CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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(3) two police officers of the rank of lieutenant or higher and a representative of the city council or crime commission.

(b) The witnesses shall make a report under oath to the city council, listing the make, model, type, and serial number of the weapons destroyed and stating the time, date, place, and manner of destruction.

(c) This requirement of destruction does not apply to:

(1) handguns or other restricted firearms that the chief of police has determined to be serviceable, which shall be kept in reserve by the police department for use in the event of civil disorder or disaster;

(2) city-owned firearms or firearm accessories or ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on new property of the same general type; or

(3) handguns or other restricted firearms that the chief of police has determined are required for training purposes or other law enforcement activities, or whose parts are needed for repair of departmental weapons. (Ord. Nos. 15519; 17386; 18201; 18212; 19312; 20044; 22153)

SEC. 2-37.8. LIEN ON MOTOR VEHICLES.

The city shall have a lien on all motor vehicles taken into custody for the actual towing expense, storage charges, and service fee as provided in Section 28-4 of this code and for an administrative fee of $150, plus any reasonable attorney's expenses, if the motor vehicle is processed for auctioning. This lien is superior to all other liens and claims except liens for ad valorem taxes and may be satisfied by sale of the motor vehicle. (Ord. Nos. 15519; 16287; 17547; 19312; 19742)

SEC. 2-37.9. PURCHASE BY CERTAIN PERSONS PROHIBITED.

~~(a) The following persons shall not, directly or indirectly, submit a bid for, purchase, or acquire ownership of, personal property sold pursuant to the provisions of this article:~~

~~(1) City employees who work in the city manager's office or in the department designated by the city manager to enforce and administer this article.~~

~~(2) The person who determines that the property is surplus, obsolete, worn out, or useless.~~

~~(b) In addition to other penalties, a person who violates this section forfeits his employment.~~

(a) The following persons shall not, directly or indirectly, submit a bid for, purchase, or acquire ownership of, personal property sold pursuant to the provisions of this article:

(1) City employees who work in the city manager's office or in the department designated by the city manager to enforce and administer this article.

(2) The person who determines that the property is surplus, obsolete, worn out, or useless.

(3) City officials, as defined in Paragraph 12A-2(24) of the Dallas City Code.

(4) Former city officials, as defined in Paragraph 12A-2(20) of the Dallas City Code, for one year after their term of office ends.

(b) In addition to other penalties, a person who violates this section forfeits his employment.
(Ord. Nos. 15519; 17672; 19312; 30391)

SEC. 2-37.10. AUTHORITY TO SELL SURPLUS ISSUE WEAPONS TO CERTAIN PERSONNEL.

(a) Upon recommendation of the chief of police, the director shall sell to a police officer, park ranger, retired police officer, retired police reserve officer, retired park ranger, or retired security officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.

regarding proposed actions implementing the comprehensive plan.

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

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

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

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

(14) Serve as secretary to the landmark commission.

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

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

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

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

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

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

(b) Whenever the directors of property management, planning and development, and development services are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of sustainable development and construction. (Ord. Nos. 25047; 25834; 27697; 29478~~, eff. 10/1/14~~)

ARTICLE V-a.

DEPARTMENT OF EQUIPMENT AND BUILDING SERVICES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V-c.

RESERVED.

SECS. 2-48 THRU 2-49. (Repealed by Ord. 30239)

~~**DEPARTMENT OF PUBLIC WORKS.**~~

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

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

~~(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works, or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager. (Ord. Nos. 14214; 22026; 28424)~~

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

~~The director of public works shall perform the following duties:~~

~~(1) Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.~~

~~(2) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.~~

~~(3) Approve the location of equipment and facilities installed under, on, or above the public right-of-way.~~

~~(4) Have responsibility for the design and construction of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 14214; 15005; 17157; 22026; 23694; 25047; 27697; 28424)~~

the city manager. The department of planning and urban design will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 29478; 29882~~, eff. 10/1/15~~)

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

~~The chief planning officer shall perform the following duties:~~

~~(1) Supervise and administer the department of planning and urban design.~~

~~(2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.~~

~~(3) Develop and recommend to the city manager a comprehensive plan for the city.~~

~~(4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.~~

~~(5) Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.~~

~~(6) Participate in the preparation and revision of the capital improvement program.~~

~~(7) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.~~

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

The chief planning officer shall perform the following duties:

(1) Supervise and administer the department of planning and urban design.

(2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.

(3) Develop and recommend to the city manager a comprehensive plan for the city.

(4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.

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

(6) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(7) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 29478; 29882~~, eff. 10/1/15~~; 30239)

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

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

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

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

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

~~(1) Supervise and administer the department of code compliance.~~

~~(2) Supervise and administer code enforcement programs of the city, except as otherwise provided by the city manager.~~

~~(3) Provide for the administration, implementation, and enforcement of the city's transportation regulations.~~

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

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

(1) Supervise and administer the department of code compliance.

(2) Supervise and administer code enforcement programs of the city, except as otherwise provided by the city manager.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23666; 28424; 30240)

SEC. 2-137. DUTIES OF DIRECTOR OF COMMUNICATION AND INFORMATION SERVICES.

The director of communication and information services shall perform the following duties:

(1) Provide all information services for administration of the affairs of the city of Dallas to be used in the municipal operations of the city and make such reports as may be required by the city manager.

(2) Acquire, maintain, and operate all telephone and radio communications systems used in municipal operations.

(3) Obtain and maintain radio licenses from the Federal Communications Commission on behalf of all city departments and ensure compliance with all applicable regulations of the Federal Communications Commission.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 19312; 19679; 22026; 23694)

ARTICLE XVII.

DEPARTMENT OF SANITATION SERVICES.

SEC. 2-138. CREATED; DIRECTOR OF SANITATION SERVICES.

There is hereby created the department of sanitation services of the city of Dallas, at the head of which shall be the director of sanitation services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of sanitation services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 13718; 15004; 22026; 23666; 23694)

SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.

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

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

(2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 14385; 15004; 17226; 22026; 23666; 23694; 29881)

ARTICLE XVII-a.

DEPARTMENT OF STREET SERVICES.

~~**SEC. 2-139.1. CREATED; DIRECTOR OF STREET SERVICES.**~~

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

SEC. 2-139.1. CREATED; DIRECTOR OF MOBILITY AND STREET SERVICES.

There is hereby created the department of

mobility and street services of the city of Dallas, at the head of which shall be the director of mobility and street services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and must be an engineer registered to practice in the State of Texas. The department will be composed of the director of mobility and street services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. The department of mobility and street services was formerly named the department of street services and the department of public works. Any reference to these departments is a reference to the department of mobility and street services. (Ord. Nos. 23694; 30239)

~~SEC. 2-139.2. DUTIES OF THE DIRECTOR OF STREET SERVICES.~~

~~The director of the department of street services shall perform the following duties:~~

~~(1) Supervise and administer the department of street services.~~

~~(2) Provide for the maintenance and repair of streets, alleys, medians, and public rights-of-way, as designated by the city manager.~~

~~(3) Provide for street hazard and emergency response.~~

~~(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, parks, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~(5) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

SEC. 2-139.2. DUTIES OF THE DIRECTOR OF MOBILITY AND STREET SERVICES.

The director of the department of mobility and street services shall perform the following duties:

(1) Supervise and administer the department of mobility and street services.

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

(3) Provide for street hazard and emergency response.

(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, parks, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.

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

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

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

(8) Coordinate with DART for the planning, construction, and maintenance of all transportation.

(9) Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.

(10) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23694; 27697; 28424; 30239)

ARTICLE XVIII.

SENIOR AFFAIRS COMMISSION.

SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the senior affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

board members and adjunct members to serve on trial boards, as provided for in Section 34-40 of this code. Except where conflicts of interest exist or unexpected circumstances arise, the chair shall enforce a strict rotation for service on a trial board. A member shall not request service on a particular trial board and may not serve on a requested trial board. Such a request is a violation of this section and is cause for removal of the member from the civil service board by the city council.

(b) If a member or an adjunct member of the civil service board is unable to participate on a trial board when the member's name comes up in rotation any three times within a 12-month period, that member forfeits membership on the board, and that place becomes vacant. The civil service board secretary shall keep accurate records of all rotation procedures and members' service. (Ord. 20526)

ARTICLE XXVIII.

~~STORM WATER~~ STORMWATER DRAINAGE UTILITY.

~~SEC. 2-167. CREATION OF STORM WATER DRAINAGE UTILITY.~~

~~(a) In the interest of public health and safety and a more efficient and economic operation of storm water drainage facilities of the city, a storm water drainage utility is created, which shall be a public utility. The rules of Chapter 402, Subchapter C of the Texas Local Government Code, as amended, which is adopted and incorporated into this article by reference, and any other provisions of this code relating to storm water drainage shall govern the operation of the utility. Nothing in this section shall be construed to restrict the city council's ability to make other rules or policies governing the operation of the utility.~~

~~(b) The city manager shall designate a department to manage the storm water drainage utility. The director of the designated department must be a person professionally competent by experience and training to manage storm water drainage operations.~~

~~(c) The director of the designated department shall perform such duties as required by:~~

~~(1) Chapter 402, Subchapter C of the Texas Local Government Code, as amended;~~

~~(2) the city manager; and~~

~~(3) ordinance of the city council.~~

SEC. 2-167. PURPOSE AND CREATION; ADOPTION OF STATE LAW; AND ADMINISTRATION OF STORMWATER DRAINAGE UTILITY.

(a) Purpose and creation. To protect public health and promote public safety from loss of life and property caused by stormwater overflows, stagnation, and pollution, a stormwater drainage utility is created, which shall be a public utility.

(b) Adoption of state law. The rules of Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, which is adopted and incorporated into this article by reference, and any other provisions of this code relating to stormwater drainage shall govern the operation of the utility. Nothing in this section shall be construed to restrict the city council's ability to make other rules or policies governing the operation of the utility.

(c) Administration. The city manager shall designate a department to manage the stormwater drainage utility. The director of the designated department must be a person professionally competent by experience and training to manage stormwater drainage operations. The director of the designated department shall perform such duties as required by:

(1) Subchapter C, Chapter 552 of the Texas Local Government Code, as amended;

(2) the city manager; or

(3) city council action. (Ord. Nos. 21059; 30215)

~~SEC. 2-168. STORM WATER DRAINAGE UTILITY RATES, BILLING AND COLLECTION PROCEDURES.~~

~~(a) In this section:~~

~~(1) AGRICULTURAL USE has the meaning given that term in Section 51A-2.102 of this code.~~

~~(2) CALCULATED DRAINAGE AREA means the impervious area of a lot or tract of land that is determined by multiplying the total square footage of the lot or tract by its applicable runoff coefficient.~~

~~(3) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.~~

~~(4) COMMERCIAL REAL PROPERTY means an improved lot or tract, platted or unplatted:~~

~~(A) to which storm water drainage service is made available;~~

~~(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city's storm water drainage utility system; and~~

~~(C) that is not residential or unimproved real property.~~

~~(5) CUSTOMER OF RECORD has the meaning given that term in Section 49-1 of this code.~~

~~(6) DIRECTOR means the director of the department designated by the city manager to manage the storm water drainage utility.~~

~~(7) IMPROVED LOT OR TRACT means a lot or tract of land that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.~~

~~(8) RESIDENTIAL REAL PROPERTY means an improved lot or tract:~~

~~(A) to which storm water drainage service is made available;~~

~~(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city's storm water drainage utility system; and~~

~~(C) that contains or is platted to contain a single-family or duplex dwelling unit.~~

~~(9) RUNOFF COEFFICIENT means a percentage of a lot or tract of land determined to be impervious based on the use of the lot or tract in accordance with the following schedule:~~

~~TYPE OF USE~~	~~RUNOFF COEFFICIENT (percentage of impervious area)~~
~~Mobile home, master-metered~~	~~55%~~
~~Multifamily apartments~~	~~70%~~
~~Townhomes/condominiums~~	~~80%~~
~~Schools~~	~~70%~~
~~Churches~~	~~80%~~
~~Commercial~~	~~90%~~
~~Parking lots~~	~~95%~~
~~Cemetery/agricultural business~~	~~25%~~
~~Parks/golf courses~~	~~25%~~
~~Vacant lot/raw land~~	~~20%~~

~~(10) UNIMPROVED REAL PROPERTY means a lot or tract of land:~~

~~(A) to which storm water drainage service is made available;~~

~~(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city's storm water drainage utility system; and~~

~~(C) that is:~~

~~(i) owned and maintained in its natural, undeveloped state; or~~

~~(ii) subdivided, but does not yet contain any structure or other improvement.~~

~~(11) WHOLLY SUFFICIENT AND PRIVATELY OWNED STORM WATER DRAINAGE SYSTEM means real property owned and operated by a person other than the city, the drainage of which property does not discharge into a creek, river, slough, culvert, or other channel that is part of the city's storm water drainage utility system.~~

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

(a) Definitions.

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

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

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

(4) DIRECTOR means the director of the

department designated by the city manager to manage the stormwater drainage utility or the director's designee.

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

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

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

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

~~(b) The monthly storm water drainage charge for residential real property is as follows:~~

(b) Stormwater drainage utility rates.

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

~~PROPERTY AREA (in square feet)~~	~~MONTHLY RATE~~
~~up to 6,000~~	~~$3.65~~
~~6,001 - 8,000~~	~~$5.77~~
~~8,001 - 17,000~~	~~$7.77~~
~~17,001 - 215,000~~	~~$13.87~~
~~more than 215,000~~	~~$43.87~~

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	$3.25
2,000 - 3,500	$5.17
3,501 - 5,500	$7.75
more than 5,500	$12.67

~~(c) The storm water drainage charge for commercial and unimproved real property is an amount equal to $0.1589 per month for each 100 square feet of the calculated drainage area of the commercial or unimproved real property, with a minimum charge of $5.00 per month for commercial and unimproved~~

~~real property and a maximum charge of $57.10 per month for unimproved real property.~~

~~(d) If information regarding the square footage of a particular lot or tract of residential, commercial, or unimproved real property is unavailable or inadequate, the director may make a reasonable estimate of square footage and levy the drainage charge on that basis.~~

~~(e) The following real property is exempt from the charges prescribed in this section:~~

~~(1) real property with proper construction and maintenance of a wholly sufficient and privately owned storm water drainage system;~~

~~(2) real property owned by the city and used for municipal purposes;~~

~~(3) real property that is appraised for agricultural use on the city tax rolls; and~~

~~(4) real property owned by a state agency or by a public or private institution of higher education.~~

~~(f) Storm water drainage charges will be billed and collected in accordance with the following procedures:~~

~~(1) For storm water drainage service to commercial and residential real property, the water utilities department shall bill the customer of record in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.~~

~~(2) For storm water drainage service to unimproved real property, the water utilities department shall bill the true owner of record as shown in the current city tax rolls or, if a water or wastewater service account exists, the customer of record. For the purpose of assessing and billing storm water drainage charges, adjoining tracts of unimproved real property that have the same true owner of record, as shown in the current city tax rolls, will be treated as a single property.~~

~~(3) In cases involving occupancy of a lot or tract of commercial real property by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for storm water drainage service under a separate account. In addition, if a lot or tract of land receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water utilities department may bill the entire drainage charge due through one service account.~~

~~(4) If more than one person is named in the current city tax rolls as the true owner of record of unimproved real property, each person is jointly and severally liable for storm water drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.~~

~~(g) The water utilities department shall administer collection procedures and service accounts under this section. An application for water or wastewater service is deemed to include application for storm water drainage service.~~

~~(h) Except as otherwise provided in this section, the provisions of Sections 49-3, 49-7, 49-8, 49-12, 49-15, and 49-16 of this code will govern in all matters regarding the application for storm water drainage service, payment and collection of storm water drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to $1.75 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of $5.00 per month for non-residential-benefitted property.

(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the

director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.

(c) Exemptions. All of the real property that requires an exemption under Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, as well as the real property owned by the following are exempt from the charges prescribed in this section:

(1) the city if used for municipal purposes;

(2) the State of Texas; and

(3) a public or private institution of higher education.

(d) Residential-benefitted property incentives.

(1) A customer of record may be eligible for an incentive in the form of a reduction to the customer of record's monthly rate as follows:

(A) the monthly rate for the customer of record's impervious area shall be charged at the next lower monthly rate; or

(B) if the customer of record's monthly rate is the lowest monthly rate, the customer of record shall be charged 60 percent of the lowest monthly rate.

(2) To be eligible, the:

(A) customer of record must use a pond, bioswale, cistern, gravel paving, or other stormwater storage method, as approved by the director;

(B) stormwater storage method must comply with federal, state, and local laws and regulations; and

(C) stormwater storage method must store more than 134 cubic feet or 1,000 gallons of stormwater.

(3) To apply for an incentive under this subsection, a customer of record must make application to the director, on a form approved by the director, and include the following: stormwater storage method used, amount of stormwater stored, zoning district in which the customer of record's residential-benefitted property is located, and any other information the director deems necessary.

(4) The director shall approve the incentive if the customer of record meets all of the eligibility criteria in Paragraph (2) of this subsection. If approved by the director, an incentive in the form of a reduction to the customer of record's monthly stormwater drainage charge will be effective on the next full billing cycle after approval.

(5) The director may periodically inspect and review approved incentives, and may invalidate an incentive if the customer of record no longer meets the eligibility criteria in Paragraph (2) of this subsection. If the incentive is invalidated, the director will send the customer of record a letter stating the basis of invalidation, and the monthly rate adjustment shall apply to the next full billing cycle after invalidation.

(e) Billing and collection procedures. Stormwater drainage charges will be billed and collected in accordance with the following procedures:

(1) The water utilities department shall bill the customer of record in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.

(2) In cases involving occupancy of a lot or tract by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for stormwater drainage service under a separate account. In addition, if a lot or tract of land receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water utilities department may bill the entire drainage charge due through one service account.

(3) If more than one person is named in the current city tax rolls as the true owner of record of benefitted property, each person is jointly and severally liable for stormwater drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.

(f) The water utilities department shall administer collection procedures and service accounts under this section.

(g) Except as otherwise provided in this section, the provisions of Sections 49-3, 49-7, 49-8, 49-12, 49-15,

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

SEC. 2-169. SERVICE AREA.

~~The service area of the storm water drainage utility shall be defined by the corporate boundaries of the city, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the city.~~

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

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

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

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

(d) The director of aviation shall be responsible for the administration, implementation, and enforcement of the city's transportation regulations. (Code 1941, Art. 13-2; Ord. Nos. 8212; 14384; 15279; 20858; 30240)

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

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

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

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

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

Except in the case of scheduled operations, the director of aviation shall have the authority to suspend operations on or from the airport when in his opinion conditions of the landing area or local meteorological conditions might make such operations unsafe. (Ord. 8213)

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

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

CHAPTER 12A

CODE OF ETHICS

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ARTICLE I.

DECLARATION OF POLICY.

SEC. 12A-1. STATEMENT OF PURPOSE AND PRINCIPLES OF CONDUCT.

~~(a) Purpose. It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:~~

~~(1) city officials and employees be independent, impartial, and responsible only to the people of the city;~~

~~(2) governmental decisions and policy be made using the proper procedures of the governmental structure;~~

~~(3) no city official or employee have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest;~~

~~(4) public office not be used for personal gain; and~~

~~(5) the city council at all times be maintained as a nonpartisan body.~~

~~(b) Principles of conduct.~~

~~(1) The city council further believes that an elected or appointed official of the city assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:~~

(a) Purpose. It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:

(1) city officials and employees be independent, impartial, and responsible only to the people of the city;

(2) governmental decisions and policy be

made using the proper procedures of the governmental structure;

(3) except as provided in the Dallas City Charter, no city official or employee have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of the city official's or employee's duties in the public interest;

(4) public office not be used for personal gain; and

(5) the city council at all times be maintained as a nonpartisan body.

(b) Principles of conduct. The city council further believes that an elected or appointed official of the city assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:

~~(A) Commitment beyond self.~~

~~(B) Obedience and commitment beyond the law.~~

~~(C) Commitment to the public good.~~

~~(D) Respect for the value and dignity of all individuals.~~

~~(E) Accountability to the public.~~

~~(F) Truthfulness.~~

~~(G) Fairness.~~

~~(H) Responsible application of resources.~~

~~(2) In keeping with the values set forth in Subsection (b)(1), and to assist in the fulfillment of responsibilities to the individuals and communities served, each elected or appointed official should subscribe to the following principles.~~

~~(A) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public.~~

~~(B) To uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the city's ability to accomplish its mission.~~

~~(C) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances.~~

~~(D) To be a responsible steward of the taxpayer resources.~~

~~(E) To take no actions that could benefit the official personally at the unwarranted expense of the city, avoiding even the appearance of a conflict of interest, and to exercise prudence and good judgment at all times.~~

~~(F) 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.~~

~~(G) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.~~

~~(c) To implement the policy and principles set forth in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms.~~

~~(d) This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action against an official or employee under this chapter.~~

(1) Commitment beyond self.

(2) Obedience and commitment beyond the law.

(3) Commitment to the public good.

(4) Respect for the value and dignity of all individuals.

(5) Accountability to the public.

(6) Truthfulness.

(7) Fairness.

(8) Responsible application of resources.

(c) Implementation. To implement the purpose and principles of conduct set forth in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials, employees, and persons doing business with the city, to serve as a standard for official conduct and as a basis for discipline.

(d) No cause of action. This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action under this chapter. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-1.1. FIDUCIARY DUTY.

A city official, in the performance of that person's official duties, shall fulfill the city official's fiduciary duty to the city. (Ord. 30391, eff. 7/1/17)

SEC. 12A-1.2. STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY.

(a) Standards of behavior. City officials shall comply with the following standards of behavior:

(1) To conduct themselves and to operate with integrity and in a manner that merits the trust and support of the public.

(2) To uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the city's ability to accomplish its mission.

(3) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances.

(4) To be a responsible steward of the taxpayer resources.

(5) To take no actions that could benefit the official personally at the unwarranted expense of the city, avoiding even the appearance of a conflict of interest, and to exercise prudence and good judgment at all times.

(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 as an elected or appointed official.

(b) Standards of civility. City officials shall comply to the following standards of civility in their interactions with city officials, city employees, citizens, and persons doing business with the city:

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

(2) City officials shall not discriminate against any person because of the person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, or political opinions or affiliations.

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

(4) City officials shall preserve order and decorum in meetings in accordance with Roberts Rules of Order and the applicable rules of procedure of the city council, board, or commission.

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

(A) interfere with the work of city employees.

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

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

(D) criticize a city employee's performance in public.

(E) berate nor admonish city employees.

(6) City officials shall work through the city manager, city secretary, city attorney, or city auditor 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.

(7) 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. 30391, eff. 7/1/17)

SEC. 12A-2. DEFINITIONS.

In this chapter, the following words and phrases have the meanings ascribed to them in this section, unless the context requires otherwise:

(1) ACCEPT. A person "accepts" an offer of employment or a business opportunity when the person enters into a legally binding contract or any informal understanding that the parties expect to be carried out.

(2) AFFECT PARTICULARLY AN ECONOMIC INTEREST or AFFECT PARTICULARLY A SUBSTANTIAL ECONOMIC INTEREST. An action is likely to "affect particularly an economic interest" or

"affect particularly a substantial economic interest," whichever is applicable, if it is likely to have an effect on the particular interest that is distinguishable from its effect on members of the public in general or on a substantial segment of the public.

(3) AFFILIATED. Business entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent business entity.

(4) AFFINITY. Relationship by "affinity" (by marriage) is defined in Sections 573.024 and 573.025 of the Texas Government Code, as amended.

