

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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(c) This section does not apply to:

(1) the city's furnishing of ambulance service; water, wastewater, storm water drainage, or sanitation utility service; or any other similar municipal service to customers inside or outside of the city;

(2) a contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the city charter or another section of this code; or

(3) the city's grant of, or other action relating to, any license, franchise, permit, or other authorization pursuant to its regulatory powers.

~~(d) The city manager is authorized to approve the following by administrative action, without further city council action:~~

~~(1) A contract for the purchase of goods, general services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$100,000, except that no formal administrative action is required for the purchase of non-legal advertising placement (media buys).~~

~~(2) Except as provided in Paragraph (3), a change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent.~~

~~(3) A change order to a contract for facility construction (public works project) required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$100,000 or less, provided that the original contract price may never be increased by more than 25 percent.~~

~~(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$100,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.~~

~~(5) An amendment to a contract not required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by \$100,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$100,000 or less if:~~

~~(A) the original contract price does not exceed \$100,000 and the amendment increases the total contract price to an amount greater than \$100,000; or~~

~~(B) the original contract price exceeds \$100,000 and the amendment increases the original contract price by more than 25 percent.~~

~~(6) The exercise of a renewal option of a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.~~

~~(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.~~

~~(8) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than \$100,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of \$100,000.~~

(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods, general services, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$300,000, except that no formal administrative action is required for the purchase of non-legal advertising placement (media buys).

(2) A contract for architecture, engineering, or facility construction (public works project), that requires a city expenditure not exceeding \$500,000.

(3) Except as provided in Paragraph (4), a change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(4) A change order to a contract for facility construction (public works project) required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$100,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(5) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$100,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.

(6) An amendment to a contract not required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by \$100,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$100,000 or less if:

(A) the original contract price does not exceed \$100,000 and the amendment increases the total contract price to an amount greater than \$100,000; or

(B) the original contract price exceeds \$100,000 and the amendment increases the original contract price by more than 25 percent.

(7) The exercise of a renewal option of a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.

(8) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.

(9) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than \$100,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of \$100,000.

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

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

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this division. (Ord. Nos. 24243; 25819; 28705; 30828; 31049; 31872; 33255)

SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING \$50,000-\$100,000.

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

(b) If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors

are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.

(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(d) The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

~~—(e) A contract for facility construction that requires a city expenditure not exceeding \$50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.~~

(e) A contract for facility construction that requires a city expenditure not exceeding \$100,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.

(f) The director may use a service order for minor services under \$3,000, including mail and delivery services, repair, restoration, and remediation services necessary for a timely and efficient response to equipment failure or facility damage. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17700; 17777; 18850;

19312; 20061; 22434; 24243; 25819; 28705; 30828; 33255)

SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING \$50,000-\$100,000.

~~(a) Advertisement. No city expenditure exceeding \$50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of an immediate emergency, or where competitive bidding, sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.~~

(a) Advertisement. No city expenditure exceeding \$100,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of an immediate emergency, or where competitive bidding, sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.

(b) Emergency expenditures. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(c) Administratively authorized purchases. The following rules govern purchases authorized administratively as described in Section 2-30(d)(1) of this division:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (c)(6), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous

proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.

(2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (c)(6), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder or proposer. The city manager, or the city council, if the contract is being considered under Subsection (c)(6), shall select the contractor with the lowest responsible bid or the most advantageous proposal.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director or the director's designee shall present to the city manager a recommendation based on the applicable standard in Chapter 2269, Texas Government Code, as amended.

(5) If, in the opinion of the city manager or the city council, if the purchase is being considered under Subsection (c)(6) and no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

(6) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(d) Contracts requiring council approval. The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$100,000:

(1) The director or the director's designee shall tabulate the bids or sealed proposals.

(2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If,

in the judgment of the city council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.

(5) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.

(e) Additional rules for competitive bids. The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (c) and (d) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

~~(f) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$50,000, the director may follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director~~

~~chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.~~

(f) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$100,000, the director may follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

(g) Electronic procurement and reverse auctions. The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(h) Competitive purchasing programs. The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(i) Local preferences.

(1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas

resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.

(2) In a purchase for goods, general services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for facility construction in an amount less than \$100,000 or a contract for goods or general services in an amount less than \$500,000 may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of \$500,000 or more may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(4) Subsection (i)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

(5) Subsections (i)(2) and (i)(3) of this section do not prohibit the city from rejecting all bids. (Ord. Nos. 24243; 25819; 28705; 30828; 31872; 33255)

(3) Neighborhood environmental advocacy may be demonstrated through documented residency in neighborhoods negatively impacted by environmental issues, with related experience with local neighborhood issues including, but not limited to, transportation, water and waste management, zoning and land use issues, or experience relevant to one or more sections of the CECAP.

(b) A quorum exists when there are physically present a simple majority of the number of members officially appointed to the environmental commission, regardless of the total number of members actually provided for the environmental commission, except that a quorum may not be fewer than six members. Issues are decided by a simple majority of the members present. Each member who is present and entitled to vote must vote in accordance with Chapter 8 of the Dallas City Code.

(c) The environmental commission shall advise on the CECAP implementation and environmental issues which arise in the city.

(d) All members shall be appointed for an initial term to expire on June 14, 2023. Subsequent appointments shall be made in September of each odd-numbered year for a two-year term beginning October 1. All members shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any members shall be filled in the same manner as the original appointment was made. The members shall serve without compensation.

(e) The commission, unless there is no business for the commission to consider, must meet at least once per month and may hold additional meetings at the call of the chair. The commission shall receive public comment at every meeting of the commission, standing committees, and ad hoc committees.

(f) The commission shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings and establishing committees of the commission.

(g) This article expires on June 14, 2027, unless reenacted with an amendment prior to that date. The city council shall review this section and hold a public hearing on the matter prior to that date. (Ord. Nos. 31847; 32466; 33115)

SEC. 2-121. TECHNICAL RESOURCE PANEL.

(a) There is hereby created a technical resource panel to be composed of eight members appointed by the city council to serve as non-voting technical members of the commission.

(1) The technical resource panel is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The city manager may nominate members of the first technical resource panel, as recommended by the Office of Environmental Quality and Sustainability, through consultation with the Environment and Sustainability Task Force, for approval by the full council.

(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Office of Environmental Quality and Sustainability, through consultation with the Environmental Commission, for approval by the full council.

~~(b) Each member of the technical resource panel must have at least four years of experience in one of the eight sectors of the CECAP, causing each sector to be represented on the panel. Additionally, appointments to the panel must, to the extent possible, be representative of the ethnic diversity of the city.~~

(b) Each member of the technical resource panel must have at least four years of experience in one of the eight sectors of the CECAP, causing each sector to be represented on the panel. Additionally, appointments to the panel must, to the extent possible, be representative of the community served by the city.

(c) Members of the technical resource panel are not required to be residents of the city or qualified voters in the city.

(d) Members of the technical resource panel serve two-year terms and are subject to the same

conflict of interest and confidentiality restrictions that are applicable to members of the commission. Members of the technical resource panel are subject to forfeiture of membership on the same basis as members of the commission.

(e) Members of the technical resource panel shall attend and fully participate in all meetings and deliberations of the commission, including closed sessions, but shall not be entitled to vote as members of the commission.

(f) The technical resource panel shall use its expertise and experience in environmental matters to assist the commission to the fullest extent possible in the review of all issues coming before the commission.

(g) The technical resource panel does not have any oversight responsibility or oversight authority with respect to the commission.

(h) Nothing in this section prohibits the commission from seeking additional outside technical expertise and advice, as necessary. (Ord. Nos. 31847; 33288)

SEC. 2-122. ENVIRONMENTAL HEALTH COMMITTEE.

(a) There is hereby created a committee of the environmental commission to be known as the environmental health committee, hereinafter called the "committee", composed of five members. The committee shall be appointed within 60 days following the effective date of the establishment of the commission. The committee shall be composed of the two general public members of the commission having public health experience and three additional members from general public not currently serving on the commission, appointed by the chairman of the commission. Initial appointments to the committee shall expire on June 14, 2023. Subsequent appointments shall be made in September of each odd-numbered year for a two-year term beginning October 1 and members

shall serve without compensation. The chairman of the commission shall designate a chairman and vice-chairman of the committee from the members of the commission having public health experience. The commission chairman may appoint up to three alternate members to the committee who serve in the absence of one or more regular members when requested to do so by the chairman or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission chairman shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(b) The committee shall meet at least once per quarter with additional meetings upon call by the committee chairman or a simple majority of the committee members. A simple majority of the members present shall constitute a quorum and issues shall be decided by a simple majority vote of the members present. The Office of Environmental Quality and Sustainability shall furnish support to the committee.

(c) The function of the committee shall be to advise the commission on environmental health issues as they arise across the city, including, but not limited to, potential health aspects of environmental policy recommendations from the commission to the city council and to address specific community public health concerns with an identified environmental origin. (Ord. 31847)

SECS. 2-123 THRU 2-124. RESERVED.

(Repealed by Ord. 24316)

(4) Developing programs to address the issues pertaining to alcoholism and drug abuse.

(5) Developing programs to take full advantage of all federal, state and local funding opportunities.

(6) Developing programs to ensure adequate housing for people with disabilities.

(7) Developing programs to ensure accessible communications for people with disabilities. (Ord. 32070)

SEC. 2-152.4. TECHNICAL RESOURCE PANEL.

(a) There is hereby created a technical resource panel to be comprised of eight members appointed by the city council to serve as non-voting technical members of the commission on disabilities.

(1) The technical resource panel is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The city manager may nominate members of the first technical resource panel, as recommended by the Office of Housing and Community Empowerment for approval by the full council.

(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Office of Housing and Community Empowerment, through consultation with the commission on disabilities, for approval by the full council.

~~—(b) Each member of the technical resource panel shall be an individual with at least four years of experience in disability matters and shall share a commitment to the goals of the commission on disabilities. Additionally, appointments to the panel must, to the extent possible, be representative of the ethnic diversity of the city.~~

(b) Each member of the technical resource panel shall be an individual with at least four years of experience in disability matters and shall share a commitment to the goals of the commission on disabilities. Additionally, appointments to the panel

must, to the extent possible, be representative of the community served by the city.

(c) Members of the technical resource panel are not required to be residents of the city or qualified voters in the city.

(d) Members of the technical resource panel shall serve two-year terms and are subject to the same conflict of interest and confidentiality restrictions that are applicable to members of the commission on disabilities. Members of the technical resource panel are subject to forfeiture of membership on the same basis as members of the commission on disabilities.

(e) Members of the technical resource panel shall attend and fully participate in all meetings and deliberations of the commission on disabilities, including closed sessions, but shall not be entitled to vote as members of the commission on disabilities.

(f) The technical resource panel shall use its expertise and experience in disability matters to assist the commission on disabilities to the fullest extent possible in the review of all issues coming before the commission on disabilities.

(g) The technical resource panel does not have any oversight responsibility or oversight authority with respect to the commission on disabilities.

(h) Nothing in this section prohibits the commission on disabilities from seeking additional outside technical expertise and advice as necessary. (Ord. Nos. 32070; 33233; 33288)

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

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code. (Ord. Nos. 31049; 31333, eff. 10/1/19)

ARTICLE XXVII.

CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.

SEC. 2-163. SPECIAL QUALIFICATIONS FOR ADJUNCT MEMBERS OF THE CIVIL SERVICE BOARD.

(a) In addition to the qualifications required by the city charter and Chapter 8 of this code, each adjunct member of the civil service board must meet the following qualifications:

(1) have a total of at least five years experience as a volunteer or employee with a business, governmental, or nonprofit organization that has a work staff of at least 15 persons;

(2) have a total of at least five years experience as a volunteer or employee in the administration or personnel functions of a business, governmental, or nonprofit organization; or

(3) have an accumulation of at least five years experience under Paragraphs (1) and (2) of this subsection.

(b) Nothing in this article prohibits the appointment of a former city employee as a member or adjunct member of the civil service board.

~~—(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that are representative of the racial, ethnic, and gender makeup of the city's population.~~

(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that reflect the community served by the city. (Ord. Nos. 20526; 33288)

SEC. 2-164. ADMINISTRATIVE LAW JUDGES; APPOINTMENT; QUALIFICATIONS; TERMINATION OF CONTRACT.

(a) By January 1 of each even-numbered year beginning with the year 1992, and whenever a vacancy occurs, the judicial nominating commission shall recommend persons to be appointed by the city council to serve as administrative law judges, as provided for in Section 12.1, Chapter XVI of the city charter. Each appointment will be made through the award of a city contract, and not less than three nor more than five persons may have contracts with the city to serve as administrative law judges at the same time. Administrative law judges shall hear appeals in accordance with Section 34-40 of this code.

~~—(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who are representative of the racial, ethnic, and gender makeup of the city's population.~~

(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The

judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who reflect the community served by the city.

(c) An administrative law judge must:

(1) be a licensed attorney who has practiced law in the State of Texas for at least three years or a person who has at least five years experience adjudicating hearings of personnel decisions; and

(2) not have been an employee or an elected or appointed officer of the city, other than a full-time or associate municipal judge, within the five years immediately preceding application.

(d) An administrative law judge will be compensated for services based on a rate established by contract with the city. At least every two years, the judicial nominating commission shall review the pay structure of the administrative law judges and recommend to the city council appropriate rate adjustments or other compensation.

(e) A person is ineligible to serve as an administrative law judge if, on two occasions within any 12-month period after appointment as an administrative law judge, the person:

(1) refuses or is unable to accept an assignment from the civil service board to conduct an appeal hearing, except when based on a challenge by a party as to the selection of the administrative law judge; or

(2) is unable to conduct an appeal hearing within the time limits required by Section 34-40 of this code after considering all allowable postponements and extensions.

(f) The judicial nominating commission shall periodically review and evaluate the performance of each administrative law judge and recommend to the city council whenever the contract of an administrative law judge should be terminated or not renewed. The city council may, by a majority vote and upon the recommendation of the judicial nominating commission, terminate the contract of an administrative law judge for unsatisfactory performance. Unsatisfactory performance includes, but is not limited to:

(1) failure to acquire, retain, or correctly apply knowledge of the city’s personnel rules, civil service rules and procedures, or other laws and regulations governing personnel matters heard by an administrative law judge;

(2) failure to remain impartial and objective in hearing appeals and performing other duties as an administrative law judge; or

(3) failure to competently and efficiently hear appeals and perform other duties as an administrative law judge. (Ord. Nos. 20526; 21091; 22612; 22718; 33288)

SEC. 2-165. TRAINING.

(a) Every person appointed as a member or adjunct member of the civil service board or as an administrative law judge must attend a two-day training course before hearing an appeal under Section 34-40 of this code. The training course will include, but not be limited to:

(1) instruction in the city’s personnel rules, civil service process, and civil service procedures;

(2) an orientation session concerning police and fire personnel rules and procedures;

(3) an overview session concerning civilian employees and their responsibilities at the various levels of administration; and

(4) a mock trial board or observation of an actual appeal hearing.

(b) In addition to the training course required in Subsection (a) of this section, an administrative law judge must take a refresher training course not less than 12 months nor more than 15 months after being appointed.

(c) A person who fails to attend the two-day training course within 90 days from the date of

(6) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the city's reputation both in the community and elsewhere.

(7) To strive for personal and professional growth to improve effectiveness at work.

(b) Standards of civility. City officials and employees shall, when acting in the performance of their official duties, comply with the following standards of civility in their interactions with city officials, city employees, residents, and persons doing business with the city:

(1) City officials and employees shall accord respect and courtesy to each other, city officials, city employees, residents, and persons doing business with the city.

(2) City officials and employees shall not make comments or take actions that are abusive; belligerent; crude; derogatory; impertinent; profane; slanderous; threatening; or involve personal attacks upon the character, integrity, or motives of others.

(3) City officials and employees shall preserve order and decorum in meetings in accordance with Robert's Rules of Order and the applicable rules of procedure of the city council, board, or commission.

(4) City officials shall treat city employees as professionals and shall not:

(A) interfere with the work of city employees.

(B) impair the ability of city employees to implement city policies.

(C) influence city employees in the making of recommendations or decisions.

(D) berate city employees.

(5) City officials shall work through the city manager, city secretary, city attorney, city auditor, or inspector general, and the applicable department director to obtain information or request assistance with projects, rather than contacting city employees directly. This provision does not apply to professional and administrative assistants to the mayor and city council.

(6) Because independent advice from boards and commissions is essential to the public decision-making process, city council members shall not:

(A) use their position to influence the deliberations or decisions of boards and commissions.

(B) appoint city council office staff members to boards and commissions.

(C) demand that board or commission members vote as requested by the city council member or threaten board or commission members with removal.

This paragraph does not prohibit city council members from receiving information from or providing information to a board or commission member, working together with board and commission members on projects, or expressing their opinions to board and commission members. (Ord. Nos. 32072; 32472)

SEC. 12A-5. ANTI-DISCRIMINATION.

~~Excluding anyone from our community based on their race, ethnicity, color, age, religion, marital or parental status, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions or affiliations, or any other legally protected characteristic or status diminishes us and compromises our ability to fulfill our mission. Discrimination against others based on any of these factors, or any other legally protected classifications, is prohibited.~~

~~Discriminatory harassment and other offensive acts include any conduct, whether verbal, visual, or physical, that creates an abusive and hostile work environment, or that has the purpose or effect of interfering with an employee's work performance or development.~~

Excluding anyone from our community based on their race, ethnicity, color, age, religion, marital or parental status, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions or affiliations, or any other legally protected characteristic or status diminishes us and compromises our ability to fulfill our mission. Discrimination against others based on legally protected classifications is prohibited. Discriminatory harassment and other offensive acts include any conduct, whether verbal, visual, or physical, that creates an abusive and hostile work environment, or that has the purpose or effect of interfering with an employee's work performance or development. (Ord. Nos. 32072; 32472; 33288)

SEC. 12A-6. RETALIATION PROHIBITED.

A person commits an offense if he or she retaliates against another for filing a complaint, or for testifying, assisting, or participating, in any manner, in a proceeding or hearing under this chapter. (Ord. Nos. 32072; 32472)

Division 2. Actions of Others.

SEC. 12A-7. OTHER PERSONS.

(a) Violations by other persons. A city official or employee shall not knowingly assist or induce, or attempt to assist or induce, any person to violate any provision of this chapter.

(b) Using others to engage in forbidden conduct. A city official or employee shall not violate any provision of this chapter through the acts of another.

(c) Participation in ethics violations. No person shall knowingly induce, attempt to induce, conspire with, aid, or assist, or attempt to aid or assist another person to violate any provision of this chapter. (Ord. Nos. 32072; 32472)

SEC. 12A-8. DUTY TO REPORT VIOLATIONS.

A person subject to this chapter shall immediately report any conduct that the person knows to be a violation of this chapter to the inspector general. Failure to report a violation of this chapter is a violation of this chapter. Any person who knowingly fails to report a violation of this chapter shall be subject to sanctions described in this chapter. For purposes of this section, a report made to the inspector general's Fraud, Waste, or Abuse hotline is considered a report under this section. (Ord. Nos. 32072; 32472)

Division 3. Ethics Commitments.

SEC. 12A-9. ETHICS TRAINING.

(a) All new city officials and new city employees shall receive ethics training within 30 days after being appointed to office or hired by the city. All current city officials and current city employees shall receive ethics training on an ongoing basis at least every two years.

(b) All city officials who are leaving city service shall receive ethics information concerning requirements for former city officials before the city official ends his or her city service. All city employees who are terminating their employment shall receive ethics information concerning requirements for former city employees before the city employee ends his or her employment with the city.

(c) The inspector general shall provide all lobbying registrants with ethics information within 30 days after registration. Each registrant shall provide their individual lobbyists with a copy of the ethics information.

(d) The chief integrity officer shall draft a statement for the office of procurement services relating to the applicability of this chapter to persons doing business with the city and to city officials and city employees who work with persons doing business with the city. The director of the office of procurement services shall publish on the city's website the statement from the chief integrity officer.

(3) promulgate work rules for the administration of the municipal court of record;

(4) provide at least one performance evaluation annually of each municipal judge; and

(5) have all other powers and duties assigned to the administrative municipal judge by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law. (Ord. Nos. 7429; 15603; 18477; 18837; 19802; 20201; 21011; 22496; 24946)

SEC. 13-5.1. JUDICIAL NOMINATING COMMISSION CREATED.

(a) There is hereby created the judicial nominating commission of the city, which shall be an advisory body of 16 members. Fifteen of the members will be appointed by the city council, with each city council member appointing one member of the commission. The sixteenth member of the commission will be the Dallas city attorney, who shall serve as an ex officio, voting member of the commission and who, for purposes of Section 13, Chapter XXIV of the city charter, shall be appointed by the full city council. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair.

(b) Each member of the commission shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified. The term limits established for board and commission members in Section 8-1.5 of this code do not apply to the city attorney's service on the commission.

(c) A city of Dallas municipal judge shall serve as an ex officio, nonvoting member of the commission.

~~—(d) The commission must reflect, as nearly as practicable, the racial, ethnic, and gender makeup of the city's population.~~

(d) The commission must reflect, as nearly as practicable, the community served by the city.

(e) The commission must meet at least once each quarter of the commission's term and may hold additional meetings at the call of the chair.

(f) No member of the judicial nominating commission may engage in the practice of law in or before the municipal courts of the city. (Ord. Nos. 21011; 21515; 21804; 24003; 27833; 29645; 33288)

SEC. 13-5.2. JUDICIAL NOMINATING COMMISSION DUTIES AND RESPONSIBILITIES; SELECTION OF MUNICIPAL JUDGES.

(a) The judicial nominating commission shall act as an advisory body to the city council and shall:

(1) recommend nominees to serve as full-time and associate governmental judges;

(2) make reports and recommendations to the city council ad hoc judicial nominations committee on the status of the selection process for municipal judges;

(3) review and make recommendations to the city council ad hoc judicial nominations committee on the salary structure for municipal judges, including evaluating the feasibility of a merit pay plan;

(4) make recommendations to the city council concerning the selection, removal, and pay of administrative law judges in accordance with Article XXVII, Chapter 2 of this code; and

(5) perform other duties assigned by the city council.

~~—(b) The ad hoc judicial nominations committee of the city council shall provide to the judicial nominating commission minimum qualifications and evaluation guidelines for assessing applicants for a vacancy in the office of municipal judge and a time schedule for recommending nominees. The guidelines~~

~~must include appropriate goals for achieving sufficient racial, ethnic, and gender diversity within the municipal court of record. Each associate and full-time municipal judge, including the administrative municipal judge, shall reside in the city of Dallas within four months after the date of appointment and throughout his or her term as a municipal judge for the city of Dallas.~~

(b) The ad hoc judicial nominations committee of the city council shall provide to the judicial nominating commission minimum qualifications and evaluation guidelines for assessing applicants for a vacancy in the office of municipal judge and a time schedule for recommending nominees. The guidelines must include appropriate goals for achieving a reflection of the community served by the city within the municipal court of record. Each associate and full-time municipal judge, including the administrative municipal judge, shall reside in the city of Dallas within four months after the date of appointment and throughout his or her term as a municipal judge for the city of Dallas.

(c) When there is a vacancy in the office of full-time or associate municipal judge (including a vacancy created by the expiration of a judge's term), the director of human resources shall receive applications, which shall be forwarded to the judicial nominating commission through its chair. The commission shall review the applications and resumes, research applicant qualifications, and conduct interviews; except that if a vacancy occurs within 120 days after the appointment of any full-time or associate municipal judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any municipal judge position that was filled within the preceding 120 days. The commission may also, by a two-thirds vote, waive the interview requirement for any person who has completed at least eight consecutive years of continuous service as a full-time municipal judge for the city when that person applies for a position as an associate municipal judge. If in the opinion of the commission, none of the applicants for a municipal judge position meets minimum qualifications established by the city council ad hoc judicial nominations committee, the commission may search for and interview additional applicants.

