastewater service; and

(4) any service contract otherwise required by state law, city charter, or other provisions of this chapter, to be approved by city council.

(b) Consideration. The consideration received by the city for a service contract must be based on the rates prescribed in this chapter. However, the city council may approve a special-rate contract for wholesale water or wastewater service where it determines rates in this chapter to be discriminatory or unreasonable under the circumstances. (Ord. 19201)

#### SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

(1) a customer charge; and

(2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

#### (1) Water Service Customer Charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
<del>5/8-inch meter</del>	<del>\$5.46</del>
<del>3/4-inch meter</del>	<del>\$7.58</del>
<del>1-inch meter</del>	<del>\$11.05</del>
<del>1-1/2-inch meter</del>	<del>\$20.50</del>
<del>2-inch meter</del>	<del>\$33.36</del>
<del>3-inch meter</del>	<del>\$78.93</del>
<del>4-inch meter</del>	<del>\$129.79</del>
<del>5-inch meter</del>	<del>\$257.74</del>
<del>6-inch meter</del>	<del>\$429.01</del>
<del>7-inch meter or larger</del>	<del>\$658.74</del>
5/8-inch meter	\$5.65
3/4-inch meter	\$7.96
1-inch meter	\$11.60
1-1/2-inch meter	\$21.53
2-inch meter	\$35.03
3-inch meter	\$82.88
4-inch meter	\$136.28
6-inch meter	\$270.63
8-inch meter	\$450.46
10-inch meter or larger	\$691.68

#### (2) Usage Charge—Rate Per 1,000 Gallons.

<u>TYPE OF USAGE</u>		
(A)	Residential:	
(i)	Up to 4,000 gallons	\$1.90
(ii)	4,001 to 10,000 gallons	\$4.11
(iii)	10,001 to 20,000 gallons	\$6.70
(iv)	20,001 to 30,000 gallons	\$9.55
(v)	Above 30,000 gallons	\$11.10
(i)	Up to 4,000 gallons	\$1.99
(ii)	4,001 to 10,000 gallons	\$4.33
(iii)	10,001 to 20,000 gallons	\$7.07
(iv)	20,001 to 30,000 gallons	\$10.08

(v)	Above 30,000 gallons	\$11.72
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(B) General service:

(i)	Up to 10,000 gallons	\$4.43
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(ii)	Above 10,000 gallons	\$4.83
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(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	\$7.38
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(i)	Up to 10,000 gallons	\$4.70
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(ii)	Above 10,000 gallons	\$5.16
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(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	\$7.85
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(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer's premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

~~\_\_\_\_\_ (1) The customer must agree to pay each year:~~

~~\_\_\_\_\_ (A) the monthly customer charge as provided in Subsection (c);~~

~~\_\_\_\_\_ (B) \$2,684.47 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~\_\_\_\_\_ (C) \$4.00 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

(1) The customer must agree to pay each year:

(A) the monthly customer charge as provided in Subsection (c);

(B) \$2,866.70 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$4.51 per 1,000 gallons used in excess

of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer's maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer's usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

~~(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:~~

~~(1) an estimated amount of normal water usage for the period at the regular rate;~~

~~(2) the excess water usage caused by the hidden leak at the following applicable rate:~~

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer.

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

and

~~(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.~~

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

TYPE OF USAGE	RATE PER 1,000 GALLONS
(A) Residential	\$1.90
(B) General service	\$4.43
(C) Optional general service	\$4.00
(D) Municipal service	\$2.88
(A) Residential	\$1.99
(B) General service	\$4.70
(C) Optional general service	\$4.51
(D) Municipal service	\$3.10

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

~~(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.88 per 1,000 gallons of water used.~~

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.10 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 24744; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310)

## SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

- (1) a customer charge;
- (2) a usage charge; and
- (3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