(5) BEFORE THE CITY. Representation or appearance "before the city" means before:

(A) the city council;

(B) a board, commission, or other city body or city entity; or

(C) a city official or employee.

(6) BENEFIT means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

(7) BUSINESS ENTITY means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, except that the term does not include a governmental entity.

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

(9) CITY COUNCIL MEMBER or MEMBER OF THE CITY COUNCIL means all members of the Dallas city council, including the mayor.

(10) CLIENT.

(A) The term "client" includes any specialized and highly personalized professional business relationship of an individual official or employee. The term does not include a regular or ordinary business or vendor relationship.

(B) If the official or employee does not personally represent the client but conducts business as a member of a primary partnership or professional corporation or conducts business through another entity, a client of the partnership, professional corporation, or entity is deemed to be a client of the official or employee if:

(i) the partnership, professional corporation, or entity derived two percent or more of its annual gross income within the preceding 12 months from the client; and

(ii) the city official or employee knows of the client's relationship.

(C) This definition does not apply to the term "client" when used in Article III-A (lobbyist regulations).

(11) CODE OF ETHICS or ETHICS CODE means this chapter.

~~(12) CONFIDENTIAL GOVERNMENT INFORMATION includes:~~

~~(A) all information held by the city that is not available to the public under the Texas Open Records Act;~~

~~(B) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act; and~~

(12) CONFIDENTIAL GOVERNMENT INFORMATION includes:

(A) all information held by the city that is not available to the public under the Texas Open Records Act;

(B) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act;

~~(C) any information protected by attorney-client, attorney work product, or other applicable legal privilege.~~

(C) any information protected by attorney-client, attorney work product, or other applicable legal privilege; and

(D) any research, opinions, advice, recommendations, reasoning, or conclusions in a draft document concerning city business or city policy that has not yet been released to the public in accordance with established city procedures.

(13) CONSANGUINITY. Relationship by "consanguinity" (by blood) is defined in Sections 573.022 and 573.023 of the Texas Government Code, as amended.

(14) DEPARTMENT DIRECTOR means the head of any department or office, including an office under the city manager, that is created by the city charter or by ordinance of the city council.

(15) DISCRETIONARY CONTRACT means any contract other than one that by law must be awarded on a competitive bid basis.

(15.1) DOING BUSINESS WITH THE CITY means any person, either individually or as the officer or principal of an entity, who submits a bid or proposal, or negotiates or enters into any city contract, whether or not the contract is required by state law to be competitively bid.

(16) DOMESTIC PARTNER means an individual who, on a continuous basis, lives in the same household and shares the common resources of life in a close, personal, intimate, committed relationship with a city official or employee. A domestic partner may be of the same or opposite gender as the official or employee and is not married to or related by blood to the official or employee.

(16.1) DONATION means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt) to the city, unless consideration of equal or greater value is received by the donor.

(17) ECONOMIC INTEREST includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights, having more than de minimis value. Exceptions are as follows:

(A) Service by a city official or employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an economic interest in the property of the organization.

(B) If a city official's primary source of employment is with a governmental entity other than the city, such employment by the governmental entity

does not create for that city official an economic interest in the property or contracts of the governmental entity.

(C) Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in such securities or other assets unless the person in question participates in the management of the fund.

(18) EMPLOYEE or CITY EMPLOYEE means any person listed on the city of Dallas payroll as an employee, whether part-time, full-time, permanent, or temporary.

(19) *EX PARTE* COMMUNICATION means any communication not made in a written document filed with the ethics advisory commission and not made orally during a hearing, but does not include a communication made pursuant to an inquiry duly authorized by the commission.

~~(20) FORMER CITY OFFICIAL OR EMPLOYEE means a person whose official duties as a city official or employee are terminated on or after January 1, 2001.~~

(20) FORMER CITY OFFICIAL OR EMPLOYEE means a person who has left service as a city official or employee.

(21) GIFT means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt), unless consideration of equal or greater value is received by the donor.

~~(22) INDIRECT OWNERSHIP. A person has "indirect ownership" of an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.~~

(22) INDIRECT OWNERSHIP. A person who holds an economic interest in a business entity in a name other than that person's own has indirect ownership of that business entity.

(23) KNOWINGLY or WITH KNOWLEDGE. A person acts "knowingly" or "with knowledge" with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts "knowingly" or

"with knowledge" with respect to a result of his or her conduct when the person is aware that the conduct is reasonably certain to cause the result.

~~(24) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article III-A (lobbyist regulations):~~

~~(A) City council members.~~

~~(B) Municipal judges.~~

~~(C) The city manager, the first assistant city manager, and all assistant city managers.~~

~~(D) The city auditor and the first assistant city auditor.~~

~~(E) The city attorney and the first assistant city attorney.~~

~~(F) The city secretary and the first assistant city secretary.~~

~~(G) All department directors.~~

~~(H) Members of all boards, commissions, committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.~~

~~(I) City council appointed members of boards of entities that were not created by the city council.~~

(24) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article III-A (lobbyist regulations):

(A) City council members.

(B) Municipal judges.

(C) The city manager, the first assistant city manager, and all assistant city managers.

(D) The city auditor and the first assistant city auditor.

(E) The city attorney and the first assistant city attorney.

(F) The city secretary and the first assistant city secretary.

(G) All department directors and their supervisors.

(H) Members of all boards, commissions, committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.

(I) City council appointed members of boards of entities that were not created by the city council.

(J) The chief financial officer.

(K) For purposes of Chapter 12A only, a citizen volunteer on committees or task forces formed by boards or commissions.

(25) OFFICIAL ACTION includes:

(A) any affirmative act (including the making of a formal or informal recommendation), that is within the scope of an official's or employee's duties; and

or more or $15,000 or more of the fair market value of the business entity; or

(ii) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(B) A person has a "substantial economic interest" in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more.

(C) For purposes of determining a "substantial economic interest," ownership of an interest in a mutual or common investment fund that holds securities or other assets does not constitute direct or indirect ownership of such securities or other assets unless the person in question participates in the management of the fund. (Ord. Nos. 24316; 24485; 27748; 28020; 30391, eff. 7/1/17)

ARTICLE II.

PRESENT CITY OFFICIALS AND EMPLOYEES.

~~**SEC. 12A-3. IMPROPER ECONOMIC BENEFIT.**~~

~~(a) Economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect particularly the economic interests of:~~

~~(1) the official or employee;~~

~~(2) the official's or employee's outside client;~~

~~(3) the official's or employee's outside employer;~~

~~(4) a business entity in which the official or employee knows that he or she holds an economic interest;~~

~~(5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which he or she holds an economic interest;~~

~~(6) a business entity for which the city official or employee serves as an officer or director or in any other policymaking position; or~~

~~(7) a person or business entity:~~

~~(A) from whom, within the past 12 months, the official or employee, directly or indirectly, has:~~

~~(i) solicited an offer of employment;~~

~~(ii) received and not rejected an offer of employment; or~~

~~(iii) accepted an offer of employment; or~~

~~(B) with whom the official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.~~

~~(b) Substantial economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect particularly the substantial economic interests of:~~

~~(1) the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity;~~

~~(2) the official's or employee's domestic partner;~~

SEC. 12A-3. IMPROPER ECONOMIC INTEREST.

(a) Economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that the city official or employee knows is likely to affect

particularly the economic interests of:

(1) the city official or employee;

(2) the city official's or employee's outside client;

(3) the city official's or employee's outside employer;

(4) a business entity in which the city official or employee knows that the city official or employee holds an economic interest;

(5) a business entity that the city official or employee knows is an affiliated business or partner of a business entity in which that person holds an economic interest;

(6) a business entity for which the city official or employee serves as an officer or director or in any other policymaking position; or

(7) a person or business entity:

(A) from whom, within the past 12 months, the city official or employee, directly or indirectly, has:

(i) solicited an offer of employment;

(ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the city official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

(b) Substantial economic interests affected. To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that the city official or employee knows is likely to affect particularly the substantial economic interests of:

(1) the city official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity;

(2) the city official's or employee's domestic partner;

(3) an outside employer of the official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or domestic partner, but only if the official or employee knows the family member or domestic partner has a substantial economic interest in the outside employer;

(4) a business entity in which the official or employee knows that a substantial economic interest is held by his or her:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner;

(5) a business entity that the official or employee knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by his or her:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner; or

(6) a person or business entity:

(A) from whom, within the past 12 months, the official's or employee's spouse or domestic partner, directly or indirectly, has:

(i) solicited an offer of employment;

(ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the official's or employee's spouse or domestic partner, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

(c) Recusal and disclosure. A city official or employee whose conduct or action on a matter would violate Subsection (a) or (b) must recuse himself or herself. From the time that the conflict is recognized, the city official or employee shall:

(1) immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and

(2) promptly file with the city secretary a written statement disclosing the conflict on a form provided by the city secretary.

(d) Additional recusal and disclosure requirements. In addition to the requirements of Subsection (c):

(1) a supervised employee shall promptly bring his or her conflict to the attention of a supervisor, who will then, if necessary, reassign responsibility for handling the matter to another person;

(2) the park and recreation director shall promptly bring his or her conflict to the attention of the park and recreation board;

(3) the civil service director shall promptly bring his or her conflict to the attention of the civil service board;

(4) the employees' retirement fund administrator shall promptly bring his or her conflict to the attention of the board of trustees of the employees' retirement fund;

(5) a municipal judge shall promptly bring his or her conflict to the attention of the administrative municipal judge;

(3) an outside employer of the city official's or employee's parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or domestic partner, but only if the city official or employee knows the family member or domestic partner has a substantial economic interest in the outside employer;

(4) a business entity in which the city official or employee knows that a substantial economic interest is held by the city official's or employee's:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner;

(5) a business entity that the city official or employee knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by the city official's or employee's:

(A) parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or

(B) domestic partner; or

(6) a person or business entity:

(A) from whom, within the past 12 months, the city official's or employee's spouse or domestic partner, directly or indirectly, has:

(i) solicited an offer of employment;

(ii) received and not rejected an offer of employment; or

(iii) accepted an offer of employment; or

(B) with whom the city official's or employee's spouse or domestic partner, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

(6) the city manager, city attorney, city secretary, city auditor, and administrative municipal judge shall promptly bring his or her conflict to the attention of the city council;

(7) a board or commission member shall promptly disclose his or her conflict to the board or commission of which he or she is a member and shall not be present during any discussion or voting on the matter; and

(8) a city council member shall promptly disclose his or her conflict to the city council and shall not be present during any discussion or voting on the matter.

(e) Disclosure requirements relating to offers of employment. Whenever a city employee who is a department director or of higher rank receives an offer of employment from any person or business entity that the employee knows had an economic interest in any discretionary contract with the city in which the employee personally participated within the preceding 12 months, the employee shall, immediately upon receiving the offer, disclose the offer, whether rejected or not, to the appropriate supervisory person or body designated under Subsection (d). Unless recusal is required under Subsection (c), the employee may continue to personally participate, on the behalf of the city, in contracts and other matters in which the person or entity making the employment offer has an economic interest.

(f) Board of directors of a reinvestment zone.

(1) Notwithstanding any other provision of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

(A) own property within that reinvestment zone; and

(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the member's property within the reinvestment zone, but must adhere to the recusal and disclosure requirements in Subsections (c) and (d) of this section on matters before the board of directors that may directly affect the member's property.

(2) For purposes of this subsection, a matter directly affects a member's property in the reinvestment zone if the matter involves a project in the reinvestment zone that is:

(A) financed with tax increment funds; and

(B) located within 200 feet of the member's property.

(g) City officials and employees serving in policymaking positions for business entities at the direction of the city. The restrictions and requirements of Subsections (a)(6), (c), and (d) of this section do not apply to an official or employee of the city serving as an officer or director or in any other policymaking position for a business entity when taking official action on behalf of the city on matters concerning that business entity, if the official or employee:

(1) was appointed by the mayor, city council, or city manager to represent the city as an officer or director or in any other policymaking position for the business entity; and

(2) has no economic interest in the business entity or in the matter on which the action is being taken.

(h) Municipal management district boards. The restrictions and requirements of this section do not apply to a member of a municipal management district board.

(c) Disclosure requirements relating to offers of employment. Whenever a city employee who is a department director or of higher rank receives an offer of employment from any person or business entity that the employee knows had an economic interest in any discretionary contract with the city in which the employee personally participated within the preceding 12 months, the employee shall, immediately upon receiving the offer, disclose the offer, whether rejected

or not, to the appropriate supervisory person or body designated under Section 12A-12.1(b). Unless recusal is required under Section 12A-12.1(a), the employee may continue to personally participate, on the behalf of the city, in contracts and other matters in which the person or entity making the employment offer has an economic interest.

(d) Board of directors of a reinvestment zone.

(1) Notwithstanding any other provision of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

(A) own property within that reinvestment zone; and

(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the member's property within the reinvestment zone, but must adhere to the recusal and disclosure requirements in Section 12A-12.1 on matters before the board of directors that may directly affect the member's property.

(2) For purposes of this subsection, a matter directly affects a member's property in the reinvestment zone if the matter involves a project in the reinvestment zone that is:

(A) financed with tax increment funds; and

(B) located within 200 feet of the member's property.

(e) City officials and employees serving in policymaking positions for business entities at the direction of the city. The restrictions and requirements of Subsection (a)(6) and Section 12A-12.1 of this chapter do not apply to a city official or employee serving as an officer or director or in any other policymaking position for a business entity when taking official action on behalf of the city on matters concerning that business entity, if the city official or employee:

(1) was appointed by the mayor, city council, or city manager to represent the city as an officer or director or in any other policymaking position for the business entity; and

(2) has no economic interest in the business entity or in the matter on which the action is being taken.

(f) Municipal management district boards. The restrictions and requirements of this section do not apply to a member of a municipal management district board.

(g) Disclosure of conflicts.

(1) Any applicant seeking city council, city plan commission, board of adjustment, or landmark commission approval on any zoning application shall file a disclosure statement along with the zoning application at the time of application.

(2) The disclosure statement must name any city official or employee known by the zoning applicant to have a conflict of interest in the matter, along with a statement of the nature of the conflict of interest. "Conflict of interest" means any interest under this chapter that would prevent the city official or employee from voting on or participating in the application.

(3) Failure to disclose a known conflict of interest is a violation of this chapter. (Ord. Nos. 24316; 24720; 27504; 27819; 30391, eff. 7/1/17)

SEC. 12A-4. UNFAIR ADVANCEMENT OF PRIVATE INTERESTS; NEPOTISM.

(a) General rule. A city official or employee may not use his or her official position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every other person or organization.

(b) Special rules. The following special rules apply in addition to the general rule set forth in Subsection (a):

(1) Acquisition of interest in impending matters. A city official or employee shall not acquire an interest in any matter if the official or employee knows that the interest will be affected by impending official action of the city.

(2) Acquisition of interest in decided matter. A city official or employee shall not acquire an interest in any matter affected by an official action of the city for a period of one year after the date of the official action.

(3) Reciprocal favors. A city official or employee may not enter into an agreement or understanding with any other person that official action by the official or employee will be rewarded or reciprocated by the other person.

(4) Appointment or employment of relatives.

~~(A) A city official or employee shall not appoint, or take any action to influence the appointment of, his or her domestic partner or any relative within the first degree of consanguinity or affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city. Any person who, before June 28, 2000, was appointed to a quasi-judicial board or commission within the city by a city official or employee who was either a domestic partner or a relative within the first degree of consanguinity or affinity may:~~

~~(i) complete his or her term on the board or commission; and~~

~~(ii) continue to be reappointed to that board or commission by the domestic partner or relative until the maximum number of terms allowed under Section 8-1.5 of the city code have been served.~~

(A) A city official or employee shall not appoint, or take any action to influence the appointment of, that person's domestic partner or any relative within the first degree of consanguinity or affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city.

(B) A city council member shall not appoint any fellow city council member's domestic partner or relative within the first degree of consanguinity or affinity to the ethics advisory commission or to any quasi-judicial board or commission within the city. Any person who, before June 28, 2000, was appointed to a quasi-judicial board or commission within the city by a city council member and who was either a domestic partner or relative within the first degree of consanguinity or affinity of another city council member may:

(i) complete his or her term on the board or commission; and

(ii) continue to be reappointed to that board or commission by any city council member until the maximum number of terms allowed under Section 8-1.5 of the city code have been served.

(C) A city official or employee shall not appoint or employ, or take any action to influence the appointment or employment of, his or her domestic partner or any relative within the first degree of consanguinity or affinity to any position of employment within the city. Nothing in this subparagraph prohibits any person who, before June 28, 2000, was lawfully appointed to or employed in any position of employment with the city from continuing to serve in that position of employment.

(5) Supervision of relatives. In addition to the nepotism restrictions of Section 34-5(e) of the city code, no official or employee shall be permitted to be the immediate supervisor of his or her domestic partner or of any relative within the second degree of consanguinity or affinity.

(6) Fringe benefits. The general rule described in Subsection (a) of this section does not prohibit the city from granting fringe benefits to city employees as a part of their contracts of employment or as an added incentive to securing or retaining employees.

~~(c) Recusal and disclosure. A city official or employee whose conduct would violate Subsection (b)(4) of this section shall adhere to the recusal and disclosure requirements in Sections 12A-3(c) and (d) of this chapter.~~

(c) Recusal and disclosure. A city official or employee whose conduct would violate Subsection (b)(4) of this section shall adhere to the recusal and disclosure requirements in Section 12A-12.1 of this chapter.

~~(d) Board of directors of a reinvestment zone.~~

~~(1) Notwithstanding Subsections (b)(1) and (b)(2) of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:~~

~~(A) acquire property within that reinvestment zone; and~~

~~(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the acquired property, but must adhere to the recusal and disclosure requirements in Sections 12A-3(c) and (d) of this chapter on matters before the board of directors that may directly affect the acquired property.~~

~~(2) For purposes of this subsection, a matter directly affects a member's acquired property in the reinvestment zone if the matter involves a project in the reinvestment zone that is:~~

~~(A) financed with tax increment funds; and~~

~~(B) located within 200 feet of the acquired property.~~

(d) Board of directors of a reinvestment zone.

(1) Notwithstanding Subsections (b)(1) and (b)(2) of this section, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

(A) acquire property within that reinvestment zone; and

(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the acquired property, but must adhere to the recusal and disclosure requirements in Section 12A-12.1 of this chapter on matters before the board of directors that may directly affect the acquired property.

(2) For purposes of this subsection, a matter directly affects a member's acquired property in the reinvestment zone if the matter involves a project in the reinvestment zone that is:

(A) financed with tax increment funds; and

(B) located within 200 feet of the acquired property.

(e) Municipal management district boards. The rules stated in Subsections (a), (b)(1), and (b)(2) of this section do not apply to a member of a municipal management district board. (Ord. Nos. 24316; 27504; 27819; 30391, eff. 7/1/17)

SEC. 12A-5. GIFTS.

~~(a) General rule. A city official or employee shall not solicit, accept, or agree to accept any gift or benefit that:~~

~~(1) reasonably tends to influence or reward official conduct; or~~

~~(2) the official or employee knows is~~

~~intended to influence or reward the discharge of official duties.~~

~~(b) Gifts over $250. All city officials and employees required to file a financial disclosure statement under Section 12A-19 of this chapter shall report all gifts over $250 in the financial disclosure statement.~~

~~(c) Special applications. Subsections (a)(1) and (a)(2) do not include:~~

~~(1) reimbursement of reasonable expenses for travel authorized in accordance with city policies;~~

~~(2) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;~~

~~(3) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;~~

~~(4) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;~~

~~(5) admission to an event in which the city official or employee is participating in connection with official duties; or~~

~~(6) gifts, tickets, meals, travel, lodging, entertainment, and honoraria accepted by a city official or employee in accordance with policies established by city council resolution.~~

~~(d) Campaign contribution exception. The general rule stated in Subsection (a) does not apply to a campaign contribution received and reported in compliance with the Texas Election Code.~~

(a) General rule.

(1) A city official or employee shall not solicit, accept, or agree to accept any gift or benefit that:

(A) reasonably tends to influence or reward official conduct; or

(B) the city official or employee knows is intended to influence or reward the discharge of official duties.

(2) A person or business entity shall not knowingly offer any gift or benefit to a city official or employee that:

(A) reasonably tends to influence or reward official conduct; or

(B) the person or business entity knows is intended to influence or reward the discharge of official duties.

(3) Gifts must comply with city policies.

(b) Reporting of gifts over $250. All city officials and employees required to file a financial disclosure report under Section 12A-19 of this chapter shall report all gifts over $250 in the financial disclosure report.

(1) The financial disclosure report must be filed with the city manager or the city manager's designee on a form provided by the city manager or the city manager's designee. The financial disclosure report must include the date of the gift; identity of the person or business entity making the gift; city official or employee receiving the gift; a description of the gift; and the estimated monetary value of the gift. The financial disclosure report must be filed within 30 days after receipt of the gift. This report is required in addition to any other documentation required for the gift.

(2) Reporting is not required for gifts with a monetary value of less than $250, except that reporting is required for gifts from a single source in a single year with a cumulative value of $250 or more.

(3) Reporting is not required for gifts from a relative or person with whom the city official or employee has a personal, professional, or business relationship independent of the city official's or employee's status with the city.

(c) Specific exceptions. Subsection (a) does not include:

(1) reimbursement of reasonable expenses for travel authorized in accordance with city policies;

(2) a public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;

(3) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;

(4) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;

(5) admission to an event in which the city official or employee is participating in connection with official duties; or

(6) gifts, tickets, meals, travel, lodging, entertainment, and honoraria accepted by a city official or employee in accordance with policies established by city council resolution.

(d) Campaign contribution exception. The general rule stated in Subsection (a) does not apply to a campaign contribution received and reported in compliance with the Texas Election Code. (Ord. Nos. 24316; 27223; 30391, eff. 7/1/17)

SEC. 12A-5.1. DONATIONS.

(a) Purpose and procedures.

(1) Donations of money, real estate, products, and services to the city allow citizens to make valuable contributions to city programs, and should be encouraged. Persons and business entities making donations should not, however, expect any reward, reciprocal benefit, or influence.

(2) Donations should be documented to ensure transparency of government, enable measurement of the value and usefulness of the donation, and allow for audits of donations.

(3) For long-term or complex projects and projects involving professional services, an agreement should be drafted to document the scope of goods or services to be donated and to document which party retains ownership of intellectual property. If a donation will lead to city expenditures, expenditures should go through the procurement process if required by city code or state law.

(b) General rule.

(1) A city official, employee, or department shall not solicit, accept, or agree to accept any donation to the city of money, real estate, products, or services that:

(A) reasonably tends to influence or reward official conduct; or

(B) the city official, employee, or department knows is intended to influence or reward the discharge of official duties.

(2) A person or business entity shall not knowingly offer any donation to the city of money, real estate, products, or services that:

(A) reasonably tends to influence or reward official conduct; or

(B) the person or business entity knows is intended to influence or reward the discharge of official duties.

(c) Reporting.

(1) City officials, employees, and departments receiving a donation to the city of money, real estate, products, or services shall report the donation to the city manager or the city manager's designee on a form to be provided by the city manager or the city manager's designee. The report must include the date of the donation; the identity of the person or business entity making the donation; the city official, employee, or department receiving the donation; a description of the donation; the estimated monetary value of the donation; the intended use of the donation; and the actual use of the donation. The report must be filed within 30 days after receipt of the donation. This report is required in addition to any other documentation required for the donation.

(2) The individual or department that receives the donation is responsible for reporting the donation.

(3) Reporting is not required for donations to the city of money, real estate, products, or services with a monetary value of less than $1,000, except that reporting is required for donations from a single source in a single year with a cumulative value of $1,000 or more.