(d) After deliberation, the judicial nominating commission shall recommend to the city council ad hoc

judicial nominations committee a number of nominees equal to 150 percent of the number of vacancies in the office of full-time or associate municipal judge, rounded up to whole numbers. The nominees must be divided into two groups, one for full-time judges and one for associate judges, with the members of each group being ranked in the order of preference by the judicial nominating commission, with Number 1 being the highest ranking. If the number of applicants for all of the vacant municipal judge positions is less than the number of nominees required by this subsection to be recommended to the ad hoc judicial nominations committee, then the commission may, in its discretion, either recommend any persons who have applied or seek additional candidates.

(e) Upon receiving the judicial nominating commission's recommendation of nominees, the city council ad hoc judicial nominations committee may interview one or more of the nominees or other applicants interviewed by the commission. If not satisfied with any number of the nominees or other applicants interviewed by the commission, the ad hoc judicial nominations committee may request that the commission recommend a specified number of additional nominees to the committee. After deliberation, the ad hoc judicial nominations committee shall forward to the full city council a number of nominees equal to 150 percent of the number of vacancies in the office of full-time or associate municipal judge, rounded up to whole numbers. The nominees must be divided into two groups, one for full-time judges and one for associate judges, with the members of each group being ranked in the order of preference by the ad hoc judicial nominations committee, with Number 1 being the highest ranking. Rankings of the nominees by the judicial nominating commission must also be forwarded to the full city council.

(f) Upon receiving the recommendation of nominees from the ad hoc judicial nominations committee, the city council shall select one nominee or other applicant interviewed by the ad hoc judicial nominations committee or the judicial nominating commission to fill each vacancy. Before making a selection, the city council may interview one or more of the nominees or other applicants interviewed by the ad hoc judicial nominations committee or the judicial nominating commission. If not satisfied with any number of these candidates, the city council may, in its

request that the judicial nominating commission recommend to the ad hoc judicial nominations committee a specified number of additional nominees for the unfilled vacancies.

(g) When there is a vacancy in the office of the administrative municipal judge (including a vacancy created by the expiration of the judge’s term), the judicial nominating commission shall conduct interviews of all interested full-time municipal judges of the city of Dallas, and all interested applicants for vacant full-time municipal judge positions, for the office of administrative municipal judge. After deliberation, the commission shall recommend to the full city council three nominees for the office of administrative municipal judge ranked in the order of preference, with Number 1 being the highest ranking. The city council shall interview the nominees and select one as the administrative municipal judge, or, if not satisfied with any of the nominees, the city council may reject all and request that the judicial nominating commission repeat the nominating process.

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

(i) Nothing in this section affects the holdover status of an incumbent municipal judge under applicable city, state, and federal laws. (Ord. Nos. 21011; 21515; 21804; 22321; 22612; 23124; 24946; 25518; 25655; 26093; 29394; 33288)

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

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

(b) The bailiffs shall:

(1) be selected by the administrative municipal judge;

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

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

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

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

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

There is hereby created the department of municipal court and detention services, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk. (Ord. Nos. 18477; 19802; 22669; 32557; 33233)

CHAPTER 15B

EQUAL EMPLOYMENT OPPORTUNITY CONTRACT COMPLIANCE

- Sec. 15B-1. Definitions.
- Sec. 15B-2. Contract compliance enforcement.
- Sec. 15B-3. Equal employment opportunity clause.
- Sec. 15B-4. Notice to bidders.
- Sec. 15B-5. Contract disposition.
- Sec. 15B-6. Recommendation and hearing before city council.
- Sec. 15B-7. Cancellation provisions.

SEC. 15B-1. DEFINITIONS.

In this chapter:

~~(1) AFFIRMATIVE ACTION means the positive steps taken to ensure compliance with the equal employment opportunity clause described in Section 15B-3 of this chapter.~~

(21) BIDDER means any person, partnership, corporation, association, or joint venture seeking to be awarded a contract.

(32) CITY MANAGER means the city manager of the city of Dallas or the city manager's designated representative.

(43) CONSTRUCTION CONTRACT means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of city facilities.

(54) CONTRACTOR means any person, partnership, corporation, association, or joint venture that has been awarded a contract by the city.

~~(6) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate, separate, or segregate solely on the basis of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations.~~

(5) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate, separate, or segregate solely on the basis of race, color,

age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations in a manner inconsistent with federal law.

(76) SEXUAL ORIENTATION has the meaning assigned to it in Chapter 34 of the Dallas City Code, as amended. (Ord. Nos. 14486; 20989; 24927; 30828; 33288)

SEC. 15B-2. CONTRACT COMPLIANCE ENFORCEMENT.

The city manager shall be responsible for the administration and enforcement of this chapter. (Ord. Nos. 14486; 20989)

SEC. 15B-3. EQUAL EMPLOYMENT OPPORTUNITY CLAUSE.

All construction contracts entered into by the city involving the expenditure of more than \$10,000 of city funds and all competitively bid contracts for the procurement of goods and services involving an expenditure of more than \$50,000 of city funds must incorporate an equal employment opportunity clause, which reads as follows:

~~(1) The contractor shall not discriminate against any employee or applicant for employment because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, age, color, religion, sex, sexual orientation, or national origin. This action shall include, but not be limited to, the following:~~

(1) The contractor shall not discriminate against any employee or applicant for employment because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliation, consistent with applicable laws. The contractor shall prohibit discrimination regarding, but

not limited to, the following:

(A) employment, upgrading, demotion,
or transfer;

(B) recruitment or recruitment
advertising;

(C) layoff or termination;

(D) rates of pay or other forms of compensation; and

(E) selection for training, including apprenticeship.

(2) The contractor agrees to post in conspicuous places, available to employees and applicants, notices to be provided by the city setting forth the provisions of the nondiscrimination clause described in Subsection (1) of this section. The city will provide notices setting forth the provisions of the nondiscrimination clause described in Subsection (1) for contractors to post in conspicuous places.

(3) The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractor state that every qualified applicant will receive consideration for employment without regard to race, age, color, religion, sex, sexual orientation, or national origin.

(4) The contractor shall furnish all information and reports required by the city manager and shall permit the city manager to investigate the contractor's payrolls and personnel records that pertain to current contracts with the city for purposes of ascertaining compliance with this equal employment opportunity clause.

(5) The contractor shall file compliance reports with the city as may be required by the city manager. Compliance reports must:

(A) be filed within the required time period;

(B) contain information as to the employment practices, policies, programs, and statistics of the contractor; and

(C) be in the form that the city manager prescribes.

(6) If the contractor fails to comply with this equal employment opportunity clause, it is agreed that

the city, at its option, may do either or both of the following:

(A) Cancel, terminate, or suspend the contract in whole or in part.

(B) Declare the contractor ineligible for further city contracts until the contractor is determined to be in compliance.

(7) Nothing in the equal opportunity clause requires that employee benefits be provided to an employee for the benefit of the employee's domestic partner. (Ord. Nos. 14486; 20989; 24927; 30828; 33288)

SEC. 15B-4. NOTICE TO BIDDERS.

All notices to prospective bidders published on behalf of the city must include as a part of the contract specifications that each bidder will be required to comply with Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code, as amended. (Ord. Nos. 14486; 20989)

SEC. 15B-5. CONTRACT DISPOSITION.

(a) If a contractor fails to cooperate in reaching a mutually satisfactory solution to any equal employment problem or to implement a contract compliance agreement previously made, the city manager shall review the case to determine whether:

(1) further efforts or alternative approaches are desirable; or

(2) either of the penalties set forth in Section 15B-3(6) is appropriate to the case.

(b) If the city manager determines that the contractor has violated or failed to comply with any requirement of the equal employment opportunity clause of the contract, after affording the contractor a

CHAPTER 17

FOOD ESTABLISHMENTS

ARTICLE I.

**FOOD ESTABLISHMENTS
GENERALLY.**

- Sec. 17-1.1. Purpose.
- Sec. 17-1.2. Cooperation among departments.
- Sec. 17-1.3. General authority and duty of the director, city health authority, and environmental health officer.
- Sec. 17-1.4. Chapter cumulative.
- Sec. 17-1.5. Definitions.
- Sec. 17-1.6. Defenses for certain types of activities.
- Sec. 17-1.7. Adoption of Food Code.

ARTICLE II.

MANAGEMENT AND PERSONNEL.

- Sec. 17-2.1. Adoption of Subchapter B, Texas Food Establishment Rules.
- Sec. 17-2.2. ~~Additional requirements~~ Reserved.

ARTICLE III.

FOOD.

- Sec. 17-3.1. Adoption of Subchapter C, Texas Food Establishment Rules.
- Sec. 17-3.2. ~~Additional requirements~~ Reserved.

ARTICLE IV.

EQUIPMENT, UTENSILS, AND LINENS.

- Sec. 17-4.1. Adoption of ~~Subchapter D,~~ Texas Food Establishment Rules.
- Sec. 17-4.2. ~~Additional requirements~~ Reserved.

ARTICLE V.

WATER, PLUMBING, AND WASTE.

- Sec. 17-5.1. Adoption of Subchapter E, Texas Food Establishment Rules.
- Sec. 17-5.2. ~~Additional requirements~~ Reserved.

ARTICLE VI.

PHYSICAL FACILITIES.

- Sec. 17-6.1. Adoption of Subchapter F, Texas Food Establishment Rules.
- Sec. 17-6.2. ~~Additional requirements~~ Reserved.

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

- Sec. 17-7.1. Adoption of Subchapter G, Texas Food Establishment Rules.
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ARTICLE VIII.

MOBILE FOOD UNITS.

- Sec. 17-8.1. Adoption of Section 228.221, Texas Food Establishment Rules.
- Sec. 17-8.2. ~~Additional requirements~~ Reserved.

ARTICLE IX.

**TEMPORARY FOOD ESTABLISHMENTS AND
CATERING SERVICES.**

- Sec. 17-9.1. ~~Election not to adopt~~ Adoption of Section 228.222, Texas Food Establishment Rules.
- Sec. 17-9.2. ~~Requirements for temporary food establishments~~ Reserved.
- Sec. 17-9.3. Requirements for catering services.

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

- Sec. 17-10.1. Adoption of Subchapter I, Texas Food Establishment Rules.
- Sec. 17-10.2. ~~Additional requirements~~ Reserved.

ARTICLE XI.

~~HEIMLICH MANEUVER POSTER PERMITTING AND INSPECTION FEES.~~

- Sec. 17-11.1. ~~Adoption of Section 229.173,~~ Adoption of Subchapters U and Z, Texas Food Establishment Rules.
- Sec. 17-11.2. ~~Additional requirements~~ Reserved.

ARTICLE XII.

BED AND BREAKFAST EXTENDED ESTABLISHMENTS.

- Sec. 17-12.1. Adoption of Section 228.223, Texas Food Establishment Rules.
- Sec. 17-12.2. ~~Additional requirements~~ Reserved.

ARTICLE XIII.

OUTFITTER OPERATIONS.

- Sec. 17-13.1. Adoption of Section 228.224, Texas Food Establishment Rules.
- Sec. 17-13.2. ~~Additional requirements~~ Reserved.

ARTICLE XIV.

SELF SERVICE FOOD MARKET.

- Sec. 17-14.1. Adoption of ~~Chapter 228, Subchapter H, Section 225-~~Section 228.225, Texas Food Establishment Rules.
- Sec. 17-14.2. ~~Additional requirements~~ Reserved.

ARTICLE I.

FOOD ESTABLISHMENTS GENERALLY.

SEC. 17-1.1. PURPOSE.

~~—The purpose set forth in Section 228.1 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.—~~

The purpose set forth in Section 228.1 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-1.2. COOPERATION AMONG DEPARTMENTS.

The regulation of food establishments is a complex task that may involve various fields of enforcement and administration; accordingly, cooperation among city departments to provide effective regulation is encouraged. (Ord. Nos. 26023; 33283)

SEC. 17-1.3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR, CITY HEALTH AUTHORITY, AND ENVIRONMENTAL HEALTH OFFICER.

~~—In accordance with state law the director, city health authority, or environmental health officer, or an officer or employee designated by the director, city health authority, or environmental health officer, may enforce any city ordinance applicable to a food establishment. The director, city health authority, or environmental health officer may also enforce a state or federal statute or regulation applicable to a food establishment operating within the city if that enforcement is not contrary to law. The director, city health authority, or environmental health officer shall implement and enforce this chapter.—~~

In accordance with state law the director, city health authority, or environmental health officer may enforce this chapter. (Ord. Nos. 26023; 33283)

SEC. 17-1.4. CHAPTER CUMULATIVE.

~~—The provisions of this chapter and other city ordinances are cumulative law, and this chapter does~~

not prevent enforcement of another city ordinance that regulates an area covered by this chapter and is otherwise applicable.

The provisions of this chapter are cumulative of state law. This chapter does not prevent enforcement of other city ordinances that do not regulate food safety or food establishment operations preempted by state law. (Ord. Nos. 26023; 33283)

SEC. 17-1.5. DEFINITIONS.

(a) Except for the terms defined in Subsection (b), the definitions set forth in Section 228.2 of the Texas Food Establishment Rules are hereby adopted and made a part of this chapter by reference.

(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:

(1) ADULTERATED means the condition of food that:

(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health; or

(B) contains an added poisonous or deleterious substance:

(i) for which no safe tolerance has been established or accepted by a governmental agency; or

(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or

(C) consists in whole or part of a filthy, putrid, or decomposed substance; or

(D) is unsafe for human consumption; or

(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or

(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or

(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or

(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.

(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(3) COMMERCIALY-MANUFACTURED means the vehicle or trailer was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle or trailer by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles or trailers as mobile food preparation vehicles or trailers for sale or compensation.

(4) COMMISSARY means a food establishment that serves as an operating base for a mobile food unit and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food unit; and

(B) a mobile food unit is stored, parked, serviced, cleaned, supplied, and maintained.

(5) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

~~———— (6) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated~~

by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

————— (7) ~~EXTENSIVELY REMODELED~~ means the expenditure of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

————— (A) expenditures for the replacement of movable equipment; or

————— (B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.

————— (8) ~~FOOD ESTABLISHMENT:~~

————— (A) The term means an operation that:

————— (i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; mobile food unit; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

————— (ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

————— (B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a

restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

————— (C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not time/temperature control for safety, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

————— (D) The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.

————— (9) ~~MOBILE FOOD PREPARATION TRAILER~~ means a commercially-manufactured enclosed or partly enclosed mobile food unit that complies with the construction and operation standards of this article for a Class IV mobile food unit and is readily movable by means of pulling to locations for operations as a mobile food preparation trailer.

————— (10) ~~MOBILE FOOD PREPARATION VEHICLE~~ means a commercially-manufactured, motorized mobile food unit in which food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.

————— (11) ~~MOBILE FOOD UNIT~~ means a vehicle-mounted, self or otherwise propelled, self-contained food service operation designed to be readily moveable (including catering trucks, trailers, and pushcarts) and used to store, prepare, display, serve, or sell food to an ultimate consumer. The term includes, but is not limited to, Class I and Class II pushcarts and Class III and Class IV mobile food preparation trailers and vehicles. A mobile food unit does not include a stand or a booth.

~~————— (A) Mobile food unit classifications:~~

~~————— (i) Class I units may only sell pre-packaged foods and beverages from a pushcart. This class includes vegetable and fruit vendors.~~

~~————— (ii) Class II units are any mobile food unit that is not a Class I, Class III, or Class IV mobile food unit. Class II units may only have a hot or cold holding display for unpackaged foods. Limited cooking and preparation are allowed onboard the pushcart such as boiling, heating, and steaming. Flat top grilling is prohibited.~~

~~————— (iii) Class III units are a mobile food preparation trailer that may cook in an external covered area such as a barbecue pit or wood fired pizza ovens, where all food preparation, assembly, and service is done in an enclosed area on board the unit. This class includes a non-motorized mobile food unit that is readily movable such as a trailer or shipping container.~~

~~————— (iv) Class IV units are units that are fully enclosed that meet all the safety equipment and standards as a brick and mortar unit. This class includes a restaurant on wheels or a mobile food preparation vehicle.~~

~~————— (12) NON-FOOD CONTACT SURFACE means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.~~

~~————— (13) PERMIT means the document issued by the department that authorizes a person to operate a food establishment.~~

~~————— (14) PERSON IN CHARGE means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.~~

~~————— (15) PREMISES means:~~

~~————— (A) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or~~

~~————— (B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.~~

~~————— (16) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.~~

~~————— (17) REGULATORY AUTHORITY means the director.~~

~~————— (18) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.~~

~~————— (19) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.~~

~~————— (20) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.~~

~~————— (21) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135~~

degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

~~(22) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.~~

~~(23) TEMPORARY FOOD SERVICE ESTABLISHMENT means:~~

~~(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:~~

~~(i) a plaza event for which a permit has been issued by the city under Chapter 35;~~

~~(ii) a special event for which a permit has been issued by the city under Chapter 42A;~~

~~(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "Neighborhood Market" as defined in Section 42A-2 of this code;~~

~~(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;~~

~~(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale;~~

~~(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or~~

~~(vii) a neighborhood market for which a permit has been issued under Chapter 42A of this code; or~~

~~(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.~~

~~(24) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended.~~

~~(25) VARIANCE means a written document issued by the department that authorizes a modification or waiver of one or more requirements of the code if, in the opinion of the department, a health hazard or nuisance will not result from the modification or waiver.~~

(a) Except for the terms defined in Subsection (b), the definitions set forth in Section 228.2 of the Texas Food Establishment Rules, as amended, are hereby adopted and made a part of this chapter by reference. The additional administrative terms set forth in Subsection (b) apply solely for the administration of this chapter and do not establish substantive requirements beyond those imposed by state law.

(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:

(1) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(2) COMMISSARY means a food establishment that serves as an operating base for a mobile food unit and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food unit; and

(B) a mobile food unit is stored, parked, serviced, cleaned, supplied, and maintained.

(3) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(4) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

(5) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.

(6) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.

(7) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.

(8) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended and Title 25 Texas Administrative Code, Chapter 229, Subchapters U and Z, as amended. (Ord. Nos. 26023; 26556; 28046; 30134; 30938; 31375; 32181; 33283)

SEC. 17-1.6. DEFENSES FOR CERTAIN TYPES OF ACTIVITIES.

~~—(a) It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was:~~

It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was:

(1) conducting food operations that are licensed, and inspected at least once a year, under federal or state law (as illustrated by, but not limited to, milk producers, day care facilities, nursing homes, and meat processors);

(2) selling, distributing, transporting, or storing a raw agricultural commodity (including, but not limited to, raw vegetables and fruit, and pure honey) by the original producer, provided that the sale, distribution, transportation, or storage is on property owned or leased by the original producer;

(3) selling, distributing, or serving food at an event, party, or other special gathering that is not open to persons other than the members or invited guests of the sponsor, provided that there is no public advertisement of the event, public solicitation of funds

at or for the event, or participation by the general public in the event;

(4) conducting the retail sale or distribution of non-time/temperature control for safety food from a fixed facility if the food is acquired and sold or distributed in cans, bottles, or other prepackaged containers that are not opened before obtained by a consumer, and no food manufacturing, processing, or preparing operations are conducted at the facility; or

(5) serving or distributing food, without charge, to homeless individuals on public or private property, provided that the person:

(A) sent a notice within the time required by subparagraph (B) to the director (by United States mail, facsimile, electronic mail to the addresses or numbers provided by the director, via the City's 311 call center, or on the City's Code Compliance Department's website) containing the following information:

(i) the name of the individual or organization that was or will be serving or distributing food to the homeless;

(ii) the date or dates when food was or will be served or distributed to the homeless;

(iii) the times of day when food service and distribution is anticipated to or did begin and end on each date listed in the notice;

(iv) the street address or addresses of where food was or is anticipated to be served or distributed to the homeless or, if the location has no street address, then a description of the location by street block number or by naming the nearest intersecting streets; and

(v) the approximate or expected number of food preparers and servers on the site where the food was or will be served or distributed and the approximate or expected number of individuals that

were or will be served, provided the number of individuals that were or is anticipated to be served exceeds 75 at a single location;

(B) sent the notice required in subparagraph (A) at least 24 hours before the service or distribution of food to the homeless will commence, if it is anticipated that more than 75 people will be served, or within 48 hours after the service or distribution of food to the homeless has concluded, if it is anticipated that 75 or fewer people will be served at a single location;

(C) if the person is an individual, had attended a free city-sponsored food safety training class within the 24 months preceding the service or distribution of food to the homeless or, if the person is an organization, had at least one person who has attended a free city-sponsored food safety training class or has taken the class to become a certified food handler in the State of Texas within the 24 months preceding the service or distribution of food to the homeless present at all times when food was being served or distributed to the homeless, although this requirement applies only so long as the city sponsors a free food safety training class at least once during each three month period during a calendar year;

(D) did not serve or distribute time/temperature control for safety to the homeless, unless the food has been stored at a temperature of:

(i) 41° F. (5° C.) or below; or

(ii) 135° F. (57° C.) or above;

(E) transported the food in a clean conveyance and, if the food was a time/temperature control for safety food, as that phrase is defined in the Texas Food Establishment Rules, as amended, served or distributed it within four hours after preparation;

(F) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:

(i) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;

(ii) disposable gloves; or

(iii) handwashing equipment that included at a minimum:

(aa) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from handwashing; and

(bb) soap and individual paper towels;

(G) properly disposed of any wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the stormwater drainage system; and

(H) brought a sufficient number of trash bags to dispose of the solid waste generated by the food provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained. (Ord. Nos. 26023; 26556; 29595; 30134; 33283)

SEC. 17-1.7. ADOPTION OF FOOD CODE.

The 2017 Food Code, as amended, and adopted by reference in Texas Food Establishment Rules, 25 Texas Administrative Code § 228.1(b), is hereby adopted and made a part of this chapter by reference. (Ord. No. 33283)

ARTICLE II.

MANAGEMENT AND PERSONNEL.

SEC. 17-2.1. ADOPTION OF SUBCHAPTER B, TEXAS FOOD ESTABLISHMENT RULES.

~~Subchapter B of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.32 and Subsection 228.38(c) are not adopted.~~

Subchapter B of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 26556; 30134, eff. 7-1-16; 33283)

SEC. 17-2.2. ADDITIONAL REQUIREMENTS RESERVED.