### Wastewater Service Charges.

#### (1) Monthly customer charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$4.83
3/4-inch meter	\$6.63
1-inch meter	\$9.55
1-1/2-inch meter	\$18.48
2-inch meter	\$28.79
3-inch meter	\$70.20
4-inch meter	\$112.53
6-inch meter	\$221.50
8-inch meter	\$369.75
10-inch meter	\$580.96
5/8-inch meter	\$5.07
3/4-inch meter	\$6.74
1-inch meter	\$10.00
1-1/2-inch meter	\$19.25
2-inch meter	\$31.75
3-inch meter	\$74.00
4-inch meter	\$117.00
6-inch meter	\$232.45
8-inch meter	\$387.10
10-inch meter or larger	\$609.00

~~(2) Monthly residential use charge: \$5.41 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.~~

~~(3) Monthly general service usage charge: \$4.56 per 1,000 gallons of water used.~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: \$4.21 per 1,000 gallons of water used.~~

~~(5) Monthly general service usage charge for wastewater separately metered: \$4.26 per 1,000 gallons of wastewater discharged.~~

~~———— (6) Monthly surcharge for excessive concentrations of waste: an amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.~~

~~———— (7) Monthly surcharges for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.~~

(2) Monthly residential use charge: \$5.67 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.

(3) Monthly general service usage charge: \$4.81 per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: \$4.44 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: \$4.49 per 1,000 gallons of wastewater discharged.

(6) Monthly surcharge for excessive concentrations of waste: an amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

(7) Monthly surcharges for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of \$10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

~~— (f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.92 per 1,000 gallons of water used.~~

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.15 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310)

### SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of \$60.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

(c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. (Ord. Nos. 19201; 21430; 25385; 26961; 28795; 32003)

### SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

(1) a volume charge and a demand charge; or

(2) a flat rate charge.

~~— (b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:~~

~~— (1) The volume charge for treated water is \$0.4480 per 1,000 gallons of water used, and the annual water year demand charge is \$312,607 per each mgd, as established by the highest rate of flow controller setting.~~

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is

\$0.4520 per 1,000 gallons of water used, and the annual water year demand charge is \$320,826 per each mgd, as established by the highest rate of flow controller setting.



~~———— (2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.4121 per 1,000 gallons of treated water used.~~

~~———— (3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:~~

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.4572 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$78.93
4-inch	\$129.79
6-inch	\$257.74
8-inch	\$429.01
10-inch or larger	\$658.74
3-inch	\$82.88
4-inch	\$136.28
6-inch	\$270.63
8-inch	\$450.46
10-inch or larger	\$691.68

~~———— (4) The rate for regular untreated water service to a governmental entity is \$1.0323 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4272 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is \$1.0598 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4381 per 1,000 gallons of untreated water used.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this

section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

~~———— (e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:~~

~~———— (1) The monthly rate for wholesale wastewater service is \$3.1433 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within~~

the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

~~———— (2) An infiltration and inflow adjustment factor of 15.0 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.~~

~~———— (3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.~~

(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is \$2.9685 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 20.3 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.

~~———— (f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.3169 per 1,000 gallons of water treated, and the annual water year demand charge is \$46,388 per each mgd, as established by the maximum demand capacity set forth in the contract.~~

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity

in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.3495 per 1,000 gallons of water treated, and the annual water year demand charge is \$50,397 per each mgd, as established by the maximum demand capacity set forth in the contract. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20636; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310)

#### SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~———— (a) Regular rate. The charge for untreated water is \$1.0323 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is \$1.0598 per 1,000 gallons of water used.

~~———— (b) Interruptible rate. The charge for interruptible service is \$0.4272 per 1,000 gallons of water used.~~

(b) Interruptible rate. The charge for interruptible service is \$0.4381 per 1,000 gallons of water used.

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

(d) Commercial contracts for untreated water.

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

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

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 30994; 31332; 31657; 32003; **32310**)

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

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

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

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

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

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

required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on bills to similar property for those months for which the information is unavailable or inapplicable.

(4) The director may require a higher security deposit, not to exceed three times the average bill at the location served or to be served, for any class of service, when the director determines that there is a substantial risk of financial loss to the department. (Ord. Nos. 19201; 25385)

#### SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

~~— A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:~~

~~— (1) a deposit of \$2,150 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;~~

~~— (2) a monthly fire hydrant service charge of \$78.93; and~~

~~— (3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).—~~

A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of \$2,150 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of \$82.88; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).