(d) Management. Donations to the city of money, real estate, products, and services must be administratively managed in compliance with duly adopted policies.

(e) Exceptions. This section does not apply to gifts made to a city official or employee in compliance with Section 12A-5. This section does not apply to the items listed in Subsections 12A-5(c) and (d) as exceptions to the gift policy. (Ord. 30391, eff. 7/1/17)

SEC. 12A-6. CONFIDENTIAL INFORMATION.

(a) Improper access. A city official or employee shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities.

(b) Improper disclosure or use. A city official or

employee shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's or employee's position. This rule does not prohibit:

(1) any disclosure that is no longer confidential government information;

(2) the confidential reporting of illegal or unethical conduct to authorities designated by law; or

(3) any disclosure, not otherwise prohibited by law, in furtherance of public safety.

(c) Disclosure of a closed meeting. A city official or employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-7. REPRESENTATION OF PRIVATE INTERESTS.

~~(a) Representation by a member of a board, commission, or other city body. A city official or employee who is a member of a board, commission, or other city body shall not represent any person, group, or entity:~~

~~(1) before that board, commission, or body; or~~

~~(2) unless the board, commission, or body of which the city official or employee is a member is only advisory in nature:~~

~~(A) before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or body; or~~

~~(B) before a board, commission, or other city body that has appellate jurisdiction over the board, commission, or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.~~

~~(b) Representation before the city.~~

~~(1) General rule. A city official or employee shall not represent for compensation any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city. For purposes of this subsection, "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.~~

~~(2) Exceptions. The rule stated in Subsection (b)(1) does not prohibit:~~

(a) Representation before the city.

(1) General rule.

(A) Representation for compensation. A city official or employee shall not represent, for compensation, any person, group, or entity (other than themselves or the city official's or employee's spouse, minor children, or domestic partner) before the city. For purposes of this subsection, "compensation" means money or any other thing of value that is received or is to be received in return for or in connection with such representation.

(B) Representation without compensation. A city official or employee who is a member of a board, commission, or body shall not represent any person, group, or entity before:

(i) that city official's or employee's board, commission, or body;

(ii) city staff having responsibility for making recommendations to, or taking any action on behalf of, that board, commission, or body; or

(iii) a board, commission, or body that has appellate jurisdiction over the board, commission, or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.

(2) Exceptions. The prohibitions in Subsection (a) do not apply to:

(A) A person who is classified as a city official only because that person is an appointed member of a board, commission, or body may represent for compensation a person, group, or entity before the city so long as the representation is not before the board, commission, or body that the person is a member.

(B) If the representation is before a board, commission, or body, of which the city official or employee is a member, that is only advisory in nature.

(C) An employee who is a duly designated representative of an association of municipal employees may represent that association before the city if otherwise permissible by state law.

(3) Prestige of office and improper influence. In connection with the representation of private interests before the city, a city official or employee shall not:

(A) assert the prestige of the city official's or employee's position for the purpose of advancing private interests; or

(B) state or imply that the city official or employee is able to influence city action on any basis other than the merits.

~~(A) a person who is classified as a city official only because he or she is an appointed member of a board, commission, or other city body from representing for compensation a person, group, or entity before the city unless such representation is a violation of Subsection (a) of this section; or~~

~~(B) an employee who is a duly designated representative of an association of municipal employees from representing that association before the city if otherwise permissible under state law.~~

~~(3) Prestige of office and improper influence. In connection with the representation of private interests before the city, a city official or employee shall not:~~

~~(A) assert the prestige of the official's or employee's city position for the purpose of advancing private interests; or~~

~~(B) state or imply that he or she is able to influence city action on any basis other than the merits.~~

~~(c) Representation in litigation adverse to the city.~~

~~(1) Officials and employees (other than board and commission members). A city official or employee, other than a person who is classified as an official only because he or she is an appointed member of a board, commission, or other city body, shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city. This rule does not prohibit an employee who is a duly designated representative of an association of municipal employees from such representation if otherwise permissible under state law.~~

~~(2) Board and commission members. A person who is classified as a city official only because he or she is an appointed member of a board, commission, or other city body shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.~~

~~(3) Affiliates of officials and employees. Subject to applicable professional ethical standards, the restrictions stated in Subsections (c)(1) and (c)(2) do not apply to representation by a partner or other affiliate of a city official or employee so long as the city official or employee does not participate in any manner whatsoever in the partner's or affiliate's representation.~~

~~(d) Representation in municipal court. No member of the city council may engage in the practice of law in or before the municipal courts of the city.~~

~~(e) Municipal management district boards. The restrictions stated in Subsections (a) and (b)(1) of this section do not apply to a member of a municipal management district board.~~

(b) Representation in litigation adverse to the city.

(1) Officials and employees (other than board and commission members). A city official or employee, other than a person who is classified as an official only because that person is an appointed member of a board, commission, or body, shall not represent any person, group, or entity (other than themselves or their spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city. This rule does not prohibit an employee who is a duly designated representative of an association of municipal employees from such representation if otherwise permissible under state law.

(2) Board and commission members. A person who is classified as a city official only because that person is an appointed member of a board, commission, or body shall not represent any person,

group, or entity (other than themselves or their spouse, minor children, or domestic partner) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.

(3) Affiliates of officials and employees. Subject to applicable professional ethical standards, the restrictions stated in Subsections (b)(1) and (b)(2) do not apply to representation by a partner or other affiliate of a city official or employee so long as the city official or employee does not participate in any manner whatsoever in the partner's or affiliate's representation.

(c) Representation in municipal court. No member of the city council may engage in the practice of law in or before the municipal courts of the city.

(d) Municipal management district boards. The restrictions stated in Subsection (a) of this section do not apply to a member of a municipal management district board. (Ord. Nos. 24316; 27819; 30391, eff. 7/1/17)

SEC. 12A-8. CONFLICTING OUTSIDE EMPLOYMENT.

(a) General rule. A city official or employee shall not:

(1) solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; or

(2) personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or

department of which the official or employee is a member.

(b) Exception. The restrictions stated in Subsection (a) of this section do not apply to:

(1) outside employment of a city official if the employment is the official's primary source of income; or

(2) a member of a municipal management district board.

(c) Other rules. The general rule stated in Subsection (a) of this section applies in addition to all other rules relating to outside employment of city officials and employees, including requirements for obtaining prior approval of outside employment as applicable.

(d) Public utility corporations. An employee of the city may accept employment from a public utility corporation enjoying the grant of a franchise, privilege, or easement from the city if:

(1) the employee is to perform the duties of a security guard for the public utility corporation;

(2) the employment is approved by the employee's department head; and

(3) the employment does not conflict with his or her duties as an employee of the city. (Ord. Nos. 24316; 27819)

SEC. 12A-9. PUBLIC PROPERTY AND RESOURCES.

~~A city official or employee shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:~~

~~(1) pursuant to duly adopted city policies; or~~

~~(2) to the extent and according to the terms that those resources are generally available to the public.~~

(a) A city official or employee shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

(1) pursuant to duly adopted city policies; or

(2) to the extent and according to the terms that those resources are generally available to the public.

(b) A city council member shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for any campaign expenditure, campaign contribution, political advertising, or campaign communication as defined in Title 15, "Regulating Political Funds and Campaigns," of the Texas Election Code, as amended, and Texas Election Commission rules, regulations, and opinions.

(c) City officials and employees may not apply for or obtain an incentive offered by the city, including grants, loans, tax abatements, and tax credits, unless the incentive is available to the general public, the application is evaluated under the same criteria that apply to the general public, and the incentive is subject to the same terms and conditions that apply to the general public. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-10. POLITICAL ACTIVITY.

~~(a) City officials. In any election, except his or her own, a city official shall not:~~

~~(1) use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee, except that:~~

~~(A) a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in connection with the endorsement; and~~

~~(B) a city council member is not prohibited from lending his or her name and official city title in connection with any election for public office or in connection with any election ordered by the city of Dallas on a proposition or measure;~~

~~(2) serve as the designated campaign treasurer for a candidate under the Texas Election Code; or~~

~~(3) solicit or receive contributions for a candidate, political party, or political committee, except that a city official is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.~~

(a) City officials. In any election, except the city official's own, a city official shall not:

(1) use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee, except that in connection with:

(A) an endorsement, a city official is not prohibited from lending the city official's name so long as the office held with the city is not mentioned;

(B) any election ordered by the City of Dallas on a proposition or measure, a city council member is not prohibited from lending the city official's name and official city title; and

(C) any election for public office, a city council member is not prohibited from lending the city council member's name and the designation "honorable."

(2) serve as the designated campaign treasurer for a candidate under the Texas Election Code; or

(3) solicit or receive contributions for a candidate, political party, or political committee, except that a city official is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(b) Employees. A city employee is not prohibited from becoming a candidate for public office. A city employee is not subject to disciplinary action, including termination, solely because the city employee becomes a candidate for public office. The

city employee must, however, still fulfill all the duties and responsibilities associated with their city employment.

(c) Influencing subordinates. A city official or employee shall not, directly or indirectly, induce or attempt to induce any city subordinate of the official or employee to:

(1) participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or

(2) refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this subsection.

(d) Paid campaigning. A city official or employee shall not directly or indirectly accept anything of value for political activity relating to an item pending on the ballot, if the official or employee participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item. "Anything of value" does not include a meal or other item of nominal value the city official or employee receives in return for providing information on an item pending on the ballot.

(e) Official vehicles. A city official or employee shall not display or fail to remove campaign materials on any city vehicle under his or her control.

(f) Elections. A city employee shall not use the prestige of his or her position with the city on behalf of any candidate, political party, or political committee.

~~(g) Charter provisions. A city official or employee shall comply with the provisions governing political activity set forth in Chapter XVI, Section 16 of the city charter, as those provisions have been judicially interpreted in Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983).~~

(g) Charter provisions. A city official or employee shall comply with the provisions governing political activity set forth in Chapter XVI, Section 16 of the city charter.

(h) Public property and resources. Limitations on the use of public property and resources for political purposes are imposed by Section 12A-9 of this chapter. (Ord. Nos. 24316; 25203; 29645; 30391, eff. 7/1/17)

SEC. 12A-11. ACTIONS OF OTHERS.

~~(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.~~

(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 intentionally or 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.

(d) Duty to report violations. Persons shall immediately report any conduct that the person knows to be a violation of this chapter. 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 Fraud, Waste or Abuse hotline shall be considered to be a report under this section. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-12. PROHIBITED INTERESTS IN CONTRACTS.

(a) Charter restrictions relating to financial interests in city contracts. A city official or employee shall comply with the restrictions on financial interests in city contracts as set forth in Chapter XXII, Section 11 of the city charter.

~~(b) Additional restrictions relating to city contracts. A city official or employee may not, while in the service or employment of the city, either individually or as the officer or principal of a private business entity:~~

~~(1) submit a bid or proposal, on behalf of the city official or employee or on behalf of a private business entity, to make any city contract, whether or not the contract is required by state law to be competitively bid; or~~

(b) Additional restrictions relating to city contracts. A city official or employee may not, while in the service or employment of the city, either individually or as the officer or principal of an entity:

(1) submit a bid or proposal to make any city contract, whether or not the contract is required by state law to be competitively bid; or

(2) negotiate or enter into any city contract whether or not the contract is required by state law to be competitively bid.

~~(2) negotiate or enter into any city contract, on behalf of the city official or employee or on behalf of a private business entity, whether or not the contract is required by state law to be competitively bid.~~

(c) Exceptions. The restrictions contained in Subsections (a) and (b) of this section do not apply to a member of:

(1) a board of a nonprofit development corporation that acts as an instrumentality of the city; or

(2) a municipal management district board.

(d) Restrictions relating to the first year of employment. During the first year of city service, a city official or employee shall not participate in the making or awarding of a contract, or attempt to use their official position to influence a city decision relating to a contract, if a party to the contract is a person or entity by whom the city official or employee was employed within one year before beginning city service. (Ord. Nos. 24316; 27504; 27819; 29645; 30391, eff. 7/1/17)

SEC. 12A-12.1. RECUSAL AND DISCLOSURE.

(a) General rule. A city official or employee whose conduct or action on a matter would violate any section in Article II of this chapter must recuse themselves. From the time that the conflict is recognized, the city official or employee shall:

(1) immediately refrain from further participation in the matter, including discussions with any other persons likely to consider the matter; and

(2) promptly file with the city secretary a written statement disclosing the conflict on a form provided by the city secretary.

(b) Additional recusal and disclosure requirements. In addition to the requirements of Subsection (a):

(1) A supervised employee shall promptly bring that person's conflict to the attention of a supervisor, who will then, if necessary, reassign responsibility for handling the matter to another person;

(2) the park and recreation director shall promptly bring that person's conflict to the attention of the park and recreation board;

(3) the civil service director shall promptly bring that person's conflict to the attention of the civil service board;

(4) the employees' retirement fund administrator shall promptly bring that person's conflict to the attention of the board of trustees of the employees' retirement fund;

(5) a municipal judge shall promptly bring that person's conflict to the attention of the administrative municipal judge;

(6) the city manager, city attorney, city secretary, city auditor, and administrative municipal judge shall promptly bring that person's conflict to the attention of the city council;

(7) a board or commission member shall promptly disclose that member's conflict to the board or commission of which that person is a member and shall not be present during any discussion or voting on the matter; and

(8) a city council member shall promptly disclose that member's conflict to the city council and shall not be present during any discussion or voting on the matter. (Ord. 30391, eff. 7/1/17)

ARTICLE III.

FORMER CITY OFFICIALS AND EMPLOYEES.

SEC. 12A-13. CONTINUING CONFIDENTIALITY.

~~A former city official or employee shall not use or disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit:~~

~~(1) any disclosure that is no longer confidential government information;~~

~~(2) the confidential reporting of illegal or~~

~~unethical conduct to authorities designated by law; or~~

~~(3) any disclosure, not otherwise prohibited by law, in furtherance of public safety.~~

(a) Improper disclosure or use. A former city official or employee shall not use or disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit:

(1) any disclosure that is no longer confidential government information;

(2) the confidential reporting of illegal or unethical conduct to authorities designated by law; or

(3) any disclosure, not otherwise prohibited by law, in furtherance of public safety.

(b) Disclosure of a closed meeting. A former city official or employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-14. SUBSEQUENT REPRESENTATION.

(a) Representation by a former city council member or former board or commission member. A person who was a member of the city council, a board or commission, or another city body shall not represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) for a period of one year after the termination of his or her official duties:

(1) before the city council or that board, commission, or body;

(2) unless the board, commission, or body of which the former city official or employee was a member is only advisory in nature:

(A) before city staff having responsibility for making recommendations to, or taking any action on behalf of, the city council or that board, commission, or body; or

(B) before a board, commission, or other city body that has appellate jurisdiction over the board, commission, or body of which the former city official or employee was a member, if any issue relates to his or her former duties.

(b) Representation before the city. A former city official or employee shall not represent for compensation any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) before the city for a period of one year after termination of his or her official duties. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member of a board, commission, or other city body. For purposes of this subsection, "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

(c) Representation in litigation adverse to the city. A former city official or employee shall not, absent consent from the city, represent any person, group, or entity (other than himself or herself or his or her spouse, minor children, or domestic partner) in

any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is one in which the former city official or employee personally participated prior to termination of his or her official duties or is a matter substantially related to such a matter.

(d) Statement or implication of inappropriate influence. In connection with the representation of private interests, a former city official or employee shall not state or imply that he or she is able to influence city action on any basis other than the merits. (Ord. 24316)

SEC. 12A-15. DISCRETIONARY CONTRACTS.

(a) Impermissible interest in discretionary contract or sale. Within one year after the termination of official duties, a former city official or employee shall not have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or service. Any violation of this subsection, with knowledge, express or implied, of the person or corporation contracting with the city will render the contract involved voidable by the city manager or the city council. This subsection applies only to contracts or sales made on a discretionary basis and not to contracts or sales made on a competitive bid basis.

(b) Additional restrictions. A former city official or employee may not, within one year after leaving the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) submit a proposal, on behalf of the official or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid; or

(2) negotiate or enter into any city contract that is not required by state law to be competitively bid.

(c) Prior participation in negotiation or award of contract and disclosure requirements. A former city official or employee may not, within one year after the termination of official duties, perform work on a compensated basis relating to a discretionary contract, if he or she personally participated in the negotiation or awarding of the contract. A former city official or employee, for one year after termination of official duties, must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to any discretionary contract with the city.

(d) Exceptions. The prohibitions of Subsections (a), (b), and (c) do not apply to:

(1) a contract for the personal services of a former city official or employee;

(2) a member of a board or commission that is only advisory in nature; or

(3) the provision of goods, facilities, or services by the city to a former city official or employee pursuant to duly adopted city policies and on nonnegotiable terms generally available to the public.

(e) Waivers. The prohibitions of Subsections (a), (b), and (c) may be waived by the city council, after a review of the specific circumstances, for a person who is considered a former official under this chapter only because he or she was a member of a board or commission that is more than advisory in nature. (Ord. Nos. 24316; 24721)

~~**SEC. 12A-15.1. RESERVED.**~~

SEC. 12A-15.1 RESTRICTIONS ON LOBBYING.

(a) A city council member shall be prohibited from registering as a lobbyist and from lobbying city council members, or any city department, board, or commission, for one year after leaving service with the city.

(b) A city official other than a city council member who is a member of a board or commission shall be prohibited from registering as a lobbyist and lobbying that board or commission for one year after the city official's service on that board or commission

has ended.

(c) A city employee, including city employees who are city officials, shall be prohibited from registering as a lobbyist and from lobbying city council members, or any city department, board, or commission, for one year after leaving employment with the city.

(d) Nothing in this section shall be construed to prohibit a person from lobbying on behalf of another government agency if they are employed by that governmental agency. (Ord. 30391, eff. 7/1/17)

made available to the public, or through radio, television, cable television, or any other medium of mass communication;

(v) made at a meeting open to the public under the Texas Open Meetings Act;

(vi) made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(vii) made in writing as a petition for official action and required to be a public record pursuant to established city procedures;

(viii) made in an oral or written response narrowly tailored to address an oral or written request by a city official for specific information;

(ix) the content of which is compelled by law;

(x) made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;

(xi) made on behalf of an individual with regard to that individual's employment or benefits;

(xii) made by a fact witness or expert witness at an official proceeding; or

(xiii) made by a person solely on behalf of that individual, his or her spouse or domestic partner, or his or her minor children.

(11) LOBBYING FIRM means:

(A) a self-employed lobbyist;

(B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; or

(C) a person who has one or more employees that are lobbyists on the person's behalf and the person is the client.

(12) MUNICIPAL QUESTION means a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or any city board or commission. The term includes, but is not limited to, proposed actions or proposals for action in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term does not include the day-to-day application, administration, and execution of city programs and policies such as permitting, platting, and design approval matters related to or in connection with a specific project or development.

(13) PERSON means an individual, corporation, association, firm, partnership, committee, club, organization, or a group of persons voluntarily acting in concert.

(14) REGISTRANT means a person required to register under this article. (Ord. Nos. 27748; 27834)

SEC. 12A-15.3. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

~~(a) Except as provided by Section 12A-15.4, a person must register with the city secretary if the person:~~

~~(1) receives compensation of $200 or more in a calendar quarter for lobbying;~~

~~(2) receives reimbursement of $200 or more in a calendar quarter for lobbying; or~~

~~(3) lobbies as the agent or employee of a person who:~~

~~(A) receives compensation of $200 or more in a calendar quarter for lobbying;~~

~~(B) receives reimbursement of $200 or more in a calendar quarter for lobbying.~~

~~(b) A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has more than one employee who is required to register under Subsection (a). A lobbying firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article.~~

(a) Except as provided by Section 12A-15.4, a person must register with the city secretary if the person:

(1) receives compensation of $200 or more in a calendar quarter for lobbying;

(2) receives reimbursement of $200 or more in a calendar quarter for lobbying; or

(3) lobbies as the agent or employee of a person who:

(A) receives compensation of $200 or more in a calendar quarter for lobbying;

(B) receives reimbursement of $200 or more in a calendar quarter for lobbying.

(b) A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has more than one employee who is required to register under Subsection (a). A lobbying firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article.

(c) An attorney who is representing a client must register as a lobbyist if the attorney meets the compensation or reimbursement standards of Subsection (a). A law firm whose attorneys would be required to register as lobbyists under this provision may register as a lobbying firm instead of the individual attorneys.

(d) A person who is representing an association of city employees or an association of former city employees must register as a lobbyist if the person meets the compensation or reimbursement standards of Subsection (a) or if the person is representing the association on a pro bono basis. (Ord. Nos. 27748; 27834; 30391, eff. 7/1/17)

SEC. 12A-15.4. EXCEPTIONS.

~~The following persons are not required to register or file an activity report under this article:~~

~~(1) A person who owns, publishes, or is employed by a newspaper, any other regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions or seek to influence official action relating to municipal questions, provided that the person does not engage in other activities that require registration under this article. This exception does not apply if a person's~~

~~relation to the news media is only incidental to a lobbying effort or if a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest.~~

~~(2) A person whose only lobbying activity is to encourage or solicit the members, employees, or owners (including shareholders) of an entity by whom the person is compensated to communicate directly with one or more city officials to influence municipal questions.~~

~~(3) A governmental entity and its officials and employees, provided the communications relate solely to subjects of governmental interest concerning the governmental entity and the city.~~

~~(4) A person who neither knows nor has reason to know that a municipal question is pending at the time of contact with a city official. This exception does not apply if the existence of a municipal question is discovered during on-going contacts with a city official and the person then engages in additional lobbying of the same official or other city officials with respect to that municipal question.~~

~~(5) An attorney or other person whose contact with a city official is made solely as part of resolving a dispute with the city, provided that the contact is solely with city officials who do not vote on or have final authority over any municipal question involved.~~

~~(6) An agent or employee of a lobbying firm or other registrant, provided that the lobbying firm or other registrant files a registration statement or activity report for the period in question fully disclosing all relevant information known to the agent or employee.~~

~~(7) An individual who engages in lobbying, but who does not receive compensation or reimbursement for lobbying with respect to any client.~~

(a) The following persons are not required to register or file an activity report under this article:

(1) A person who owns, publishes, or is employed by a newspaper, any other regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions or seek to influence official action relating to municipal questions, provided that the person does not engage in other activities that require registration under this article. This exception does not apply if a person's relation to the news media is only incidental to a lobbying effort or if a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest.

(2) A person whose only lobbying activity is to encourage or solicit the members, employees, or owners (including shareholders) of an entity by whom the person is compensated to communicate directly with one or more city officials to influence municipal questions.

(3) A governmental entity and its officials and employees, provided the communications relate solely to subjects of governmental interest concerning the governmental entity and the city.

(4) A person who neither knows nor has reason to know that a municipal question is pending at the time of contact with a city official. This exception does not apply if the existence of a municipal question is discovered during on-going contacts with a city official and the person then engages in additional lobbying of the same official or other city officials with respect to that municipal question.

(5) A person whose contact with a city official is made solely as part of resolving a dispute with the city, provided that the contact is solely with city officials who do not vote on or have final authority over any municipal question involved.

(6) An agent or employee of a lobbying firm or other registrant, provided that the lobbying firm or other registrant files a registration statement or activity report for the period in question fully disclosing all relevant information known to the agent or employee.

(7) An individual who engages in lobbying, but who does not receive compensation or reimbursement for lobbying with respect to any client.

(8) A neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole.