(Repealed by Ord. 33283)

~~(a) In addition to the requirements adopted in Section 17-2.1 of this chapter, the requirements contained in this section govern the management and personnel of food establishments.~~

~~(b) Demonstration of knowledge by person in charge of a food establishment. Based on the risks of foodborne illness inherent to the food operation, the person in charge shall, during inspections and upon request, demonstrate to the director knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this chapter. The person in charge shall demonstrate this knowledge by compliance with this chapter, by being a registered food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program and by responding correctly to the inspector's questions as they relate to the specific food operation. The person in charge may demonstrate such knowledge by:~~

~~(1) describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;~~

~~(2) explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;~~

~~(3) describing the symptoms associated with the diseases that are transmissible through food;~~

~~(4) explaining the significance of the relationship between maintaining the time and temperature of time/temperature control for safety food and the prevention of foodborne illness;~~

~~(5) explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;~~

~~(6) stating the required food temperatures and times for safe cooking of time/temperature control for safety food including meat, poultry, eggs, and fish;~~

~~(7) stating the required temperatures and times for safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety food;~~

~~(8) describing the relationship between the prevention of foodborne illness and the management and control of the following:~~

~~(A) cross-contamination;~~

~~(B) hand contact with ready-to-eat foods;~~

~~(C) handwashing; and~~

~~(D) maintaining the food establishment in a clean condition and in good repair;~~

~~(9) explaining the relationship between food safety and providing equipment that is:~~

~~(A) sufficient in number and capacity; and~~

~~(B) properly designed, constructed, located, installed, operated, maintained, and cleaned;~~

~~(10) explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;~~

~~(11) identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;~~

~~(12) identifying poisonous and toxic material in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;~~

~~(13) identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this chapter;~~

~~(14) explaining the details of how the person in charge and food employees comply with the Hazard Analysis Critical Point (HACCP) plan (if a plan is required by the law), the Texas Food Establishment Rules, and this chapter; and~~

~~(15) explaining the responsibilities, rights, and authorities assigned by this chapter to:~~

~~(A) the food employee;~~

~~(B) the person in charge; and~~

~~(C) the director.~~

~~(c) Registered food service managers:~~

~~(1) Registered food service manager required:~~

~~(A) A food establishment shall employ at least one person who:~~

~~(i) is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service; and~~

~~(ii) has a valid and current food manager certificate issued by the Texas Department of State Health Services.~~

~~(B) A food establishment must comply with the requirements of Section 17-2.2(c) before being issued an operating permit.~~

~~(C) One registered food service manager in a supervisory capacity may serve up to four food establishments contained within the same building and under the same ownership and same management.~~

~~(D) A food establishment shall have one registered food service manager employed and present in the establishment during all hours of operation, except that a registered food service manager serving multiple food establishments as authorized by Section 17-2.2(c)(1)(C) must only be present in the building in which the food establishment is located during all hours of operation.~~

~~(E) A food establishment that serves, sells, or distributes only prepackaged foods and non-time/temperature control for safety beverages, and a temporary food service establishment that is in operation fewer than four consecutive calendar days, are exempt from Section 17-2.2(c)(1):~~

~~(2) Registered food service manager replacement. If a food establishment cannot meet the requirements of Section 17-2.2(c)(1) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:~~

~~(A) notify the director, in writing, within 10 days after the effective date of the termination or permanent transfer of the registered food service manager; and~~

~~(B) employ another registered food service manager within 45 days after the effective date of the termination or permanent transfer of the previous registered food service manager.~~

~~(3) Display of certificate of registered food service manager. A food service establishment shall display the original certificate of each primary registered food service manager employed by the establishment. Each certificate must be displayed in a glass-covered frame at a location where it is easily visible to the public.~~

~~(d) Food allergen awareness poster requirement.~~

~~(1) All retail and food establishments shall display a food allergen awareness poster in an area that is regularly accessible to food service employees.~~

~~(2) The poster must be identical or substantially similar to the sample food allergen awareness poster provided by the Texas Department of State Health Services (DSHS) and must include, at a minimum, the following information:~~

~~(A) A list of the eight major food allergens recognized by the Food and Drug Administration (FDA): milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.~~

~~(B) A description of the health risks associated with food allergens.~~

~~(C) Instructions for proper handling of food to prevent cross-contact with allergens.~~

~~(3) The food allergen awareness poster must be:~~

~~_____ (A) clearly visible and legible to all food service employees;~~

~~_____ (B) located in a designated area such as the kitchen, employee break room, or food preparation area; and~~

~~_____ (C) maintained in good condition, with legible text and graphics.~~

~~_____ (4) The responsibility to ensure the proper display and maintenance of the food allergen awareness poster lies with the person in charge of the food establishment.~~

~~_____ (5) Failure to comply with this subsection constitutes a violation of the code. (Ord. Nos. 26023; 26598; 27353; 27695; 28488; 29177; 30134; 30653; 32003; 32673; 33224)~~

ARTICLE III.

FOOD.

SEC. 17-3.1. ADOPTION OF SUBCHAPTER C, TEXAS FOOD ESTABLISHMENT RULES.

~~_____ Subchapter C [including Figure 1: 25 TAC § 228.71(a)(1)(B), Figure 2: 25 TAC § 228.71(a)(2)(A), and Figure 3: 25 TAC § 228.71(a)(2)(B)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.65(a) is not adopted.~~

Subchapter C of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-3.2. ADDITIONAL REQUIREMENTS RESERVED.

(Repealed by Ord. 33283)

~~_____ (a) In addition to the requirements adopted in Section 17-3.1 of this chapter, the requirements contained in this section govern food at food establishments.~~

~~_____ (b) Preventing contamination by employees.~~

~~_____ (1) Preventing contamination from hands.~~

~~_____ (A) Food employees shall wash their hands as specified under Section 228.38(a) of the Texas Food Establishment Rules (relating to management and personnel).~~

~~_____ (B) Except when washing fruits and vegetables as specified in Section 228.66(e) of the Texas Food Establishment Rules, food employees shall avoid contact of exposed ready-to-eat food with their bare hands by use of suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.~~

~~_____ (C) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.~~

~~_____ (2) Preventing contamination when tasting. A food employee may not use a utensil more than once to taste food that is to be sold or served.~~

~~_____ (c) Preventing contamination from the premises.~~

~~_____ (1) Food storage.~~

~~_____ (A) Except as specified in Section 17-3.2(c)(1)(B) and (C), food must be protected from contamination by storing the food:~~

~~_____ (i) in a clean, dry location;~~

~~_____ (ii) where it is not exposed to splash, dust, or other contamination; and~~

~~_____ (iii) at least 15 centimeters (6 inches) above the floor.~~

~~_____ (B) Food in packages and working containers may be stored less than 15 centimeters (6~~

inches) above the floor on case lot handling equipment as specified under Section 228.106(v) of the Texas Food Establishment Rules.

~~_____ (C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.~~

~~_____ (2) Food storage, prohibited areas. Food may not be stored:~~

~~_____ (A) in locker rooms;~~

~~_____ (B) in toilet rooms;~~

~~_____ (C) in dressing rooms;~~

~~_____ (D) in garbage rooms;~~

~~_____ (E) in mechanical rooms;~~

~~_____ (F) under sewer lines that are not shielded to intercept potential drips;~~

~~_____ (G) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;~~

~~_____ (H) under open stairwells; or~~

~~_____ (I) under other sources of contamination.~~

~~_____ (d) Outside distribution of time/temperature control for safety food. A food establishment that serves, sells, or distributes time/temperature control for safety food outside the premises of a fixed facility must maintain the food at a safe temperature.~~

~~_____ (e) Outdoor bars.~~

~~_____ (1) An outdoor bar is a food establishment that prepares and serves only beverages at a location not completely housed inside a fixed facility.~~

~~_____ (2) An outdoor bar is in compliance with Sections 17-3.1 and 17-3.2 if:~~

~~_____ (A) the director finds that the outdoor bar will not result in a health or safety hazard or nuisance; and~~

~~_____ (B) the outdoor bar is either:~~

~~_____ (i) limited to a single, fixed structure; or~~

~~_____ (ii) meets the requirements of this chapter pertaining to a Class II mobile food unit; and~~

~~_____ (C) the outdoor bar complies with all other requirements of this chapter.~~

~~_____ (3) An outdoor bar in compliance with Section 17-3.2(e)(2)(B)(i) must:~~

~~_____ (A) have overhead protection of a suitable material that:~~

~~_____ (i) completely covers the food preparation area;~~

~~_____ (ii) extends at least 18 inches beyond the edge of the service counter; and~~

~~_____ (iii) if the overhead protection extends to or beyond the edge of a swimming pool, is guttered to prevent the drainage of rainwater into the swimming pool;~~

~~_____ (B) have service counters, walls, partitions, and doors constructed and finished to impede the entrance of rodents;~~

~~_____ (C) store and dispense utensils, single service articles, and bar condiments and other unpackaged food only in containers with sealed, self-closing doors;~~

~~_____ (D) dispense ice only from automatic ice dispensers or from containers with sealed, self-closing doors;~~

~~_____ (E) provide only single service articles for use by the consumer; and~~

~~_____ (F) store food (including beverages), utensils, and single service articles in cabinets that are sealed to adequately protect the stored items from contamination by dust, water, insects, and rodents during the times the outdoor bar is not open for business.~~

~~_____ (f) Labeling of foods. Bulk, unpackaged foods that are apportioned to consumers with the assistance of food establishment personnel, including bakery products, need not be labeled if:~~

~~_____ (1) a health or nutrient content claim, or other claim, is not made;~~

~~_____ (2) the food is manufactured or prepared on the premises of the food establishment that is owned by the same person and is licensed by the food regulatory agency that has primary jurisdiction; and~~

~~_____ (3) ingredients contained in the food, including potential allergens, are provided to the consumer on request from a recipe book or by other means.~~

~~_____ (g) Food transportation.~~

~~_____ (1) Transportation. A food establishment that transports food shall:~~

~~_____ (A) comply with the applicable requirements of Section 17-3.2(c) during the transportation of food;~~

~~_____ (B) transport the food in a clean conveyance;~~

~~_____ (C) protect food and utensils from contamination by completely wrapping or packaging, except that foods in original individual packages do not need to be overwrapped or covered if the original package is intact.~~

~~_____ (2) Carryout food. A food establishment that prepares food for off premises consumption shall place the food in a sack or closed container, or wrap the food in a way that protects it from adulteration, unless:~~

~~_____ (A) the food is served in an individual serving;~~

~~_____ (B) the food is intended for immediate consumption; and~~

~~_____ (C) it is impracticable to enclose or wrap the food (as illustrated by, but not limited to, a serving of ice cream). (Ord. Nos. 26023; 30134; 32181)~~

ARTICLE IV.

EQUIPMENT, UTENSILS, AND LINENS.

SEC. 17-4.1. ADOPTION OF SUBCHAPTER D, TEXAS FOOD ESTABLISHMENT RULES.

~~Subchapter D [including Figure 1: 25 TAC § 228.101(c)(1) and Figure 2: 25 TAC § 228.111(n)(1)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.109(e) is not adopted.~~

Chapter 4 of the 2017 Food Code as adopted by the Texas Food Establishment Rules, 25 Texas Administrative Code, § 228.1(b), as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-4.2. **ADDITIONAL REQUIREMENTS RESERVED.**

(Repealed by Ord. 33283)

~~(a) In addition to the requirements adopted in Section 17-4.1 of this chapter, the requirements contained in this section govern equipment, utensils, and linens at food establishments.~~

~~(b) Clothes washer and dryer location requirements. If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. Laundry facilities may not be located in food handling areas.~~

~~(c) Maintenance of equipment. Equipment shall be maintained in a state of repair and condition that:~~

~~(1) meets the requirements specified in Subsection 228.101(a) and Section 228.102 of the Texas Food Establishment Rules; and~~

~~(2) enables the equipment to perform the function for which it is used, intended, or designed. (Ord. Nos. 26023; 30134)~~

ARTICLE V.

WATER, PLUMBING, AND WASTE.

SEC. 17-5.1. ADOPTION OF SUBCHAPTER E, TEXAS FOOD ESTABLISHMENT RULES.

~~Subchapter E of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Paragraphs 228.143(a)(1) through (3) and Subsections 228.146(b) and Subsection 228.147(e) are not adopted.~~

Subchapter E of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-5.2. **ADDITIONAL REQUIREMENTS RESERVED.**

(Repealed by Ord. 33283)

~~(a) In addition to the requirements adopted in Section 17-5.1 of this chapter, the requirements contained in this section govern water, plumbing, and waste at food establishments.~~

~~(b) Hot water. Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the food establishment. Such systems must be of not less than 50-gallon water tank capacity.~~

~~(c) Handwashing lavatory, water temperature, and flow.~~

~~(1) A handwashing lavatory must be equipped to provide water at a temperature of at least 43 degrees Celsius (110 degrees Fahrenheit) through a mixing valve or combination faucet.~~

~~(2) A steam-mixing valve may not be used at a handwashing lavatory.~~

~~———— (3) Self-closing, slow-closing, sensor-closing, or metering faucets are prohibited in food preparation areas.~~

~~(4) For extensively remodeled food establishments, a handwashing lavatory must be located within 25 linear feet of a food preparation area.~~

~~(d) Service sink. In new or extensively remodeled food establishments, at least one free-standing, stainless steel service sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.~~

~~(e) Grease traps/interceptors. For extensively remodeled food establishments, and unless otherwise approved by the director, a food establishment must locate grease traps/interceptors outside the food establishment so that they are easily accessible for cleaning. Grease traps/interceptors located inside the food establishment with the director's approval must have a liquid-tight lid flush attached to the floor that prevents contamination of food or equipment. (Ord. Nos. 26023; 30134)~~

ARTICLE VI.

PHYSICAL FACILITIES.

SEC. 17-6.1. **ADOPTION OF SUBCHAPTER F, TEXAS FOOD ESTABLISHMENT RULES.**

~~Subchapter F of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Sections 228.172 and 228.173 are not adopted.~~

Subchapter F of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-6.2. **ADDITIONAL REQUIREMENTS RESERVED.**

(Repealed by Ord. 33283)

~~(a) In addition to the requirements adopted in Section 17-6.1 of this chapter, the requirements contained in this section govern the physical facilities of food establishments:~~

~~(b) Outdoor areas, surface characteristics:~~

~~(1) Walking and driving areas. The outdoor walking and driving areas must be:~~

~~(A) surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions; and~~

~~(B) graded to prevent pooling.~~

~~(2) Exterior surfaces. Exterior surfaces of buildings and mobile food units must be of weather-resistant materials and must comply with applicable law.~~

~~(3) Storage areas. Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under Subsections 228.155(a) through (c) of the Texas Food Establishment Rules, which governs water, plumbing, and waste. Only articles necessary for the operation and maintenance of~~

~~a food establishment and its exterior may be stored on the premises, but only when the storage does not~~

violate this chapter, other city ordinances, or other applicable law.

~~—————(c) Floors, walls, and ceilings.~~

~~—————(1) A food establishment containing a food handling area, food processing area, food preparation area, food storage area, equipment or utensil washing area, walk-in refrigerating unit, dressing room, locker room, toilet room, or vestibule shall:~~

~~—————(A) construct the walls (including nonsupporting partitions), and wall covering in these areas of smooth, rigid, non-absorbent, and easily cleanable material that is light in color and not easily torn or punctured, such as fiberglass-reinforced plastic, except that walls in dry storage areas may be finished with a light-colored, oil-based enamel paint that provides a smooth surface;~~

~~—————(B) make the ceiling in these areas light in color and construct it of smooth, non-absorbent, and easily cleanable material or of a lay-in type acoustical material in T-type metal grids that can be easily replaced when the material becomes soiled;~~

~~—————(C) prevent exposed construction in these areas, including but not limited to the exposure of pipes, conduits, ductwork, studs, joists, and rafters;~~

~~—————(D) prevent unnecessary exposure of utility service lines and pipes on floors, walls, and ceilings in these areas, or if exposure is necessary install them in a way that does not obstruct cleaning of floors, walls, and ceilings;~~

~~—————(E) attach light fixtures, vent covers, wall-mounted fans, decorative material, and similar equipment used in these areas, in a manner that permits easy cleaning; and~~

~~—————(F) finish and seal concrete or pumice blocks used for interior wall construction in these areas to provide an easily cleanable surface.~~

~~—————(2) Special requirements for floors. A food establishment shall:~~

~~—————(A) construct floors that are water flushed for cleaning, or that receive discharges of liquid from equipment or pressure sprays, of sealed concrete, terrazzo, ceramic tile, or similar material that is graded to a properly installed trapped floor drain;~~

~~—————(B) cove and seal junctures between walls and floors in extensively remodeled establishments and in other cases construct the junctures between walls and floors so that the seam is not greater than 1/32 inch;~~

~~—————(C) use only mats and duckboards that are constructed of nonabsorbent, grease resistant material of a size, design, and construction that permits easy cleaning;~~

~~—————(D) not use duckboards as storage racks;~~

~~—————(E) not use floor carpeting in food preparation areas, food storage areas, equipment and utensil washing areas, or toilet rooms; and~~

~~—————(F) not use sawdust, wood shavings, peanut hulls, or similar material as a floor covering.~~

~~—————(3) Anti-slip floor covering may be used in areas where necessary for safety. Floor carpeting may be used in areas not listed in Section 17-6.2(c)(2)(E) if it is of closely woven construction, properly installed, easily cleanable and in good repair.~~

~~————(d) Location of certain equipment. For extensively remodeled food establishments, a food establishment must:~~

~~—————(1) locate equipment used for a work surface on which food is prepared (e.g., a meat or vegetable cutting block or bakers table) within five feet of a floor drain so that it may be properly cleaned;~~

~~—————(2) maintain unobstructed aisles between equipment of a width sufficient to permit passage without a likelihood of causing adulteration of food;~~

~~————— (3) position all readily movable storage equipment, including pallets, racks, and dollies, to provide accessibility to working areas;~~

~~————— (4) locate an ice machine, if any, inside a food service or food preparation area; and~~

~~————— (5) not locate equipment, including ice makers and ice storage equipment, under exposed or unprotected sewer lines or water lines, open stairwells, or near other sources of contamination, excluding automatic fire protection sprinkler heads.~~

~~————— (e) Auxiliary equipment for extensively remodeled food establishments.~~

~~————— (1) Except as otherwise provided in this subsection, a food establishment may not locate non-food service equipment (e.g., water heaters, laundry machines, remote connected refrigerator compressors, or air conditioners) inside a food preparation area unless otherwise authorized or required by law.~~

~~————— (2) If a water heater is authorized or required to be located inside a food handling area, it must be enclosed with walls or partitions constructed of rigid, smooth, non-absorbent, easily-cleanable materials.~~

~~————— (3) If a food establishment uses mechanical laundry equipment, the food establishment must locate the equipment in a separate room with self-closing, solid doors that fit tightly at each entrance. (Ord. Nos. 26023; 30134; 32181)~~

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

SEC. 17-7.1. ADOPTION OF SUBCHAPTER G, TEXAS FOOD ESTABLISHMENT RULES.

~~———— Subchapter G of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.~~

Subchapter G of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-7.2. ADDITIONAL REQUIREMENTS RESERVED.

(Repealed by Ord. 33283)

~~———— Reserved. (Ord. 26023)~~

ARTICLE VIII.

MOBILE FOOD UNITS.

SEC. 17-8.1. ADOPTION OF SECTION 228.221, TEXAS FOOD ESTABLISHMENT RULES.

~~———— Section 228.221 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subsections 228.221(a), (b), and (c)(2), are not adopted.~~

Section 228.221 of the Texas Food Establishment Rules, as amended, relating to mobile food units, is hereby adopted by reference and made a part of this chapter. The City of Dallas does not issue permits for or conduct inspections of mobile food units. Regulatory authority for mobile food units currently resides with Dallas County Health and Human Services, or such other governmental entity as may be designated by state law. The City of Dallas may assume regulatory authority in the future through an interlocal agreement or other legal mechanism, without the necessity of further amendment to this chapter. (Ord. Nos. 26023; 28488; 30134; 32181; 33283)

SEC. 17-8.2. ~~ADDITIONAL REQUIREMENTS RESERVED.~~

(Repealed by Ord. 33283)

—(a) ~~In general.~~ In addition to the requirements adopted in Section 17-8.1 of this chapter, the requirements contained in this section govern mobile food units:

—(b) ~~Categories of mobile food units.~~ Mobile food units in the city are divided into the following categories:

~~(1) Class I. A Class I mobile food unit is a mobile food unit from which only the following foods and beverages are served, sold, or distributed:~~

~~(A) Food that is prewrapped, bottled, or otherwise labeled and packaged in individual servings.~~

~~(B) Beverages that are not time/temperature control for safety and are dispensed from covered urns or other protected equipment.~~

~~(C) Raw, uncut vegetables and fruits.~~

~~(2) Class II. Any mobile food unit that is not a Class I, Class III, or Class IV mobile food unit is a Class II mobile food unit.~~

~~(3) Class III. A Class III mobile food unit is a mobile food preparation trailer meant to be pulled to locations that complies with the construction and operation standards for operating a mobile unit used for cooking, keeping, storing, or warming food or beverages.~~

~~(4) Class IV. A Class IV mobile food unit is an operational, motorized mobile food preparation vehicle in which food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.~~

~~(c) Vehicles.~~

~~(1) A food establishment that uses a vehicle in the operation of a mobile food unit shall:~~

~~(A) identify the vehicle with characters three inches high on both exterior sides of the vehicle stating the following:~~

~~(i) the name of the food establishment;~~

~~(ii) a brief description of the nature of the business if not included in the name; and~~

~~(iii) the permit number of the vehicle;~~

~~(B) secure an inspection of the vehicle by the director on the date designated by the director;~~

~~(C) maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order;~~

~~(D) keep the permit or a copy of the permit on the vehicle at all times;~~

~~(E) keep proof of minimum vehicle insurance that is issued in at least six month increments;~~

~~(F) display on the vehicle current license plates and a current vehicle safety inspection sticker issued by the State of Texas, when required by state law; and~~

~~(G) not equip the vehicle with any sound amplification device that, when operated, violates Section 30-2 of this code.~~

~~(2) In addition to other vehicle requirements of Section 17-8.2(c), a mobile food preparation vehicle must:~~

~~(A) be equipped with four-way hazard lights; and~~

~~(B) in addition to the left and right outside rearview mirrors, be equipped with two outside wide-angle mirrors, one located on the front of the vehicle and one located on the rear of the vehicle.~~

~~(3) In addition to other vehicle requirements of Section 17-8.2(c), a Class II mobile food unit must:~~

~~(A) be constructed of 18 gauge stainless steel (equivalent to .05 inches durable stainless steel);~~

~~(B) not exceed six feet in length (including any handles measuring six inches or more in length and any permanently attached trailer hitches), three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels);~~

~~_____ (C) have the bottom of the food service or storage unit at least six inches above the ground;~~

~~_____ (D) be equipped with an electrical oven or refrigeration system to maintain proper food temperature; and~~

~~_____ (E) not contain a grill or fryer.~~

~~_____ (4) In addition to other vehicle requirements of Section 17-8.2(c), a Class I mobile food unit must not exceed three feet in length, two feet in width (exclusive of wheels), or two feet in height (exclusive of wheels); except for frozen dessert stationary pushcarts, which must not exceed six feet in length, three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels):~~

~~_____ (d) Site of operation of Class II units.~~

~~_____ (1) All food products, supplies, and equipment necessary for the operation of a pushcart must be contained on the vehicle or at a permitted facility:~~

~~_____ (2) Slicing, dicing, and chopping of vegetables and other food items are prohibited.~~

~~_____ (3) No cooking, including but not limited to grilling, baking, and frying, is allowed on a pushcart. Only the reheating of cooked food by boiling or steaming is allowed.~~

~~_____ (4) An operator of a pushcart must have access to restroom facilities during the hours the pushcart is in operation.~~

~~_____ (5) The fixed site from which a pushcart is operated must have a valid food establishment permit issued under Article X of this chapter, unless otherwise approved by the director.~~

~~_____ (e) Food served or distributed from a mobile food unit. A person may not serve or distribute from a mobile food unit any food not specified in the food establishment permit issued under Article X of this chapter.~~

~~_____ (f) Ice:~~

~~_____ (1) Ice used in a beverage served by either a Class I, Class II, Class III, or Class IV mobile food unit must be:~~

~~_____ (A) from an approved source;~~

~~_____ (B) stored in a stainless steel container that:~~

~~_____ (i) is covered;~~

~~_____ (ii) is not installed above food equipment or food contact surfaces; and~~

~~_____ (iii) drains into the mobile food unit's liquid waste retention tank; and~~

~~_____ (C) dispensed with an approved scoop by an employee of the mobile food unit or from automatic self-service ice dispensing equipment.~~

~~_____ (2) All ice used to keep food cold must be drained into the mobile food unit's liquid waste retention tank and properly disposed of at the mobile food unit's designated commissary or servicing area.~~

~~_____ (g) Central preparation facility or commissary.~~

~~_____ (1) Supplies, cleaning, and servicing operations.~~

~~_____ (A) Except as provided in this paragraph, a mobile food unit must operate from a central preparation area, commissary, or other fixed food establishment and must report to the location for supplies and for cleaning and servicing operations at the end of each day. Pushcarts must be stored at the commissary location when not in operation.~~

~~_____ (B) A mobile food unit may report to the central preparation area, commissary, or other fixed food establishment for supplies, cleaning, and servicing operations at least once a week if the following conditions are met:~~