(Ord. Nos. 19201; 19300; 21430; 25385; 26135; 26961;

27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 31657; 32003; 32310)

#### SEC. 49-18.10. SPECIAL ASSESSMENT RATES; LOT AND ACREAGE FEES.

(a) Special assessment rate. When a person owning benefited property is charged in accordance with Section 49-56(b), the following front foot rates will be applied:

## 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>
32236	6-22-22		1	Amends ch. 43, art. X, 43-157 thru 43-175
32239	6-22-22		1	Amends 27-46(3)
			2	Adds ch. 38A, 38A-1 thru 38A-10
32265	8-10-22		1	Adds 15D-15(9.1)
			2	Amends 15D-15(29) thru (41)
			3	Deletes 15D-15(30)
			4	Amends 15D-16
			5	Amends 15D-17(b)
			6	Amends 15D-21(a)
			7	Amends 15D-22(a)
			8	Amends 15D-50
			9	Amends 15D-52(a)
			10	Amends 15D-53
			11	Amends 15D-55
			12	Amends 15D-56
32291	9-14-22		1	Amends 28-44
			2	Amends 28-50(c)
			3	Amends 28-60(b)
			4	Amends 28-81.1(a)
32310	9-28-22	10-1-22	1	Amends 2-26.2(a)
			2	Amends 2-26.2(f)
			3	Amends 2-168(b)
			4	Amends 5A-8(b)
			5	Amends 17-10.2(d)
			6	Amends 17-10.2(e)(1)
			7	Amends 17-10.2(g)
			8	Amends 18-3(a)(3)(F)
			9	Amends 18-4(g)(4)
			10	Amends 18-9(b)(7)(D)
			11	Amends 18-9(c)
			12	Amends 18-11(a)(5)
			13	Amends 18-11(a)(6)
			14	Amends 18-11(b)
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# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

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**ARTICLE II.****INTERPRETATIONS AND DEFINITIONS.****SEC. 51A-2.101. INTERPRETATIONS.**

Unless the context clearly indicates otherwise, the following rules apply in interpreting this chapter:

(1) Words used in the present tense include the future tense.

(2) Words in the singular include the plural, and words in the plural include the singular.

(3) The word “building” includes the word “structure”, and the word “structure” includes the word “building.”

(4) The word “lot” includes the words “building site,” “site,” “plot” or “tract.”

(5) The word “shall” is mandatory and not discretionary.

(6) If there is a conflict:

(A) the text of this chapter controls over the charts or any other graphic display in this chapter;

(B) the use regulations (Division 51A-4.200) control over the district regulations (Division 51A-4.100, et seq.) in this chapter; and

(C) the text, charts, or other graphic display in Article XIII control over the text, charts, or other graphic display in other articles of this chapter. (Ord. Nos. 19455; 27495)

**SEC. 51A-2.102. DEFINITIONS.**

In this chapter, unless the context requires otherwise:

(1) “A” DISTRICT means the agricultural district established under Chapter 51.

(2) “A(A)” DISTRICT means the agricultural district established under this chapter.

(2.1) ACCESSORY STRUCTURE means a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and used for a permitted accessory use.

(3) ACCESSORY USES means those uses defined in Section 51A-4.217.

(4) AGRICULTURAL DISTRICT means the A(A) district established under this chapter.

(5) AGRICULTURAL USES means those uses defined in Section 51A-4.201.

(6) AIRPORT HAZARD means any structure, tree, sign, vehicle or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to the landing or taking off of aircraft.

(7) ALLEY means a right-of-way which provides secondary access to adjacent property.

(7.1) ARTERIAL means a street designated as either a principal or minor arterial in the city’s thoroughfare plan.

(8) BASEMENT means any level of a building where more than one half of the vertical distance between floor and ceiling is below grade.

~~—(8.1) BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.~~

**(8.1) BATHROOM means a room used for personal hygiene and containing a shower or bathtub, a toilet, and a sink.**

~~—(9) BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.~~

**(9) BEDROOM means any room or area in a**

dwelling unit designed for sleeping. Kitchens, dining rooms, living rooms, bathrooms, closets, game rooms, sunrooms, and other similar rooms are not considered bedrooms.