~~(8) A neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole.~~

(b) If, after notification by the city secretary that registration is required, a person claims an exception under this section, that person shall file an affidavit with the city secretary stating the basis for the exception within 14 days after the date of notification. If, after notification by the city secretary that registration is required, the person determines that registration is required, the person must register within 14 days after the date of notification. (Ord. Nos. 27748; 30391, eff. 7/1/17)

SEC. 12A-15.5. REGISTRATION.

(a) Initial registration. A person required to register as a lobbyist under this article shall file a separate registration for each client. A registrant who makes more than one lobbying contact for the same client shall file a single registration form covering all lobbying contacts for that client. If the registrant is not an individual, an authorized officer or agent of the registrant must file the form. An initial registration form relating to a client must be filed by a person required to register under this article within five days after the start of lobbying activity for that client, except that initial registration of a client in a zoning case must be filed within five days after the zoning application is filed with the city. In no event shall a registrant knowingly fail to register, or knowingly fail to disclose such registration to relevant city officials, prior to official city action relating to the subject matter of the lobbying activity.

(b) Subsequent annual registration. Subsequent registration forms must be filed annually by January 15 for each client for whom a registrant previously filed or was required to file an initial registration form in the prior registration year, if lobbying activities are still being conducted or will foreseeably be conducted for the client during the new registration year.

(c) Required disclosures. An initial or subsequent registration must be filed on the form and in the manner prescribed by the city secretary and must include, to the extent applicable, the following information:

(1) The full name, telephone number, permanent address, and nature of the business of:

(c) Quarterly disclosure statements. Lobbying contacts on a designated zoning case or designated public subsidy matter made after an initial non-registrant disclosure statement is filed must be reported by the applicant, property owner, or purchaser with a property under contract in quarterly non-registrant disclosure statements. A quarterly non-registrant disclosure statement must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the same information required in Subsection (b) of this section. The non-registrant disclosure statement for the preceding calendar quarter must be filed not earlier than the first day or later than the 15th day of April, July, October, or January.

(d) No fee. No fee will be charged for filing a non-registrant disclosure statement under this section.

(e) Exceptions. This section does not apply to:

(A) an applicant, property owner, or purchaser with a property under contract who is currently registered with the city as a lobbyist and filing activity reports in accordance with this article; or

(B) a neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole. (Ord. 27748)

SEC. 12A-15.8. RESTRICTED ACTIVITIES.

(a) False statements. A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not intentionally or knowingly:

(1) make any false or misleading statement of fact to any city official; or

(2) knowing a document to contain a false statement, cause a copy of such document to be received by a city official without notifying such official in writing of the truth.

(b) Failure to correct erroneous statement. A registrant who learns that a statement contained in a registration form or activity report filed by the registrant during the past three years is false shall correct that statement by written notification to the city secretary within 30 days of learning of the falsehood.

(c) Personal obligation of city officials. A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not do any act, or refrain from doing any act, with the express purpose and intent of placing any city official under personal obligation to such lobbyist or person.

(d) Improper influence. A registrant shall not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.

(e) False appearances. A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not cause any communication to be sent to a city official in the name of any fictitious person, or in the name of any real person except with the consent of such real person.

(f) Prohibited representations. A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not represent, either directly or indirectly, orally or in writing, that the person can control or obtain the vote or action of any city official.

~~(g) Lobbying by bidders and proposers on city contracts. A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) lobby a city council member from the time the advertisement or public notification of the request for~~

~~bids or request for proposals is made until the time the contract is awarded by the city council. This subsection does not prohibit a bidder or proposer from speaking at the city council meeting where the award of the contract is considered.~~

(g) Lobbying by bidders and proposers on city contracts.

(1) A person responding to a request for bids or request for proposals on a city contract shall not lobby a city council member either directly or indirectly (through a representative, employee, or agent) from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council.

(2) A city council member shall not discuss a request for bids or a request for proposals on a city contract either directly (with the person or entity submitting the bid or proposal) or indirectly (with a lobbyist, representative, employee, or agent of the person or entity submitting the bid or proposal) from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council. The department issuing the request for bids or request for proposals shall forward to all city council members any protest received and any response to that protest before city council considers awarding that city contract.

(3) This subsection does not prohibit a bidder or proposer from speaking at the city council meeting where the award of the contract is considered.

(h) Campaign managers. A person who served as a campaign manager or campaign treasurer for a person who was elected as a city council member may not (either personally or through a representative, employee, or agent) lobby a city council member or a city official for one year after the date of the city council election. A "campaign manager" is any person who directs day-to-day operations of the campaign or determines the strategies or policies of the campaign. (Ord. Nos. 27748; 30391, eff. 7/1/17)

SEC. 12A-15.9. IDENTIFICATION OF CLIENTS.

(a) Appearances. Each person who lobbies or engages another person to lobby before the city council or before a city board or commission identified in Section 12A-15.2(1)(H) shall orally identify himself or herself and any client he or she represents upon beginning an address. Each person who lobbies or engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the identity of the client he or she represents, and whether he or she is registered as a lobbyist under this article.

~~(b) Oral lobbying contacts. Any person who makes an oral lobbying contact with a city official shall, on the request of the official at the time of the lobbying contact, state whether the person is registered under this article and identify each client on whose behalf the lobbying contact is made.~~

(b) Oral lobbying contacts. Any person who makes an oral lobbying contact with a city official shall, at the time of the lobbying contact, state whether the person is registered under this article and identify each client on whose behalf the lobbying contact is made.

(c) Written lobbying contacts. Any registrant who makes a written lobbying contact (including an electronic communication) with a city official shall identify each client on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist. (Ord. Nos. 27748; 30391, eff. 7/1/17)

SEC. 12A-15.10. TIMELINESS OF FILING REGISTRATIONS, ACTIVITY REPORTS, AND NON-REGISTRANT DISCLOSURE STATEMENTS.

(a) A registration, an activity report, or a non-registrant disclosure statement filed by first-class

(A) a publicly available list identifying all lobbyists and lobbying firms registered with the city and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this article;

(4) on a quarterly basis, provide an updated list of all registered lobbyists and lobbying firms, and their clients, to the city council, the city manager, the city attorney, the city auditor, the administrative municipal judge, all department heads, and all chairs of boards and commissions identified in Section 12A-15.2(1)(H) of this article;

(5) make available for public inspection and copying at reasonable times the registrations, activity reports, and non-registrant disclosure statements filed under this article; and

(6) retain registrations, activity reports, and non-registrant disclosure statements in accordance with the Local Government Records Act (Title 6, Subtitle C, Texas Local Government Code, as amended). (Ord. 27748)

SEC. 12A-15.12. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this article is punishable by a criminal fine not to exceed $500. (Ord. 27748)

ARTICLE IV.

IDENTIFICATION OF PERSONS REPRESENTED BEFORE CITY.

SEC. 12A-16. APPEARANCE BEFORE CITY COUNCIL, BOARDS, COMMISSIONS, AND OTHER CITY BODIES.

A person who appears before the city council, a city board or commission, or any other city body shall identify himself or herself and give his or her business or residence address. (Ord. 24316)

SEC. 12A-17. REPRESENTATION OF OTHERS.

A person who represents, orally or in writing, the interests of another person (other than his or her spouse, minor children, or domestic partner) before the city council, a city board or commission, another city body, or a city official or employee shall disclose the identity of the person represented. (Ord. 24316)

ARTICLE V.

PARTICIPATION IN ETHICS VIOLATIONS.

~~**SEC. 12A-18. PARTICIPATION IN ETHICS VIOLATIONS.**~~

~~No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person to engage in conduct violative of this chapter.~~

SEC. 12A-18. EX PARTE COMMUNICATIONS.

No person shall, directly or indirectly, communicate with any city official of any quasi-judicial city board or commission as to any adjudicative matter that is, or may reasonably be expected to be, pending before the board or commission, unless a full disclosure of the communication is simultaneously made available to

every other party to the matter. This prohibition does not apply to any communication by a city employee with the city board or commission in the performance of the city employee's official duties. (Ord. Nos. 24316; 30391, eff. 7/1/17)

ARTICLE VI.

FINANCIAL DISCLOSURE.

SEC. 12A-19. FINANCIAL DISCLOSURE REPORT.

(a) Who must file.

~~(1) Designated city officials and designated city employees. Before initially accepting appointment or assuming the duties of office, and annually thereafter, the following city officials and employees shall file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b) of this section:~~

~~(A) City of Dallas appointed members to the following boards, commissions, and committees:~~

~~(i) Board of adjustment and board of adjustment alternate members.~~

~~(ii) Building inspection advisory, examining, and appeals board.~~

~~(iii) Business development corporation board.~~

~~(iv) City plan and zoning commission.~~

~~(v) Civil service board and civil service board adjunct members.~~

~~(vi) Community development commission.~~

~~(vii) Dallas area rapid transit board.~~

~~(viii) Dallas-Fort Worth international airport board.~~

~~(ix) Ethics advisory commission.~~

~~(x) Fire code advisory and appeals board.~~

~~(xi) Housing finance corporation board.~~

~~(xii) Landmark commission and landmark commission alternate members.~~

~~(xiii) Park and recreation board.~~

~~(xiv) Permit and license appeal board.~~

~~(xv) All reinvestment zone boards.~~

~~(xvi) All municipal management district boards.~~

~~(B) The first assistant city attorney.~~

~~(C) The city auditor and city secretary, and their first assistants.~~

~~(D) Assistant city managers.~~

~~(E) Municipal judges.~~

(1) Designated city officials and designated city employees. Before initially accepting appointment or assuming the duties of office, and annually thereafter, the following city officials and employees shall file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b) of this section:

(A) City of Dallas appointed members to the following boards, commissions, and committees:

(i) Board of adjustment and board of adjustment alternate members.

(ii) Building inspection advisory, examining, and appeals board.

(iii) Business development corporation board.

(iv) City plan and zoning commission.

(v) Civil service board and civil service board adjunct members.

(vi) Community development commission.

(vii) Dallas Area Rapid Transit board.

(viii) Dallas-Fort Worth international airport board.

(ix) Ethics advisory commission.

(x) Fire code advisory and appeals board.

(xi) Housing finance corporation board.

(xii) Landmark commission and landmark commission alternate members.

(xiii) Park and recreation board.

(xiv) Permit and license appeal board.

(xv) All reinvestment zone boards.

(xvi) All municipal management district boards.

(B) The first assistant city attorney.

(C) The city auditor and city secretary, and their first assistants.

(D) Assistant city managers.

(E) Municipal judges.

(F) Chief financial officer.

(2) The mayor, city council members, the city attorney, the city manager, and candidates for city council. The mayor, each city council member, the city attorney, the city manager, and each candidate for a place on the city council are required to file with the city secretary verified financial statements complying with Chapter 145 of the Texas Local Government Code, as amended, and are not subject to the provisions of Subsections (b) through (g) of this section.

(b) Contents of financial disclosure report.

(1) For purposes of this subsection:

standards, rules, and procedures for compliance with this article;

(D) review reports for completeness and timeliness;

(E) maintain filing, coding, and cross-indexing systems to carry out the purpose of this article and maintain a publicly available list of all persons required to file a financial disclosure report;

(F) make the reports filed under this article available for public inspection and copying at reasonable times; and

(G) upon determining that a person who is required to file a financial disclosure report has failed to do so timely or has filed incomplete or unresponsive information:

(i) notify the person by certified mail that failure to file or correct the filing within 15 days after the original deadline is a violation of this chapter; and

(ii) publicly announce to the city council the names of those who have not timely or completely filed a financial disclosure report and to whom the notification is being sent.

(2) The failure of the city secretary to provide any notification required by Subsection (f)(1) of this section does not bar appropriate remedial action, but may be considered on the issue of culpability.

(g) In addition to other remedies and penalties set forth in this chapter, a violation of this section is punishable by a criminal fine not to exceed $500. (Ord. Nos. 24316; 24485; 25236; 25906; 27819; 30391, eff. 7/1/17)

SEC. 12A-20. SHORT FORM ANNUAL REPORT.

A person who is required to file an annual financial disclosure report under Section 12A-19(a)(1) may fulfill those filing obligations by submitting a short sworn statement on a form provided by the city secretary, if there have been no changes in the information disclosed by that person in a complete financial disclosure report filed within the past five years. The short statement must indicate the date of the person's most recently filed complete financial disclosure report and must state that there have been no changes in that information. (Ord. Nos. 24316; 25906)

SEC. 12A-21. TRAVEL REPORTING REQUIREMENTS.

(a) Any person listed in Subsection (d) of this section who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency must file with the city secretary (except subordinates of the city manager, who shall file with the city manager) before embarking on the travel (time permitting), or not more than seven days after the travel is concluded, a disclosure statement identifying:

(1) the name of the sponsor of the trip or excursion;

(2) the name of the person or entity paying for the trip or excursion, if different from the sponsor;

(3) the places to be visited; and

(4) the purpose and dates of the travel.

(b) The city manager shall, within 10 working days after the travel is concluded, file with the city

secretary the information listed in Subsection (a) that has been filed with the city manager's office by affected subordinates of the city manager.

(c) Nothing in this section authorizes personnel reporting to the city manager to violate policies and procedures established by the city manager regarding travel request authorizations.

~~(d) The following persons are required to report under this section:~~

~~(1) City council members.~~

~~(2) The city manager, city attorney, city secretary, and city auditor, and their first assistants.~~

~~(3) Municipal judges.~~

~~(4) Members of boards and commissions.~~

~~(5) Assistant city managers.~~

~~(6) Department directors and their assistants, including the civil service director, the park and recreation director, and their assistants.~~

(d) The following persons are required to report under this section:

(1) City council members.

(2) The city manager, city attorney, city secretary, and city auditor, and their first assistants.

(3) Municipal judges.

(4) Members of boards and commissions.

(5) Assistant city managers.

(6) Department directors, assistant directors, and their supervisors, including the civil service director, the park and recreation director, assistant directors, and their supervisors.

(7) Chief financial officer. (Ord. Nos. 24316; 25906; 30391, eff. 7/1/17)

~~**SEC. 12A-22. ITEMS RECEIVED ON BEHALF OF THE CITY.**~~

~~A city official or employee who accepts on behalf of the city any item by way of gift or loan valued over $250 shall, within 30 days after the acceptance of the gift or loan, report that fact and deliver the item to the city manager, who shall have the item appropriately inventoried as city property. (Ord. Nos. 24316; 25906)~~

SEC. 12A-22. RESERVED.

(Repealed by Ord. 30391, eff. 7/1/17)

(4) a candidate for elected public office;

(5) a person who, for compensation, represents the private interests of others before the city council; or

(6) a paid campaign worker or a political consultant of a current city council member. (Ord. Nos. 24316; 29645)

SEC. 12A-25. JURISDICTION AND POWERS.

~~(a) Jurisdiction. The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of this chapter by any person subject to those provisions, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city, if a complaint is filed within one year after the date of the alleged violation. The commission may not consider any alleged violation that occurred before January 1, 2001 or more than one year before the date of the filing of a complaint. The city secretary shall not accept or process any complaint that is filed more than one year after the date of the violation alleged in the complaint.~~

(a) Jurisdiction.

(1) The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of the laws, ordinances, and rules listed in Paragraph (2) of this section by any person subject to those laws, ordinances, or rules, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city.

(2) The ethics advisory commission may consider violations of the following laws, ordinances, and rules:

(A) Section 8-22, "Board Members," of Article V, "Code of Conduct," of Chapter 8, "Boards and Commissions," of the Dallas City Code;

(B) Chapter 12A, "Code of Ethics," of the Dallas City Code;

(C) Chapter 15A, "Elections," of the Dallas City Code, except to the extent that Chapter 15A is administered and enforced by the Texas Ethics Commission;

(D) the second sentence of Chapter XVI, Section 16(a) of the city charter, which reads "No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever;

(E) Chapter XXII, Section 11, "Financial Interest of Employee or Officer Prohibited," of the city charter;

(F) Chapter XXIV, Section 1, "No Officer or Employee to Accept Gift, Etc., From Public Utility," of the city charter;

(G) Texas Local Government Code Chapter 145, "Financial Disclosure by and Standards of Conduct for Local Government Officers," as amended;

(H) Texas Local Government Code Chapter 171, "Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments," as amended;

(I) Texas Local Government Code Chapter 176, "Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information," as amended;

(J) Section 212.017, "Conflict of Interest; Penalty," of Texas Local Government Code Chapter 212, "Municipal Regulation of Subdivisions and Property Development," as amended;

(K) Texas Penal Code Chapter 36, "Bribery and Corrupt Influence," as amended;

(L) Texas Penal Code Section 39.02, "Abuse of Official Capacity," as amended;

(M) Texas Penal Code Section 39.03, "Official Oppression," as amended;

(N) Texas Penal Code Section 39.06, "Misuse of Official Information," as amended;

(O) conflicts of interest and gift regulations applicable to local government recipients of federal grants, including Subsection (c) of Section 200.318 of Title 2 of the Code of Federal Regulations, as amended; and

(P) any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.

(3) The commission may not consider any alleged violation that occurred more than one year before the date of the filing of a complaint. The city secretary shall not accept or process any complaint that is filed more than one year after the date of the violation alleged in the complaint.

(b) Termination of city official's or employee's duties. The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics advisory commission with respect to alleged violations occurring prior to the termination of the official's or employee's official duties.

(c) Powers. The ethics advisory commission has the following powers only:

(1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article.

(2) To meet as often as necessary to fulfill its responsibilities.

(3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission.

(4) To review, index, maintain on file, and dispose of sworn complaints.

(5) To make findings of fact as necessary for the disposition of a complaint.

~~(6) To make notifications, extend deadlines, and conduct investigations.~~

(6) To make notifications, extend deadlines, and conduct investigations of violations within the jurisdiction of the Ethics Advisory Commission.

(7) To advise and make recommendations to the city council concerning the city's ethics code and ethics policies.

(8) To make determinations that complaints are frivolous, make findings of facts, and sanction persons who file frivolous complaints.

(9) Such other powers as are specifically granted in this chapter or by the city council.

(d) Subpoenas.

(1) The ethics advisory commission shall have the power to issue subpoenas for the attendance of witnesses or subpoenas for the production of documents or other evidence that the ethics advisory commission deems necessary for an evidentiary hearing. The ethics advisory commission may issue a subpoena only after a written request to appear or provide documents or other evidence has not been complied with and after consultation with the city attorney.

(2) A party to an ethics complaint (either the complaining party or the party complained against) may request that the ethics advisory commission issue a subpoena. The ethics advisory commission may issue the requested subpoena for good cause upon a showing of the need for the witness, documents, or other evidence. The ethics advisory commission may refuse the requested subpoena upon a finding that good cause does not exist.

(3) A person may object to a subpoena within seven working days after receiving the subpoena. Objections to subpoenas must be in writing and submitted to the city secretary, and copied to the party who requested the subpoena, if any. The party who requested the subpoena shall have three working days after receipt of the objections to respond in writing to the city secretary. The ethics advisory commission shall rule on the objection. Failure to object to a subpoena waives any objection to the subpoena.

(4) Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code. (Ord. Nos. 24316; 29660; 30391, eff. 7/1/17)

SEC. 12A-26. COMPLAINTS.

~~(a) Filing. Except for an ethics advisory commission member, any resident of the city, any person doing business or attempting to do business with the city, or any city official or employee at the time the alleged violation of this chapter occurred or the complaint is submitted who believes there has been a violation of this chapter may file a complaint with the city secretary on a form provided by the city secretary. The complaint must contain the following information and items:~~

~~(1) The name, address, email address, and telephone number of the complainant.~~

~~(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation.~~

(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.

(4) Identification of the ethics provision or provisions allegedly violated, using either a citation to the applicable section and paragraph of this chapter or a description containing substantially the same language as the ethics provision or provisions.

(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint.

(6) The names, addresses, email addresses (if known), and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint.

(7) Other sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

(b) Format of evidence. If a complainant or a person charged in a complaint submits evidence in an electronic, mechanical, or other format that the city secretary's office cannot duplicate or display, that office shall request that person to provide the evidence in a format that the office can duplicate or display. If that person fails to provide the evidence to the city secretary's office in a format that the office can duplicate or display within seven days after the office has made a request, then the evidence may not be presented to or considered by the ethics advisory commission or a panel of the commission.

(c) Acceptance of complaint. Upon receiving a complaint, the city secretary shall determine if it is complete. A complaint is complete if it contains the information described in (a)(1), (2), (3), (4), (5), and (8). If the complaint is complete, the city secretary shall proceed as described in this section. If the complaint is incomplete, the city secretary shall, in writing, notify the complainant that the complaint is incomplete and state which required information was not provided. The complainant shall have 20 days after the date the city secretary sends notice to the complainant to provide the required information to the city secretary, or the complaint is deemed abandoned and may not be processed in accordance with this chapter.

(d) Confidentiality. No city official or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties or as required by law. Ex parte communications by or to members of the ethics advisory commission are prohibited by Section 12A-27(c) of this chapter. All papers and communications relating to a complaint must be treated as confidential unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable law.

(e) Notification. The city secretary shall promptly forward a copy of a complete complaint to the chair of the ethics advisory commission and to the person charged in the complaint. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other

~~information he or she feels is relevant. Copies of all information provided to the ethics advisory commission by the complainant and the person charged in the complaint must be distributed to all parties to the complaint within 10 days after the ethics advisory commission receives the information.~~

~~(f) False accusations and responses. The city secretary shall, in writing, advise the person filing the complaint that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.~~

~~(g) Summary dismissal.~~

~~(1) Within 30 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.~~

~~(2) If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.~~

~~(3) The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members.~~

(a) Filing. Except for an ethics advisory commission member, any person who is a resident of the city, a person doing business or attempting to do business with the city, or a city official or employee, either at the time the alleged violation of this chapter occurred or at the time the complaint is submitted, who believes there has been a violation of this chapter may file a complaint with the city secretary on a form provided by the city secretary. The complaint must contain the following information and items:

(1) The name, address, email address, and telephone number of the complainant.

(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation.

(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.

(4) Identification of the ethics laws, ordinances, and rules allegedly violated, using either a citation to the applicable section or a description containing substantially the same language as the ethics laws, ordinances, and rules.

(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint.

(6) The names, addresses, email addresses (if known), and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint.

(7) Other sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

(b) Format of evidence. If a complainant or a person charged in a complaint submits evidence in an electronic, mechanical, or other format that the city secretary's office cannot duplicate or display, that office shall request that person to provide the evidence in a format that the office can duplicate or display. If that person fails to provide the evidence to the city secretary's office in a format that the office can duplicate or display within seven days after the office has made a request, then the evidence may not be presented to or considered by the ethics advisory commission or a panel of the commission.

(c) Acceptance of complaint. Upon receiving a complaint, the city secretary shall determine if it is complete. A complaint is complete if it contains the information described in (a)(1), (2), (3), (4), (5), and (8). If the complaint is complete, the city secretary shall proceed as described in this section. If the complaint is incomplete, the city secretary shall, in writing, notify the complainant that the complaint is incomplete and state which required information was not provided. The complainant shall have 20 days after the date the city secretary sends notice to the complainant to provide the required information to the city secretary, or the complaint is deemed abandoned and may not be processed in accordance with this chapter.

(d) Confidentiality of complaints.

(1) No city official or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties or as required by law.

(2) Ex parte communications by or to members of the ethics advisory commission are prohibited by Section 12A-27(c) of this chapter.

(3) All papers and communications relating to a complaint must be treated as confidential unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable law.

(e) Notification. The city secretary shall promptly forward a copy of a complete complaint to the chair of the ethics advisory commission and to the person charged in the complaint. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information that person feels is relevant. Copies of all information provided to the ethics advisory commission by the complainant and the person charged in the complaint must be distributed to all parties to the complaint within 10 days after the ethics advisory commission receives the information.