~~_____ (i) the mobile food unit operator shall apply for a variance on a form provided by the director and shall include with the application all of the information required by Section 17-10.2(s) to be able to return to the commissary once per week;~~

~~_____ (ii) the mobile food unit is enclosed and complies with the health and safety standards of a fixed food establishment;~~

~~_____ (iii) all cleaning supplies must be disposable and discarded at the end of each operating day;~~

~~_____ (iv) the mobile food unit operator shall demonstrate that sanitary on-site servicing of the mobile food unit's potable water and wastewater systems are being conducted;~~

~~_____ (v) the mobile food unit operator must provide proof of weekly on-site servicing by a licensed-permitted liquid waste transport vehicle, otherwise known as a vacuum truck, for the removal and disposal of liquid waste resulting from the mobile food unit and weekly commissary visits. The mobile food unit operator shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to the director or a peace officer upon request for inspection and copying at the mobile food unit during the mobile food unit's hours of operation;~~

~~_____ (vi) the commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the director. The permit holder, person in charge, employee, or representative of any commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the director, whichever comes first. Servicing records maintained at the commissary must be made immediately available to the director or a peace officer upon request for inspection and copying during normal business hours;~~

~~_____ (vii) servicing operations may be performed by the commissary operator or by the mobile food unit operator. The commissary operator must provide resources at the commissary for proper servicing. The mobile food unit operator shall confirm that the requirements of this section are fulfilled prior to resuming operations.~~

~~_____ (2) It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with this subsection.~~

~~_____ (3) The director may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The director may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this chapter.~~

~~_____ (4) Construction. The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food establishment, must be constructed and operated in compliance with this chapter.~~

~~_____ (h) Operating requirements for mobile food units.~~

~~_____ (1) General operating requirements for mobile food units. A food unit that serves, sells, or distributes any food or beverage from a mobile food unit shall comply with the following operating requirements:~~

~~_____ (A) Any person operating a motor vehicle as a mobile food unit must have a current driver's license. The permit holder must ensure that their vehicle drivers have a valid driver's license.~~

~~—————(B) Garbage storage containers must be maintained on each mobile food unit in a number sufficient to contain all trash and garbage generated by the unit. Every garbage container must have a tight-fitting lid. Before a mobile food unit leaves a vending site, all trash and garbage must be removed from the site. Excessive trash and garbage may not be allowed to accumulate inside or around the mobile food unit. All trash and garbage must be disposed of in an approved garbage receptacle.~~

~~—————(2) Class III and Class IV mobile food units. In addition to other operating requirements of Section 17-8.2(h), a food establishment that serves, sells, or distributes any food or beverage from a Class III and Class IV mobile food unit must comply with the following requirements:~~

~~—————(A) A Class III and Class IV mobile food unit must have written authorization from the owner or person in control of each premises from which the Class III and Class IV mobile food unit will sell or serve food. The authorization must include the specific dates and times during which the Class III and Class IV mobile food unit is authorized to be present on the premises. A separate written agreement granting permission to use the toilet facilities and garbage receptacles must be obtained from the owner or person in control of the premises on which the Class III and Class IV mobile food unit will sell or serve food or from the owner or person in control of a nearby premises. Toilet facilities may not be located more than 600 feet from the Class III and Class IV mobile food unit and must be accessible during all times that the Class III and Class IV mobile food unit is present on the premises. A current copy of each authorization must be maintained on file with the director and also in the vehicle for inspection by the director or a peace officer upon request.~~

~~—————(B) Before a permit is issued or renewed to a Class III and Class IV mobile food unit under this chapter, an itinerary for the Class III and Class IV mobile food unit must be filed with the director. The director must be given written notice at~~

~~least two business days before implementation of any changes to the filed itinerary. The itinerary must include:~~

~~—————(i) the address of each premises to be serviced and the name and telephone number of the owner or person in control of those premises;~~

~~—————(ii) the scheduled times of arrival at and departure from each premises to be serviced, which times must be accurate to within 30 minutes; and~~

~~—————(iii) a description of the food to be sold or served at each premises.~~

~~—————(C) No cooking may be conducted while the unit is in motion.~~

~~—————(D) All cooking equipment and hot holding units must be located at the rear of a mobile food preparation unit. All cooking equipment must be properly vented. An approved automatic fire extinguishing system must be provided over cooking surfaces that require exhaust ventilation. Covers with secure latches for deep fryers, steam tables, and similar equipment must be provided and installed while the unit is in motion.~~

~~—————(E) A Class III and Class IV mobile food unit must:~~

~~—————(i) be operated only in a location where such operation is allowed by the Dallas Development Code;~~

~~—————(ii) not sell or serve food on any public street, sidewalk, or other public right-of-way;~~

~~—————(iii) park only on an improved surface to sell or serve food;~~

~~—————(iv) not stop or remain at any location to sell or serve food during any time other than the dates and times specified in:~~

~~_____ (aa) the current itinerary on file with the director for the Class III and Class IV mobile food unit; and~~

~~_____ (bb) the current authorization agreement on file with the director for the use of the premises to sell or serve food;~~

~~_____ (v) be parked overnight (for at least five consecutive hours) only at its commissary or at another location approved by the director that does not violate any applicable city ordinance or state or federal law;~~

~~_____ (vi) not utilize or park in any off-street parking spaces required of the premise that authorizes the mobile food unit to sell or serve food;~~

~~_____ (vii) comply with all applicable zoning, noise, and smoke regulations in the Dallas Development Code;~~

~~_____ (viii) not have any external operational support equipment on the property including but not limited to tables, chairs, tents, over head coverings, refrigeration, freezers, generators, or dry storage units. All operations must be contained within the mobile food unit; or~~

~~_____ (ix) have signs displayed only on the mobile food unit and the signs may not extend beyond the length, width, or height of the mobile food unit.~~

~~_____ (F) It is a defense to prosecution under Section 17-8.2(h)(2)(F) that a Class III and Class IV mobile food unit was being operated in compliance with all terms and conditions of a valid special event permit issued by the city.~~

~~_____ (i) Structural requirements for a Class II, Class III, or Class IV mobile food unit.~~

~~_____ (1) A Class II, Class III, or Class IV mobile food unit must have a potable water system under pressure that:~~

~~_____ (A) is equipped with a permanently installed water supply tank of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing; the potable water supply tank must have a minimum capacity of:~~

~~_____ (i) five gallons for a Class II mobile food unit; and~~

~~_____ (ii) 30 gallons for a Class III and Class IV mobile food unit;~~

~~_____ (B) is equipped with a water inlet that is:~~

~~_____ (i) located where it will not be contaminated by waste discharge, road dust, oil, or grease; and~~

~~_____ (ii) provided with a connection of a size or type that will prevent its use for any other service;~~

~~_____ (C) is constructed and installed in accordance with the Rules on Food Service Sanitation, as adopted and amended by the Texas Department of State Health Services, which include National Sanitation Foundation standards, Underwriter Laboratory standards, and equivalent standards;~~

~~_____ (D) is equipped with a propane tank installed in accordance with applicable fire department regulations pursuant to a valid liquid propane gas (LPG) permit issued by the fire department;~~

~~_____ (E) is equipped with a water heater, if the vehicle or trailer is a Class III and Class IV mobile food unit the water heater must be capable of heating water to at least 110 degrees Fahrenheit, and any tank of the water heater must have a minimum capacity of three gallons; and~~

~~_____ (F) provides a minimum water pressure of one gallon per minute.~~

~~————— (2) In lieu of the potable water system under pressure required in Section 17-8.2(i)(1), a Class II mobile food unit may have a potable water system that is gravity fed with a mixing faucet if the water tanks:~~

~~————— (A) are vented for escape or intake of air of sufficient volume to allow for water flow, and the vent openings are protected;~~

~~————— (B) have a smooth interior with no recesses and crevices; and~~

~~————— (C) have a combined water capacity of not less than five gallons.~~

~~————— (3) If liquid waste results from the operation of a Class II, Class III, or Class IV mobile food unit, the unit must have a liquid waste retention system that is:~~

~~————— (A) equipped with a permanently installed retention tank of at least 50 percent larger capacity than the potable water supply tank;~~

~~————— (B) equipped with servicing connections that are:~~

~~————— (i) located lower than the water inlet to prevent contamination of the potable water system; and~~

~~————— (ii) of a different size or type than the connection used for supplying potable water to the unit; and~~

~~————— (C) properly sloped to drain and collect all potential liquid waste.~~

~~————— (4) In addition to other structural requirements of Section 17-8.2(i), a Class III or Class IV mobile food unit must meet the following requirements:~~

~~————— (A) Floors must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines~~

~~and pipes must be installed off the floor to allow for easy cleaning.~~

~~————— (B) Walls must be durable, easily cleanable, nonabsorbent, and light in color. Minimum wall covering materials include, but are not limited to, aluminum or fiberglass-reinforced paneling. Walls at vent hood and grill areas must be covered with stainless steel panels. Wall covering must be installed to cover the entire height of each wall. Studs and utility lines may not be unnecessarily exposed on the wall or prevent cleaning.~~

~~————— (C) Ceilings must be light in color, nonabsorbent, and easily cleanable. The height over the aisle-way portion of the vehicle must be at least 74 inches and unobstructed. Joists and rafters may not be exposed.~~

~~————— (D) The cab of the vehicle must be physically separated from the food preparation area, and the seats designated for the cook and any passengers must be located outside of the food preparation area. Aisle space must be unobstructed and at least 30 inches wide.~~

~~————— (E) Construction joints must be tightly fitted and sealed with no gaps or voids, and all sealant, solder, and weld joints located in the food contact areas must be smooth and approved for food contact surfaces.~~

~~————— (F) The vehicle or trailer must be equipped with a built-in hose that may be used to wash the interior of the vehicle.~~

~~————— (G) All equipment and utensils must meet or exceed the standards published by the National Sanitation Foundation (NSF).~~

~~————— (H) All equipment must be placed, installed, stored, and secured on the vehicle or trailer in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle or trailer is in motion. Counter-mounted equipment must be~~

~~sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment:~~

~~—————(I) The vehicle or trailer must be equipped with a stainless steel, three-compartment sink, with each compartment measuring at least 12 inches long, 12 inches wide, and 10 inches deep, to be used for warewashing. The sink must be equipped with:~~

~~—————(i) a mixing faucet with a swivel spigot capable of servicing all sink compartments; and~~

~~—————(ii) an integral stainless steel drainboard at least 12 inches long, which must be installed with a minimum one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.~~

~~—————(J) The vehicle or trailer must be equipped with a stainless steel sink measuring at least nine inches long, nine inches wide, and four inches deep to be used for handwashing. The sink must be:~~

~~—————(i) located in an area that is fully accessible and at counter level;~~

~~—————(ii) separated from the warewashing sink by a metal splashguard at least six inches high; and~~

~~—————(iii) equipped with a soap dispenser and paper towel dispenser.~~

~~—————(K) The vehicle or trailer must contain at least 20 inches of linear counter space for each piece of food equipment. Additional counter space must be provided that is sufficient to allow for safe food preparation.~~

~~—————(L) The vehicle or trailer must contain at least 15 cubic feet of storage space for dry food and utensil storage. No food or utensil storage is allowed in any plumbing compartment.~~

~~—————(M) The vehicle or trailer must be equipped with mechanical refrigeration equipment if time/temperature control for safety food is stored, prepared, or served on the vehicle. The mechanical refrigeration equipment must have at least 15 cubic feet of usable storage space and be capable of ensuring proper food temperature control during transportation and operation.~~

~~—————(N) Outer openings of the vehicle or trailer, including but not limited to service windows, doors, pop-up vents, and sunroofs, must be insect and rodent proof and meet the following requirements:~~

~~—————(i) Screens must be tightly fitted and in good repair, with a maximum of 16 mesh per square inch.~~

~~—————(ii) Service windows must not be larger than 216 square inches. The distance between two service windows must not be less than 18 inches. Each service window must have an overhead protection cover extending at least 12 inches from the vehicle.~~

~~—————(iii) Entrance doors and service windows to the food preparation area must be self-closing and must be kept closed when not in use.~~

~~—————(O) The vehicle or trailer must be equipped with a power source, approved by the director, that is capable of handling the power demands of the vehicle or trailer and equipment while the vehicle or trailer is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.~~

~~—————(P) Light bulbs and tubes must be covered and completely enclosed in plastic safety shields or the equivalent.~~

~~—————(5) A food establishment may not serve, sell, or distribute any food or beverage from a Class II, Class III, or Class IV mobile food unit that does not comply with the requirements of Section 17-8.2(i).~~

~~(j) Servicing requirements for a Class II, Class III, or Class IV mobile food unit.~~

~~(1) A food establishment that serves, sells, or distributes any food or beverage from a Class II, Class III, or Class IV mobile food unit shall comply with the following regulations:~~

~~(A) Servicing area. The food establishment shall provide a servicing area where every Class II, Class III, or Class IV mobile food unit must report at least once daily for servicing operations. The servicing area must include:~~

~~(i) overhead protection for any supplying, cleaning, or servicing operation;~~

~~(ii) a location for the flushing and draining of liquid waste separate from the location provided for water service and the loading and unloading of food and related supplies; and~~

~~(iii) a surface constructed of a smooth nonabsorbent material, including, but not limited to, concrete or machine-laid asphalt, that is maintained in good repair, kept clean, and graded to drain.~~

~~(B) Servicing methods and equipment.~~

~~(i) Potable water servicing equipment must be installed according to all applicable city ordinances and state and federal law and stored and handled in a way that protects the water and equipment from contamination.~~

~~(ii) The liquid waste retention tank for a Class II, Class III, or Class IV mobile food unit must be thoroughly flushed and drained during the servicing operation.~~

~~(iii) All liquid waste must be discharged to a sanitary sewerage disposal system constructed and operated according to all applicable city ordinances and state and federal law.~~

~~(iv) Liquid waste may not be discharged from a Class II, Class III, or Class IV mobile food unit while it is in motion.~~

~~(C) Site cleanup. A service site must be left in a clean, waste-free condition.~~

~~(D) Food preparation and service. Food may not be prepared or served while the vehicle is in motion or in an area that exposes any person present to a health or safety hazard.~~

~~(2) A food establishment may not serve, sell, or distribute any food or beverage from a Class II, Class III, or Class IV mobile food unit if the food establishment does not supply, clean, or service the Class II, Class III, or Class IV mobile food unit in accordance with Section 17-8.2(j).~~

~~(k) Annual food permit eligibility. A mobile food unit is eligible for an annual food permit if the mobile food unit complies with all the construction standards for its classification. (Ord. Nos. 26023; 28220; 28488; 30134; 30653; 32181)~~

ARTICLE IX.

TEMPORARY FOOD ESTABLISHMENTS AND CATERING SERVICES.

SEC. 17-9.1. ELECTION NOT TO ADOPT SECTION 228.222, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.222 of the Texas Food Establishment Rules is not adopted.

Section 228.222 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; eff. 7-1-16; 33283)

SEC. 17-9.2. REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS RESERVED.

(Repealed by Ord. 33283)

(a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if the:

(1) director finds that the operation will not result in a health or safety hazard or a nuisance;

(2) operation is limited to a single, fixed location, which may include one or more facilities at the location;

(3) establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:

(A) A vendor must submit a copy of:

(i) its current local health permit and a copy of its last health inspection from the local health department where the vendor is located or, if the vendor does not have its own licensed kitchen, then the vendor shall provide a permission letter from the owner of the kitchen where the food items will be prepared; and

(ii) an invitation or similar document from the event organizer granting the vendor permission to participate in the event; and

(B) a food manufacturer must submit a copy of its state manufacturer's license;

(4) establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and

(5) completed application for the permit to operate a temporary food service establishment is received by the director at least five business days before the scheduled commencement of the activity or event for which the permit is issued.

(a-1) Food booths. A permit issued under this section is valid for up to five food booths. This permit is in addition to any other requirement in this chapter, including Section 17-10.2, "Temporary Food Service Fee," of this chapter, as amended.

(b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety food and the weekly gross income of which does not exceed \$100.

(c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5 (b)(16)(A)(i), (ii), (iii), (iv), (v), or (vii) of this chapter.

(d) Expiration. A temporary food service establishment permit expires:

(1) upon expiration of a special event

~~permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food~~

service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), or (vii) of this chapter;

~~(2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or~~

~~(3) 14 days after the issuance of a temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first.~~

~~(e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:~~

~~(1) prepare, serve, sell, or distribute more than six time/temperature control for safety menu items within a permitted booth, unless otherwise approved by the director;~~

~~(2) prepare, serve, sell, or distribute any food not approved in advance by the director;~~

~~(3) prepare time/temperature control for safety food, except that an establishment may prepare time/temperature control for safety food that is approved in advance by the director and does not require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide time/temperature control for safety food that is:~~

~~(A) obtained by the establishment in precooked, individual servings;~~

~~(B) stored at a temperature of:~~

~~(i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or~~

~~(ii) 135° F. (57° C.) or above using mechanical holding units in each booth to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and~~

~~(C) served to a consumer in the container in which it was originally packaged;~~

~~(4) prepare, serve, sell, or distribute raw seafood or poultry, except when the product is:~~

~~(A) pre-cut, breaded, and frozen and ready to be directly placed from the freezer into a fryer; or~~

~~(B) precooked;~~

~~(5) allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);~~

~~(6) permit consumption of ice or contact of ice with food unless the ice is:~~

~~(A) obtained from a source that is approved as safe by the director;~~

~~(B) in chipped, crushed, or cubed form;~~

~~(C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and~~

~~(D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;~~

~~(7) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:~~

~~(A) contains not less than 50 mg/l of available chlorine; and~~

~~_____ (B) is maintained in a clean condition; or~~

~~_____ (8) use water from a source that is not approved as safe by the director.~~

~~_____ (f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:~~

~~_____ (1) Limit the booth size to a maximum 15 x 15 square foot space, unless the event planner provides fixed structures as temporary booths, or as otherwise approved by the director.~~

~~_____ (2) Protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:~~

~~_____ (A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.~~

~~_____ (B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.~~

~~_____ (C) When self-service ice dispensers are not used, ice scoops are required.~~

~~_____ (D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.~~

~~_____ (E) Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.~~

~~_____ (F) Animals may not be located within 50 feet of a temporary food establishment or food service area.~~

~~_____ (3) Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:~~

~~_____ (A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.~~

~~_____ (B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided to ensure that proper sanitizer concentration is achieved. All utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.~~

~~_____ (C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.~~

~~_____ (4) Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.~~

~~_____ (5) Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:~~

~~————— (A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.~~

~~————— (B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.~~

~~————— (6) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.~~

~~————— (7) Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.~~

~~————— (8) Use only equipment approved by the director if time/temperature control for safety foods will be served by the establishment.~~

~~————— (9) Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.~~

~~————— (10) A state approved food handler training class shall be required for all food handlers that take part in a temporary event that exceeds 14 consecutive calendar days in length. Proof of course completion must be provided to the director upon request.~~

~~————— (11) A temporary event that exceeds four hours, is granted a variance under this chapter, or where special food handling and preparation processes are requested, will be required to have one or more food inspector(s) on site, for a maximum of eight hours each day, at the expense of the event planner. There is no fee for the first four hours and a non-refundable fee of \$57 per hour will be assessed to the event planner for every hour over four hours that the event is operational including set-up time.~~

~~————— (g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:~~

~~————— (1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;~~

~~————— (2) have a serving counter with a depth of at least 12 inches;~~

~~————— (3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;~~

~~————— (4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and~~

~~————— (5) comply with all design and structural standards that may be established by the director for temporary food service establishments. (Ord. Nos. 26023; 26556; 28046; 30134; 30653)~~

SEC. 17-9.3. REQUIREMENTS FOR CATERING SERVICES.

~~————— (a) Affiliation with permitted food establishment required. A person shall not engage in a catering service unless the service is affiliated with a food establishment operating from a fixed facility that is permitted under Article X of this chapter.~~

~~————— (b) Food preparation. A catering service may prepare food at the service site. If food requires substantial preparation in addition to cooking at the service site, a catering service shall not serve the food requiring additional preparation unless approved as safe by the director.~~

~~————— (c) Operational requirements. A catering service shall:~~

~~————— (1) notify the director in writing four days in advance of serving to a group of 500 or more people, stating the location, time, and menu of the service;~~

~~————— (2) take necessary steps to provide facilities and supplies for maintenance of personal hygiene (including, but not limited to, potable water, soap, and towels) for employees at the service site;~~

~~————— (3) provide refuse containers at the service site that permit disposal of refuse in a way that does not result in a health or safety hazard;~~

~~————— (4) leave a service site in a clean, waste-free condition; and~~

~~————— (5) not prepare or serve food in an area that exposes any person present to a health or safety hazard.~~

~~—— (d) Duration of service at same site. A catering service shall not serve at the same service site on more than two successive days unless the catering service complies with additional requirements as the director determines are necessary to protect the public health and safety at the service site.~~

~~—— (e) Vehicles. A food establishment that uses a vehicle in the operation of a catering service shall:~~

~~————— (1) identify the vehicle with characters three inches high on both exterior sides of the vehicle stating the following:~~

~~————— (A) the name of the food establishment;~~

~~————— (B) a brief description of the nature of the business if not included in the name; and~~

~~————— (C) the permit number of the vehicle;~~

~~————— (2) secure an inspection of the vehicle by the director on the date designated by the director;~~

~~————— (3) maintain the vehicle in a clean condition;~~

~~————— (4) keep the permit or a copy of the permit on the vehicle at all times; and~~

~~————— (5) not equip the vehicle with any sound amplification device that, when operated, violates Section 30-2(k) of this code:~~

Catering services must comply with the applicable requirements of the Texas Food Establishment Rules, as amended. (Ord. Nos. 26023; 33283)

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

SEC. 17-10.1. ADOPTION OF SUBCHAPTER I, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter I of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Figure 1: 25 TAC § 228.251(f) is not adopted.

Subchapter I of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-10.2. ADDITIONAL REQUIREMENTS RESERVED.

(Repealed by Ord. 33283)

(a) In addition to the requirements adopted in Section 17-10.1 of this chapter, the requirements contained in this section govern compliance and enforcement of this chapter.

(b) Documenting information and observations on inspection of food establishments. The director shall document administrative information about a food establishment's legal identity and all other findings and observations on the inspection report form. A copy of the inspection report must be furnished to the owner or person in charge, which constitutes written notice of any violation of this chapter. The inspection report must summarize the inspectional findings and must set forth a demerit point value for each classification of inspection items. A food establishment shall provide a copy of the most recent inspection report to any customer or potential customer upon request.

(c) Permits.

(1) Requisite. A person shall not operate a food establishment inside the city without a permit issued by the director. A separate permit is required for:

(A) each establishment that is under a separate ownership;

(B) each separate and distinct fixed facility from which an establishment operates;

(C) each vehicle used to operate a catering service; and

(D) each mobile food unit.

(2) Facilities that are not separate and distinct. For purposes of this article, the following facilities are not considered separate and distinct if they are in the same building and under the same ownership and same management:

(A) A restaurant and a bar that is:

(i) either located within the restaurant or adjacent to the restaurant; and

(ii) preparing beverages for service in the restaurant.

(B) A holding kitchen for a banquet room and a main kitchen preparing food for service in the banquet room.

(C) A main kitchen and any food service area for which the main kitchen prepares food.

(3) Common areas. If several separate and distinct facilities in the same building or at the same fixed location share common food storage, utensil storage, dishwashing, cleaning, laundry, or other areas, each facility's permit must specify which common areas are to be inspected with the facility. Each common area specified under a permit must be included in the calculation of the floor area of the permitted facility for purposes of assessing the annual inspection fee.