(51) "I-3" DISTRICT means the I-3 district established under Chapter 51.

(52) INDUSTRIAL DISTRICTS means LI, IR, and IM districts.

(52.1) INDUSTRIAL SOLID WASTE means solid waste generated by manufacturing or industrial processes, excluding mining or oil and gas, that is not hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act of 1976. Such waste may include, but is not limited to, waste resulting from:

(A) Electric power generation.

(B) Foundries or the manufacturing of nonferrous metals.

(C) Water treatment.

(D) The manufacturing of textiles; transportation equipment; plastics; resins; rubber; miscellaneous plastic products; concrete products; iron; steel; clay; glass; stone; organic chemicals; inorganic chemicals; leather; leather products; fertilizers and agricultural chemicals; pulp and paper; food; and food-related products and by-products.

(53) INDUSTRIAL USES means those uses defined in Section 51A-4.203.

(54) INNER COURT means an open space bounded on all sides by the walls of a building.

(55) INSTITUTIONAL USES means the post office; community service center; foster home; child-care facility; halfway house; church; convent or monastery; cemetery or mausoleum; overnight general purpose shelter; public or private school; business school; technical school; college, university, or seminary; college dormitory, fraternity, or sorority house; library, art gallery, or museum; hospital; and convalescent and nursing homes, hospice care, and related institutions uses.

(56) INSTITUTIONAL AND COMMUNITY SERVICE USES means those uses defined in Section 51A-4.204.

(57) INTERIOR LOT LINE means a lot line not adjacent to a street or alley.

~~—(57.1) KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.~~

(57.1) KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, or cooktops; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.

(57.2) KNOWINGLY means a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result.

(58) LANDING AREA means the area of an airport used for the landing, take off or taxiing of aircraft.

(59) LANDSCAPE AUTHORITY means:

(A) a landscape architect licensed or registered by the state; or

(B) a professional horticulturist or nurseryman.

(60) "LC" DISTRICT means the light commercial district established under Chapter 51.

(61) LEGAL HEIGHT means the maximum building height allowed under Federal Aviation Administration regulations or any other ordinance or regulation in effect, whichever is most restrictive.

(61.1) "LI" DISTRICT means the light industrial district established under this chapter.

of the city, or the traffic engineer's authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(140.1) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) "UC" DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "urban corridor districts").

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "UC" districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A-2.102 (141.2), providing a definition for the term "street level." Section 4 of Ordinance No. 24718 adds 51A-2.102(141.2), providing a definition for the term "urban corridor districts."]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called "walkable urban mixed use districts").

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called "walkable urban residential districts").

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30654; 30932; 31607; 32002; 32264)

or a portion of the PD is limited to those uses permitted in an expressly stated zoning district, the PD or portion of the PD is treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:

(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;

(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;

(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

(8) Residential proximity slope.

~~(A) The residential proximity slope defined in Section 51A-4.412 governs development in a PD only to the extent that it is expressly incorporated into the height regulations of the PD ordinance.~~

(A) The residential proximity slope defined in Section 51A-4.412 governs development in a PD only to the extent set forth in the height regulations of the PD ordinance.

(B) Pursuant to Resolution No. 87-2319, the city council may authorize exceptions to the residential proximity slope by establishing PD's in high-intensity commercial growth nodes, as described in the city's growth policy plan, in order to accomplish objectives such as transit ridership or residential development, or to achieve other economic or development objectives.

(b) PD preapplication conference.

(1) An applicant for a PD shall request a preapplication conference with the director.

(2) At the preapplication conference, the applicant shall provide a sketch plan that includes, but is not limited to, the following information: proposed land uses, density, approximate gross square footage of nonresidential uses, access, projected height, topography, and significant environmental features.

(3) Based on the information provided by the applicant, the director shall:

(A) provide initial comments concerning the merits of the proposed development;

(B) state what information must be provided in the site plan application for a complete review of the proposed development; and

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

(c) PD application procedure.

(1) The applicant for a PD shall comply with the zoning amendment procedure for a change in the zoning district classification.