(f) False accusations and responses. The city secretary shall, in writing, advise the person filing the complaint that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.

(g) Complaints received by the City Auditor's Office. If the City Auditor determines that a complaint it receives through the Fraud, Waste and Abuse hotline states a violation of this chapter, the City Auditor may refer the complaint to the city secretary for direct review by a preliminary panel, pursuant to Section 12A-26(g), as amended. If the City Auditor receives the complaint anonymously, then the City Auditor shall act as the complainant for purposes of the preliminary panel review and shall not be subject to:

(1) Section 12A-26(a)(8), as amended, regarding a complainant affidavit;

(2) Section 12A-26(f), as amended, regarding false accusations; and

(3) Section 12A-40.1, as amended,

regarding frivolous complaints.

(h) Preliminary Panel Process.

(1) Within 45 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.

(2) If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

(3) The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members. (Ord. Nos. 24316; 25236; 29660; 29770; 30391, eff. 7/1/17)

SEC. 12A-27. HEARING PROCEDURES.

~~(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(g), it will be pursued further at a hearing before the ethics advisory commission. Not less than 10 days before the hearing, the city secretary shall, by certified mail or personal service, give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made. If a person entitled to notice under this subsection consents in writing, the city secretary may give written notice by facsimile, email, or first class U.S. mail. The notice must state the specific provision or provisions of this chapter alleged in the complaint to have been violated, as determined by the preliminary panel.~~

(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(h), it will be pursued further at a hearing before the ethics advisory commission. Not less than 10 days before the hearing, the city secretary shall, by certified mail or personal service, give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made. If a person entitled to notice under this subsection consents in writing, the city secretary may give written notice by facsimile, email, or first class U.S. mail. The notice must state the specific provision or provisions of this chapter alleged in the complaint to have been violated, as determined by the preliminary panel.

(b) Notice of charges. Before the commission may find that a violation of a particular provision of this chapter occurred, the person charged in the complaint must have notice that compliance with that provision is in issue and be given an opportunity to respond. Notice of the violation of a particular provision is conclusively established if:

(1) the complaint alleged that the provision was violated; or

(2) the ethics advisory commission or its legal counsel provides the person charged in the complaint with written notice of the alleged violation of the provision and with a 10-day period within which to respond in writing to the charge.

(c) *Ex Parte* communications. It is a violation of this chapter for:

(1) the complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of a complaint with a member of the ethics advisory commission; or

(2) a member of the ethics advisory commission to:

(A) knowingly entertain an *ex parte* communication prohibited by Subsection (c)(1); or

(B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to the complaint. (Ord. Nos. 24316; 29660; 30391, eff. 7/1/17)

SEC. 12A-28. HEARING RULES.

~~(a) Hearings on complaints. The rules contained in this section apply to all hearings of the ethics advisory commission on complaints not summarily dismissed under Section 12A-26(g).~~

(a) Hearings on complaints. The rules contained in this section apply to all hearings of the ethics advisory commission on complaints not summarily dismissed under Section 12A-26(h).

(b) General rules. A determination that a violation of this chapter has occurred can be made only upon an affirmative vote of at least three-fifths of the commission members present and voting, otherwise the complaint must be dismissed. A finding that a violation occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

(c) Procedural rules. A quorum of four commission members must be present for a hearing. Any member of the commission who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint. All witnesses must be sworn, and the members of the ethics advisory commission or its legal counsel shall conduct questioning of witnesses. The commission is not bound by the rules of evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to Subsections (d) and (e) of this section.

(d) Rights of the person charged. The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to be represented by legal counsel or another advisor.

(e) Rights of the complainant. The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except to represent the complainant while testifying. The complainant may not present or cross-examine witnesses, except with the permission of the commission. (Ord. Nos. 24316; 29660; 30391, eff. 7/1/17)

SEC. 12A-29. DISPOSITION OF COMPLAINT.

(a) Written decision. The ethics advisory commission shall make all reasonable efforts to issue a written decision within 60 days after receipt of a complete complaint. The commission shall state its findings in the written decision. The written decision must either:

(1) dismiss the complaint, with the grounds for dismissal set forth in the decision; or

(2) find that there has been a violation of this chapter and identify in the decision the particular provision or provisions violated.

(b) Notification. Within 10 days after issuing a written decision, the ethics advisory commission shall forward copies of the findings and decision to the complainant, the person charged in the complaint, the city attorney, the city council, the person or body to whom the particular complaint must be referred under Section 12A-30(a), and any member of the ethics advisory commission who did not participate in the disposition of the complaint. A copy of the findings and decision must also be forwarded to the city secretary, who shall make it available to the public as authorized by law.

(c) Similar charges barred. If the complaint is dismissed because the evidence failed to establish a violation of this chapter, the ethics advisory commission shall not entertain any other similar complaint based on substantially the same evidence. (Ord. Nos. 24316; 25236; 29660)

SEC. 12A-30. REFERRAL OF MATTER FOR APPROPRIATE ACTION; RECOMMENDATION OF SANCTIONS.

(a) If the ethics advisory commission determines that a violation of this chapter has occurred, it shall take the following actions:

(1) If the complaint involved a current employee under the jurisdiction of the city manager, city attorney, city auditor, city secretary, civil service director, park and recreation director, or employees' retirement fund administrator, the matter will be referred respectively to the city manager, city attorney, city auditor, city secretary, civil service director, park and recreation director, or employees' retirement fund administrator.

(2) If the complaint involved the civil service director, the park and recreation director, or the employees' retirement fund administrator, the matter will be referred respectively to the civil service board, the park board, or the board of trustees of the employees' retirement fund.

(3) If the complaint involved the city manager, city attorney, city auditor, city secretary, or a municipal judge, the matter will be referred to the city council.

(4) If the complaint involved a city council member, a board or commission member, a former city official, or a former city employee, the matter will be referred to the city council.

(5) If the complaint involved a person who is not a current or former city official or a current or former city employee, the matter will be referred to the city council.

~~(b) When referring a matter under Subsection (a), the ethics advisory commission may recommend the following sanctions:~~

~~(1) Letter of notification. A letter of notification may be recommended when the commission finds that a violation of this chapter was clearly unintentional or when the action or conduct found to have been a violation of this chapter was performed by the official or employee in reliance on a public written opinion of the city attorney. A letter of notification must advise the official or employee to whom the letter is directed of any steps to be taken to avoid future violations.~~

~~(2) Letter of admonition. A letter of admonition may be recommended when the commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.~~

~~(3) Reprimand. A reprimand may be recommended when the commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.~~

~~(4) Removal or suspension from office. Removal from office or suspension from office may be recommended when the commission finds that a serious or repeated violation of this chapter was~~

~~committed intentionally or through culpable disregard of this chapter. The commission may include the length of any suspension in its recommendation.~~

~~(5) Miscellaneous. The commission may recommend any enforcement remedy or penalty authorized under Article VIII of this chapter.~~

(b) When referring a matter under Subsection (a), the ethics advisory commission may recommend any sanction or penalty authorized under Article VIII of this chapter. In recommending a sanction or penalty, the commission shall take into consideration the factors listed in Section 12A-37.1(a). (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-31. PETITION FOR DECLARATORY RULING.

Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the city secretary affirming his or her innocence, and to request the ethics advisory commission to review the allegations and make known its findings. (Ord. 24316)

SEC. 12A-32. LEGAL COUNSEL.

(a) City attorney's office.

(1) The city attorney's office shall act as the legal counsel to the ethics advisory commission.

(2) The city attorney's office shall:

(A) issue advisory opinions to city officials and employees about the requirements imposed by this chapter and other ethics laws; and

(B) train and educate all city officials and employees with respect to their ethical responsibilities.

(b) Outside legal counsel.

(1) Ethics advisory commission. An independent outside attorney, who does not otherwise represent the city or a city official or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:

(A) a complaint is filed relating to:

(i) an alleged violation of this chapter by a city council member; or

(ii) an alleged violation of this chapter by a city employee who is a department director or of higher rank;

(B) the ethics advisory commission requests such an appointment; or

(C) the city attorney requests such an appointment for good cause shown.

(2) City official or employee charged in a complaint.

(A) A city official or employee charged in a complaint may retain an independent outside attorney, who does not otherwise represent the city or a city official or an employee in his or her official capacity, selected by the city attorney to serve as the person's legal counsel for a particular case.

(B) If a city official or employee charged in a complaint retains an independent outside attorney selected by the city attorney, the city will pay the reasonable and necessary fees and expenses of that attorney through the hearing before the preliminary panel.

(C) If the preliminary panel makes a finding that the complaint states a claim under this chapter and is supported by just cause, the city official or employee charged in the complaint may continue to be represented by the independent outside attorney and the city will continue to pay the reasonable and necessary fees of that attorney, but if the ethics

advisory commission finds that the city official or employee committed a violation of this chapter, the city official or employee shall reimburse the city for the fees and expenses of that attorney incurred after the hearing before the preliminary panel. (Ord. Nos. 24316; 29660)

SEC. 12A-33. OPINIONS ISSUED BY THE CITY ATTORNEY.

(a) Requests by city officials and employees. By written request to the city attorney, any city official or employee may request an advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. A department director may also make a written request to the city attorney for an advisory opinion regarding proposed actions or conduct of his or her employees. The city attorney shall make all reasonable efforts to issue a written advisory opinion within 30 days after receipt of the request. The city attorney, for good cause shown, may decline to issue a written advisory opinion.

(b) Reliance. A person who reasonably and in good faith acts in accordance with a written advisory opinion issued by the city attorney may not be found to have violated this chapter by engaging in conduct approved in the advisory opinion, if:

(1) the person requested the issuance of the opinion;

(2) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and

(3) the person waives the attorney- client privilege with respect to the written advisory opinion.

(c) Pending city attorney opinions. Whenever an advisory opinion from the city attorney has been requested regarding the actions or conduct of an official or employee, no action may be taken by the ethics advisory commission regarding those particular actions or conduct until the city attorney issues the advisory opinion. Any time limits that the ethics advisory commission is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney to issue the advisory opinion. (Ord. 24316)

SEC. 12A-34. ANNUAL REPORT.

The ethics advisory commission shall prepare and submit an annual report to the city council detailing the activities of the commission during the prior year. The format for the report must be designed to maximize public and private understanding of the commission's operations. The report may recommend changes to the text or administration of this chapter. The city secretary shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethics advisory commission. (Ord. 24316)

ARTICLE VIII.

ENFORCEMENT, CULPABLE MENTAL STATE, AND PENALTIES.

SEC. 12A-35. GENERAL.

The remedies contained in this article are available whenever the ethics advisory commission finds a violation or violations of this chapter. (Ord. 24316)

SEC. 12A-35.1. VIOLATIONS; PENALTY.

A person who violates any of the laws, ordinances, and rules listed in Section 12A-25(a)(2), or who fails to perform an act required of the person by any of the laws, ordinances, and rules listed in Section 12A-25(a)(2), commits a violation of this chapter. (Ord. 30391, eff. 7/1/17)

SEC. 12A-36. CULPABLE MENTAL STATE.

To commit a violation under any provision of this

SEC. 12A-37. DISCIPLINARY ACTION.

~~(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures. Where no specific appeal procedure is otherwise prescribed, an appeal by an employee will be to the trial board.~~

~~(b) If a city council member fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.~~

~~(c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.~~

(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures. Where no specific appeal procedure is otherwise prescribed, an appeal by an employee will be to the trial board.

(b) If a city council member fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.

(c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.

(d) If the civil service director, the park and recreation director, or the employees' retirement fund administrator fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by their respective boards.

(e) If the city manager, city attorney, city auditor, city secretary, or a municipal judge fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by the city council.

(f) If a former city official or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by the city council.

(g) If a person who is not a current or former city official or a current or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by city council. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-37.1. SANCTIONS.

(a) In determining sanctions based on a recommendation of the ethics advisory commission, the person or entity authorized by Subsection 12A-30(a) to impose the sanction shall take into consideration the recommendation of the ethics advisory commission and the following factors:

(1) The culpability of the person charged.

(2) The harm to public or private interests resulting from the violation.

(3) The necessity of preserving public trust in the city.

(4) Whether there is evidence of a pattern of disregard for ethical standards.

(5) Whether remedial action has been taken that will mitigate the adverse effects of the violation.

(b) For current city employees, the sanctioning person shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The sanctioning person may require a city employee to attend ethics training.

(2) Referral for damages or injunction. The sanctioning person may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning person may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.

(c) For the civil service director, the park and recreation director, or the employees' retirement fund administrator, the sanctioning entity shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The sanctioning entity may require the person to attend ethics training.

(2) Referral for damages or injunction. The sanctioning entity may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning entity may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.

(d) For the city manager, city attorney, city auditor, city secretary, or a municipal judge, the city council shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The city council may require the person to attend ethics training.

(2) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(e) For a city council member, a board or commission member, a former city official, or a former city employee, the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Referral to ethics training. The city council may require a current city official to attend ethics training.

(4) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(5) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Suspension from office. The city council may suspend a current city official other than a city council member from office for a period determined by the city council if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. Any proceedings for suspension of a current city official shall be in compliance with the city charter and state law.

(8) Removal from office. The city council may remove a current city official, including a city council member, from office if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter and future violations are likely to occur. Any proceedings for removal of a current city official from office shall be in compliance with the city charter and state law.

(9) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(10) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(f) For a person who is not a current or former city official or a current or former city employee (e.g. lobbyists, people doing business with the city, citizens), the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(4) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(5) Disqualification from contracting or lobbying. The city council may, to the extent allowed by law, prohibit the person from entering into contracts with the city or from lobbying before the city on behalf of clients. The scope and duration of the disqualification shall be determined by the city council.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(8) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution. (Ord. 30391, eff. 7/1/17)

SEC. 12A-38. PROSECUTION FOR PERJURY.

Any person who knowingly files or makes a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas. (Ord. Nos. 24316; 29660)

SEC. 12A-38.1. INTERFERENCE WITH AN INVESTIGATION.

A person commits an offense if the person interferes with any investigation of an alleged violation of this chapter in any manner, including seeking to persuade or coerce others to withhold their cooperation. (Ord. 30391, eff. 7/1/17)

SEC. 12A-39. DISQUALIFICATION FROM CONTRACTING.

(a) Any person who has been found by the ethics advisory commission to have intentionally or knowingly violated any provision of this chapter may be prohibited by the city council from entering into any contract with the city for a period of two years.

(b) It is a violation of this chapter:

(1) for a person debarred from entering into a contract with the city to enter or attempt to enter into a contract with the city during the period of disqualification from contracting; or

(B) The sanction necessary to deter future violations, including whether the violation was an isolated incident or part of a pattern and whether there are any mitigating circumstances.

(C) Any other matters that justice may require.

(3) If the ethics advisory commission prohibits the complainant from filing another complaint for a specific amount of time under Subsection (o)(1), the city secretary shall not accept or process another complaint alleging one or more violations of this chapter from the complainant during the time that the complainant is prohibited from filing a complaint.

(4) The ethics advisory commission may notify the appropriate regulatory or supervisory agency of its findings and determination, including referring its findings and determination to a criminal investigation agency or prosecution entity for investigation of a violation of a state or federal law.

(p) Written decision. If the ethics advisory commission determines that a complaint is frivolous and imposes a sanction, it shall make all reasonable efforts to issue a written decision within 15 days after the hearing. The commission shall state its findings in the written decision.

(q) Notification. Within 10 days after issuing a written decision, the ethics advisory commission shall forward copies of the findings and decision to the complainant, the person charged in the complaint, the city attorney, the city secretary, the city council, and any member of the commission who did not participate in the disposition of the matter. The city secretary shall make copies of the findings and decision available to the public as authorized by law. (Ord. 29660)

ARTICLE IX.

ADMINISTRATIVE PROVISIONS.

SEC. 12A-41. OTHER ETHICAL OBLIGATIONS.

(a) This chapter is cumulative of and supplemental to all applicable provisions of the city charter, other city ordinances, and state and federal laws and regulations. Compliance with this chapter does not excuse or relieve any person from any obligation imposed by the city charter, other city ordinances, or state or federal laws or regulations.

(b) Even if a city official or employee is not prohibited from taking official action by this chapter, action may be prohibited by duly promulgated personnel rules.

(c) The imposition of sanctions under Section 12A-37.1 does not preclude criminal prosecution for the act under city ordinance or state or federal law. A violation of this chapter shall not be prosecuted in municipal court if the violation can be prosecuted by the district attorney under state law or by the United States attorney under federal law. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-42. DISSEMINATION OF CODE OF ETHICS.

~~(a) Before January 1, 2001, and periodically thereafter as appropriate, the city secretary shall provide a copy of this chapter to every city official, and the city manager, city attorney, city secretary, city auditor, park and recreation director, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under each's supervision. Within 30 days after entering upon the duties of his or her position, every new city official or employee must be furnished with a copy of this chapter. Each city official and employee shall acknowledge, in writing, the receipt of a copy of this chapter. Copies of this chapter must be made readily available to the public.~~

(a) Within 30 days after entering upon the duties of their position, every new city official or employee must be furnished with a copy of this chapter. The city

secretary shall provide a copy of this chapter to every city official. The city manager, city attorney, city secretary, city auditor, park and recreation director, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under their supervision. Each city official and employee shall acknowledge, in writing, the receipt of a copy of this chapter. Copies of this chapter must be made readily available to the public.

(b) The failure of any person to receive a copy of this chapter will have no effect on that person's duty to

comply with this chapter or on the enforcement of the provisions of this chapter. (Ord. Nos. 24316; 30391, eff. 7/1/17)

SEC. 12A-42.1. ETHICS PLEDGE.

All city officials, prior to their appointment, shall sign the following ethics pledge and file it with the city secretary:

"I have received a copy of Dallas City Code Chapter 12A, "Code of Ethics." I have read and understand the code of ethics. I understand that the code of ethics is binding on me, and therefore I agree to comply with the code of ethics. I understand that the code of ethics imposes restrictions on present city officials, former city officials, lobbyists, and persons doing business with the city. I agree to participate in periodic ethics training. I agree to seek advice from the city attorney when necessary to ensure compliance with the code of ethics. I agree that I will not violate the code of ethics, participate in violations of the code of ethics, or fail to report violations of the code of ethics. I understand that violation of the code of ethics, participation in a violation of the code of ethics, and failure to report a violation of the code of ethics may result in severe consequences."

(Ord. 30391, eff. 7/1/17)

SEC. 12A-43. RETALIATION PROHIBITED.

A person commits an offense if he discriminates against, harasses, threatens, harms, damages, penalizes, or otherwise retaliates against any person for filing a complaint, or for testifying, assisting, or participating in any manner in a proceeding or hearing under this chapter. (Ord. 29660)

SEC. 12A-44. CITY ETHICS OFFICER.

(a) The city manager shall appoint a city ethics officer. The duties of the city ethics officer shall include, but not be limited to, the following:

(1) Promoting a culture of ethics within the city.

(2) Training all city officials and employees on ethical conduct and the requirements of the code of ethics.

(3) Assisting the city council, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the code of ethics.

(4) Notifying all city departments of any significant amendments to the code of ethics.

(5) Assisting the ethics advisory commission and the city council in the enforcement of the code of ethics.

(6) Preparing and submitting an annual report to the city council detailing the activities of the city ethics officer during the prior year. (Ord. 30391, eff. 7/1/17)

SEC. 12A-45. 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 at least once 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 their 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 their employment with the city.

(c) The city secretary 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) At least annually, the ethics advisory commission shall, with the assistance of the city attorney's office, distribute a plain-language guide to

the code of ethics to all city officials, employees, and registered lobbyists.

(e) The Business Development and Procurement Services Office shall publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors.

(f) This ethics training and information required by this section shall be made available in a format and medium as determined by the city ethics officer. The ethics training and information required by this section shall be subject to approval as to form by the City Attorney. Ethics training and information must be structured to ensure that participants have the necessary knowledge to accomplish the statement of purpose in this chapter and comply with all applicable ethics laws.

(g) Failure to receive ethics training, documents, or notices required by this section does not waive that person's duty to comply with this code of ethics or waive enforcement of this chapter. (Ord. 30391, eff. 7/1/17)

CHAPTER 15A

ELECTIONS

ARTICLE I.

CAMPAIGN CONTRIBUTIONS.

ARTICLE I-a.

OFFICEHOLDER CAMPAIGN CONTRIBUTIONS.

ARTICLE I-b.

CITY-FUNDED OFFICEHOLDER ACCOUNTS.

ARTICLE II.

ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS.

ARTICLE III.

TEMPORARY POLITICAL CAMPAIGN SIGNS ON PUBLIC PROPERTY.

ARTICLE I.

CAMPAIGN CONTRIBUTIONS.

SEC. 15A-1. DEFINITIONS.

~~The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code.~~

The terms used in this article have the meanings ascribed to them in Chapter 251, Texas Election Code, or as defined in this section.

(1) CITY-FUNDED OFFICEHOLDER ACCOUNT means, for the purposes of this chapter, an individual attributable Mayor/Council account that is funded from the city budget and intended for use by a city council member to cover the expenses of holding office. (Ord. Nos. 15434; 16718; 21035; 22925; 30391, eff. 7/1/17)

SEC. 15A-2. CAMPAIGN CONTRIBUTION LIMITATION.

(a) An individual shall not make a contribution of more than:

(1) $1,000 per city election in support of, or opposition to, a single candidate for election to Place Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 on the city council; or

(2) $5,000 per city election in support of, or opposition to, a single candidate for election to Place Number 15 on the city council.

ARTICLE I-a.

OFFICEHOLDER CAMPAIGN CONTRIBUTIONS.

SEC. 15A-7.1. USE OF OFFICEHOLDER CAMPAIGN CONTRIBUTIONS.

~~(a) An officeholder who lawfully accepts officeholder contributions shall not use more than $100 in officeholder contributions per city election for campaign expenditures for the officeholder's campaign for election to the city council.~~

~~(b) For the purpose of this section an initial election and a runoff election are separate elections.~~

~~(c) It is a defense to prosecution under Subsection (a) of this section that the officeholder contribution was used for a campaign expenditure before March 1, 2015.~~

(a) An officeholder who lawfully accepts officeholder campaign contributions, as defined in the Texas Election Code, shall not use more than $100 in officeholder campaign contributions per city election for campaign expenditures for the officeholder's campaign for election to the city council.

(b) For the purpose of this section an initial election and a runoff election are separate elections.

(c) It is a defense to prosecution under Subsection (a) of this section that the officeholder campaign contribution was used for a campaign expenditure before March 1, 2015. (Ord. Nos. 29663~~, eff. 3/1/15~~; 30391, eff. 7/1/17)

SEC. 15A-7.2. ENFORCEMENT.

~~If the city secretary receives a written complaint alleging a violation of this article, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.~~

(a) If the city secretary receives a written complaint alleging a violation of this article, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.

(b) The Ethics Advisory Commission shall have jurisdiction to consider a violation of this article pursuant to the procedures detailed in Chapter 12A. (Ord. Nos. 29663~~, eff. 3/1/15~~; 30391, eff. 7/1/17)

ARTICLE I-b.

CITY-FUNDED OFFICEHOLDER ACCOUNTS.

SEC. 15A-7.3. PURPOSE.

(a) The purpose of this article is to:

(1) ensure that city-funded officeholder accounts are used only for public purposes;

(2) ensure that city-funded officeholder accounts are not used as a gift or transfer of public funds to individuals or entities;

(3) prohibit the use of city-funded officeholder accounts for campaign purposes; and

(4) ensure the city-funded officeholder accounts are used in compliance with Texas Election Commission rules, regulations, and opinions. (Ord. 30391, eff. 7/1/17)

SEC. 15A-7.4. USE OF CITY-FUNDED OFFICEHOLDER ACCOUNTS.