(4) Lapse. A permit lapses if the food establishment operating under the permit:

~~_____ (A) ceases its operation for 12 or more months;~~

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

	Class I and Class II Fixed Facility	Class III and Class IV Mobile Food Unit	Class III and Class IV Mobile Food Unit
Application Fee	\$198	\$121	\$482
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date; existing facility or vehicle under same ownership	\$221		

~~(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) 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 \$564 for a mobile food unit.~~

~~(B) Class II mobile food unit limited to a coffee cart. An application 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 \$407.~~

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

~~(A) 18 months after the date of approval, for new construction of a fixed facility or construction of a mobile food preparation vehicle;~~

~~(B) six months after the date of approval, for extensive remodeling of an existing facility; or~~

~~(C) completion of construction and issuance of a food establishment permit.~~

~~(3) Before construction or remodeling may be continued or recommenced after an approval of plans and specifications lapses:~~

~~(A) a new permit application must be made, and an application fee paid, in accordance with Section 17-10.2(d); and~~

~~(B) the plans and specifications must be resubmitted to and approved by the director and a new plans review fee must be paid.~~

~~(4) Approval of the plans and specifications by the director does not prevent the director from enforcing an ordinance or other law applicable to the construction or remodeling.~~

~~(5) Plans and specifications submitted under this section for a fixed facility must conform to the requirements for plans and specifications in the Dallas Building Code.~~

~~(6) If plans and specifications are approved by all affected departments of the city and construction has been in accordance with the plans and specifications, before an inspecting officer from any department may require a change, written notice must be served to the food establishment in accordance with Section 17-10.2(n). The notice must state:~~

~~(A) the required change in the plans and specifications;~~

~~(B) the reason for the change; and~~

~~(C) the establishment's right to appeal the order of change.~~

~~(7) A food establishment may appeal a change ordered under this section following the procedures of Section 17-10.2(q):~~

~~(f) Inspections.~~

~~(1) Consent to inspection. Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.~~

~~(2) Inspection procedure. An inspection will be conducted in the following manner:~~

~~(A) The director may inspect during business hours or at any other reasonable time.~~

~~(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.~~

~~(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.~~

~~(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.~~

~~(3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.~~

~~(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 \$192 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 catering service shall pay the city a nonrefundable annual inspection fee of \$312 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:~~

Type of Operation	Each Vehicle
Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$409
Class II mobile food unit	\$383
Class III and IV mobile food unit	\$331

~~(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	\$284
2,001 or more	\$311

~~Risk Level Two Establishment:~~

Area in square feet	Annual fee
1 to 2,000	\$284
2,001 or more	\$309

~~Risk Level Three Establishment:~~

Area in square feet	Annual fee
1 to 2,000	\$469
2,001 or more	\$514

~~(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.~~

~~(4) The annual inspection fee for a new food establishment will be prorated from the calendar month in which operations begin to the end of the calendar year.~~

~~(5) Exceptions. Section 17-10.2(h) 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.~~

~~(i) Temporary food service fee:~~

~~(1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$218, plus \$29 for each day of operation for each facility from which the establishment is operated.~~

~~(2) A temporary food service establishment that offers only prepackaged foods from the manufacturer that are non-time and temperature controlled and with minimum handling and preparation may request a limited service food permit. The applicant for the food permit shall pay the city a nonrefundable permit fee of \$205, plus \$28 for each day of operation for each facility from which the establishment is operated.~~

~~(3) A maximum nonrefundable annual fee of \$357 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$389 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$101 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.~~

~~(4) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:~~

~~(A) does not serve time/temperature control for safety food; and~~

~~(B) the weekly gross income of which does not exceed \$100.~~

~~(j) Registration of food establishments outside the city.~~

~~(1) A food establishment operating from a facility located outside the city that sells, distributes, or transports food inside the city may not conduct operations inside the city unless the establishment annually:~~

~~(A) registers with the director on a form provided for the purpose; and~~

~~_____ (B) furnishes the department with:~~

~~_____ (i) a certificate from a health authority with jurisdiction over the establishment indicating that the establishment complies with applicable public health laws; and~~

~~_____ (ii) other information that the director determines is necessary to enable the director to implement or enforce this chapter or otherwise protect the public health or safety.~~

~~_____ (2) The director may inspect the operations of a food establishment specified in Section 17-10.2(j)(1) that are conducted inside the city to determine if the operations comply with applicable requirements of this chapter or other law.~~

~~_____ (3) This subsection does not affect the liability of a food establishment specified in Section 17-10.2(j)(1) for payment of any other fee imposed under this article.~~

~~_____ (k) Payment of fee. Except as expressly provided by this article, a fee prescribed by this article is payable on the date and in the manner prescribed by the director. If in a particular year a food establishment fails to pay the annual inspection fee required on or before the due date, the permit of that establishment lapses and the establishment must pay the reinstatement fee required by Section 17-10.2(d)(2), and all other outstanding fees owed to the city under this chapter, before the permit will be renewed. Fee payments will be applied to oldest outstanding balance first, if any.~~

~~_____ (l) Service fees.~~

~~_____ (1) If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the director in writing of the change and pay the city a service fee of \$220, not more than seven days after the change.~~

~~_____ (2) To obtain from the director a detailed, written survey or risk level assessment of an existing food establishment, a prospective operator must:~~

~~_____ (A) present to the director written permission for the survey or risk level assessment from the owner of the food establishment; and~~

~~_____ (B) pay to the city a nonrefundable service fee of \$106.~~

~~_____ (m) Violations; notification and order to correct.~~

~~_____ (1) Authority to order correction. If the director determines that a food establishment is in violation of this chapter or other law, the director may notify the establishment in writing of the violation and by written order direct the establishment to correct the violation within a definite period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the period of time reasonably necessary to make the correction.~~

~~_____ (2) Immediate corrections. Upon determining that a violation constitutes an imminent and serious threat to the public health or safety, the director may order the establishment to correct the violation immediately or cease food operations to the extent the director determines is necessary to abate the threat until the violation is corrected.~~

~~_____ (3) Contents of notice. The director shall include in a notice of violation under this subsection:~~

~~_____ (A) identification of the violation by code section number and the name of the issuing officer;~~

~~_____ (B) the date of issuance of the notice and the time period within which the violation must be corrected;~~

~~_____ (C) a warning that failure to comply with the order may result in one or more of the following:~~

~~_____ (i) temporary closure of the establishment;~~

~~_____ (ii) suspension or revocation of the establishment's permit; or~~

~~_____ (iii) imposition of a fine; and~~

~~_____ (D) a statement indicating that the order may be appealed.~~

~~_____ (4) Closure:~~

~~_____ (A) If, pursuant to Section 17-10.2(m)(2), the director determines that a food establishment must cease operations in order to correct a violation that constitutes an imminent and serious threat to the public health and safety, the director shall:~~

~~_____ (i) if the establishment voluntarily closes for the required time period, post a placard that states that the establishment is closed in cooperation with the city to improve food sanitation in the establishment; or~~

~~_____ (ii) if the establishment closes only after a written order is issued by the director, post a placard that states that the establishment is closed by order of the city to correct food sanitation deficiencies.~~

~~_____ (B) A person commits an offense if he continues operation of a food establishment after being ordered by the director to close the establishment. An offense under this subparagraph is punishable by a fine of not less than \$200 or more than \$2,000.~~

~~_____ (5) Placard requirements:~~

~~_____ (A) A placard posted in accordance with Section 17-10.2(m)(4) shall:~~

~~_____ (i) be no larger than nine inches by 12 inches in size;~~

~~_____ (ii) contain any language and symbols determined appropriate by the director;~~

~~_____ (iii) be placed at the main entrance of the establishment where it is clearly visible to the public;~~

~~_____ (iv) remain posted until the director determines that the food sanitation deficiencies are corrected and that the establishment may re-open; and~~

~~_____ (v) be removed only by the director.~~

~~_____ (B) A person commits an offense if, without the consent of the director, he defaces, removes, or conceals (in whole or in part) a placard posted in accordance with Section 17-10.2(m)(4). An offense under this subparagraph is punishable by a fine of not less than \$200 nor more than \$2,000.~~

~~_____ (n) Service of notice:~~

~~_____ (1) The director or an authorized representative shall personally serve notice required under this article to:~~

~~_____ (A) the permittee;~~

~~_____ (B) the registered agent for service of the permittee; or~~

~~_____ (C) a person in charge of the food establishment.~~

~~_____ (2) If the permittee, registered agent, or a person in charge cannot be found after a diligent effort to locate, or if the establishment is located outside the city, the director may serve notice by certified United States mail, return receipt requested, to the address of the permittee on file with the department or to the address of the registered agent.~~

~~————— (3) Service of notice executed in accordance with Section 17-10.2(n) constitutes notice to a food establishment.~~

~~————— (o) Examination and condemnation of food.~~

~~————— (1) Authority to examine. The director may examine food that is to be served, sold, offered for sale, transported, distributed, or stored inside the city by a food establishment as often as reasonably necessary to determine if the food is adulterated or misbranded. The director may take a reasonable sample of food subject to examination under Section 17-10.2(o).~~

~~————— (2) Hold order. If the director has reasonable cause to suspect that food is adulterated or misbranded, the director by written order may instruct the food establishment that possesses the food to withhold the food from use or sale. A hold order takes effect immediately upon issuance. If a hold order is imposed, the department shall serve notice of that fact in the manner prescribed by Section 17-10.2(n). The director shall identify the food subject to a hold order in a reasonable way (including, but not limited to, a note or tag attached to the food). An establishment that possesses food subject to a hold order shall store the food as directed by the director and shall not alter the food in any way without written permission from the director. The director shall take such samples as may be necessary to examine food subject to a hold order as soon as reasonably possible to determine if the food is adulterated or misbranded. If the food is not adulterated or misbranded, the director shall cancel the hold order.~~

~~————— (3) Condemnation order. If the director determines that the food is adulterated, the director shall order the food condemned and dispose of the food in a way that does not result in a health hazard. If the director determines that the food is misbranded, the director shall order the food condemned and may dispose of the food in a way that does not result in a health hazard, or order the food establishment in control of the food to put the food in compliance with applicable law.~~

~~————— (p) Suspension and revocation of permits.~~

~~————— (1) The director may suspend a permit, for a definite period of time not to exceed one year, if the director determines that a food establishment has:~~

~~————— (A) made a false statement of a material fact in an application for a food establishment permit;~~

~~————— (B) violated a provision of this chapter;~~

~~————— (C) failed to timely comply with a correction order, a hold order, or a condemnation order;~~

~~————— (D) intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative; or~~

~~————— (E) failed to pay a fee required under this chapter at the time it was due.~~

~~————— (2) The director may revoke a permit if the director determines that a food establishment has:~~

~~————— (A) been convicted twice within a 12-month period for violations of this chapter;~~

~~————— (B) failed to comply, within the time specified, with an order to correct or abate an imminent and serious threat to the public health or safety;~~

~~————— (C) been closed two or more times within a 12-month period for conditions that constituted a serious and imminent threat to public health;~~

~~————— (D) had a food establishment permit suspended under Section 17-10.2(p)(1) three times within a 24-month period; or~~

~~————— (E) operated a food establishment during a period when the food establishment's permit was suspended.~~

~~(3) Upon receipt of written notice of suspension or revocation issued by the director, the food establishment shall immediately cease operation of the facility or vehicle for which the permit is suspended or revoked. The director shall serve notice of suspension or revocation in the manner prescribed by Section 17-10.2(n). The notice of suspension or revocation must include:~~

- ~~(A) the name of the permittee;~~
- ~~(B) the location or identification of the food establishment facility or vehicle for which the permit is suspended or revoked;~~
- ~~(C) the reason for the suspension or revocation; and~~
- ~~(D) a statement informing the establishment of its right to appeal the suspension or revocation.~~

~~(q) Appeal:~~

~~(1) A decision of the director that is appealable under this chapter is final unless the applicant, permittee, registrant, certificate holder, or food establishment to which the decision applies files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

~~(2) The filing of an appeal in accordance with Section 2-96 of this code stays an action of the director until a final decision is made by the permit and license appeal board, unless the director determines that continued operation of a food establishment, or continued employment of a food service manager or a food handler, constitutes an imminent and serious threat to public health and safety and gives proper notice of that determination to the food establishment, the food service manager, or the food handler.~~

~~(r) Criminal offenses; presumption:~~

~~(1) A person commits an offense if he:~~

~~(A) impedes the lawful inspection of a food establishment; or~~

~~(B) violates any other provision of this chapter.~~

~~(2) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

~~(3) A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. Unless otherwise provided in this chapter, an offense committed under this chapter is punishable by a fine of not less than \$50 or more than \$2,000; however, a second or subsequent conviction for the same offense within a period of less than one year from the first conviction is punishable by a fine of not less than \$200 or more than \$2,000.~~

~~(4) If an enforcing officer designated by the director has probable cause to believe that a person has committed an offense under this chapter, the enforcing officer may cause the arrest of the person or issue the person a written citation to appear in municipal court to answer the charge against the person. If, upon request by the enforcing officer, the person believed by the officer to have committed the offense or an owner, officer, manager, or other person in charge of the food establishment believed by the officer to have violated this chapter, refuses to promise to appear in court by signing the citation, the enforcing officer shall cause the arrest of the person. The citation must include:~~

- ~~(A) the section of the code violated;~~
- ~~(B) the name and location of the establishment;~~
- ~~(C) identification of and the date of the offense alleged;~~
- ~~(D) the date of the citation; and~~

~~_____ (E) the signature of the officer issuing the citation.~~

~~_____ (5) Prosecution for an offense does not prevent the use of other enforcement remedies or procedures applicable to the conduct involved in the offense.~~

~~_____ (6) Whenever a violation of this chapter occurs that involves a mobile food unit, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation 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.~~

~~_____ (s) Variances:~~

~~_____ (1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.2431(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$592. The fee does not apply to mobile food units applying for a commissary variance pursuant to Section 17-8.2(g)(B)(i).~~

~~_____ (2) The director may grant a variance by modifying or waiving the requirements of Subchapter I, Subsections 228.243(a) through (c), of the Texas Food Establishment Rules or the requirements of this chapter if, in the opinion of the director, a health hazard or nuisance will not result from the variance.~~

~~_____ (3) If a variance is granted, the director shall retain in its records for the food establishment the information provided by the applicant under Subchapter I, Subsection 228.243(b), of the Texas Food Establishment Rules. A food establishment granted a variance shall comply with Subchapter I, Subsection 228.243(c), of the Texas Food Establishment Rules and any conditions or standards for the variance established by the director or this chapter.~~

~~_____ (4) A variance granted under this section is nontransferable, vehicle specific, event specific, and location specific. If granted, the variance is valid for at least one year but not for more than two years. The variance expiration date must be printed on the variance and will remain effective unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.~~

~~_____ (5) The director shall deny or revoke a variance under this section if:~~

~~_____ (A) the food establishment made a false statement as to a material matter on or in connection with the request for the variance or on or in connection with the permit application for the food establishment;~~

~~_____ (B) the food establishment does not hold a valid permit issued under this chapter;~~

~~_____ (C) the director determines that a health hazard or nuisance will result or has resulted from the variance;~~

~~_____ (D) the food establishment failed to pay a fee required under this chapter at the time it was due; or~~

~~_____ (E) the food establishment is in violation of any term or condition of the variance as established by the director, this chapter, or state law.~~

~~(6) If the director denies or revokes a variance, the director shall notify the applicant in writing by personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision in accordance with Subsection (q) of this section.~~

~~(7) Reserved.~~

~~(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; 33224; 33232)~~

ARTICLE XI.

HEIMLICH MANEUVER POSTER PERMITTING AND INSPECTION FEES.

SEC. 17-11.1. ADOPTION OF SECTION 229.173, ADOPTION OF SUBCHAPTERS U AND Z, TEXAS FOOD ESTABLISHMENT RULES.

~~Section 229.173 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.~~

Subchapters U and Z of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 33283)

SEC. 17-11.2. ADDITIONAL REQUIREMENTS RESERVED.

(Repealed by Ord. 33283)

~~(a) General. All food establishments that provide dining areas shall post the Heimlich maneuver sign in a place conspicuous to employees and customers.~~

~~(b) Specifications: The sign shall:~~

~~(1) be no smaller than 11 inches wide by 17 inches long;~~

~~(2) be printed in English and Spanish and in at least two conspicuous contrasting colors on a white background;~~

~~(3) provide major title and figure blocks in contrasting color to remaining copy blocks;~~

~~(4) provide major headings with a minimum bold 72 point font;~~

~~(5) provide initial subheadings with a minimum bold italic 60 point font;~~

~~(6) provide secondary subheadings with a minimum bold 24 point font; and~~

~~(7) provide a body copy in bold 14 point font. (Ord. 30134)~~

ARTICLE XII.

BED AND BREAKFAST EXTENDED ESTABLISHMENTS.

SEC. 17-12.1. ADOPTION OF SECTION 228.223, TEXAS FOOD ESTABLISHMENT RULES.

~~Section 228.223 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.~~

Section 228.223 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

**SEC. 17-12.2. ~~ADDITIONAL REQUIREMENTS~~
RESERVED.**

(Repealed by Ord. 33283)

—Reserved. (Ord. 26023)

ARTICLE XIII.

OUTFITTER OPERATIONS.

SEC. 17-13.1. **ADOPTION OF SECTION 228.224, TEXAS FOOD ESTABLISHMENT RULES.**

—Section 228.224 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.

Section 228.224 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134; 33283)

SEC. 17-13.2. **ADDITIONAL REQUIREMENTS RESERVED.**

(Repealed by Ord. 33283)

—Reserved. (Ord. 26023)

ARTICLE XIV.

SELF SERVICE FOOD MARKET.

SEC. 17-14.1. **ADOPTION OF CHAPTER 228, SUBCHAPTER H, SECTION 225 SECTION 228.225, TEXAS FOOD ESTABLISHMENT RULES.**

—Section 228.225 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference.

Section 228.225 of the Texas Food Establishment Rules, as amended, is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 30134; 33283)

SEC. 17-14.2. **ADDITIONAL REQUIREMENTS RESERVED.**

(Repealed by Ord. 33283)

—Reserved. (Ord. 30134)

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(F) any retiree aged 65 or older enrolled in a pre-65 plan. (Ord. Nos. 19340; 20088; 22026; 22296; 22318; 24873; 28024; 29883; 31745; 32004; 32604)

SEC. 34-33. LIFE INSURANCE.

(a) Every permanent employee is a participant in the group life insurance program. The city will pay the full cost of the basic term life insurance coverage for a permanent full-time employee and one-half the cost for a permanent part-time employee.

(b) An employee has the option to elect additional life insurance coverage. The employee shall pay the full cost of additional life insurance coverage. (Ord. Nos. 19340; 24873)

SEC. 34-34. RESERVED.

(Repealed by Ord. 24873)

ARTICLE V.

RULES OF CONDUCT.

SEC. 34-35. FAIR EMPLOYMENT PRACTICES.

~~—(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations, nor shall city management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city's master health plan, the employees' retirement fund program, or the police and fire pension system or under any other city~~

~~ordinance or resolution or state or federal law.~~

~~—(b) City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an employee's status because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations.~~

(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations, nor shall city management take retaliatory action against an employee who makes a protected complaint of discrimination based on these categories, consistent with applicable laws. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city's master health plan, the employees' retirement fund program, or the police and fire pension system or under any other city ordinance or resolution or state or federal law.

(b) City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an employee's status because of the individual's race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations consistent with applicable laws. (Ord. Nos. 19340; 22195; 22296; 22318; 24873; 29480; 31745; 33288)

by him by virtue of any execution and all fines and costs that may come into his hands. (Code 1941, Art. 107-7; Ord. 29645)

SEC. 37-28. KEEPER OF THE CITY PRISON.

The chief of police shall be the keeper of the city prison and shall keep the same in a clean condition. He shall safely keep all prisoners consigned to such jail and shall appoint a member of the police force to guard all prisoners sentenced to hard labor on the streets and public works of the city while at work. When, by their labor, such prisoners have paid their fines and costs, he shall discharge them. For the keeping of such persons safely he may use the city jail. (Code 1941, Art. 107-8)

SEC. 37-29. EXECUTION OF PROCESSES; ASSISTANCE TO CITY ATTORNEY.

The chief of police shall execute all processes issued out of the municipal court, attend all sessions of such court and assist the city attorney, when so required, in the discovery of testimony in all cases in which the city is interested. (Code 1941, Art. 107-9)

SEC. 37-30. RELEASE OF PRISONERS WITHOUT BOND OR BEFORE PAYMENT OF FINE.

The chief of police shall have no right to release any prisoner before conviction without bond, nor after conviction until the fine and costs against him are paid. He shall be subject to dismissal from office if he allows parties after conviction to go without satisfaction of the judgment against them, as provided therein, and every dollar of fine and costs that by his negligence or connivance is lost to the city or to any officer shall be deducted from his salary. (Code 1941, Art. 107-10)

ARTICLE III.

COMMUNITY POLICE OVERSIGHT BOARD.

SEC. 37-31. BOARD CREATED; APPOINTMENT; TERM; MEETINGS.

~~— (a) There is hereby created the community police oversight board (the "board") to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the diversity of the city.~~

(a) There is hereby created the community police oversight board (the "board") to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the community served by the city.

(b) The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

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

(d) The following persons shall be disqualified for appointment to and service on the board:

(1) persons who are in violation of Chapter 12A, "Code of Ethics" of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code;

(2) persons who are currently employed by the department, or have an immediate family member, as defined in Section 34-4(26) of the Dallas City Code, who is an employee of the Dallas Police Department; and

(3) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual's office or employment).

(e) Any board member who is disqualified for appointment to and service on the board under Subsection (d) shall forfeit membership on the board. Upon determination by the board chair that a board member is so disqualified, the chair will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.

(f) Under no circumstances may the city council or the board chair be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).

(g) Each board member must attend training necessary to execute the board's duties including training on police procedures.

(h) The board must meet at least once each month and at other times at the call of the chair.

(i) The office of community police oversight provides support services to the board.

(j) For purposes of Section 8-1.4(a)(4) of this code, the police department is deemed a department providing support services to the board. (Ord. Nos. 19818; 19983; 21153; 21514; 22259; 29645; 31192, ~~eff. 10/1/19~~; 33288)

SEC. 37-31.1. DEFINITIONS.

In this article:

(1) BOARD means the community police oversight board.

(2) CHIEF means the chief of police, as described in Section 37-20, or the chief's representative.

(3) CONFIDENTIAL INFORMATION means any information that may not be obtained by the

public under the Texas Public Information Act. When submitting information to the board, the police department shall place identifying marks on any confidential information.

(4) CRITICAL INCIDENT means an officer-involved shooting or a use of force incident that results in serious bodily injury or death.

(5) DEPARTMENT means the Dallas police department.

(6) DIRECTOR means the director/monitor of the office of community police oversight or the director/monitor's representative, unless otherwise stated.

(7) DIVISION REFERRAL means an investigation into an external administrative complaint that is conducted by the supervisor of an officer.

(8) EXTERNAL ADMINISTRATIVE COMPLAINT means a written complaint submitted to either the office of community police oversight, the board, or the department by a person, who is not a city employee, that alleges a complaint of police procedures, treatment of residents, abuse, harassment, or violation of civil rights against a city police officer that results in mediation, a division referral, or an investigation conducted by the internal affairs division of the department.

(9) INTERNAL AFFAIRS DIVISION means a staff unit of the department.

(10) MEDIATION means a voluntary, informal process of communication and conciliation of minor external administrative complaints of police misconduct, conducted by an independent, certified mediator.

(11) OFFICE means the office of community police oversight.

(12) SERIOUS BODILY INJURY means bodily injury that creates a risk of death or that causes

(1) payment by the city of reasonable fees for private legal counsel of the city police officer's choice as provided for in Chapter 12A and Chapter 31A; and

(2) all rights afforded an individual under constitutional, statutory, or common law to the full extent as would be afforded to that officer as a defendant in a criminal proceeding.

(g) A city police officer shall not be subjected to departmental or other administrative disciplinary action:

(1) for refusing to appear voluntarily before the board;

(2) for refusing to answer any question on constitutional grounds or otherwise upon recommendation of legal counsel; or

(3) based upon the subject matter of that officer's testimony provided to the board or to any investigator of the board. (Ord. Nos. 19818; 19903; 19983; 31192, eff. 10/1/19)

SEC. 37-36. TECHNICAL RESOURCE PANEL.