(2) At the time of applying for a change in zoning district classification, an applicant shall submit:

(A) a site analysis in accordance with Subsection (d); and

(B) a development plan in accordance with Subsection (e).

(3) The applicant may initially submit a conceptual plan in accordance with Subsection (f) instead of a development plan if the conceptual plan provides sufficient information for the city plan commission and city council to act on the PD application. If the applicant initially submits a conceptual plan, the applicant shall submit a complete development plan that complies with the conceptual plan and the conditions of the PD ordinance, and that must be approved by the city plan commission before the issuance of a building permit. If the city plan commission disapproves the development plan, the applicant may appeal the decision to the city council.

(4) An applicant may also be required to submit a development schedule in accordance with Subsection (g).

(d) Site analysis.

(1) The site analysis must be prepared on a topography base map with one-foot, two-foot, or five-foot contour intervals, and must describe existing



proposed minor amendment must then follow the city plan commission procedure.

(B) City plan commission procedure.

An applicant may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(C) Public notice procedure.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available. (Ord. Nos. 19455; 19786; 20037; 20496; 21243; 22053; 23997; 24232; 24637; 26730; 27404; 28367; 28553; 30808; [31688](#))

**SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.**

(a) Initiation.

(1) The board may authorize a public hearing on issues within the board's jurisdiction. A board authorized public hearing must comply with the procedures in this section. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the board will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the board will consider authorization of a public hearing.

(2) Any aggrieved person, or an officer, department, or board of the city may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(A) An appeal to the board must be made within 15 days after notice of the decision of the official.

(B) The appellant shall file with the official a written notice of appeal on a form approved by the board.

(C) The official shall forward the notice of appeal and the record upon which the appeal is based to the director.

(b) Appeal stays all proceedings.

(1) An appeal to the board stays all enforcement proceedings involving the action appealed from unless the official appealed from certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property.

(2) If the official makes such a finding, enforcement proceedings will be stayed only if, after notice to the official, the board or a court of record, upon a finding of due cause, issues a restraining order.

(c) Notice of hearing.

(1) The board shall hold a public hearing on all applications.

(2) The director shall send written notice of a public hearing to the applicant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the request is made. The notice must be given not less than 10 days before the day set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This

## ARTICLE X.

LANDSCAPE AND TREE CONSERVATION  
REGULATIONS.

## Division 51A-10.100. In General.

## SEC. 51A-10.101. DEFINITIONS.

In this article:

(1) AGE CLASS means a distinct group of trees originating from a single natural event or regeneration activity (i.e., a 10-year age class), as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7) CALIPER means the thickness of a tree trunk measured in inches.

(8) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

~~(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, pinus spp., Siberian elm, silver maple, sugarberry, or a small tree.~~

(11) CLASS 3 TREE means black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, pinus spp., Siberian elm, silver maple, sugarberry, or a small tree.

(12) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(13) COVERED SOIL AREA means an area of soil that is under nonpermeable pavement and is designed to accommodate tree root growth.

(14) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter inch of the tree, measured from the tree trunk or stem.

(15) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) DIAMETER means the thickness of a tree trunk.

(17) DRIP LINE means a vertical line that runs from the outermost point of the crown of a tree to the ground.

(58) STAND means a group of trees or other growth occupying a specific area that is sufficiently similar in species composition, size, age, arrangement, and condition, to be distinguishable from adjacent forest.

(59) SUSTAINABLE DEVELOPMENT INCENTIVE ("SDI") means a method of compliance that applies sustainable development, tree preservation practices, and tree mitigation reductions.

(60) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity.

(61) TREE CANOPY COVER means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(62) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree will be or has been removed or seriously injured.

(63) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(64) UNPROTECTED TREE means the following:

- \_\_\_\_\_ (A) Callery pear (all cultivars).
- \_\_\_\_\_ (B) Chinaberry.
- \_\_\_\_\_ (C) Chinese tallow.
- \_\_\_\_\_ (D) Ilex species (except for yaupon holly and Possumhaw holly).
- \_\_\_\_\_ (E) Palm (all plants in *Palmae*).
- \_\_\_\_\_ (F) Tree-of-heaven or *Ailanthus*.
- \_\_\_\_\_ (G) Other trees listed as invasive plants.