(a) Compliance with procurement requirements. Expenses from city-funded officeholder accounts must comply with the city's administrative directive and state law regarding procurements.

(b) Test for allowable expenses. City-funded officeholder accounts may only be used for official city business. An expense is for official city business if the expense:

(1) serves a public purpose of the city of Dallas, rather than serving a personal purpose or campaign purpose;

(2) helps to defray the cost of holding public office;

(3) is a reasonable amount for the goods or services purchased;

(4) is not a prohibited gift or transfer of public funds to an individual or entity; and

(5) is consistent with Texas Election Commission rules, regulations, and opinions for non-campaign expenses of officeholders.

(c) Opinions. City council members may request an opinion from the city attorney pursuant to Section 12A-33 as to whether an expense is allowed under this article and Chapter 12A. An opinion issued under this subsection is not binding on the Texas Election Commission.

(d) Permissible expenses. The following list illustrates permissible expenses for city-funded officeholder accounts (this is not an exhaustive list):

(1) Office supplies and equipment used in the city council member's office.

(2) Duplicating, printing, postage, courier service, and express mail expenses.

(3) Reimbursement for use of personal vehicles that are consistent with administrative directives.

(4) Telephone and cell phone expenses.

(5) Conferences, seminars, and training expenses.

(6) Reimbursement for mileage charges for use of city vehicles.

(7) Membership dues or fees in community service or civic organizations.

(8) Business entertainment expenses that are consistent with administrative directives.

(9) Ceremonial and protocol items.

(10) Supplemental temporary help and overtime.

(11) Reimbursement of travel expenses that are consistent with administrative directives.

(12) Newsletters to constituents that are not campaign communications, and determined by Texas Election Commission rules, regulations, or opinions.

(13) Nonpolitical advertising.

(14) An individual ticket for a city council member to events that are related to city business where the council member is attending as a representative of the city.

(e) Impermissible expenses. The following list illustrates impermissible expenses for city-funded officeholder accounts (this is not an exhaustive list):

(1) Purchase of city property, including unclaimed or surplus city property, and including any furniture or equipment used in the city council member's office, for personal use by a current city council member or a former city council member.

(2) Membership dues or fees in athletic clubs, social clubs, or any other organization not allowed by administrative directives.

(3) Any type of sponsorship of city or non-city events, such as purchasing a table at a fundraiser event or providing funds in exchange for being listed as an event sponsor.

(4) Purchase of food, drink, decorations, caterers, audio-visual, or supplies for non-city events.

(5) Hiring individuals or entities to provide products or services, such as improvements to a park or purchase of street furniture, that are not related to the cost of holding public office.

(6) Promotional items intended primarily to promote the public image of the city council member.

(7) Expenses to acquire or manage software used to maintain mail or email lists of constituents for personal or campaign purposes.

(8) Any campaign expenditure, campaign contribution, political advertising, or campaign communication as defined in Title 15, "Regulating Political Funds and Campaigns," of the Texas Election Code and Texas Election Commission rules, regulations, and opinions.

(9) Use of city employees or city supplies for campaign purposes or for the personal business of

the city council member.

(f) Deficits and surpluses.

(1) Expenditures from a city-funded officeholder account may not exceed the amount allocated by the city manager for that city-funded officeholder account. City council members who exceed the budgeted amount of their city-funded officeholder account shall be personally liable for the amount exceeded.

(2) Funds may not be transferred from one city-funded officeholder account to another city-funded officeholder account.

(3) Any surplus remaining in a city-funded officeholder account at the end of a fiscal year reverts to the fund from which the monies were appropriated.

(g) Campaign contributions and donations.

(1) Campaign contributions may not be deposited into the city-funded officeholder account. Instead, campaign contributions should be deposited into a campaign account maintained by the city council member separate from the city financial system.

(2) Donations made to the city may not be earmarked for use by specific city council members. Donations to the city must comply with Section 12A-5.1.

(h) Reporting.

(1) City council members must file an annual statement with the City Secretary itemizing expenses paid from city-funded officeholder accounts during the prior fiscal year. The annual statement must be on a form provided by the City Secretary and filed with the City Secretary no later than 5:00 p.m. on April 30 or when the council member vacates office, whichever is sooner. If April 30 is a Saturday, Sunday, city holiday, or furlough day, the deadline is extended to 5:00 p.m. of the next business day. The annual statement must include to whom the expense was paid, the date the expense was paid, a description of the expense, and the dollar amount of the expense.

(2) These reporting requirements are in addition to any reporting requirements set out in the Dallas City Code or state law. (Ord. 30391, eff. 7/1/17)

SEC. 15A-7.5. ENFORCEMENT.

(a) If the city secretary receives a written complaint alleging a violation of this article, the city secretary shall forward this information to the city attorney for investigation and appropriate enforcement action, if warranted.

(b) The Ethics Advisory Commission shall have juridiction to consider a violation of this article pursuant to the procedures detailed in Chapter 12A.

(c) A person commits an offense if that person discriminates against, harasses, threatens, harms, damages, penalizes, or otherwise retaliates against any person for refusing to violate this article; filing a complaint alleging a violation of this article; or for testifying, assisting, or participating in an investigation, proceeding, or hearing under this article. (Ord. 30391, eff. 7/1/17)

ARTICLE II.

ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS.

SEC. 15A-8. PURPOSE.

The purpose of this article is to require, with certain defenses, that campaign finance reports and supplemental reports required to be filed with the city secretary by a city officeholder, a candidate for city

(24) NEONATE/ PEDIATRIC TRANSPORT PERSONNEL means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.

(25) OPERATE means to drive or to be in control of an ambulance.

(26) OPERATOR means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.

(27) OWNER means the person to whom state license plates for a vehicle were issued.

(28) PERMIT means written authorization issued by the director for a person to act as an ambulance personnel on a private ambulance within the city.

(29) PERMITTEE means a person who has been issued an ambulance personnel permit by the director under this article.

(30) PERSON means any individual, corporation, business, trust, partnership, association, or other legal entity.

(31) POLICE CHIEF means the chief of police of the city of Dallas or the chief's duly authorized representative.

(32) PRIVATE AMBULANCE means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(33) PRIVATE AMBULANCE SERVICE means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(34) SPECIAL EVENT means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.

(35) STREET means any street, alley, avenue, boulevard, drive, or highway commonly used for the purpose of travel within the corporate limits of the city. (Ord. Nos. 21861; 29544)

Division 2. Emergency Medical Services.

SEC. 15D-5. EMERGENCY AMBULANCE SERVICE PROVIDED BY FIRE DEPARTMENT; FEE.

(a) The fire department shall provide all emergency ambulance service within the city.

(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

~~(1) $1,485 for each transport of a resident of the city of Dallas to a hospital and $1,578 for each transport of a nonresident of the city of Dallas to a hospital.~~

(1) $1,578 for each transport of a resident of the city of Dallas to a hospital and $1,678 for each transport of a nonresident of the city of Dallas to a hospital.

(2) $125 for treatment of a person who is not transported by ambulance.

(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.

(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.

(c) The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance, and any person contracting for the service shall be responsible for payment of all fees. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees.

(d) A current list of charges for the items, services, and personnel described in Subsections (b)(3), (4), and (5) must be maintained in the office of the emergency medical services division of the fire department and made available for public inspection during normal business hours. (Ord. Nos. 21861; 22565; 24743; 26134; 27353; 29879~~, eff. 10/1/15~~; 30215)

SEC. 15D-5.1. MOBILE COMMUNITY HEALTHCARE PROGRAM PROVIDED BY FIRE DEPARTMENT.

(a) Findings and purpose.

(1) The city incurs significant expense related to the health emergencies of its citizens. Fire department paramedics are especially skilled at providing certain emergency medical services. Many of the emergency medical services provided by fire department paramedics are beneficial in the transport of sick or injured persons, as well as in responding to a person's perceived need for immediate medical care.

(2) The city's mobile community healthcare program is designed to:

(A) support efficient and effective emergency medical services within the city;

(B) provide health education to residents;

(C) assess living environments that may be dangerous or detrimental to a citizen's health and could contribute to an emergency situation; and

(D) respond to certain emergency medical situations by providing vaccinations and immunizations.

(3) The mobile community healthcare program is also intended to promote health and safety by referring mobile healthcare program participants to appropriate professionals and organizations in the community.

(4) Because police and fire personnel encounter many individuals while performing their duties, protecting those personnel from communicable diseases using appropriate vaccines or immunizations reduces the spread of such diseases and reduces the number of personnel unavailable to protect the safety of the public.

(b) General provisions.

(1) Texas Health and Safety Code Chapter 773, as amended, and Title 22 of the Texas Administrative Code Chapter 197, as amended, authorize fire department paramedics that are supervised by a physician licensed to practice medicine in Texas to provide emergency medical services.

(2) Under the mobile community healthcare program, fire department paramedics that are under the supervision of a physician licensed to practice medicine in Texas may use emergency medical

SEC. 15D-9. APPLICATION FOR LICENSE.

(a) To obtain a private ambulance service license, a person must make written application to the director upon a form provided for that purpose. The application must be signed and sworn to by an applicant who is the owner of the private ambulance service. The application must include the following:

(1) the name, address, and telephone number of the applicant, the trade name under which the applicant does business, and the street address and telephone number of the business establishment from which the private ambulance service will be operated;

(2) the form of business of the applicant and, if the business is a sole proprietorship, partnership, corporation, or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;

(3) a statement of the nature and character of the service that the applicant proposes to provide, the facts showing the demand for the service, the experience that the applicant has had in providing such service, and the time period, if any, that the applicant provided such service within the city;

(4) an identification and description of any revocation or suspension of a private ambulance service license held by the applicant or business before the date of filing the application;

(5) the number and description of vehicles to be operated in the proposed service, including the year, make, model, vehicle identification number, and state license plate number and the class, size, design, and color scheme of each ambulance;

(6) documentary evidence from an insurance company indicating a willingness to provide insurance as required by this article;

(7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the city;

(8) a list, to be current at all times, of the owners and management personnel of the private ambulance service and of all employees who will participate in private ambulance service, including names, addresses, dates of birth, state driver's license numbers, and social security numbers;

(9) a list of any claims or judgments against the applicant, other owners or management personnel, or employees for damages resulting from the negligent operation of an ambulance or any other vehicle;

(10) proof of financial ability and responsibility of the applicant;

(11) proof of a license from the Texas Department of Health to operate as an emergency medical services provider;

(12) any other information determined by the director to be necessary to the implementation and enforcement of this article or to the protection of the public safety; and

~~(13) a nonrefundable application processing fee of $250.~~

(13) a nonrefundable application processing fee of $120.

(b) Reserved.

(c) A person desiring to engage in private ambulance service shall register with the director a trade name that clearly differentiates that person's company from all other companies engaging in private ambulance service and shall use no other trade name for the private ambulance service. (Ord. Nos. 21861; 27695; 30215)

SEC. 15D-9.1. PUBLIC HEARING; BURDEN OF PROOF.

(a) Upon receipt of an application for a private ambulance service license, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:

(1) the applicant;

(2) the fire department; and

(3) the city secretary's office.

(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.

(c) The applicant for a license has the burden of proving that:

(1) the public convenience and necessity require the proposed private ambulance service;

(2) the applicant is qualified and financially able to provide the service proposed in the application;

(3) the proposed fares and rates to be charged by the applicant are reasonable; and

(4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing ambulance systems. (Ord. 21861)

SEC. 15D-9.2. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY.

(a) The director shall, within a reasonable time after the date of application, issue a private ambulance service license to an applicant who complies with the provisions of this article.

(b) A license issued to a private ambulance service authorizes the licensee and the licensee's bona fide employees to engage in private ambulance service.

~~(c) The annual fee for a private ambulance service license is $360. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a private ambulance service license is $445. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A private ambulance service license issued under this article must be conspicuously displayed in the private ambulance service's business establishment.

(e) A private ambulance service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable. (Ord. Nos. 21861; 30215)

SEC. 15D-9.3. EXPIRATION AND RENEWAL OF LICENSE.

(a) A private ambulance service license expires one year from the date of issuance. A licensee shall apply for a renewal at least 30 days before the expiration of the license. The director shall renew a license without a public hearing if, after investigation, the director determines that:

(1) the licensee has performed satisfactorily under the terms of the license;

(2) the service provided continues to be necessary and desirable; and

(3) the licensee continues to comply with all requirements of this article.

(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director

(13) have successfully completed within the preceding 36 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion; and

(14) meet all standards and requirements for emergency medical services personnel set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, and be currently certified by and registered with the Texas Department of Health as either a basic emergency medical technician, a specially skilled emergency medical technician, or a paramedic emergency medical technician.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for an ambulance personnel permit only if the director determines that the applicant is presently fit to engage in the occupation of ambulance personnel for a private ambulance service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-9.15 of this article.

(d) As an additional qualification for an ambulance personnel permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city. (Ord. 21861)

SEC. 15D-9.10. APPLICATION FOR AMBULANCE PERSONNEL PERMIT.

~~To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of $40. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified.~~

To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of $64. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21861; 25048; 27695; 30215)

SEC. 15D-9.11. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 15D-9.9(a)(5) for a permit or permit renewal, the director may require an applicant to submit to a physical examination conducted by a

furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 15D-9.9(a)(5).

(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant's qualification under Section 15D-9.9. The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant that might be outstanding.

(c) The director may conduct any other investigation as the director considers necessary to determine whether an applicant for an ambulance personnel permit is qualified. (Ord. 21861)

SEC. 15D-9.12. ISSUANCE AND DENIAL OF AMBULANCE PERSONNEL PERMIT.

(a) If the director determines that an applicant is qualified, the director shall issue an ambulance personnel permit to the applicant. An ambulance personnel permit, or any accompanying badge, sticker, ticket, or emblem, is not assignable or transferable.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) a felony offense involving a crime described in Section 15D-9.9(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or

(2) any offense involving driving while intoxicated.

(c) The director shall deny the application for an ambulance personnel permit if the director determines that the applicant:

(1) is not qualified under Section 15D-9.9;

(2) refuses to submit to or does not pass a medical examination authorized under Section 15D-9.11(a) or a written examination authorized under Section 15D-9.9(d);

(3) makes a false statement of a material matter in an application for an ambulance personnel permit or permit renewal, or in a hearing concerning the permit; or

(4) fails to comply with this article or any rule or regulation established by the director under this article.

(d) If the director determines that an ambulance personnel permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. (Ord. 21861)

SEC. 15D-9.13. EXPIRATION OF PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.

(a) Except in the case of a provisional or probationary permit, an ambulance personnel permit expires one year from the date of issuance.

(b) If a permittee's state driver's license is suspended or revoked by the state, the ambulance personnel permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days of a suspension or revocation of a state driver's license and

shall immediately surrender the ambulance personnel permit to the director and cease to drive or act as an attendant on a private ambulance. (Ord. 21861)

SEC. 15D-9.14. PROVISIONAL PERMIT.

(a) The director may issue a provisional ambulance personnel permit if the director determines that:

(1) the number of ambulance personnel is inadequate to meet the city's need for private ambulance service, in which case he may issue the number necessary to meet the need; or

(2) it is necessary to allow the director to complete investigation of an applicant for an ambulance personnel permit.

(b) A provisional ambulance personnel permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or upon the applicant's being denied an ambulance personnel permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied an ambulance personnel permit. (Ord. 21861)

SEC. 15D-9.15. PROBATIONARY PERMIT.

(a) The director may issue a probationary ambulance personnel permit to an applicant who is not qualified for an ambulance personnel permit under Section 15D-9.9 if the applicant:

(1) could qualify under Section 15D-9.9 for an ambulance personnel permit within one year from the date of application;

(2) holds a valid state driver's license or occupation driver's license; and

(3) is determined by the director, using the criteria listed in Section 15D-9.9(b) of this article, to be presently fit to engage in the occupation of ambulance personnel.

(b) A probationary permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary permit as the director determines are necessary. (Ord. 21861)

SEC. 15D-9.16. DUPLICATE PERMIT.

~~If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of $18.~~

If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of $40. (Ord. Nos. 21861; 25048; 27695; 30215)

SEC. 15D-9.17. DISPLAY OF PERMIT.

A permittee shall keep an ambulance personnel permit in the permittee's possession at all times while on duty. The permittee shall allow the director, the fire chief, or a peace officer to examine the ambulance personnel permit upon request. (Ord. 21861)

SEC. 15D-9.18. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the representative may suspend the ambulance personnel permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The notice must include:

comfort and safety. A licensee shall maintain vehicles in safe mechanical condition and shall maintain the interior and exterior of the vehicles in good repair and in a clean, sanitary condition.

(b) A licensee or applicant for a license shall have each vehicle to be used in private ambulance service inspected in a manner approved by the director before issuance of a license and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.

~~(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is $52.~~

(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is $131.

(d) If a vehicle is involved in an accident or collision during the term of the license, the licensee shall notify the director within five days after the accident or collision. Before operating the vehicle again under the license, a licensee shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.

(e) The director shall designate the time and place for annual inspection of vehicles operated under a license. If the director designates someone other than a city employee to perform the inspection, the applicant or licensee shall bear the reasonable cost of inspection.

(f) A licensee may contract for maintenance but shall be responsible for maintaining all vehicles operated under the license in safe operating condition. (Ord. Nos. 21861; 25048; 30215)

SEC. 15D-9.32. VEHICLES AND EQUIPMENT.

(a) The licensee, owner, or permittee of a private ambulance shall provide and maintain in the vehicle all equipment required by the director, which shall be specified in the private ambulance service license.

(b) Each vehicle must have:

(1) a paint scheme that has been approved by the director;

(2) the trade name of the company and the equipment number permanently affixed in a manner and location approved by the director; and

(3) a decal complying with Section 15D-9.33.

(c) Each private ambulance must be licensed as an emergency medical services vehicle with the Texas Department of Health. Each private ambulance and all private ambulance equipment must comply with all applicable federal and state motor vehicle safety standards and with the standards for emergency medical services vehicles set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended. All safety mechanisms on each vehicle must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brakelights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires, and spare tires.

(d) Each private ambulance, while on an ambulance call, must be accompanied by at least two ambulance personnel permitted under this article. One of the ambulance personnel shall serve as the driver while the other remains in attendance on the sick or injured patient.

(e) Clean and sanitary bed linens must be provided on each private ambulance for each patient carried. Bed linens must be changed as soon as practical after the discharge of a patient, but before picking up another patient. (Ord. 21861)

SEC. 15D-9.33. DECALS.

(a) A licensee shall obtain from the director a decal indicating a private ambulance's authority to

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

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

Division 2. Emergency Wrecker Service License.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

must be verified and include the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 15D-22. LICENSE QUALIFICATIONS.

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

(1) be at least 19 years of age;

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

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

(1) the extent and nature of the applicant's, or employee's, past criminal activity;

(2) the age of the applicant, or employee, at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's, or employee's, last criminal activity;

(4) the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;

(5) evidence of the applicant's, or employee's, rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's, or employee's, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

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

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

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

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

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

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

~~(c) The annual fee for an emergency wrecker service license is $520, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

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

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

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

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

days or more than 60 days before expiration of the license and must be accompanied by the annual license fee.

(g) A licensee shall, not less than 10 days before any change of address or trade name, notify the director of such changes. (Ord. Nos. 13977; 14685; 15612; 16554; 21175; 24661; 27487; 27695; 30215)

SEC. 15D-24. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew an emergency wrecker service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this article or has had an emergency wrecker service license revoked within two years prior to the date of application;

(3) uses a trade name for the emergency wrecker company other than the one registered with the director;

(4) has had an emergency wrecker service license suspended on three occasions within 12 months for more than three days on each occasion;

(5) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform emergency wrecker service;

(6) fails to meet the service standards in the rules and regulations established by the director or the chief of police;

(7) is not qualified under Section 15D-22 of this article; or

(8) uses a subcontractor to provide emergency wrecker service.

(b) If the director determines that a license should be denied the applicant or licensee, the director shall notify the applicant or licensee in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or licensee of the right to, and process for, appeal of the decision. (Ord. Nos. 13977; 14685; 14996; 15612; 16554; 24661; 27487)

SEC. 15D-25. SUSPENSION OF LICENSE.

(a) A representative of the director or chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed three days, and the director or the chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed 10 days or, if the deficiency is detrimental to public safety, then for a period of time until the deficiency is corrected, for one or more of the following reasons:

(1) Failure of the licensee to maintain any wrecker or equipment in a good and safe working condition.

(2) Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established by the chief of police or the director under this article.

(3) Failure of the licensee's wrecker to arrive at a police scene location or a rapid response location within the prescribed time after having been notified to do so by the chief of police.

(4) Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

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

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

(11) be sanitary and well-groomed in dress and person;

(12) be employed by a licensee; and

(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a wrecker driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a wrecker driver. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-35 of this article. (Ord. Nos. 24661; 27487)

SEC. 15D-30. APPLICATION FOR WRECKER DRIVER'S PERMIT; FEE.

~~To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $15. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $29. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 24661; 27695;

30215)

suspended or revoked by the state, the wrecker driver's permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days after a suspension or revocation of either state license and shall immediately surrender the wrecker driver's permit to the director. (Ord. Nos. 24661; 27487)

SEC. 15D-34. PROVISIONAL PERMIT.

(a) The director may issue a provisional wrecker driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a wrecker driver's permit.

(b) A provisional wrecker driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a wrecker driver's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a wrecker driver's permit. (Ord. 24661)

SEC. 15D-35. PROBATIONARY PERMIT.

(a) The director may issue a probationary wrecker driver's permit to an applicant who is not qualified for a wrecker driver's permit under Section 15D-29 if the applicant:

(1) could qualify under Section 15D-29 for a wrecker driver's permit within one year from the date of application;

(2) holds a valid state driver's license or occupational driver's license;

(3) holds a valid state incident management towing operator's license; and

(4) is determined by the director, using the criteria listed in Section 15D-29(b) of this article, to be presently fit to engage in the occupation of a wrecker driver.

(b) A probationary wrecker driver's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary wrecker driver's permit as the director determines are necessary. (Ord. Nos. 24661; 27487)

SEC. 15D-36. DUPLICATE PERMIT.

~~If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $15.~~

If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $24. (Ord. Nos. 24661; 27695; 30215)

SEC. 15D-37. DISPLAY OF PERMIT.

A wrecker driver shall at all times keep a valid wrecker driver's permit in the driver's possession and shall allow the director, the chief of police, or a peace officer to examine the permit upon request. (Ord. Nos. 24661; 27487)

SEC. 15D-38. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-29) or a regulation established under this article, the representative may suspend the wrecker driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension,

(3) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, meet the requirements for a heavy duty wrecker or a lowboy unit;

(4) carry, as standard equipment, a tow bar, towing dollies, safety chains, a fire extinguisher, a wrecking bar, a broom, a shovel, at least six flares or three reflective triangles, absorbent material for oil or fuel leakages, and a container to carry debris, except that:

(A) towing dollies are not required on medium duty or heavy duty wreckers; and

(B) towing dollies and tow bars are not required on tilt bed/roll back carriers or lowboy units;

(5) be maintained in a safe and good working condition, contain equipment that is maintained in a safe and good working condition, and comply with all minimum safety and equipment standards required for a wrecker by city ordinance or state or federal law;

(6) have permanently affixed to each side of the front doors of the wrecker legible letters and numbers, at least two inches high, in a color that contrasts with the front doors, stating the trade name and telephone number (including area code) of the emergency wrecker service and the motor carrier registration number of the wrecker; and

(7) be capable of providing two-way communication with the licensee's base station at all times.