(a) There is hereby created the technical resource panel to be composed of three members appointed by the city manager.

(1) The technical resource panel is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The director shall assist the city manager in the recruitment of qualified members.

~~(b) Each member of the technical resource panel shall be an individual with at least 10 years of law enforcement experience in a recognized local, county, state, or federal law enforcement agency and, to the extent possible, appointments to the technical resource panel will be representative of the ethnic diversity of the city and will include individuals with substantial patrol officer experience.~~

(b) Each member of the technical resource panel shall be an individual with at least 10 years of law enforcement experience in a recognized local, county,

state, or federal law enforcement agency and, to the extent possible, appointments to the technical resource panel will be representative of the community served by the city and will include individuals with substantial patrol officer experience.

(c) Active law enforcement professionals employed in Dallas County by the state, the county, or any local government may not be members of the technical resource panel. In addition, former city of Dallas police officers may not be members of the technical resource panel. Members of the technical resource panel are not required to be residents of the city nor qualified voters in the city.

(d) Members of the technical resource panel shall serve three-year terms, shall be subject to the same conflict of interest and confidentiality restrictions as are applicable to members of the board, and shall be subject to forfeiture of membership on the same basis as members of the board.

(e) Members of the technical resource panel shall attend and participate fully in all meetings and deliberations of the board, and at the board's discretion, attend and participate in closed sessions, but shall not be entitled to vote as members of the board.

(f) The technical resource panel shall use its expertise and experience in law enforcement matters and procedures to assist the board to the fullest extent possible in the review and investigation of all incidents and complaints coming before the board.

(g) The technical resource panel shall not have any oversight responsibility or oversight authority with respect to the board.

(h) Nothing in this section prohibits the director or the board acting through the director from seeking additional outside technical expertise and advice as necessary. (Ord. Nos. 19818; 19983; 31192, eff. 10/1/19; 33288)

SEC. 37-37. ADMINISTRATIVE ASSISTANCE.

The director shall designate staff to receive and log complaints for referral to the office or the

(7) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy. (Ord. Nos. 30936; 31479; 32236)

SEC. 43-171. [RESERVED.]

SEC. 43-172. VEHICLE FEE AND RIDE FEE.

~~(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle with \$5 from the annual vehicle fee dedicated to equity programs.~~

(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle.

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a shared dockless vehicle.

~~(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of shared dockless vehicles throughout the city.~~

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage distribution of shared dockless vehicles throughout the city.

(d) City council must review the fees in this article by June 22, 2024. (Ord. Nos. 30936; 31479; 32236; 33288)

SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit. (Ord. Nos. 30936; 32236)

SEC. 43-174. ENFORCEMENT.

(a) The director may, with or without notice, inspect any shared dockless vehicle operating under this article to determine whether the shared dockless

CHAPTER 46

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION

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- Sec. 46-1. Declaration of policy.
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ARTICLE I.

GENERAL.

SEC. 46-1. DECLARATION OF POLICY.

~~—(a) It is the policy of the city of Dallas to bring about through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing, without regard to sexual orientation or gender identity and expression. The city of Dallas is proud of the diversity of its employees, as reflected in Section 34-35 of this Code, and is proud of the diversity of its citizens. The city strongly encourages all entities within the city, including those who are excepted from the requirements of this chapter, to recognize the rights of every individual to work and earn wages through gainful employment, to obtain and enjoy goods, services, facilities, privileges, advantages, and accommodations in all places of public accommodation, and to obtain housing.~~

~~—(b) The denial or deprivation of these rights because of a person's actual or perceived sexual orientation or gender identity and expression is detrimental to the health, safety, and welfare of the citizens of Dallas and is within the power and responsibility of the city to prevent.~~

(a) It is the policy of the city of Dallas to bring about through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing, without regard to sexual orientation or gender identity and expression, consistent with all applicable laws. The city of Dallas is proud of the diversity of its employees, as reflected in Section 34-35 of this Code, and is proud of the diversity of its citizens. The city strongly encourages all entities within the city, including those who are excepted from the requirements of this chapter, to recognize the rights of every individual to work and earn wages through gainful employment, to obtain and enjoy goods, services, facilities, privileges, advantages, and accommodations in all places of public accommodation, and to obtain housing.

(b) The denial or deprivation of these rights because of a person's actual or perceived sexual orientation or gender identity and expression is

detrimental to the health, safety, and welfare of the citizens of Dallas and is within the power and responsibility of the city to prevent consistent with all applicable laws. (Ord. Nos. 24927; 29942; 33288)

SEC. 46-2. ADMINISTRATION.

The city manager is responsible for administering and implementing this chapter. The city manager may delegate the authority to receive, investigate, and conciliate complaints under this chapter to an administrator or other city employees. (Ord. 24927)

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Division 3. Vending on Private Property.

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- Sec. 50-168. Identification badges required.
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ARTICLE I.

**CONSUMER AFFAIRS
ADMINISTRATION.**

SEC. 50-1. DIRECTOR.

For the purpose of this chapter, the word “director” shall mean the director of the department designated by the city manager to enforce and administer this chapter or the director’s authorized representative. (Ord. Nos. 13795; 17226)

SEC. 50-2. ASSISTANTS AND ADDITIONAL PERSONNEL.

The director shall appoint such assistants as he shall determine are necessary. Additional personnel will be provided as is customary in other departments, and subject to the provisions of the civil service rules and regulations of the city. (Ord. 13795)

(A) advertises for sale any merchandise, product, commodity, or service;

(B) directs attention to a business or commercial establishment or other activity for the purpose of either directly or indirectly promoting sales;

(C) directs attention to or advertises a meeting, performance, exhibition, or event, for which an admission fee is charged for the purpose of private gain or profit, unless an admission fee is charged or a collection is taken up at the meeting, performance, exhibition, or event only for the purpose of defraying the expenses; or

(D) while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(6) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director’s authorized representative.

~~(7) FOOD ESTABLISHMENT means a “food establishment” as defined in Chapter 17 of this code.~~

(7) FOOD ESTABLISHMENT means a “food establishment” as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(8) GOODS means property of every kind.

(9) LICENSEE means a person issued a CBD concession license under this article.

~~(10) MOBILE FOOD ESTABLISHMENT means a “mobile food establishment” as defined in Chapter 17 of this code.~~

(10) MOBILE FOOD UNIT means a “mobile food unit” as defined in the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(11) PERSON means an individual, corporation, association, or other legal entity.

(12) PUBLIC PROPERTY means any property

open or devoted to public use or owned by the city, including, but not limited to, sidewalks, streets, parkways, or esplanades.

(13) SERVICES means any work done for the benefit of another.

(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service. The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.

(15) VEHICLE means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(16) WEST END DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north; Lamar Street on the east; the MKT railroad tracks on the west; and a southern boundary consisting of and extending along Commerce Street from Lamar Street west to Austin Street, then along Austin Street north to Main Street, then along Main Street west to the MKT railroad tracks. (Ord. Nos. 16309; 17226; 17675; 18702; 29023; 31375; 33283)

Division 2. Vending on Public Property.

SEC. 50-158. VENDORS ON PUBLIC PROPERTY.

(a) A person commits an offense if the person, either personally or through an agent, occupies public property in the city for the purpose of selling, distributing, or offering for sale services or goods, including, but not limited to, food, drinks, flowers, plants, tickets, or souvenirs.

(b) It is a defense to prosecution under this section that the person selling, distributing, or offering for sale services or goods:

(1) is doing so in connection with the transaction of official government business;

(2) is doing so by authority of a contract with the city to operate a concession on designated areas of public property;

(3) is selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine;

(4) is selling, distributing, or offering for sale goods or services from a vehicle by authority of and in compliance with a CBD concession license as provided for in this article;

(5) is selling, distributing, or offering for sale vegetables, produce, or other perishable commodities at the Dallas Farmers Market (as defined in Section 29A-2 of this code), in compliance with Chapter 29A of this code and with the market's agreements and covenants with the city;

~~(6) is selling, distributing, or offering for sale a food or beverage from a mobile food establishment in accordance with Section 50-159 of this code;~~

(6) is selling, distributing, or offering for sale a food or beverage from a mobile food unit in accordance with Section 50-159 of this code;

(7) is selling, distributing, or offering for sale goods or services as authorized by and in compliance with a special event permit;

(8) is selling, distributing, or offering for sale only printed matter that is not commercial printed matter, including, but not limited to, newspapers and magazines, and the selling, distributing, or offering for sale is not being conducted from machines or other structures that occupy public property;

(9) is operating a vehicle for hire;

(10) is selling, distributing, offering for sale, or delivering the goods or services to a person in a structure or vehicle that is affixed to the ground, or to a person who possesses a special event permit or a CBD concession license; or

(11) is not receiving remuneration from the person being given the goods or services, and the person distributing the goods or services does not use any type of vehicle or stand, any part of which touches the ground, when distributing the goods or services, and the method of distribution does not interfere with traffic flow on public streets or sidewalks.

(c) In addition to any enforcement action by a peace officer or the director for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(d) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age. (Ord. Nos. 16309; 16835; 17675; 18702; 19517; 19895; 25213; 29023; 31375; 33283)

SEC. 50-159. RESTRICTIONS FOR MOBILE FOOD ESTABLISHMENTS UNIT.

~~(a) A mobile food establishment shall not occupy public or private property in the central business district for the purpose of serving, selling, or distributing any food or beverage unless the establishment is operating under the authority of and in compliance with:~~

~~(1) a valid CBD concession license issued under this article; and~~

~~(2) a valid mobile food establishment permit issued under Chapter 17 of this code.~~

~~—(b) A general service mobile food establishment, as described in Section 17-8.2 of this code, shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage.~~

~~—(c) It is a defense to prosecution under Subsections (a) and (b) of this section that the mobile food establishment was serving, selling, or distributing a food or beverage as authorized by and in compliance with:~~

~~—(1) a special event permit issued by the city;~~
~~or~~

~~—(2) a contract with the city to operate a concession on designated areas of public property.~~

~~—(d) A mobile food establishment shall not sell, distribute, or offer for sale any goods or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary, or secondary school located outside the central business district between the hours of 7:30 a.m. and 4:30 p.m. on days when the school is in session.~~

(a) A mobile food unit shall not occupy public or private property in the central business district for the purpose of serving, selling, or distributing any food or beverage unless the establishment is operating under the authority of and in compliance with:

(1) a valid CBD concession license issued under this article; and

(2) a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228.

(b) A general service mobile food unit, as described in 25 Texas Administrative Code Section 228.221, shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage.

(c) It is a defense to prosecution under Subsections (a) and (b) of this section that the mobile food unit was serving, selling, or distributing a food or beverage as authorized by and in compliance with:

(1) special event permit issued by the city;

or

(2) a contract with the city to operate a concession on designated areas of public property.

(d) A mobile food unit shall not sell, distribute, or offer for sale any goods or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary, or secondary school located outside the central business district between the hours of 7:30 a.m. and 4:30 p.m. on days when the school is in session. (Ord. Nos. 17675; 29023; 33283)

Division 3. Vending on Private Property.

SEC. 50-160. VENDORS ON PRIVATE PROPERTY.

(a) A person commits an offense if he occupies any privately-owned property within the city for the purpose of conducting business as a street vendor.

(b) It is a defense to prosecution under Subsection (a) of this section that:

(1) the business was authorized by a valid certificate of occupancy or was otherwise specifically allowed under the Dallas Development Code or another city ordinance;

(2) the person was conducting the street vending business in the central business district and:

(A) possessed a valid CBD concession license issued under this article;

~~—(B) possessed a valid mobile food establishment permit issued under Chapter 17 of this code, if the person was a mobile food establishment;~~

(B) possessed a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228, if the person was a mobile food unit;

(C) had the written permission of an owner of the private property on which the business was conducted; and

(D) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation; or

~~(3) the person was a mobile food establishment conducting the street vending business outside the central business district and:~~

~~(A) possessed a valid mobile food establishment permit issued under Chapter 17 of this code;~~

(3) the person was a mobile food unit conducting the street vending business outside the central business district and:

(A) possessed a valid mobile food unit permit issued by the Department of State Health Services under the Texas Food Establishment Rules, as amended, 25 Texas Administrative Code Chapter 228;

(B) had the written permission of an owner of the private property on which the business was conducted; and

(C) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation.

(c) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property by an individual younger than 18 years of age. (Ord. Nos. 29023; 31375; 33283)

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>
33232 (Cont'd)			53	Amends 49-18.1(g)
			54	Amends 49-18.1(i)
			55	Amends 49-18.2(c)
			56	Amends 49-18.2(f)
			57	Amends 49-18.4(b)
			58	Amends 49-18.4(e)
			59	Amends 49-18.4(f)
			60	Amends 49-18.5
			61	Amends 49-18.6(b)
			62	Amends 49-18.6(d)
			63	Amends 49-18.7
			64	Amends 49-18.9
			65	Amends 49-18.10
			66	Amends 49-18.11
			67	Amends 49-18.12
33233	9-17-25		68	Amends 49-18.13
			69	Amends 49-18.16(g)
			70	Amends 49-49(b)
			71	Amends 49-49(c)
			72	Amends 50-164(d)
			1	Amends Ch. 2, Art. XIX
			2	Amends 2-152.4(a)
			3	Repeals Ch. 2, Art. XXXI
			4	Amends 13-7
			5	Adds 13-9
			6	Adds 13-10
			7	Adds 13-11
			8	Amends 20A-24(a)
			9	Amends 20A-25
			10	Amends 20A-26(a)
11	Amends 20A-27(a)			
12	Amends 20A-27(d)			
13	Amends 20A-27(h)(4)			
14	Amends 20A-31(g)(1)			
15	Amends 20A-33(b)			
33255	10-8-25		1	Amends 2-30(d)
			2	Amends 2-31 (title)
			3	Amends 2-31(e)
			4	Amends 2-32 (title)
			5	Amends 2-32(a)
			6	Amends 2-32(f)

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>
33283	12-10-25		1	Amends Ch. 17
			2	Amends 50-157
			3	Amends 50-158(b)
			4	Amends 50-159
			5	Amends 50-160(b)
33288	12-10-25		1	Amends 2-121(b)
			2	Amends 2-152.4(a)
			3	Amends 2-152.4(b)
			4	Amends 2-163(c)
			5	Amends 2-164(b)
			6	Amends 12A-5
			7	Amends 13-5.1(d)
			8	Amends 13-5.2(b)
			9	Amends 15B-1
			10	Amends 15B-3
			11	Amends 34-35
			12	Amends 37-31(a)
			13	Amends 37-36(b)
			14	Amends 43-172
			15	Amends 46-1

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

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Ordinance 33288, passed 12-10-2025

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Type of Application	Application Fee	Area of Notification for Hearing
All applications relating to neighborhood stabilization overlay districts and accessory dwelling unit overlays: All applications relating to neighborhood stabilization overlay districts, neighborhood forest overlay districts, and accessory dwelling unit overlays:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
*The NFO application fee does not include the cost of filing the ordinance and instruments in the county deed records as required by Section 51A-4.511(d)(12). That filing fee will be set by the county and paid by applicants.		
All applications relating to conservation districts		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
Application for original SUP:		
0-1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217 (b)(12)
gas drilling and production	\$2,000.00	1,000 feet
Application for SUP amendment or renewal:		
0-1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet
over 25 acres	\$825.00*	500 feet
*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.		
Straight zoning and all other zoning applications:		
0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet
over 25 acres	\$9,315.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$37,500.00	

(5) An applicant shall pay a fee of \$400.00 for an appeal to the city council of any decision of the city plan commission denying a zoning application described in Paragraph (4) of this subsection.

(b) Fees for board of adjustment applications. Refer to Section 303.12.1 in Chapter 52 of the Dallas City Code.

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

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

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

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

(4) Fee schedule.

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

(d) Fees for extraordinarily significant sign designation.

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

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

(k) Fees for miscellaneous items.

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

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

(3) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two-year two-year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	Refer to Section 303.17.1 in Chapter 52 of the Dallas City Code	
Request for a letter from the department explaining the availability of wastewater services for a development site.	Refer to Section 303.17.1 in Chapter 52 of the Dallas City Code	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	Refer to Section 303.17.2 in Chapter 52 of the Dallas City Code	
Appeal of an apportionment determination to the city plan commission	\$600.00	

Type of Application	Application Fee	Area of Notification for Hearing
Appeal an apportionment determination decision of the city plan commission to the city council	\$600.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	Refer to Section 303.5.6 in Chapter 52 of the Dallas City Code	
Request for an administrative parking reduction under Section 51A-4.313	Refer to Section 303.12.5 in Chapter 52 of the Dallas City Code	
Appeal of a park land dedication determination to the city plan commission	\$900.00	
Appeal of a park land dedication determination decision of the city plan commission to the city council	\$900.00	
Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhoods neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the city plan commission meeting.		

(l) Fees for a street name change and for a ceremonial street naming. Refer to Sections 303.13.1 and 303.13.2 in Chapter 52 of the Dallas City Code.

(m) Fees for special parking and mechanized parking. Refer to Section 303.12.4 in Chapter 52 of the Dallas City Code.

(n) Fees for platting, replatting, and other related fees. Refer to Section 303.13.3 in Chapter 52 of the Dallas City Code.

may be reasonably required by the director of code compliance.

(7) The director of code compliance shall deny the application for an occasional sale permit if the director of code compliance determines that:

(A) the applicant has not paid the required fee;

(B) the applicant made a false statement of material fact in the application;

(C) the applicant has been given two or more citations for violating the provisions of this subsection or Section 51A-4.217(b)(9) within 12 months before submitting an application; or

(D) the occasional sale would not meet the requirements of this subsection or of Section 51A-4.217(b)(9).

(8) The applicant may appeal the denial of an application for an occasional sale permit to the permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

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

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

(y) Fees for property description review. Refer to Section 303.16.1 in Chapter 52 of the Dallas City Code.

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

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

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

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

~~(3) Park development fees:~~

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

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

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

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

<u>Type of Development</u>	<u>Fee-in-lieu</u>
Single family or duplex	Two percent of the median family income per dwelling unit
Multifamily (one bedroom)	One percent of the median family income per dwelling unit
Multifamily (two or more bedrooms)	One and three-fourths percent of the median family income per dwelling unit

Hotel and motel	One percent of the median family income per dwelling unit
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(3) On January 1 of each year, the director shall calculate the fee-in-lieu for each type of development. The fees in Paragraph (2) automatically update each year on January 1 based on the latest median family income data.

(4) For purposes of this subsection only, median family income means the United States Census Bureau's most recent American Community Survey's five-year estimate of median family income for all families within Dallas.

22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542; 24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530; 26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695; 27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553; 28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934; 30993; 30994; 31040; 31657; 32002; 32003; 32556; 32676; 32863; 33265; 33280)

SEC. 51A-1.105.1. FEE EXEMPTIONS AND REFUNDS.

(a) No fee is required for applications filed under this chapter by the U.S. Government, the State of Texas, or the city of Dallas if the property that is the subject of the application is devoted exclusively to governmental use.

(b) No fee is required for applications made to the board of adjustment pursuant to Section 51A-1.107, requesting a special exception to a regulation in this chapter based on a handicap.

(c) Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900, the director shall authorize a refund of a percentage of the total zoning and platting application fees paid for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 20037; 21176; 21183; 21663; 28096)

SEC. 51A-1.106. NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED.

(a) In general.

(1) The notification signs required in this section are intended to supplement state law and other Dallas Development Code notice requirements.

(2) The city plan commission, landmark commission, board of adjustment, or city council shall determine if an applicant has complied with the notification sign posting requirements in this section.

(b) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director or the building official. An application will not be processed until the fee for the signs has been paid. For purposes of this section, an applicant is one who makes a request:

- (1) for a change in a zoning classification or boundary;
- (2) to the board of adjustment;
- (3) for a certificate of appropriateness for a sign that is to be located in a special provision sign district and is either a detached sign or an attached sign that has more than 100 square feet of effective area; or
- (4) to the landmark commission for a certificate for demolition or removal.

(c) Number of signs required. A minimum of one notification sign is required for every 500 feet or less of street frontage, with one additional notification sign required for each additional 500 feet or less of street frontage. For tracts without street frontage, a minimum of one notification sign is required for every five acres or less, with one additional notification sign required for each additional five acres or less. A maximum of five notification signs are required.

(d) Posting of signs.

(1) Except as provided in Subsection 51A-1.106(e), the applicant shall post the required number of notification signs on the property within 14 days after an application is filed.

actions of the commission. (Ord. Nos. 19455; 21153; 24843; 27892)

SEC. 51A-3.102. BOARD OF ADJUSTMENT.

~~—(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of 15 members who are residents of the city. Each city council member shall appoint one member to the board. The chair and two vice-chairs shall be appointed by the mayor from among the board members. The city secretary shall divide the board into panels of five members each. A board member may serve only on the panel to which he or she is assigned. To the greatest extent practicable, the panels must reflect the geographic and ethnic diversity of the city. The chair and vice-chairs shall act as presiding officers of the panels. Members serve for two-year terms beginning on October 1 of odd-numbered years and shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint six alternate members to the board who serve in the absence of one or more regular members when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.~~

(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of 15 members who are residents of the city. Each city council member shall appoint one member to the board. The chair and two vice-chairs shall be appointed by the mayor from among the board members. The city secretary shall divide the board into panels of five members each. A board member may serve only on the panel to which he or she is assigned. To the greatest extent practicable, the panels must reflect the geographic and community served by the city. The chair and vice-chairs shall act as presiding officers of the panels. Members serve for two-year terms beginning on October 1 of odd-numbered years and shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint six alternate members to the board who serve

in the absence of one or more regular members when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(b) Case assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.

(c) Quorum and voting. Cases must be heard by a minimum of 75 percent of the members of a board panel. The concurring vote of 75 percent of the members of a panel is necessary to:

- (1) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;
- (2) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or
- (3) grant a variance.

(d) Powers and duties. The board has the following powers and duties, which must be exercised in accordance with this chapter:

- (1) To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. 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.
- (2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.

(3) The board shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.

(f) Effect of decisions. The board’s decision is final unless appealed to the district court within 10 days in accordance with Chapter 211 of the Texas Local Government Code. (Ord. Nos. 19455; 20926; 22259; 22605; 24068; 26596; 27335; 27892; 30891; 32170; 33012; 33288)

SEC. 51A-3.103. LANDMARK COMMISSION.

(a) Creation; membership; appointment.

(1) There is hereby created a landmark commission to be composed of 15 members. Each city council member shall appoint one member to the landmark commission. The city council may appoint three alternate members to the landmark commission who serve in the absence of one or more regular members when requested to do so by the chair or by the city manager. The membership (including alternate members) must include at least: one real estate developer with experience in redevelopment of commercial historic properties, one architect, one historian, one urban planner, one landscape architect, and one real estate appraiser. All members must have demonstrated experience in historic preservation and outstanding interest in the historic traditions of the city and have knowledge and demonstrated experience in the fields of history, art, architecture, architectural history, urban history, city planning, urban design, historic real estate development, or historic preservation.

~~(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from, but not limited to: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planning Association; the Dallas chapter of the American Society of Landscape Architects; the Dallas Bar Association; the North Texas Chapter of the Appraisal Institute; the city plan commission; Preservation Dallas; Black Dallas Remembered; the African-American Museum; ACAL de Mexico; the Dallas Black Chamber of Commerce; the~~

~~Dallas Hispanic Chamber of Commerce; the Greater Dallas Asian American Chamber of Commerce; the local Urban Land Institute Section; the Dallas Real Estate Council; the CCIM Commercial Real Estate Network; the Board of Realtors; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission must, as nearly as may be practicable, reflect the racial and ethnic makeup of the city’s population.~~

(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from, but not limited to: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planning Association; the Dallas chapter of the American Society of Landscape Architects; the Dallas Bar Association; the North Texas Chapter of the Appraisal Institute; the city plan commission; Preservation Dallas; Black Dallas Remembered; the African-American Museum; ACAL de Mexico; the Dallas Black Chamber of Commerce; the Dallas Hispanic Chamber of Commerce; the Greater Dallas Asian American Chamber of Commerce; the local Urban Land Institute Section; the Dallas Real Estate Council; the CCIM Commercial Real Estate Network; the Board of Realtors; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission must, as nearly as may be practicable, reflect the community served by the city.