\_\_\_\_\_ (H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(A) Arizona ash.

(B) Callery pear (all cultivars).

(C) Chinaberry.

(D) Chinese tallow.

(E) Ilex species (except for yaupon holly and Possumhaw holly).

(F) Palm (all plants in *Palmae*).

(G) Tree-of-heaven or *Ailanthus*.

(H) Other trees listed as invasive plants.

(I) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETSCAPE means the pedestrian-oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

(67) WATER COURSE means a natural or constructed channel for the flow of water. (Ord. Nos. 19455; 20496; 22053; 25155; 30929; 31314; 32340)

## SEC. 51A-10.102. PURPOSE.

The process of urban growth and development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the conservation and enhancement of the unique natural beauty, environment, and

- (3) To enhance the beautification of the city.
- (4) To safeguard and enhance property values and to protect public and private investment.
- (5) To conserve energy.
- (6) To provide habitat for wildlife.
- (7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.
- (8) To conserve water.
- (9) To recognize and conserve the urban forest as part of the city's green infrastructure. (Ord. Nos. 19455; 22053; 30929)

**SEC. 51A-10.103. ACCEPTABLE PLANT MATERIALS.**

- (a) Artificial plant materials, including synthetic turf, may not be used to satisfy the requirements of this article.
- (b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.
- (c) For a lot or tract of land two acres in size or greater, no one species of tree may constitute more than 35 percent of the replacement trees planted on the lot or tract of land.
- (d) Palm trees may not be used to satisfy the requirements of this article.
- (e) Invasive plants are prohibited in required landscapes.
- (f) The director shall maintain a list of acceptable plant materials for required landscapes.
- (g) All nursery stock and transplanted ash tree species are prohibited in required landscaping or on city property. (Ord. Nos. 22053; 25155; 30929; 32340)

**SEC. 51A-10.104. SOIL AND PLANTING AREA REQUIREMENTS.**

(a) In general. Planting areas dedicated to the growth of roots may include open soil areas, covered soil areas, root paths, and drainage.

(b) Soil areas. Except as provided in this section, required landscape areas must include the following:

(1) Soil resource plan. A soil resource plan is required with the submission of a landscape plan or tree protection plan. A soil resource plan is used to distinguish landscaping zones from construction zones on the building site and to determine soil protection or soil modification for vegetation, if applicable. Zones that are required to be shown include:

(A) protected zones where existing soil and vegetation will not be disturbed;

(B) zones for soil amendment or treatment with minimal disturbance;

(C) zones where construction traffic and staging will be allowed; and

(D) zones for stockpiling topsoil and imported soil amendments.

(2) Soil resource assessment. A soil resource assessment is only required in conjunction with sustainable development incentive requirements and installation of legacy trees.

(A) A soil resource assessment must be provided before submittal of a building permit.

(B) A soil resource assessment may be included in other engineering site assessments for the property.

(C) A soil resource assessment must include information on all proposed landscape planting areas that delineates, quantifies, and

(1) Except as provided in this subsection, to be eligible for tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(2) Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director of the park and recreation department.

(i) Reforestation fund.

(1) General.

(A) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.

(B) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

(C) All property purchased through this fund must be located within the city of Dallas.

(2) Administration.

(A) In general. Except as provided in this paragraph, the director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for

managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available for planting trees on public property or to acquire conservation easements or wooded property.

(B) Exception for natural deforestation events. In response to natural deforestation events, the director may administer the reforestation fund to purchase trees to plant on private property.

~~(i) Definition. In this paragraph NATURAL DEFORESTATION EVENT means a recorded weather event which causes localized catastrophic tree failure and irreparable structural tree damage resulting in a loss of the urban forest canopy.~~

(i) Definition. In this paragraph NATURAL DEFORESTATION EVENT means a recorded weather event or a period of infestation of an invasive species damaging threatened tree species which causes localized catastrophic tree failure and irreparable structural tree damage resulting in a loss of the urban forest canopy.