~~(b) An inspection fee of $30 must be paid for each wrecker that is used in the emergency wrecker service. Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower left corner of the front windshield of the inspected wrecker.~~

(b) An inspection fee of $226 must be paid for each wrecker that is used in the emergency wrecker service. Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower left corner of the front windshield of the inspected wrecker.

(c) The director, the chief of police, or a peace officer may, at any time, inspect a wrecker used by a licensee for emergency wrecker service to determine whether the vehicle complies with this section.

(d) A licensee or permittee commits an offense if he, either personally or through an employee or agent:

(1) uses a light duty wrecker, a tilt bed/roll back carrier, a medium duty wrecker, a heavy duty wrecker, or a lowboy unit to tow a vehicle that exceeds the manufacturer's gross vehicle weight rating allowed to be towed by the particular type of wrecker under Subsection (a)(1), (2), or (3), whichever is applicable; or

(2) tows a vehicle using a wrecker that does not have a valid city of Dallas emergency wrecker decal affixed to the windshield as required by Subsection (b) of this section. (Ord. Nos. 24661; 25048; 27487; 27695; 30215)

Division 8. Enforcement.

SEC. 15D-59. AUTHORITY TO INSPECT.

(a) The director, the chief of police, or a peace officer may inspect any emergency wrecker service to determine whether a licensee or permittee complies with this article, rules and regulations established under this article, or other applicable law.

(b) A licensee or permittee, either personally or through an employee or agent, shall not attempt to interfere or refuse to cooperate with the director, the chief of police, or a peace officer in the conduct of any investigation or discharge of any duty pursuant to this article. (Ord. 24661)

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

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

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

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

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

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

~~(c) Schedule of service charges.~~

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

~~(A) Alley or curb collection service for municipal solid waste - $22.79 per dwelling unit per month for one rollcart, plus $10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.~~

~~(B) Packout or drive-in collection service for municipal solid waste - $79.35 per dwelling unit per month.~~

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

~~(A) Alley, curb, or drive-in collection service for municipal solid waste - $22.79 per apartment unit or mobile home space per month.~~

~~(B) Packout collection service for municipal solid waste - $79.35 per apartment unit or mobile home space per month.~~

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

(c) Schedule of service charges.

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

(A) Alley or curb collection service for municipal solid waste - $24.32 per dwelling unit per month for one rollcart, plus $10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - $84.69 per dwelling unit per month.

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

(A) Alley, curb, or drive-in collection service for municipal solid waste - $24.32 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - $84.69 per apartment unit or mobile home space per month.

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

TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)

	NUMBER OF COLLECTIONS PER WEEK*					
96-gallon RollCarts	2	3	4	5	6	7
1	$59.59	$88.85	$118.11	$147.37	$176.63	$205.89
2	$119.18	$177.70	$236.22	$294.73	$353.25	$411.77
3	$178.77	$266.54	$354.32	$442.10	$529.88	$617.66
4	$238.36	$355.39	$472.43	$589.47	$706.51	$823.54
5	$297.95	$444.24	$590.54	$736.84	$883.13	$1,029.43
6	$357.54	$533.09	$708.65	$884.20	$1,059.76	$1,235.32
7	$417.13	$621.94	$826.75	$1,031.57	$1,236.39	$1,441.20
8	$476.72	$710.78	$944.86	$1,178.94	$1,413.01	$1,647.09
9	$536.31	$799.63	$1,062.97	$1,326.30	$1,589.64	$1,852.98
10	$595.90	$888.48	$1,181.08	$1,473.67	$1,766.27	$2,058.86

	NUMBER OF COLLECTIONS PER WEEK*						
96-gallon RollCarts	1	2	3	4	5	6	7
1	$30.33	$59.59	$88.85	$118.11	$147.37	$176.63	$205.89
2	$60.66	$119.18	$177.70	$236.22	$294.73	$353.25	$ 411.77
3	$90.99	$178.77	$266.54	$354.32	$442.10	$529.88	$617.66
4	$121.32	$238.36	$355.39	$472.43	$589.47	$706.51	$823.54
5	$151.65	$297.95	$444.24	$590.54	$736.84	$883.13	$1,029.43
6	$181.98	$357.54	$533.09	$708.65	$884.20	$1,059.76	$1,235.32
7	$212.31	$417.13	$621.94	$826.75	$1,031.57	$1,236.39	$1,441.20
8	$242.64	$476.72	$710.78	$944.86	$1,178.94	$1,413.01	$1,647.09
9	$272.97	$536.31	$799.63	$1,062.97	$1,326.30	$1,589.64	$1,852.98
10	$303.30	$595.90	$888.48	$1,181.08	$1,473.67	$1,766.27	$2,058.86

TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), once a week only, eff. 1/1/16)

	NUMBER OF COLLECTIONS PER WEEK
96-gallon RollCarts	1
1	$30.33

~~2~~	~~$60.66~~
~~3~~	~~$90.99~~
~~4~~	~~$121.32~~
~~5~~	~~$151.65~~
~~6~~	~~$181.98~~
~~7~~	~~$212.31~~
~~8~~	~~$242.64~~
~~9~~	~~$272.97~~
~~10~~	~~$303.30~~

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

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

TABLE OF MONTHLY CHARGES

~~(Recycling-Only Service, Outside of the Central Business District, eff. 1/1/16)~~

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

NUMBER OF 96-GALLON RECYCLING ROLLCARTS									
1	2	3	4	5	6	7	8	9	10
$19.83	$39.66	$59.49	$79.32	$99.15	$118.98	$138.81	$158.64	$178.47	$198.30

~~(5) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8.~~

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

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

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

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

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

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

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

(5) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8, as amended.

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

(A) Public housing may be charged as apartments.

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

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

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

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

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

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

~~(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of $100 per animal.~~

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

(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of $100 per animal.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879~~, eff. 10/1/15~~; 30215)

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

(a) General regulations.

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

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

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

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

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

residents to haul their own waste from their residences to the station - $40 per load.

(B) Commercial pickups - $47 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - $187 per load.

(D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - $234 per load.

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

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

~~(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is $21.50 per ton based on the landfill weighing system, with a minimum charge of $21.50 for any load that is less than one ton.~~

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is $25.00 per ton based on the landfill weighing system, with a minimum charge of $25.00 for any load that is less than one ton.

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

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - $39.50 per load.

(B) Commercial pickups - $39.50 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - $92.15 per load.

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - $197.50 per load.

(E) Roll-off containers, whether open top or compactor - $210.60 per load.

(F) Compactor trucks - $263.25 per load.

(4) A fee of $46.80 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is $87.75 per use.

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

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

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

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action

and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 10,000 tons to be disposed of at the landfill. The contractor shall not exceed the contracted guaranteed annual tonnage by more than 25 percent; this will be the contractor's maximum annual tonnage limit. Notwithstanding Subsection (b)(3) of this section, if the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste.

(3) The director of sanitation is not required to enter into a disposal service contract under this subsection if the director determines that:

(A) the useful life of the landfill would be adversely affected; or

(B) it is not practical to enter into a proposed disposal service contract for engineering, operational, or financial reasons.

(4) Payment of the disposal service charge under a disposal service contract will be calculated in accordance with the terms of the contract and this subsection. The initial disposal service charge for each solid waste disposal contract entered into pursuant to this subsection will be the disposal service charge in effect under Subsection (b)(2) on the date the contract is executed. On October 1 of each calendar year, the disposal service charge may be increased by the percent change, if any, between the June consumer price index for the current calendar year and the June consumer price index for the prior calendar year, except that the annual increase in the disposal service charge may not exceed six percent during any calendar year. The percent change will be determined by the director using The Consumer Price Index for All Urban Consumers (CPI-U) for the South Region for All Items, 1982-84=100, published by the United States Department of Labor, Bureau of Labor Statistics. This Consumer Price Index adjustment to the disposal service charge will only be applied if there is an equal or greater percentage increase in the disposal service charge in effect under Subsection (b)(2) for the next fiscal year. The contractor must pay the disposal service charge on a monthly basis. At the end of each contract year, the director of sanitation shall perform a reconciliation to determine the actual tonnage of solid waste disposed of at the landfill under the contract in that contract year and to make any adjustments to the amounts finally owed by the contractor.

~~(5) In consideration of the agreement of a solid waste collection service to guarantee the disposal of an annual tonnage of solid waste at the landfill pursuant to a disposal service contract, the director of sanitation may provide a discount from the disposal service charge required under Subsection (c)(4) of this section in accordance with the following table:~~

(5) In consideration of the agreement of a solid waste collection service to guarantee the disposal of an annual tonnage of solid waste at the landfill pursuant to a disposal service contract, the director of sanitation may provide a discount from the disposal service charge required under Subsection (c)(4) of this section in accordance with the following table:

~~Disposal Service Contract Discount Rate~~				
~~SOLID WASTE DISPOSED OF AT THE LANDFILL DURING A CONTRACT YEAR (in tons)~~		~~DISCOUNT RECEIVED BASED ON THE CONTRACT TERM (in percentages)~~		
~~From~~	~~To~~	~~1 or 2 Year Contract Term~~	~~3 or 4 Year Contract Term~~	~~5 Year Contract Term~~
~~10,000~~	~~49,999~~	~~0.00%~~	~~1.50%~~	~~3.00%~~
~~50,000~~	~~74,999~~	~~2.25%~~	~~4.50%~~	~~9.00%~~
~~75,000~~	~~99,999~~	~~3.00%~~	~~6.00%~~	~~12.00%~~
~~100,000~~	~~124,999~~	~~3.75%~~	~~7.50%~~	~~15.00%~~
~~125,000~~	~~149,999~~	~~3.94%~~	~~7.88%~~	~~15.75%~~
~~150,000~~	~~199,999~~	~~4.06%~~	~~8.13%~~	~~16.25%~~
~~200,000~~	~~No maximum~~	~~4.25%~~	~~8.50%~~	~~17.00%~~

Disposal Service Contract Discount Rate				
SOLID WASTE DISPOSED OF AT THE LANDFILL DURING A CONTRACT YEAR (in tons)		DISCOUNT RECEIVED BASED ON THE CONTRACT TERM (in percentages)		
From	To	1 or 2 Year Contract Term	3 or 4 Year Contract Term	5 Year Contract Term
10,000	49,999	12.28%	13.60%	14.88%
50,000	74,999	14.24%	16.24%	20.16%
75,000	99,999	14.88%	17.56%	22.80%
100,000	124,999	15.60%	18.84%	25.40%
125,000	149,999	15.76%	19.16%	26.12%
150,000	199,999	15.84%	19.40%	26.52%
200,000	No maximum	16.00%	19.76%	27.16%

(6) If the contractor fails to dispose of the annual tonnage of solid waste at the landfill as guaranteed under the contract, the contractor must still pay the discounted disposal service charge for the entire annual tonnage guaranteed.

(7) If the director of sanitation determines that the contractor has disposed of an amount of solid waste at the landfill that exceeds the annual tonnage guaranteed under the contract but does not exceed the maximum annual tonnage limit under Paragraph (2) of this subsection, the director shall charge a disposal service charge for that excess tonnage of solid waste using the same percentage of discount applied to the guaranteed annual tonnage under the contract.

(8) If the director of sanitation determines that the contractor has disposed of solid waste under the contract in a tonnage that exceeds the maximum annual tonnage limit under Paragraph (2) of this subsection, the director:

(A) may prohibit further disposal of solid waste by the contractor at the landfill during the contract year in which the maximum annual tonnage limit is exceeded; and

(B) shall charge the full disposal service charge required by Subsection (c)(4), without any

(f) A person who refuses to pay a disposal service charge required by this section or who breaches a term or condition of a disposal service contract entered into under Subsection (c) may not deposit any waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477~~, eff. 10/1/14~~; 30215)

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

(a) In this section:

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

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

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

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

(d) Notice to remove.

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

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

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

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

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

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

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city

CHAPTER 20A

FAIR HOUSING

SEC. 20A-1. SHORT TITLE.

This chapter may be cited as the Dallas Fair Housing ordinance. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-2. DECLARATION OF POLICY.

~~It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, or national origin. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, or national origin is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.~~

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent. (Ord. Nos. 13456; 14809; 20652; 20780; 30246)

SEC. 20A-3. DEFINITIONS.

~~In this chapter, unless the context requires a different definition:~~

~~(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.~~

~~(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.~~

~~(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.~~

~~(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.~~

~~(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.~~

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

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(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

~~(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.~~

~~(7) COVERED MULTI-FAMILY DWELLING means:~~

~~(A) a building consisting of four or more dwelling units if the building has one or more elevators; and~~

~~(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.~~

~~(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.~~

~~(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.~~

~~(10) DWELLING UNIT means a single unit of residence for a family.~~

~~(11) FAMILIAL STATUS means the status of a person resulting from being:~~

~~(A) pregnant;~~

~~(B) domiciled with an individual younger than 18 years of age in regard to whom the person:~~

~~(i) is the parent or legal custodian; or~~

~~(ii) has the written permission of the parent or legal custodian for domicile with the individual; or~~

~~(C) in the process of obtaining legal custody of an individual younger than 18 years of age.~~

~~(12) FAMILY includes a single individual.~~

~~(13) HANDICAP:~~

~~(A) means:~~

~~(i) a physical or mental impairment that substantially limits one or more major life activities;~~

~~(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or~~

~~(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and~~

~~(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.~~

~~(14) HOUSING ACCOMMODATION means:~~

~~(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; and~~

~~(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.~~

~~(15) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.~~

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or

more dwelling units if the building has one or more elevators; and

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(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

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(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) FINANCIAL AWARD means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or any other loan, grant, tax abatement, or monies awarded by the city.

(14) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(15) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; or

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

~~(16) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.~~

~~(17) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.~~

~~(18) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:~~

~~(A) the making or purchasing of loans or the providing of other financial assistance:~~

~~(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or~~

~~(ii) secured by residential real estate; or~~

~~(B) the selling, brokering, or appraising of residential real property.~~

~~(19) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.~~

(16) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(17) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(18) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(19) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(20) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(21) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code, Section 250.007, as amended. For purposes of housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.

(22) SUBSIDY means a designated public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or a density bonus, and that was approved by the city council. (Ord. Nos. 13456; 14809; 20652; 20780; 30246)

SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

~~(a) A person commits an offense if he, because of race, color, sex, religion, familial status, or national origin:~~

~~(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;~~

~~(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or~~

~~(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.~~

~~(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, or national origin:~~

~~(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;~~

~~(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or~~

~~(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:~~

~~(A) denies a person access to or membership in the business; or~~

~~(B) discriminates against a person in the terms or conditions of access to or membership in the business.~~

~~(c) A person commits an offense if he:~~

~~(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, or national origin is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;~~

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

~~(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, or national origin in the selling or renting of a housing accommodation; or~~

~~(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, or national origin in the selling or renting of a housing accommodation.~~

~~(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, or national origin, discriminates against a person:~~

~~(1) in making a residential real estate-related transaction available; or~~

~~(2) in the terms or conditions of a residential real estate-related transaction.~~

~~(e) A person commits an offense if he:~~

~~(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:~~

~~(A) that buyer or renter;~~

~~(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or~~

~~(C) any person associated with that buyer or renter; or~~

~~(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:~~

~~(A) that person;~~

~~(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or~~

~~(C) any person associated with that person.~~

~~(f) A person commits an offense if he:~~

~~(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;~~

~~(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;~~

~~(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or~~

~~(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:~~

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, national origin, or source of income is in

proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that buyer or renter; or

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

(A) that person;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that person.

(f) A person commits an offense if he:

(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

~~(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;~~

~~(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and~~

~~(C) all premises within a dwelling unit contain the following features of adaptive design:~~

~~(i) an accessible route into and through the dwelling unit;~~

~~(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;~~

~~(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and~~

~~(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.~~

~~(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.~~

~~(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.~~

(C) all premises within a dwelling unit contain the following features of adaptive design:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; 30246)

SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of odcupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended. (Ord. 30246)

SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

~~(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:~~

~~(1) the housing accommodation is owned, controlled, or managed by:~~

~~(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:~~

~~(i) the offense involves discrimination other than on the basis of religion;~~

~~(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or~~

~~(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, or national origin.~~

~~(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:~~

~~(i) discrimination other than on the basis of sex; or~~

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

~~(ii) a sale of the housing accommodation; or~~

~~(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:~~

~~(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or~~

~~(ii) the offense involves a sale of the housing accommodation; or~~

~~(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.~~

~~(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:~~

~~(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:~~

~~(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;~~

~~(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or~~

~~(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or~~

~~(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.~~

~~(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.~~

~~(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:~~

~~(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;~~

~~(2) intended for, and solely occupied by, a person at least 62 years of age, except that:~~

~~(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and~~

~~(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and~~

~~(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or~~

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation; or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

~~(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:~~

~~(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;~~

~~(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and~~

~~(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.~~

~~(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, or national origin.~~

~~(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.~~

~~(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, or national origin.~~

~~(h) Nothing in this chapter prohibits:~~

~~(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or~~

~~(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, or national origin.~~

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income.

(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5)

of the Dallas Development Code, as amended, are leased to housing voucher holders.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; 30246)

SEC. 20A-6. FAIR HOUSING ADMINISTRATOR.

(a) The administrator shall implement and enforce this chapter and may establish such rules and regulations as are determined necessary to perform the duties of that office.

(b) The administrator is encouraged to cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, and may assist the secretary or attorney general in any way consistent with the policy of this chapter. The administrator is encouraged to cooperate with the Texas Commission on Human Rights in the enforcement of the Texas Fair Housing Act, Article 1f, Vernon's Texas Revised Civil Statutes, as amended, and may assist the commission in any way consistent with the policy of this chapter.

(c) The administrator may order discovery in aid of investigations under this chapter. Such discovery may be ordered to the same extent and is subject to the same limitations as would apply if the discovery were ordered in aid of a civil action in a state district court of Dallas County, Texas. (Ord. Nos. 13456; 14809; 17393; 20652; 20780)

SEC. 20A-7. COMPLAINT AND ANSWER.

(a) An aggrieved person, or any authorized representative of an aggrieved person, may report a discriminatory housing practice to the administrator and file a complaint with the administrator not later than one year after an alleged discriminatory housing practice has occurred or terminated. A complaint may also be filed by the administrator, not later than one year after an alleged discriminatory housing practice has occurred or terminated, if the administrator has reasonable cause to believe that a person has committed a discriminatory housing practice.

(b) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, or by the Texas Commission on Human Rights under the Texas Fair Housing Act, Article 1f, Vernon's Texas Revised Civil Statutes, as amended, as a complaint filed under Subsection (a). No action will be taken under this chapter against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one year after an alleged discriminatory housing practice occurred or terminated.

~~(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:~~

~~(1) Name and address of the respondent.~~

~~(2) Name, address, and signature of the complainant.~~

~~(3) Name and address of the aggrieved person, if different from the complainant.~~

~~(4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.~~

~~(5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.~~

~~(6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, or national origin).~~

(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

(1) Name and address of the respondent.

(2) Name, address, and signature of the complainant.

(3) Name and address of the aggrieved person, if different from the complainant.

(4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.

(5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.

(6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, national origin, or source of income).

(d) Upon the filing of a complaint, the administrator shall, in writing:

(1) notify the complainant, and the aggrieved person if different from the complainant, that a complaint has been filed; and

(3) advise the respondent of the procedural rights and obligations of the respondent, including the right to file a written, signed, and verified informal answer to the complaint within 10 days after service of notice of the complaint; and

(4) advise the respondent of other rights and remedies available to the aggrieved person under this chapter.

(f) Not later than the 10th day after service of the notice and copy of the complaint, a respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

(1) Name, address, telephone number, and signature of the respondent or the respondent's attorney, if any.

(2) Concise statement of facts in response to the allegations in the complaint and facts of any defense or exemption.

(g) A complaint or answer may be amended at any time before the administrator notifies the city attorney under Section 20A-12 of a discriminatory housing practice upon which the complaint is based. The administrator shall furnish a copy of each amended complaint or answer, respectively, to the respondent or complainant, and any aggrieved person if different from the complainant, as promptly as is practicable.

(h) The administrator may not disclose or permit to be disclosed to the public the identity of a respondent before the administrator notifies the city attorney under Section 20A-12 of a discriminatory housing practice alleged against the respondent in a complaint or while the complaint is in the process of being investigated and prior to completion of all negotiations relative to a conciliation agreement.

(i) A complaint, except a referred complaint described in Subsection (b) of this section, shall be finally disposed of either through dismissal, execution of a conciliation agreement, or issuance of a charge within one year after the date on which the complaint was filed unless it is impracticable to do so, in which case, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing, of the reasons for the delay. (Ord. Nos. 13456; 14809; 20652; 20780; 30246)

SEC. 20A-8. INVESTIGATION.

(a) Not more than 30 days after the filing of a complaint by an aggrieved person or by the administrator, the administrator shall commence an investigation of the complaint to determine whether there is reasonable cause to believe a discriminatory housing practice was committed and the facts of the discriminatory housing practice.

(b) The administrator shall seek the voluntary cooperation of any person to:

(1) obtain access to premises, records, documents, individuals, and any other possible source of information;

(2) examine, record, and copy necessary materials; and

(3) take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

(c) The administrator may, at the administrator's discretion or at the request of the respondent, the complainant, or the aggrieved person if different from the complainant, request the city council to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents, pursuant to its power under Chapter III, Section 12 of the city charter. Violation of a subpoena issued under

administrator determines that the agreement has been violated and notifies the city attorney in writing of the violation.

(c) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the respondent, the complainant, and the aggrieved person if different from the complainant, subject to approval of the administrator who shall indicate approval by signing the agreement. A conciliation agreement that is not executed before the expiration of 100 days after the date the complaint is filed must include the approval of the city attorney. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

~~(d) A conciliation agreement executed under this section must contain:~~

~~(1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);~~

~~(2) an identification of the housing accommodation subject to the conciliation agreement; and~~

~~(3) a statement that each party entering into the conciliation agreement agrees:~~

~~(A) not to violate this chapter or the conciliation agreement; and~~

~~(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):~~

~~(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, or national origin alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.~~

~~(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.~~

~~(iii) The party who prepares the activity report must sign and verify the report.~~

~~(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.~~

(d) A conciliation agreement executed under this section must contain:

(1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);

(2) an identification of the housing accommodation subject to the conciliation agreement; and

(3) a statement that each party entering into the conciliation agreement agrees:

(A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.

(e) In addition to the requirements of Subsection (d), a conciliation agreement may include any other term or condition agreed to by the parties, including, but not limited to:

(1) monetary relief in the form of damages, including humiliation and embarrassment, and attorney fees; and

(2) equitable relief such as access to the housing accommodation at issue, or to a comparable

housing accommodation, and provision of services and facilities in connection with a housing accommodation.

(f) Nothing said during the course of conciliation may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of any person concerned.

(g) A conciliation agreement shall be made public, unless the aggrieved person and the respondent request nondisclosure and the administrator determines that disclosure is not required to further the purposes of this chapter. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the administrator may publish tabulated descriptions of the results of all conciliation efforts.

(h) If the aggrieved person brings a civil action under a local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action begins, the administrator shall terminate efforts to conciliate the complaint unless the court specifically requests assistance from the administrator. The administrator may also terminate efforts to conciliate the complaint if:

(1) the respondent fails or refuses to confer with the administrator;

(2) the aggrieved person or the respondent fails to make a good faith effort to resolve any dispute; or

(3) the administrator finds, for any reason, that voluntary agreement is not likely to result. (Ord. Nos. 13456; 14809; 20652; 20780; 30246)

SEC. 20A-11. VIOLATION OF CONCILIATION AGREEMENT.