(3) Each member of the landmark commission shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member shall be filled in the same manner as the original appointment was made. Alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership in the same manner as full city council appointments to other boards. The members shall serve without compensation. The mayor shall appoint the chair and the full council shall appoint the vice-chair.

(4) In addition to the 15 regular members, representatives from the city plan commission,

on applications for predesignation certificates of appropriateness, certificates of appropriateness, and other issues.

(12) To identify cases of demolition by neglect and initiate remedial actions.

(13) To establish guidelines for selection of projects for the historic preservation fund.

(d) Meetings, records and rules.

(1) The landmark commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the landmark commission members.

(2) All meetings and hearings of the landmark commission must be open to the public in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

(3) All records of the landmark commission are public records open to inspection at reasonable times and upon reasonable notice in accordance with the Texas Open Records Act, Texas Government Code Chapter 552.

(4) The landmark commission shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.

(e) Effect of decisions. Unless appealed, the determinations of the landmark commission on predesignation certificates of appropriateness, certificates of appropriateness, and certificates for demolition or removal are final. Actions taken or recommendations made by the landmark commission that are subject to review by the city plan commission or the city council are not binding on those bodies, and the reviewing body may decide a matter contrary to recommendations or actions of the landmark commission. (Ord. Nos. 19455; 19499; 20487; 20585; 21153; 21512; 23694; 24163; 25047; 26596; 27892; 28073; 29478; 29645; 29882; 32002; 33288)

SEC. 51A-3.104. RESERVED.
(Ord. 25047)

SEC. 51A-3.105. BUILDING OFFICIAL.

(a) Powers and duties.

(1) The building official shall issue permits in accordance with this chapter.

(2) The building official shall issue certificates of occupancy in accordance with this chapter.

(3) The building official has the authority to enforce the provisions of this chapter. (Ord. 19455)

inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community. It is intended to help promote or restore the character of established communities as recognized by its inhabitants; to stabilize and protect the air quality near homes; to conserve the city's tree canopy; to retain the living green infrastructure for reducing flood and stormwater effects; to protect property against depreciation; to encourage sustainable construction methods and design in redevelopment; and to assure the sustained stability of neighborhoods for the future.

(3) A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Division 51A-10.130, "Urban Forest Conservation," to the properties within the overlay area that contain single-family and duplex uses in residential districts on lots smaller than two acres in size.

(b) Interpretations. Except as otherwise provided in this subsection, the regulations in Article X apply in neighborhood forest overlay districts. Sections 51A-10.135(c), 51A-10.135(d), 51A-10.135(e), and 51A-10.135(f) do not apply. If there is a conflict between this section and Article X, this section applies. If there is a conflict between a neighborhood forest overlay ordinance and Article X, the neighborhood forest overlay ordinance controls.

~~—— (c) Definitions. In this section:~~

~~———— (1) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.~~

~~———— (2) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.~~

~~———— (3) STRUCTURE PROXIMITY AREA means the five-foot area around a dwelling unit.~~

~~———— (4) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.~~

(c) Definitions. In this section:

(1) CORNER SIDE YARD means a side yard abutting a street.

(2) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(3) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.

(4) STRUCTURE PROXIMITY AREA means the five-foot area around a dwelling unit.

(5) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.

(d) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood forest overlay may only be placed on an area:

(A) containing lots that are primarily smaller than two acres in size;

(B) developed primarily with single family or duplex structures; and

(C) that is zoned either:

(i) as a residential district; or

(ii) as a planned development district, conservation district, or form district (or portion thereof) that is restricted to single family or duplex uses.

(3) The boundary lines of a neighborhood forest overlay should be drawn to include blockfaces

(4) A neighborhood forest overlay may contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations. Vacant lots within the boundaries of a neighborhood forest overlay, however, are not subject to the unrestricted zone exception in Section 51A-10.134(b).

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(6) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(7) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.

~~(8) The petition must be submitted with the following:~~

~~(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.~~

~~(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.~~

~~(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.~~

~~(iii) If the proposed overlay is~~

~~pursuant to Sections 51A-4.511(e)(2)(A)(i) or (ii), 60 percent of property owner signatures are required for staff to accept the petition.~~

~~(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(iii) or (iv), 70 percent of property owner signatures are required for staff to accept the petition.~~

~~(B) The application fee, if applicable:~~

~~(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.~~

~~(ii) If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.~~

~~(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.~~

~~(C) A map showing the boundaries of the proposed district.~~

~~(D) A list of the names and addresses of the neighborhood committee members.~~

~~(E) Any other information the director determines is necessary.~~

(8) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(iii) If the proposed overlay is

pursuant to Sections 51A-4.511(e)(2)(A)(i), (ii), or (iii), 60 percent of property owner signatures are required for staff to accept the petition.

(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(iv) or (v), 70 percent of property owner signatures are required for staff to accept the petition.

(B) The application fee, if applicable.

(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of the names and addresses of the neighborhood committee members.

(E) Existing forest conditions within the neighborhood for each lot.

(F) Any other information the director determines is necessary.

(9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(10) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood forest overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.

(12) Upon passage of a neighborhood forest overlay ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(e) Neighborhood forest overlay.

(1) In general.

(A) A neighborhood forest overlay establishes regulations that must be selected from the options described in this subsection.

(B) The regulations of the neighborhood forest overlay must reflect the existing forest conditions within the neighborhood.

(C) Except as provided in the neighborhood forest overlay, all regulations of the underlying zoning remain in effect.

~~(2) Tree conservation area.~~

~~(A) The neighborhood committee will select their tree conservation area from the following options:~~

~~(i) Front yard setback.~~

~~(ii) Front yard to structure.~~

~~(iii) Front, side, and rear yard setbacks.~~

~~(iv) Entire lot.~~

~~(B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.~~

(2) Tree conservation area.

(A) The neighborhood committee will select their tree conservation area from the following options:

(i) Front yard setback.

(ii) Front yard to structure.

(iii) Front and corner side yard.

(iv) Front, side, and rear yard setbacks.

(v) Entire lot.

(B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.

(3) Additional options.

(A) Tree canopy cover goal option. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a tree conservation area must be preserved.

(i) The tree canopy cover goal is determined by the neighborhood during the petition process. The minimum percentage is to be determined by the median of the tree canopy coverage in the tree conservation area on each lot within the proposed overlay.

(ii) Healthy large and medium trees preserved in the tree conservation area, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(iii) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the required front yard.

(iv) Boundary trees located on

in the defense to prosecution section of Section 51A-10.140(b).

(4) Structure proximity area. More than 50 percent of the tree trunk at grade must be within the structure proximity area to qualify for an exception from mitigation. An approved tree removal application is required prior to tree removal.

(5) Site assessment plan. Prior to any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area, a tree removal application, or permits for construction or grading, a site assessment plan must be submitted to the building official. The overlay regulations do not prohibit the removal or alteration of unprotected trees, or landscape ornamental and small trees, or other landscape shrubs, grasses, or other materials, that do not qualify as a protected tree. Any work or disturbance which includes significant soil compaction, trenching, tilling, excavation, paving, grading, chemical mixing, or pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the site assessment plan review. The site assessment plan must show the following:

- (A) Structures.
- (B) Paving.
- (C) Proposed development, construction or disturbance.
- (D) Location, diameter, and species of all trees (including boundary trees) in the tree conservation area, and 10 feet beyond.
- (E) Tree protection, as applicable.
- (F) Replacement trees, as applicable.

(6) Tree mitigation. Upon approval of tree removal within the tree conservation area, or an unauthorized removal of a protected tree, tree mitigation or replacement is required in accordance with Section 51A-10.134(c). The applicable methods are:

(A) Replacement on the site of removal.

(B) Replacement with a legacy tree on the site of removal.

(C) If replacement is not possible on the lot of removal, then replacement on other property within boundaries of the neighborhood forest overlay.

(D) If replacement is not possible within the neighborhood forest overlay, the tree must be replaced within five miles of the neighborhood forest overlay.

(E) Payment into reforestation fund. This option is only available if the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property or comply with one or more of the mitigation methods in this section.

(f) Criminal responsibility and defenses to prosecution.

(1) The criminal liability and defenses to prosecution provisions in Section 51A-10.140 apply to properties subject to a neighborhood forest overlay.

(2) A tree removal application or tree replacement is not required if the tree is determined by a certified arborist to be diseased or dead or poses an imminent threat to people or property and such determination was not caused by an intentional act of the owner or an agent of the owner. (Ord. Nos. 31174; 33625)

NUMBER OF BEDROOMS IN THE SINGLE FAMILY USE PROVIDED ("SIZE")	REDUCTION IN NUMBER OF MULTIFAMILY BEDROOMS REQUIRED
1	2
2	3
3	4
4	5

The number of multifamily bedrooms required to obtain a density bonus if a person provides one or more single family uses is calculated as follows. First, determine the number of each size of single family use provided. (For example, a person may provide two two-bedroom and three four-bedroom single family uses as SAH units.) Then, multiply the number of each size of single family use provided by the number of multifamily bedrooms that will not be required by reason of the provision of those single family uses. Next, add these numbers to determine the total number of multifamily bedrooms that will not be required. (In the above example, 21 multifamily bedrooms would not be required because of the provision of the single family uses.) This number is then subtracted from the total number of bedrooms of SAH units that would otherwise be required by Section 51A-4.906(b)(4) to obtain the density bonus. The result is then broken down into the number of different sizes of SAH units required by Section 51A-4.906(b)(4) to obtain the density bonus. (Ord. 21663)

Division 51A-4.1000. Reserved.

(Repealed by Ord. No. 33280)

~~Division 51A-4.1000. Park Land Dedication.~~

~~SEC. 51A-4.1001. PURPOSE:~~

~~Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. 30934, eff. 7/1/19)~~

~~SEC. 51A-4.1002. APPLICABILITY:~~

~~(a) In general. Except as provided in this section, park land dedication requirements apply to:~~

~~(1) a single family or duplex residential plat or building permit for new construction; and~~

~~(2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.~~

~~(b) Exceptions. These regulations do not apply to:~~

~~(1) plats, replats, or issuance of building permits for new construction on land owned by a governmental unit; and~~

~~(2) developments in planned development districts, existing on July 1, 2019, with open space or park land requirements.~~

~~(c) Waivers. Only developments that are enrolled in a program administered by the office of housing and community empowerment and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived. (Ord. Nos. 30934, 32864, 33233)~~

~~SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS:~~

~~(a) Definitions. In this division:~~

~~(1) COMMUNITY PARK means a park that is larger than a neighborhood park and serves several neighborhoods.~~

~~(2) DIRECTOR means the director of the park and recreation department.~~

~~(3) HOTEL AND MOTEL USE means a hotel or motel use, extended stay hotel or motel use, lodging or boarding house use, or residential hotel.~~

~~(4) MULTIFAMILY USE means a college dormitory, fraternity, or sorority house, group residential facility, multifamily use, or retirement housing.~~

~~(5) NEIGHBORHOOD PARK means a park that serves a variety of age groups within a limited area or neighborhood.~~

~~(6) PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.~~

~~(7) PRIVATE PARK LAND means privately owned park land, common area, or green spaces provided on-site that is accessible to the residents of a development.~~

~~(8) SINGLE FAMILY OR DUPLEX USE means a duplex use, handicapped group dwelling unit, or single family use.~~

~~(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. 30934, eff. 7/1/19)~~

SEC. 51A-4.1004. DEDICATION:

~~(a) General. Dedication may be accomplished by dedication to and acceptance of suitable land by the city or by payment of a fee-in-lieu of dedication.~~

~~(b) On-site dedication. For single family or duplex residential subdivisions, on-site dedication must be shown on the preliminary and final plat. For multifamily or hotel and motel uses, on-site dedication must be shown on the development plan or other plan submitted with a building permit application.~~

~~(c) Off-site dedication. Off-site dedication must be evidenced by a deed to the city that has been accepted by the director.~~

~~(d) Deferral. Payment of the fee-in-lieu may be deferred from the time of platting to the time of issuance of building permits.~~

~~(e) Dedication calculation. The following formula applies to determine the amount of land required to be dedicated.~~

~~(1) For a single family or duplex residential development:~~

~~One acre per 100 dwelling units. Less than 100 dwelling units on a pro rata basis.~~

~~(2) For a multi-family development:~~

~~One acre per 255 single bedroom dwelling units. Less than 255 dwelling units on a pro rata basis.~~

~~One acre per 127 two bedroom or greater dwelling units. Less than 127 dwelling units on a pro rata basis.~~

~~For a college dormitory, fraternity, or sorority house, one acre for 255 sleeping rooms. Less than 255 sleeping rooms on a pro rata basis.~~

~~(3) For a hotel or motel use development:~~

~~One acre per 233 guest rooms. Less than 233 guest rooms on a pro rata basis.~~

~~(f) Single family and duplex development. For single family or duplex developments, park land dedication may occur at either the subdivision or permitting phase. Dedication is only required once.~~

~~(1) Residential subdivision:~~

~~(A) Unless dedication has been deferred to the permitting phase, final approval of a single family or duplex residential subdivision plat requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007~~

~~(i) For park land dedicated within the subdivision, a fee simple dedication on the subdivision plat of the required park land approved by the director.~~

~~(ii) For park land dedicated outside the subdivision, evidence of recording in the appropriate real property records of a general warranty deed of the required park land approved and accepted by the director.~~

~~(iii) For land platted as a private park, the land must be identified on the plat.~~

~~(iv) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.~~

~~(B) Land established as a private park for the purposes of this section may not be replatted to change the designation without the approval of the city plan commission. The city plan commission shall not approve a replat that would change the designation unless it determines that:~~

~~(i) alternative private park land that satisfies the requirements of this subsection is identified within the original subdivision that meets the dedication requirement; or~~

~~(ii) park land dedication requirements are met with an off-site dedication or fee-in-lieu meeting the requirements of this division.~~

~~(C) For phased plats, park land dedication plats may only be accepted for the active phase.~~

~~(2) Residential building permit. Issuance of a building permit for a single family or duplex development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:~~

~~(A) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director; or~~

~~(B) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.~~

~~(C) For private park land and publicly accessible private park land, the final plat must be filed or an instrument acceptable to the city attorney must be filed in deed records.~~

~~(g) Multifamily and hotel or motel use developments. Issuance of a building permit for a multifamily or hotel or motel use development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:~~

~~(1) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director;~~

~~(2) Identification of the required amount of private park on the preliminary and final plats or development plan if applicable; or~~

~~(3) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.~~

~~(h) Minimum size. If the calculation in Subsection (e) of this section results in less than one acre, the director may require the developer to pay the fee-in-lieu of land dedication as provided in Section 51A-4.1005. The director may approve the dedication of less than one acre of property if the proposed park meets or addresses a need in the park system or presents an opportunity to enhance the city parks system as recommended by the comprehensive plan. (Ord. 30934, eff. 7/1/19)~~

~~SEC. 51A-4.1005. FEE-IN-LIEU.~~

~~(a) The owner of property for which dedication is required may pay a fee-in-lieu of dedication in the amount determined in Subsection (c) of this section, and the director shall not refuse any payment of a fee-in-lieu of dedication.~~

~~(1) In some instances, the director may require the developer to pay fees-in-lieu of dedicating land. In making this determination, the director shall consider the following factors:~~

~~_____ (A) Whether sufficient park land and open space exists in the area of the proposed development; and~~

~~_____ (B) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.~~

~~_____ (2) The director shall notify the developer in writing of the director's decision to require a fee-in-lieu of dedication and the reason for the decision. The developer may appeal the decision to the park and recreation board by filing a written notice with the director within 15 days after the date of the decision.~~

~~_____ (b) Payment of the fee-in-lieu is required at the time of approval of the final plat or issuance of building permits. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park dedication zone as the development. Fees may be applied to any type of park site or improvement within the park dedication zone in accordance with park and recreation department prioritization.~~

~~_____ (c) For developments in more than one park dedication zone, or that abut another park dedication zone, fees-in-lieu may be spent in either park dedication zone.~~

~~_____ (d) For Park Dedication Zone Seven (the Downtown/Uptown Zone) as shown on the parkland dedication zone map, fees-in-lieu may be used to increase connectivity in the city's trail system for the recreational benefit of the residents of that area. (Ord. 30934, eff. 7/1/19)~~

~~SEC. 51A-4.1006. _____ PARK DEVELOPMENT FEE.~~

~~_____ (a) In general. To provide recreational amenities on existing park land for new residents and visitors, a park development fee is required to be paid at the time of dedication or payment of fee-in-lieu. Except as provided in this section, park development fees must be applied to parks within the park dedication zone in accordance with park and recreation department prioritization.~~

~~_____ (1) Credit may be provided on a dollar for dollar basis for capital improvements on adjacent park land if the capital improvements:~~

~~_____ (A) meet minimum park and recreation standards;~~

~~_____ (B) are needed and are appropriate for the park land; and~~

~~_____ (C) are accepted by the director.~~

~~_____ (2) Credit may be provided on a dollar for dollar basis for capital improvements on publicly accessible private park land if the capital improvements:~~

~~_____ (A) meet minimum park and recreation standards;~~

~~_____ (B) are needed and are appropriate for the park land; and~~

~~_____ (C) are accepted by the director.~~

~~_____ (3) A maximum credit of 50 percent of the total requirement may be provided for capital improvements on non-publicly accessible private park land if the capital improvements:~~

~~_____ (A) meet minimum park and recreation standards;~~

~~_____ (B) are needed and are appropriate for the park land; and~~

~~_____ (C) are accepted by the director.~~

~~_____ (b) Location. For developments in more than one park dedication zone, or that abut another park dedication zone, park development fees may be spent in either park dedication zone.~~

~~_____ (c) Timing. Park development fees must be paid at the time all other dedications or payments are made. (Ord. 30934, eff. 7/1/19)~~

SEC. 51A-4.1007. CALCULATIONS, DEDUCTIONS, AND CREDITS.

~~— (a) Initial calculations. The director shall determine the amount of land required to be dedicated, or fees in lieu of dedication to be paid, in accordance with Sections 51A-1.105(z), 51A-4.1004, 51A-4.1005, and this section.~~

~~— (1) The director shall first calculate the amount of park dedication required in Section 51A-4.1004;~~

~~— (2) If the owner of the subdivision or development elects to pay a fee in lieu of dedication, or the director requires the payment of a fee in lieu of dedication, the director shall calculate the fee according Section 51A-4.105(z);~~

~~— (3) If the owner of the subdivision or development chooses to satisfy the requirements of this division by a combination of dedication of land and payment of a fee in lieu of dedication, the director shall:~~

~~— (A) First, calculate the total park dedication requirement;~~

~~— (B) Second, subtract from the total park land dedication requirement the amount of park land to be dedicated;~~

~~— (C) Third, calculate amount of fee in lieu for the remaining amount of park land dedication required by multiplying the remaining land area by the fee in lieu per square foot cost factor.~~

~~— (b) Deductions and credits.~~

~~— (1) The number of dwelling units, guest rooms, or sleeping rooms requiring dedication is based on a total increase in dwelling units, guest rooms, or sleeping rooms. The director shall deduct from the initial calculation the number of dwelling units, guest rooms, or sleeping rooms in existence within five years of the approval of the preliminary plat or the issuance of the first building permit for the proposed new development. The burden is on the applicant to~~

~~demonstrate to the satisfaction of the director that the dwelling units, guest rooms, or sleeping rooms existed before the application for the subdivision plat or building permits generating the dedication requirement;~~

~~— (2) The director shall reduce the dedication requirement of Section 51A-4.1004 or the fee in lieu of dedication requirement of Section 51A-4.1005, as applicable, by one or more of the following credits:~~

~~— (A) The director shall grant a maximum credit of 100 percent of the total dedication requirement for publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirements of this paragraph.~~

~~— (i) To be eligible for credit, publicly accessible private park land must be:~~

~~— (aa) made accessible to the public on an instrument approved by the city attorney;~~

~~— (bb) of a size approved by the director to appropriately meet the needs of the development;~~

~~— (cc) provide landscaping and recreational amenities approved by the director; and~~

~~— (dd) be open to the public during all times it is accessible to the residents of the development.~~

~~— (ii) Equipment in a private park must comply with city standards applicable to the type of equipment.~~

~~— (iii) A publicly accessible private park land instrument must:~~

~~— (aa) contain a legal description of the development and the publicly accessible private park land;~~

~~— (bb) be signed by all owners and lienholders of the development property and is binding on lienholders by a subordination clause;~~

~~_____ (cc) be approved by the director;~~

~~_____ (dd) be approved as to form by the city attorney;~~

~~_____ (ee) create a covenant running with the land;~~

~~_____ (ff) provide that the owners of the property development are responsible for all general park maintenance at a level consistent with minimum park and recreation standards;~~

~~_____ (gg) provide necessary easements for access to the publicly accessible private park land;~~

~~_____ (hh) give the city the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the publicly accessible private park land, and to place a lien on all lots within the development until the city has received full compensation for that action;~~

~~_____ (ii) provide that the owners of property in the development agree to defend and indemnify the city, and to hold the city harmless from and against all claims or liabilities arising out of or in connection with publicly accessible private park land or publicly accessible private park land instrument;~~

~~_____ (jj) provide that it is governed by the laws of the State of Texas; and~~

~~_____ (kk) provide that it may only be amended or terminated:~~

~~_____ (I) with the consent of all the owners and lienholders of property in the development;~~

~~_____ (II) upon the dedication of any park land or payment of a fee-in-lieu necessary to meet the requirements of this section; and~~

~~_____ (III) after approval as to form by the city attorney, and approval by the director.~~

~~_____ (B) A maximum credit of 50 percent of the total requirement will be given for non-publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this subparagraph. Private park land eligible for credit must:~~

~~_____ (i) be of a size approved by the director to appropriately meet the needs of the development;~~

~~_____ (ii) be maintained at a level consistent with minimum park and recreation maintenance standards;~~

~~_____ (iii) provide landscaping and recreational amenities approved by the director;~~

~~_____ (iv) have equipment that complies with city standards applicable to the type of equipment; and~~

~~_____ (v) not be an interior common area.~~

~~_____ (C) Developments located within a community unit development with open space meeting the requirements of Subparagraph (A) or Subparagraph (B) may receive credit for park land dedication as provided in this section.~~

~~_____ (3) Credits are cumulative, up to a maximum of 100 percent of the required dedication and are only applicable to the original property being developed. (Ord. 30934, eff. 7/1/19)~~

~~SEC. 51A-4.1008. **PARK LAND DEDICATION STANDARDS.**~~

~~_____ (a) Park land location standards. It is the purpose of this section to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement to benefit area development, enhance the visual character of the city, protect public~~

safety, and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks must meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.

(3) Dedicated park land must be in a location that is accessible by the public.

(4) The director may accept dedication of property within the park dedication zone that provides for access to parks other than community and neighborhood parks.

(5) The land must comply with current park standards.

(b) Park land acceptance standards.

(1) The city may accept or reject an offer of dedication, after consideration of the recommendation of the director, and require the payment of fees in lieu of dedication as provided in Section 51A-4.1005.

(2) Land dedicated for park and recreational areas must be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the current park system requirements.

(3) Land proposed to be dedicated for parks must generally meet the following requirements. The director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the park and recreation department's comprehensive plan update.

(A) Minimum size and configuration standards.

(i) Unless determined otherwise by the director pursuant to Subsection 51A-4.1004(h), the minimum size of land dedicated for a park is one acre.