(ii) Applicability. This paragraph only applies to lots with an existing single-family or duplex use in a residential district.

~~(iii) Qualification. Private properties affected by a natural deforestation event may qualify for reforestation if they are:~~

~~(aa) Located within a declared federal, state, or local disaster area; or~~

~~(bb) Declared eligible for reforestation by the city council;~~

(iii) Qualification. Private properties affected by a natural deforestation event may qualify for reforestation if they are:

(aa) Located within a declared federal, state, or local disaster area;

(bb) Declared eligible for reforestation by the city council; or

(cc) Confirmed by the director to have contained a vulnerable or threatened

tree species on the property, as specified by the Texas Department of Agriculture, and was in imminent threat of infestation.

(iv) Additional requirements. A minimum of one of the following must be provided in determining whether an area has been affected by a natural deforestation event.

(aa) A tree survey or forest stand delineation must be provided that meets minimum requirements established by the director.

(bb) Physical evidence must be presented by the owners of individual lots documenting individual tree loss.



(v) Reforestation.

(aa) Except as provided in Item (dd), parkway trees and trees located in alleys adjacent to residential lots may be replaced at the discretion of the director.

(bb) All reforestation tree planting projects on private property must be conducted between October and March.

(cc) The owner of a reforestation property is responsible for providing any necessary proof of the loss of a large or medium established tree to a natural deforestation event on the owner's property. Photo documentation, Google Street View, and aerial imagery may qualify as confirmation.

(dd) Property owners are not required to participate in a neighborhood reforestation project to replace damaged or destroyed trees. The city will not replace a parkway tree if the adjacent property owner chooses not to receive a tree for a location the property owner must maintain.

(ee) Replacement trees provided through a reforestation tree planting project must be planted on the same property that sustained the tree loss.

(ff) The caliper size of replacement trees provided through a reforestation tree planting project must be between one and three inches.

(gg) Boundary tree replacements must be placed on a single property. Two adjoining properties may each qualify for a tree.

(hh) All replacement trees provided through a reforestation tree planting project must be planted in accordance with the requirements of this chapter.

(ii) An approved planting plan may be required by the director.

(vi) Prohibition on reforestation funds being used to install or maintain trees on private property.

(aa) Reforestation fund expenditures are limited to the purchase and provision of trees. Reforestation funds may not be expended on installation or maintenance.

(bb) Reforestation fund replacement trees may not be used as required landscaping on lots permitted for new construction. (Ord. Nos. 25155; 28073; 28553; 30929; 30934; 31616; 32340)

**SEC. 51A-10.136.**

**CONSERVATION AND  
MAINTENANCE OF  
PROTECTED TREES  
DURING  
CONSTRUCTION OR  
OTHER DISTURBANCE.**

(a) City property. Except as provided in this section, trees on city property:

(1) must be established and maintained in accordance with ANSI A300 standards for tree care operations and the ISA Best Management Practices; or

(2) the American Standard for Nursery Stock Z60.

(b) In general. Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the following requirements must be met:

(1) Tree protection plan in general. A tree protection plan submitted to the building official must meet the specifications found in ANSI A300 Standards for Tree Care Operations, as amended, and ISA Best Management Practices.

protected tree removed or seriously injured without authorization, and not less than \$2,000.00 per day for any other violation of this division. (Ord. Nos. 22053; 25155; 30929)

**SEC. 51A-10.140. CRIMINAL RESPONSIBILITY, AND DEFENSES TO PROSECUTION.**

(a) A person is criminally responsible for a violation of this division if the person:

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or

(2) owns part or all of the land where the violation occurs.

~~(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:~~

~~(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;~~

~~(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;~~

~~(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;~~

~~(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;~~

~~(5) interfered with service provided by a public utility within a public right-of-way;~~

~~(6) threatened public health or safety, as determined by one of the following city officials:~~

~~(A) the chief of the police department;~~

~~(B) the chief of the fire-rescue department;~~

~~(C) the director of public works;~~

~~(D) the director of transportation;~~

~~(E) the director of sanitation services;~~

~~(F) the director of code compliance;~~

~~(G) the director of park and recreation;~~

~~(H) the director of development services; or~~

~~(I) the director of aviation.~~

~~(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;~~

~~(8) interfered with construction or maintenance of a public utility or public right-of-way; or~~

~~(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development.~~

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;



(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) the director of public works;

(D) the director of transportation;

(E) the director of sanitation services;

(F) the director of code compliance;

(G) the director of park and recreation;

(H) the director of development services;

or

(I) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way;

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private

development; or

(10) was specifically listed as a vulnerable or threatened tree species. or species subject to quarantine, as determined by the Texas Department of Agriculture, and was in imminent threat of infestation. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30654; 30929; 32002; 32340)

**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)
31916	6-23-21		1	Renumbers 51-4.217(b)(19) as 51-4.217(b)(20)
32002	9-22-21		15	Amends 51-2.102(32)
			16	Amends 51-2.102(33)
32264	8-10-22		1	Amends 51-2.102(7.1)
			2	Amends 51-2.102(8)
			3	Amends 51-2.102(53)

**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)
31433	1-8-20		1	Amends 51A-4.501(c)
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)
31494	3-25-20		1	Amends 51A-7.1303(a)
			2	Amends 51A-7.1305
			3	Amends 51A-7.1306
			4	Amends 51A-7.1307
			5	Amends 51A-7.1308
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)
31616	9-9-20		1	Amends 51A-10.135(i)
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)
31688	10-28-20		1	Amends 51A-4.702(a)(8)(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)
32002	9-22-21		17	Amends 51A-1.105(j)(2)
			18	Amends 51A-1.105(l)(1)(B)
			19	Amends 51A-2.102(28)
			20	Amends 51A-2.102(32)
			21	Amends 51A-3.103(a)(4)
			22	Amends 51A-4.127(c)(8)(F)(iii)(bb)
7/22		Dallas City Code	23	Amends 51A-4.206(5)(E)(iii)
			24	Amends 51A-4.211(5)(E)(iv)

**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>
32002 (Cont'd)			25	Amends 51A-4.502(e)(6)
			26	Amends 51A-4.803(e)(1)
			27	Amends 51A-5.102(e)
			28	Amends 51A-5.105(e)
			29	Amends 51A-5.209(a)
			30	Amends 51A-6.108(e)(1)
			31	Amends 51A-7.932(i)(6)
			32	Amends 51A-8.201(23)
			33	Amends 51A-8.402
			34	Amends 51A-8.403(a)(1)(A)(ii)
			35	Amends 51A-8.403(a)(1)(A)(xi)
			36	Amends 51A-8.403(a)(1)(A)(xv)
			37	Amends 51A-8.403(a)(6)(D)
			38	Amends 51A-8.403(a)(6)(G)
			39	Amends 51A-8.404(i)
			40	Amends 51A-8.506(e)
			41	Amends 51A-8.604(c)
			42	Amends 51A-8.611(b)
			43	Amends 51A-8.611(c)(7)
			44	Amends 51A-8.611(d)(2)(D)
			45	Amends 51A-8.611(d)(3)(B)
			46	Amends 51A-8.611(e)
			47	Amends 51A-8.612(a)
			48	Amends 51A-9.305(a)
			49	Amends 51A-10.140(b)
32003	9-22-21	10-1-21	45	Adds 51A-1.105(aa)
32039	10-27-21		1	Amends ch. 51A, art. V, title
			2	Amends art. V, Div. 51A-5.100, 51A-5.101 thru 51A-5.107
32093	1-12-22		1	Amends 51A-9.401
			2	Amends 51A-9.403
32170	4-13-22		1	Amends 51A-3.102(d)
32264	8-10-22		4	Amends 51A-2.102(8.1)
			5	Amends 51A-2.102(9)
			6	Amends 51A-2.102(57.1)
32340	10-26-22		1	Amends 51A-10.101(11)
			2	Amends 51A-10.101(64)
			3	Adds 51A-10.103(g)
			4	Amends 51A-10.135(i)(2)(B)(i)
			5	Amends 51A-10.135(i)(2)(B)(iii)
			6	Amends 51A-10.140(b)