(ii) Land dedicated for a park must be a contiguous piece of property that can physically accommodate improvements associated with a neighborhood or community park.

(B) Location and access standards.

(i) The land must meet the applicable location requirements of Paragraph (4).

(ii) The land must have connectivity to a public street appropriate for the size and use of the park.

(C) Physical characteristics standards.

(i) Unless otherwise approved by the director, land must be vacant and cleared of nonvegetative material.

(ii) The land must be in full compliance with all ordinances, rules, and regulations of the city.

(iii) Except when approved by the director, the land must not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(D) Minimum environmental conditions standards. Unless provided otherwise in rules promulgated by the director, the land must be reasonably free of recognized environmental conditions.

(i) If land is proposed to be dedicated by plat, before submittal of a final plat, the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

~~(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.~~

~~(4) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land in this section and all other ordinances, rules, and regulations of the city. Floodplain and floodway areas may only be used to meet a maximum of 50 percent of the dedication requirements. Stormwater detention/retention areas and associated access easements do not meet the standards for acceptance of park land.~~

~~(5) For developments in more than one park dedication zone, property may be dedicated in either park dedication zone. (Ord. 30934)~~

~~SEC. 51A-4.1009. PARK LAND DEDICATION FUND.~~

~~(a) In general.~~

~~(1) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section. The fund will be known as the "Park Land Dedication Fund." Except as provided in this section and Section 51A-4.1005, funds will only be released from the Park Land Dedication Fund to buy, build, or enhance a park within the park dedication zone, from which the funds originated.~~

~~(2) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10 year period, the owners of the property on the last day of the 10 year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10 year period. The request must be made in writing to the director.~~

~~(3) Where funds have been paid or a dedication for a phased development has been made in~~

~~accordance with this section, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment will be applied to subsequent replats or development plans for the same land on a pro-rata basis by dwelling unit for a period of 10 years. Increased density requires the dedication of additional park land or payment of additional fees.~~

~~(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 10 percent of total acquisition or improvement costs. (Ord. 30934)~~

~~SEC. 51A-4.1010. TREE MITIGATION.~~

~~(a) In general. Trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Article X.~~

~~(b) Tree mitigation credits. To be eligible for Article X 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).~~

~~(c) Conservation easements. Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under Article X that meets the conservation easement standards in Article X and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director. (Ord. 30934)~~

~~SEC. 51A-4.1011. APPEALS.~~

~~Except for appeals of apportionment of exactions, all appeals of the director's decisions are appealable to the park and recreation board following the same procedure as an appeal of an administrative official's decision to the board of adjustment. Notice of appeal~~

~~must be made within 15 days of the date of that decision. (Ord. 30934)~~

~~SEC. 51A-4.1012. REVIEW.~~

~~—The director shall review this ordinance every five years from the effective date. (Ord. 30934)~~

Division 51A-4.1100. Mixed-Income Housing.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. 31152)

SEC. 51A-4.1102. APPLICABILITY.

(a) In general. Development bonuses apply to qualifying developments as follows:

(1) Type One developments are located in:

(A) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts.

(B) MU-1, MU-2, and MU-3 Mixed Use Districts.

(C) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions. If there is a conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls.

(D) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions. If there is a conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls.

(E) Planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and do not alter the yard, lot, and space or parking regulations. If there is a conflict between the planned development district regulations and this division, the more restrictive standard controls.

(2) Type Two developments are located in planned development districts that specify mixed-income development bonuses or that reference compliance with this division.

following unless the director determines that an item listed is not applicable and may be omitted:

(A) A copy of the conditionally approved or previously disapproved engineering plan.

(B) A copy of the action letter sent by the director.

(C) An explanation of corrections made on the resubmitted engineering plan to bring the plan in to compliance with the provisions of the Dallas City Code and state or federal law cited in the disapproval letter sent by the director.

(D) All information required in Subsection (b)(2) through (7).

(h) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director and advised of the documents needed to secure a final release from the department.

(i) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of development services. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 31394; 32002)

SEC. 51A-8.405. APPORTIONMENT OF EXACTIONS AND PARK LAND DEDICATION.

(a) See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

~~(b) See Division 51A-4.1000 for regulations and procedures concerning park land dedication.~~

(b) See Article VIII A for regulations and procedures concerning park land dedication. (Ord. Nos. 26530; 30934; 33280) 10/21

Division 51A-8.500. Subdivision Layout and Design.

SEC. 51A-8.501. COMPLIANCE WITH ZONING.

(a) Except as otherwise provided in Subsection (c), all plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any final plat of the property. A plat submission reflecting a condition not in accordance with the zoning requirements must not be approved by the commission until any available relief from the board of adjustment has been obtained.

(b) Except as otherwise provided in Subsection (c), no plat or replat may be approved which leaves a structure located on a remainder lot.

(c) Subsections (a) and (b) do not apply to a parcel, lot, or remainder lot that constitutes or is a part of a building site established pursuant to Section 51A-4.601(a)(5), (6), or (7) of this chapter. (Ord. Nos. 20092; 23384; 25809)

SEC. 51A-8.502. DESIGNATION OF ABANDONED, FRANCHISED, OR LICENSED PROPERTY.

(a) Indication of abandonment. Any abandoned public right-of-way that is to be incorporated into a platted lot must be indicated by a dashed line on the plat. The ordinance number for the ordinance abandoning the property must be reflected on the plat. Incorporation of property improperly abandoned is prohibited.

(b) Indication of franchise or license. Any franchise or license agreements affecting the property must be indicated on the plat.

ARTICLE VIIIA.

PARK LAND DEDICATION.

SEC. 51A-8A.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. No. 33280)

SEC. 51A-8A.1002. APPLICABILITY.

This article does not apply to plats, replats, or issuance of building permits for new construction on land owned by a governmental unit. (Ord. No. 33280)

SEC. 51A-8A.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this article:

(1) CPI means the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published by the Bureau of Labor Statistics of the United States Department of Labor.

(2) DIRECTOR means the director of the park and recreation department.

(3) DENSITY FACTOR means a number reflecting the diminishing expectation of park land acres per dwelling unit in increasingly dense urban environment.

(4) DWELLING UNIT FACTOR means a number reflecting the number of parkland acres for each dwelling unit proposed by a development plan.

(5) HOTEL AND MOTEL USE means a hotel or motel use, extended stay hotel or motel use,

lodging or boarding house use, short-term rental lodging, or residential hotel.

(6) LAND VALUE means the market value of land per acre, not including improvements to the land.

(7) MULTIFAMILY USE means a college dormitory, fraternity, or sorority house, group residential facility, multifamily use, or retirement housing.

(8) PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.

(9) PLAN has the meaning assigned by Texas Local Government Code Section 212.201.

(10) RESERVED DWELLING UNITS has the meaning assigned by Division 51A-4.1100.

(11) SINGLE FAMILY OR DUPLEX USE means a duplex use, handicapped group dwelling unit, or single family use.

(b) Interpretations.

(1) In general. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702(a)(6)(C) apply in this article.

(2) Computation of time.

(A) In computing a period of days under this article, the first day is excluded and the last day is included.

(B) If the last day of any period is a Saturday, Sunday, or holiday, the period is extended to include the next day that is not a Saturday, Sunday, or holiday. (Ord. No. 33280)

SEC. 51A-8A.1004. DEDICATION REQUIRED.

(a) In general. Except as provided in this section, dedication may be accomplished by dedication to and acceptance of suitable land as determined by the director that meets a need in the park system at the time of dedication, payment of a fee-in-lieu of dedication, or both. The director shall determine whether the owner of property is required to dedicate land, pay a fee-in-lieu of dedication, or both.

(b) On-site dedication. On-site dedication must be shown on the preliminary and final plat. If the director determines that the owner of property is required to dedicate land, the minimum size of land dedicated for a park is 0.5 acre. The director may require dedication of park land if the dedicated park land will be located within a 10-minute walk (approximately 0.5 miles) of 1,000 residents or more. If the director requires dedication of park land, city council must approve the expenditure of any funds for the acquisition of the land. For purposes of this subsection, a 10-minute walk is determined using the same or similar metrics used by the Trust for Public Land to determine its 10-minute walk score.

(c) Dedication for single family or duplex. See Section 51A-8A.1008.

(d) Dedication for multifamily or hotel and motel use. See Section 51A-8A.1009.

(e) Dedication calculation. The following formula applies to determine the amount of land required to be dedicated.

(1) For a single family or duplex residential development: One acre per 100 dwelling units. Less than 100 dwelling units on a pro rata basis.

(2) For a multi-family development:

One acre per 255 single bedroom dwelling units. Less than 255 dwelling units on a pro rata basis.

One acre per 127 two bedroom or greater dwelling units. Less than 127 dwelling units on a pro rata basis.

(3) For a hotel or motel use development: One acre per 233 guest rooms. Less than 233 guest rooms on a pro rata basis. (Ord. No. 33280)

SEC. 51A-8A.1005. FEE-IN-LIEU.

(a) The owner of property for which dedication is required may pay a fee-in-lieu of dedication in the amount determined by this article and Section 51A-1.105.

(b) For single family or duplex uses, payment of the fee-in-lieu is required at the time of issuance of building permits. For multifamily and hotel and motel uses payment of the fee-in-lieu is required at the time of the issuance of a final certificate of occupancy.

(c) Payments may be used only for acquisition or improvement of park land and facilities located within the same park dedication zone as the development and to increase connectivity in the city's trail system located within the same park dedication zone as the development. Fees may be applied to any type of park site or improvement within the park dedication zone in accordance with park and recreation department prioritization.

(d) For developments in more than one park dedication zone, or that abut another park dedication zone, fees-in-lieu may be spent in either park dedication zone.

(e) For Park Dedication Zone One (the Downtown / Uptown Zone) as shown on the parkland dedication zone map, fees-in-lieu may be used to increase connectivity in the city's trail system for the recreational benefit of the residents of that area. (Ord. No. 33280)

SEC. 51A-8A.1006. PARK LAND DEDICATION STANDARDS AND CREDITS.

(a) Park land location standards. It is the purpose of this section to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement to benefit area development, enhance the visual character of the city, protect public safety, and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks must meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.

(3) Dedicated park land must be in a location that is accessible by the public.

(4) The director may accept dedication of property within the park dedication zone that provides for access to parks other than community and neighborhood parks.

(5) The land must comply with current park standards.

(b) Park land acceptance standards.

(1) Land dedicated for park and recreational areas must be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the current park system requirements.

(2) Land proposed to be dedicated for parks must generally meet the following requirements. The

director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the park and recreation department's comprehensive plan update.

(A) Minimum size and configuration standards.

(i) The minimum size of land dedicated for a park is 0.5 acre.

(ii) Land dedicated for a park must be a contiguous piece of property that can physically accommodate improvements associated with a park.

(B) Access standards. The land must have connectivity to a public street appropriate for the size and use of the park.

(C) Physical characteristics standards.

(i) Unless otherwise approved by the director, land must be vacant and cleared of nonvegetative material.

(ii) The land must be in full compliance with all ordinances, rules, and regulations of the city.

(iii) Except when approved by the director, the land must not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(D) Minimum environmental conditions standards. Unless provided otherwise in rules promulgated by the director, the land must be reasonably free of recognized environmental conditions.

(i) If land is proposed to be dedicated by plat, before submittal of a final plat, the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(3) For developments in more than one park dedication zone, property may be dedicated in either park dedication zone.

(c) Credits. The director shall grant a 50 percent credit for the total dedication requirement under this article if the owner allows access to a trail head that connects the development to a city trail. To be eligible for this credit:

(1) The trail head must be made accessible to the public on an instrument approved by the city attorney and accessible to the public at all times that the trail head is accessible to the development’s residents; and

(2) The trail head must include trail serving amenities such as:

- (A) Arch space.
- (B) Event space.
- (C) Exercise equipment.
- (D) Gardens.
- (E) Open space.
- (F) Pet amenities.

(G) Restrooms. (Ord. No. 33280)

SEC. 51A-8A.1007. PARK LAND DEDICATION FUND.

(a) In general.

(1) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section. The fund will be known as the “park land dedication fund.” Except as provided in this section and Section 51A-8A.1005, funds will only be released from the park land dedication fund to buy, build, enhance, or maintain a park within the park dedication zone, from which the funds originated and acquire or improve park land, facilities, and increase connectivity in the city’s trail system located within the same park dedication zone from which the funds originated.

(2) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10-year period, the owners of the property on the last day of the 10-year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10-year period. The request must be made in writing to the director.

(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 20 percent of total acquisition or improvement costs. (Ord. No. 33280)

SEC. 51A-8A.1008. DEDICATION FOR SINGLE FAMILY OR DUPLEX.

(a) This section applies to dedication for single family or duplex uses only.

(b) Issuance of a building permit for a single family or duplex development requires confirmation of deposit into the park land dedication fund of the fee-in-lieu in the amount established pursuant to Section 51A-8A.1005 or on-site dedication shown on a final plat. (Ord. No. 33280)

SEC. 51A-8A.1009. DEDICATION FOR MULTIFAMILY OR HOTEL AND MOTEL USE.

(a) Applicably.

(1) This section applies to dedication for multifamily or hotel and motel uses only.

(2) This section only applies to a development plan or building permit that includes a multifamily or hotel and motel use. If a development plan includes a combination of uses, the amount of parkland dedication is based only on the pro rata portion of the land proposed to be multifamily or hotel and motel use.

(3) This section does not apply to reserved dwelling units. If a development plan includes a combination of reserved dwelling units and market rate dwelling units, the amount of parkland dedication is based only on the pro rata share of the market rate dwelling units.

(b) Request for park land dedication determination.

(1) Request for determination. An owner of the subdivision or development may make a written request to the director to determine how much dedication is required under this section.

(2) Additional information required. The director may request additional information from the owner in paragraph (1) that is needed to determine the dedication required under this section. The requested additional information must be publicly and readily available.

(3) Director's determination.

(A) The director's determination must be in writing and sent to the owner of the subdivision or development within 30 days of the latter of:

(i) if the director does not request additional information under subsection (b), the date the director receives the request for determination;

(ii) the date the director receives the requested additional information under paragraph (2); or

(iii) the date the director receives a response from the owner of the subdivision or development saying the requested additional information will not be provided to the director because it is not publicly and readily available.

(B) The director's determination regarding the amount of dedication is binding for the lesser of two years, or the day the owner of the subdivision or development files a development plan that relies on the director's determination.

(4) Release. An owner of the subdivision or development may release in writing the director from a determination made under this section.

(c) Fee-in-lieu or land dedication required. Issuance of a final certificate of occupancy for a multifamily or hotel or motel use development requires confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-8A.1005 or on-site dedication shown on a final plat. (Ord. No. 33280)

SEC. 51A-8A.1010. DESIGNATION OF CENTRAL BUSINESS DISTRICT, SUBURBAN, AND URBAN AREAS.

(a) City council action.

(1) Before the city council holds the public hearing designating all the territory within the city as central business district, suburban, or urban areas, the city secretary shall give notice of the public hearing in the official newspaper of the city at least 30 days before the hearing.

(2) The affirmative vote of a majority of the city councilmembers present is needed to approve the designation of all the territory within the city as central business district, suburban, or urban areas.

(3) Within 10 days of the city council designating all the territory within the city as central business district, suburban, or urban areas, the city secretary shall notify each appraisal district of the designation.

(b) Amendments to the designation. The city council may only amend the designation during the adoption or amendment to a comprehensive plan under Section 51A-1.108. (Ord. No. 33280)

SEC. 51A-8A.1011. VALUATION OF CENTRAL BUSINESS DISTRICT, SUBURBAN, AND URBAN AREAS.

(a) Years when the appraisal district calculates the value. Each appraisal district shall, not less than once every 10 years, calculate the average land value for each area and provide the average land values to the director in accordance with Texas Local Government Code Section 212.209(c).

(b) Years when the appraisal district does not calculate the value.

(1) In years when the appraisal district does not calculate the average land value of each area, the director shall determine the average land value.

(2) The director shall calculate the average land value using the following formula:

(A) First, average each of the previous year's monthly CPI rate.

(B) Second, add one to the rate in subparagraph (a).

(C) Third, multiply the figure in subparagraph (b) by the previous year's average land value.

(3) The calculations under this subsection are not required in the years when the appraisal districts make the calculations required under subsection (a). In those years, the director shall use the land valuation provided by the appraisal districts.

(c) Areas calculated by more than one appraisal district. If more than one appraisal district calculates the average land value of each area, the director shall determine the area's average land value using the following formula:

(1) First, determine the percentage each area is within an appraisal district.

(2) Second, multiply each appraisal district's calculated value of the area by the percentage in Paragraph (1).

(3) Third, add each figure resulting from the calculation made in Paragraph (2) together. (Ord. No. 33280)

SEC. 51A-8A.1012. DWELLING UNIT FACTOR AND DENSITY FACTOR ESTABLISHED.

(a) Dwelling unit factor.

(1) Multifamily. The dwelling unit factor is 0.005 acres per dwelling unit.

(2) Hotel or motel uses. The dwelling unit factor is 0.004 acres per room ordinarily use for sleeping.

(b) Density factor.

(1) Central business district area. The density factor is 40.

(2) Suburban area. The density factor is four.

(3) Urban area. The density factor is one. (Ord. No. 33280)

SEC. 51A-8A.1013. APPEALS.

(a) City plan commission. An owner of the subdivision or development may appeal the director's decision regarding any element of this article by filing a written notice with the director within 30 days after the date of the decision. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter being appealed. The owner of the subdivision or development shall include a requested adjudication for the issue in controversy. The city plan commission shall hold a public hearing where the owner of the subdivision or development and director may present evidence and testimony under procedures adopted by the city plan commission. The owner of the subdivision or development shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may uphold, reverse, or modify the director's decision. The city plan

commission shall make its decision within 60 days after the appeal is filed. If the city plan commission fails to act in accordance with this subsection, the appeal is resolved in favor of the owner of the subdivision or development's requested adjudication.

(b) City council. An owner of the subdivision or development may appeal the city plan commission's decision regarding any element of this article by filing a written notice with the director within 30 days after the date of the city plan commission's decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed. The owner of the subdivision or development shall include a requested adjudication for the issue in controversy. The city council shall hold a public hearing where the owner of the subdivision or development and director may present evidence and testimony under procedures adopted by the city council. The owner of the subdivision or development shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may uphold, reverse, or modify the director's decision. The city council shall make its determination within 60 days after the appeal is filed. If the city council fails to act in accordance with this subsection, the appeal is resolved in favor of the owner of the subdivision or development's requested adjudication.

(c) County or district court. An owner of the subdivision or development may appeal the city council's decision to a county or district court of the county where the development project is located within 30 days after the date of the city council's determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission's decision. (Ord. No. 33280)

SEC. 51A-8A.1014. REVIEW.

The director shall review this article every five years from the effective date. (Ord. No. 33280)

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the appropriate county, and shall supply the director and the building official with a copy of the filed document.

(4) When a person applies for a building permit to use the transferred development rights, the building official shall forward the building permit application and the form transferring the development rights to the director. The director shall review the application and verify that the development rights have been properly transferred and may be used.

(5) The recipient of the transferred development rights may further transfer all of the development rights received by following the same process described in this section. (Ord. Nos. 23506; 24584; 25509; 27016)

Division 51A-11.400. Sunset Provision and Coordination with Pending Tax Exemptions.

SEC. 51A-11.401. SUNSET PROVISION.

~~No certificates of eligibility may be granted, and no applications for extension of the deadline for rehabilitation or deadline for a certificate of occupancy may be considered, by the landmark commission under this article after December 31, 2025.~~

No certificates of eligibility may be granted, and no applications for extension of the deadline for rehabilitation or deadline for a certificate of occupancy may be considered, by the landmark commission under this article after December 31, 2030. (Ord. Nos. 23506; 24584; 25509; 27016; 29953; 31694; 33282)

SEC. 51A-11.402. COORDINATION WITH PENDING TAX EXEMPTIONS.

(a) After issuance of the first letter of verification for that tax exemption (the initial verification), the tax exemption application process is completed, and the tax exemption is subject to the code provisions in place at the time of the initial verification.

(b) An application that has been determined to be eligible, but that has not yet received initial verification, is subject to the procedures for completion and verification in place at the time of the application for initial verification. If no completion date was specified in the determination of eligibility, the completion date is deemed to be three years from the date the landmark commission made its determination of eligibility.

(c) An applicant who has received a determination of eligibility for a tax exemption under previous provisions of this article may submit a revised application for consideration of eligibility under the current provisions of this article at any time prior to initial verification. The application may be made without resubmitting documentation except as necessary to meet current requirements. If the revised application is denied, the previously approved application remains in effect. If the revised application is approved, it replaces the previously approved application. (Ord. 27016)

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
33112 (Cont'd)			181	Amends 51-4.214(8)(C)
			182	Amends 51-4.214(11)(C)
			183	Amends 51-4.214(12)(C)
			184	Amends 51-4.215(1)(C)
			185	Amends 51-4.215(2)(C)
			186	Amends 51-4.215(3)(C)
			187	Amends 51-4.215(4)(C)
			188	Amends 51-4.215(5)(C)
			189	Amends 51-4.215(6)(C)
			190	Amends 51-4.215(7)(C)
			191	Amends 51-4.215(8)(C)
			192	Amends 51-4.215(9)(C)
			193	Amends 51-4.215(10)(C)
			194	Amends 51-4.215(11)(C)
			195	Amends 51-4.216(2)(C)
			196	Amends 51-4.216(4)(C)
			197	Amends 51-4.216(5)(C)
			198	Amends 51-4.216(6)(C)
			199	Amends 51-4.216(7)(C)
			200	Amends 51-4.216(8)(C)
			201	Amends 51-4.216(9)(C)
			202	Amends 51-4.216(10)(C)
			203	Amends 51-4.216(11)(C)
			204	Amends 51-4.216(12)(C)
			205	Amends 51-4.216(13)(C)
			206	Amends 51-4.216(14)(C)
			207	Amends 51-4.216(15)(C)
			208	Amends 51-4.216.1(1)(C)
			209	Amends 51-4.216.1(2)(C)
			210	Amends 51-4.216.1(3)(C)
			211	Amends 51-4.216.1(4)(C)
			212	Amends 51-4.216.1(5)(C)
			213	Amends 51-4.217(b)(1)(C)
			214	Amends 51-4.217(b)(6)(C)
			215	Amends 51-4.217(b)(15)(C)
33233	9-17-25		16	Amends 51-4.217(b)(20)(E)(iii)
33280	11-12-25		1	Adds Ch. 51, Art. VIIIA

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>
33252 (Cont'd)			15	Amends 51A-7.1204(a)
			16	Amends 51A-7.1205
			17	Amends 51A-7.1205.1(a)
			18	Amends 51A-7.1206
			19	Amends 51A-7.1207
			20	Amends 51A-7.1208
			21	Amends 51A-7.1209
			22	Amends 51A-7.1210
			23	Amends 51A-7.1211
			24	Repeals 51A-7.1212
			25	Repeals 51A-7.1213
			26	Repeals 51A-7.1214
			27	Repeals 51A-7.1214.1
			28	Repeals 51A-7.1214.2
			29	Repeals 51A-7.1214.3
			30	Repeals 51A-7.1215
			31	Amends 51A-7.1200, Exh. A.
			32	Repeals Div. 51A-7.2100
33265	10-22-25		1	Amends 51A-1.105(a)(4)
			2	Amends 51A-4.511(c)
			3	Amends 51A-4.511(d)(8)
			4	Amends 51A-4.511(e)(2)
33280	11-12-25		2	Amends 51A-1.105(k)(3)
			3	Amends 51A-1.105(z)
			4	Repeals Div. 51A-4.1000
			5	Amends 51A-8.405(b)
			6	Adds Ch. 51A, Art. VIIIA
33282	12-10-25		1	Amends 51A-11.401
33288	12-10-25		16	Amends 51A-3.102(a)
			17	Amends 51A-3.103(a)(2)

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