(a) A person commits an offense if, after the person executes a conciliation agreement under Section 20A-10, he violates any term or condition contained in the agreement.

(b) It is no defense to criminal prosecution in municipal court or to civil action in state district court under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement under Section 20A-10:

(1) the respondent did not commit the discriminatory housing practice; or

(2) the administrator did not have probable cause to believe the discriminatory housing practice was committed.

(c) If the administrator determines that a conciliation agreement has been violated, the administrator shall give written notice to all parties subject to the agreement.

(d) When the administrator has reasonable cause to believe that a respondent has breached a conciliation agreement, the administrator shall refer the matter to the city attorney's office with a recommendation that a civil action be filed under Section 20A-14 for the enforcement of the agreement. The administrator shall also file a criminal action in municipal court for a violation of the agreement. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-12. REASONABLE CAUSE DETERMINATION AND CHARGE.

(a) Upon notification by the administrator that a conciliation agreement has not been executed by the complainant and the respondent and approved by the administrator in accordance with Section 20A-10, the city attorney, within the time limits set forth in Subsection (b), shall determine whether, based upon all facts known at the time of the decision, reasonable cause exists to believe that a discriminatory housing practice has occurred. In making the reasonable cause

CHAPTER 27

MINIMUM ~~URBAN REHABILITATION~~ PROPERTY STANDARDS

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GENERAL PROVISIONS.

SEC. 27-1. LEGISLATIVE FINDINGS OF FACT.

There exists in the city of Dallas, Texas, structures used for human habitation and nonresidential purposes that are substandard in structure and maintenance. Furthermore, inadequate provision for light and air, insufficient protection against fire, lack of proper heating, insanitary conditions, and overcrowding constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens of the city of Dallas. The existence of such conditions will create slum and blighted areas requiring large scale clearance, if not remedied. Furthermore, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. The establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, morals, and welfare. (Ord. Nos. 15198; 19234)

SEC. 27-2. PURPOSE OF CHAPTER.

(a) The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components

essential to make structures safe, sanitary, and fit for human use and habitation.

(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose. All structures within the city on the effective date of this chapter, or constructed thereafter, must comply with the provisions of this chapter. (Ord. Nos. 15198; 19234; 24961)

SEC. 27-3. DEFINITIONS.

In this chapter:

~~(1) BASEMENT means the portion of a structure that is partly underground and has more than one-half its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.~~

~~(2) BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.~~

~~(3) CELLAR means the lowermost portion of a structure partly or totally underground having one-half or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.~~

~~(4) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under Article VII of this chapter to the owner or operator of a multi-tenant property or under Article IX of this chapter to the owner of a non-owner occupied rental property, whichever is applicable.~~

~~(5) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.~~

~~(6) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a multi-tenant property as required by Section 27-43 of this chapter.~~

~~(6.1) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.~~

~~(7) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.~~

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

~~(9) DWELLING means a structure or building occupied as a residence.~~

~~(10) DWELLING UNIT means one or more rooms in a multifamily property designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities.~~

~~(11) FLOOR SPACE means the total area of all habitable space.~~

~~(12) GRADE means the natural surface of the ground, or surface ground after completion of any change in contour.~~

~~(13) GRADED INSPECTION means an inspection of a multi-tenant property in which the property is given a score by the director based on the number of code violations found to exist on the premises.~~

~~(14) GUEST ROOM means any room in a multi-tenant property, other than a multifamily property, that is intended as a sleeping area, whether or not the room includes a kitchen or kitchenette and~~

(1) BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

(2) BUILDING means a structure for the

support or shelter of any use or occupancy.

(3) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.

(4) CONDOMINIUM has the meaning assigned in Chapter 82 of the Texas Property Code, as amended.

(5) CONDOMINIUM ASSOCIATION means a corporation whose members are condominium unit owners in a condominium and who are charged with governing, operating, managing, or overseeing a condominium or its common elements.

(6) CONSTRUCTION CODES means the *Dallas Building Code*, Chapter 53 of the Dallas City Code, as amended; *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended; *Dallas Mechanical Code*, Chapter 55 of the Dallas City Code, as amended; *Dallas Electrical Code*, Chapter 56 of the Dallas City Code, as amended; *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the Dallas City Code, as amended; *Dallas Existing Building Code*, Chapter 58 of the Dallas City Code, as amended; *Dallas Fuel Gas Code*, Chapter 59, *Dallas Energy Conservation Code*; Chapter 60 of the Dallas City Code, as amended; *Dallas Green Construction Code*, Chapter 61 of the Dallas City Code, as amended; *Dallas Fire Code*, Chapter 16 of the Dallas City Code, as amended; and the *Housing Standards Manual*, as amended.

(7) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a rental property as required by Section 27-43 of this chapter.

(8) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.

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

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

(11) DWELLING means a structure or building used, intended, or designed to be used, rented, leased, let, or hired out to be occupied, or that is occupied for living purposes.

(12) DWELLING UNIT has the definition given that term in Section 51A-2.102 of the Dallas Development Code, as amended.

(13) GRADED INSPECTION means an inspection of a rental property in which the property is given a score by the director based on the number of code violations found to exist on the premises.

~~whether or not the property is operated for profit or charges for the services it offers.~~

~~(15) HABITABLE SPACE means the space occupied by one or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.~~

~~(16) KITCHEN means a space, 60 square feet or more in floor area with a minimum width of five feet, used for cooking or preparation of food.~~

~~(17) KITCHENETTE means a space, less than 60 square feet in floor area, used for cooking or preparation of food.~~

~~(18) MULTIFAMILY PROPERTY means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.~~

~~(19) MULTI-TENANT PROPERTY means property containing any of the following uses:~~

~~(A) A multifamily property as defined in Subsection (18) of this section.~~

~~(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.~~

~~(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.~~

~~(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.~~

~~(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.~~

~~(20) NON-OWNER OCCUPIED RENTAL PROPERTY means a single-family, duplex, townhouse, or condominium dwelling that is leased or rented to one or more persons other than the owner of the property, regardless of whether:~~

~~(A) the lease or rental agreement is oral or written; or~~

~~(B) the compensation received by the owner for the lease or rental of the property is in the form of money, services, or any other thing of value.~~

~~(21) OCCUPANT means a person who has possessory rights to and is actually in possession of a premises.~~

~~(22) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:~~

~~(A) unoccupied by its owners, lessees, or other invitees; and~~

~~(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.~~

~~(23) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.~~

~~(24) OWNER means a person in whom is vested the ownership or title of real property:~~

~~(A) including, but not limited to:~~

~~(i) the holder of fee simple title;~~

~~(ii) the holder of a life estate;~~

~~(iii) the holder of a leasehold estate for an initial term of five years or more;~~

(14) HABITABLE ROOM means a space in a building or structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces, and other similar areas, are not considered habitable rooms.

(15) HOUSING STANDARDS MANUAL means the manual by that title and which is kept on file in the office of the city secretary.

(16) INFESTATION means the presence, within or contiguous to a structure or premises, of insects, rodents, vectors, or other pests.

(17) KITCHEN means an area used, or designated to be used, for cooking or preparation of food.

(18) LANDLORD has the same meaning as in Chapter 92 of the Texas Property Code, as amended.

(19) MULTIFAMILY DWELLING means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, or, for purposes of this chapter, three or more single dwelling units on the same premises and which are under common ownership.

(20) MULTITENANT PROPERTY means property containing any of the following uses:

(A) A multifamily dwelling as defined in this section.

(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.

(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.

(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.

(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.

(21) OCCUPANT means a person who has possessory rights to and is actually in possession of a premise.

(22) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:

(A) unoccupied by its owners, lessees, or other invitees; and

(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(23) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.

(24) OWNER means a person who has ownership or title of real property:

(A) including, but not limited to:

(i) the holder of fee simple title;

(ii) the holder of a life estate;

(iii) the holder of a leasehold estate for an initial term of five years or more;

(iv) the buyer in a contract for deed;

(v) a mortgagee, receiver, executor, or trustee in control of real property; and

(vi) the named grantee in the last recorded deed; or

(B) the owner's representative with control over the property.

(iv) the buyer in a contract for deed;

(v) a mortgagee, receiver, executor, or trustee in control of real property; and

(vi) the named grantee in the last recorded deed; and

(B) not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

(25) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(26) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(27) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(28) PROPERTY MANAGER means a person who for compensation has managing control of real property.

(29) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

(30) REGISTRANT means a person issued a certificate of registration for a multi-tenant property under Article VII of this chapter or for a non-owner occupied rental property under Article IX of this chapter, whichever is applicable.

(31) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(32) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(33) UNIT means a dwelling unit or a guest room in a multi-tenant property.

(34) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(25) PERSON means any natural person, corporation, organization, estate, trust, partnership, association, or other legal entity.

(26) PEST means an invertebrate animal that can cause disease or damage to humans or building materials.

(27) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, urinals, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system,

septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(28) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(29) PROPERTY MANAGER means a person who, for compensation, has managing control of real property, including an on-site manager of a building or structure.

(30) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

(31) REGISTRANT means a person submitting a rental property registration or renewal application or a person whose application the director deems complete under Article VII of this chapter.

(32) RENTAL PROPERTY means a multitenant property or a single dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value.

(33) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(34) SECURITY DEVICE has the definition given that term in Chapter 92 of the Texas Property Code, as amended.

(35) SHORT-TERM RENTAL has the definition given that term in Section 156.001(b) of the Texas Tax Code, as amended.

(36) SINGLE DWELLING UNIT means a single family or duplex, as defined in the Dallas Development Code, as amended, or a condominium dwelling unit.

(37) SOLID WASTE means:

(A) industrial solid waste as defined in Section 18-2(22) of the Dallas City Code, as amended; or

(B) municipal solid waste as defined in Section 18-2(28) of the Dallas City Code, as amended.

(38) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(39) TOILET ROOM means a room containing a toilet or urinal but not a bathtub or shower.

(40) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(41) VECTOR means an insect or other animal that is capable of transmitting a disease-producing organism.

(42) WORKMANLIKE means executed in a skilled manner, for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work. (Ord. Nos. 15198; 15919; 16473; 17226; 19234; 19896; 22154; 24086; 24961; 25522; 26455; 27147; 27751; 29403; 30236)

SEC. 27-3.1. CODE ENFORCEMENT OFFICIAL.

~~The director, or a designated representative, shall serve as the code enforcement official of the city. The code enforcement official shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or a violation of any health or building regulation, statute, or ordinance.~~

(a) The director, or a designated representative, shall serve as the code enforcement official of the city.

(b) The code enforcement official has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the code enforcement official deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter.

(c) The code enforcement official has the power to obtain:

(1) search warrants for the purpose of investigating a violation of a health and safety or nuisance abatement, including an urban nuisance, regulation, statute, or ordinance; and

(2) seizure warrants for the purpose of securing, removing, or demolishing an offending property and removing the debris from the premises.
(Ord. Nos. 20433; 30236)

ARTICLE II.

ADMINISTRATION.

SEC. 27-4. VIOLATIONS; PENALTY.

~~(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.~~

~~(b) Criminal penalties.~~

~~(1) An offense under this chapter is punishable by a fine not to exceed $2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed $500.~~

~~(2) An offense under this chapter is punishable by a fine of not less than:~~

~~(A) $200 for a first conviction of a violation of Section 27-11(a)(1), (3), or (4), 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), Section 27-60, or Article VIII of this chapter;~~

~~(B) $500 for a first conviction of a violation of Section 27-11(a)(2), (5), or (6), 27-11(b)(5), 27-11(c), or 27-11(d); and~~

~~(C) $2,000 for a first conviction of a violation of Section 27-30.~~

~~(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).~~

~~(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

~~(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may, in accordance with Chapter 54, Subchapter B of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed $1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.~~

~~(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.~~

~~(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.~~

~~(g) A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.~~

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day during which a violation is committed, permitted, or continued.

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed $2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed $500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) $150 for a first conviction of a violation of Section 27-11(c)(1), (c)(2), or (c)(6); Section 27-11(d)(2), (d)(3)(A), (d)(4), (d)(5), (d)(6), (d)(7), (d)(9)(A), (d)(9)(C), (d)(9)(D), (d)(10)(A), (d)(11), (d)(13), (d)(15)(A), or (d)(16)(C); Section 27-11(e)(1)(B), (e)(1)(C), or (e)(3); Section 27-11(f)(1)(A), (f)(1)(B), (f)(3)(C), (f)(3)(F), or (f)(4)(C); Section 27-11(g)(5); Section 27-11(i)(1)(B), (i)(3), (i)(4)(i), (i)(4)(ii), (i)(4)(iii), (i)(6)(A), or (i)(6)(B); Section 27-11(j); Section 27-12(1), (2), (3), or (5); and

(B) $500 for a first conviction of a violation of Section 27-11(d)(1), (d)(9)(B), (d)(12), (d)(14)(A), (d)(14)(B), (d)(15)(B), (d)(15)(C), (d)(16)(A), or (d)(16)(B); Section 27-11(e)(1)(A) or (e)(2)(A); Section 27-11(f)(2), (f)(3)(A), (f)(3)(B), (f)(3)(D), (f)(3)(E), (f)(3)(G), (f)(4)(A), (f)(4)(B), (f)(4)(D), (f)(4)(E) or (f)(4)(F); Section 27-11(g)(1) or (g)(2); Section 27-11(h)(1)(A), (h)(2), or (h)(5); or Section 27-15.1(c).

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may, in accordance with Chapter 54, Subchapter B of the Texas Local Government Code, as amended, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed $1,000 for each day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) A person is criminally responsible for a violation of this chapter if:

(1) the person commits the violation or assists in the commission of the violation; or

(2) the person is an owner of the property and, either personally or through an employee or agent, allows the violation to exist.

~~(h) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).~~

(h) For purposes of Subsection (g), an employee of the owner of real property that is a single dwelling unit rental property, or has been issued a certificate of occupancy or received final approval from the building official with respect to improvements on the property, is not personally liable for a violation of this chapter if, not later than the fifth calendar day after the date the citation is issued, the employee provides the property owner's name, current street address, and current telephone number to the enforcement official who issues the citation or to the director.

(i) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, as amended, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b). (Ord. Nos. 19234; 19896; 20017; 20599; 22695; 24457; 25522; 25927; 26455; 26955; 27458; 27751; 30236)

SEC. 27-5. INSPECTION.

~~For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized at a reasonable time to inspect:~~

~~(1) the exterior of a structure and premises which contain no structure; and~~

~~(2) the interior of a structure, if the permission of the owner, occupant, or person in control is given.~~

(a) For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized, at a reasonable time, to inspect:

(1) the exterior of a structure and premises that do not contain a structure; and

(2) the interior of a structure, if the owner, occupant, or person in control gives his permission to the director.

(b) Nothing in this section limits the director's ability to seek and obtain an administrative search warrant authorizing an interior or exterior inspection of a structure or a vacant premises. (Ord. Nos. 15198; 19234; 25522; 26455; 30236)

SEC. 27-5.1. DONATION OF NONCOMPLYING PROPERTY TO A NONPROFIT CORPORATION.

(a) A judge of the municipal court may dismiss one or more citations of a property owner who is charged with violating this chapter, if the property owner donates the property, for which the citations have been issued, to a nonprofit corporation selected by the city.

(b) The city is authorized to contract with a nonprofit corporation for the acceptance of property donated pursuant to Subsection (a) of this section. The terms of the contract must provide that the nonprofit corporation will:

ARTICLE III.

MINIMUM STANDARDS.

SEC. 27-11. MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF OWNER.

~~(a) Property standards. An owner shall:~~

~~(1) eliminate a hole, excavation, sharp protrusion, and any other object or condition that exists on the land and is reasonably capable of causing injury to a person;~~

~~(2) securely cover or close a well, cesspool, or cistern;~~

~~(3) provide solid waste receptacles or containers when required by Chapter 18 of this code;~~

~~(4) provide drainage to prevent standing water and flooding on the land;~~

~~(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person; and~~

~~(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry.~~

~~(b) Structural standards. An owner shall:~~

~~(1) protect the exterior surfaces of a structure that are subject to decay by application of paint or other coating;~~

~~(2) fill hollow, masonry supporting piers, if used, with concrete and anchor the piers to concrete footings with a 5/8 inch steel dowel;~~

~~(3) provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Dallas Building Code;~~

~~(4) repair holes, cracks, and other defects reasonably capable of causing injury to a person in stairs, porches, steps, and balconies;~~

~~(5) maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weather-tight and water-tight condition;~~

~~(6) maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;~~

~~(7) provide cross-ventilation of not less than 1-1/2 square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space;~~

~~(8) repair or replace chimney flue and vent attachments that do not function properly;~~

~~(9) repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and~~

~~(10) maintain any fence on the property in compliance with the following standards:~~

~~(A) maintain a fence so that it is not out of vertical alignment more than one foot from the vertical, measured at the top of the fence, for a fence over four feet high, or more than six inches from the vertical, measured at the top of the fence, for a fence not more than four feet high, except that this provision does not apply to a masonry wall unless the wall encloses:~~

~~(i) a multi-tenant property; or~~

(a) In general.

(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures. In addition to the minimum property standards, all buildings, properties, and structures must comply with all federal, state, and local laws and regulations, including the construction codes.

(2) The minimum property standards are intended to complement existing laws and regulations. If any provision of this chapter is less restrictive than another applicable law or regulation, the more restrictive law or regulation shall apply.

(3) An owner who enters into a written lease shall, upon the occupant's request, provide the occupant with a written lease in the occupant's primary language, if the primary language is English, Spanish, or Vietnamese.

(b) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all applicable federal, state, and local laws, rules, and regulations, including the construction codes.

(c) Property standards. An owner shall:

(1) maintain his or her premises in operating condition without any holes, excavations, or sharp protrusions, and without any other object or condition that exists on the land and is reasonably capable of causing injury to a person;

(2) securely cover or close any wells, cesspools, or cisterns;

(3) provide solid waste receptacles or containers when required by Chapter 18 of this code, as amended;

(4) provide drainage to prevent standing water and flooding on the land;

(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(7) protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust.

(ii) a single-family or duplex property where the wall is not shared with another property;

(B) repair or replace rotted, fire damaged, or broken wooden slats and support posts;

(C) repair or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and

(D) repair or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:

(i) a multi-tenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property.

(c) Utility standards. An owner shall:

(1) provide and maintain in operating condition connections to discharge sewage from a structure or land into a public sewer system where available;

(2) provide and maintain in operating condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;

(3) provide and maintain in operating condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;

(4) provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120°F. within each structure intended for human habitation;

(5) provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;

(6) connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Dallas Mechanical Code;

(7) provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of 68°F. from November 16 through March 15 in each room of a structure intended for human occupancy;

(8) if screens are not provided as required in Subsection (d)(2), provide and maintain in operating condition, from April 1 through November 1, refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees lower than the outside temperature or 85°F., whichever is warmer, in each room of a structure intended for human occupancy;

(9) provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy if electrical service is available within 300 feet;

(10) connect each heating and cooking device that burns solid fuel to a chimney or flue; and

(11) provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.

(d) Health standards. An owner shall:

(1) eliminate rodents and vermin in or on the land;

(2) provide a structure intended for human habitation with a screen for keeping out insects at each

(d) Structural and material standards.

(1) In general. An owner shall maintain structural members free from deterioration so that they are capable of safely supporting imposed dead and

live loads.

(2) Construction materials. An owner shall maintain building and structural materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron, aluminum, and other metals, in operating condition.

(3) Roofs. An owner shall:

(A) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions; and

(B) maintain gutters and downspouts, if any, in operating condition and securely fastened.

(4) Chimneys and towers. An owner shall maintain chimneys, cooling towers, smoke stacks, and similar appurtenances in operating condition.

(5) Foundations. An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(6) Floors. An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(7) Shower enclosures. An owner shall maintain shower enclosure floors and walls in operating condition, free of holes, cracks, breaches, decay, rust, and rot.

(8) Countertops and backsplashes. An owner shall maintain kitchen and bathroom countertops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(9) Interior walls, ceilings, and surfaces; doors. An owner shall:

(A) maintain all interior walls and ceilings in operating condition;

(B) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(C) maintain all interior surfaces, including windows and doors, in operating condition;

(D) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

(E) repair all cracked or loose plaster, wood, or other defective surface conditions.

(10) Exterior windows and skylights. An owner shall maintain the glass surfaces of exterior windows and skylights so that they are weather tight and in operating condition.

(11) Exterior doors. An owner shall maintain exterior doors so that they are weather tight and in operating condition.

(12) Security devices. An owner shall maintain any bars, grilles, grates, and security devices in operating condition.

(13) Ventilation. An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition.

(14) Balconies, landings, porches, decks, and walkways. An owner shall maintain:

(A) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened;

(B) support posts, columns, and canopies in operating condition, securely fastened and anchored.

(15) Handrails and guardrails. An owner shall maintain all handrails and guardrails:

(A) in operating condition and securely fastened and anchored; and

(B) so that they are capable of safely supporting imposed dead and live loads.

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers. An owner shall:

(A) maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code, as amended. This requirement applies to a masonry wall only if the masonry wall encloses:

(i) a multitenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property;

(B) repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts;

(C) repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and

(i) encloses a multitenant property or a single-family property or duplex, or

(ii) serves as a retaining wall.

~~opening of the structure if the structure is not cooled with refrigerated air;~~

~~(3) maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage; and~~

~~(4) keep the interior of a structure free from insects, rodents, and vermin, except as specified in Section 27-12(b).~~

~~(e) Security standards. An owner or operator of a multifamily property, other than one exempt from registration under Section 27-30(b)(2) of this chapter, shall:~~

~~(1) provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended; and~~

~~(2) if the multifamily property has 20 or more dwelling units, provide security lighting that adequately illuminates all parking areas, walkways, stairs and steps, doorways, and garbage storage areas so that persons moving in or around those areas can be easily seen.~~

~~(f) It is a defense to prosecution under Subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.~~

~~(g) It is a defense to prosecution under Subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six months.~~

~~(h) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:~~

~~(1) after being issued a notice or citation for violation of Subsection (c)(7) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40°F. for three consecutive days after receiving such notice or citation; or~~

~~(2) after being issued a notice or citation for violation of Subsection (c)(8) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95°F. or above for three consecutive days after receiving such notice or citation.~~

~~(i) It is a defense to prosecution under Subsections (c)(7) and (c)(8) of this section and to the alternative housing requirements of Subsection (h) of this section that:~~

~~(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or~~

~~(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (c)(7) or (c)(8) of this section.~~

~~(j) It is a defense to prosecution under Subsection (c)(7) of this section and to the alternative housing requirements of Subsection (h)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating~~

(e) Utility and appliance standards.

(1) Air conditioning.

(A) An owner shall:

(i) provide, and maintain, in

operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F. in each habitable room;

(ii) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(iii) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 85° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is over 110° F.

(2) Heating.

(A) An owner shall:

(i) provide, and maintain, in operating condition, heating facilities capable of maintaining a room temperature of at least 15 degrees warmer than the outside temperature, but in no event lower than 68° F. in each habitable room; and

(ii) if provided, maintain, in operating condition, heating facilities in buildings or structures other than dwelling units.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 68° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is under 40° F.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes dryers, and appliance connections, in operating condition.

~~equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.~~

~~(k) It is a defense to prosecution under Subsection (c)(8) of this section and to the alternative housing requirement of Subsection (h)(2) of this section that the structure is provided with exterior windows and doors that are easily openable to provide air ventilation and covered with screens in compliance with Subsection (d)(2) of this section.~~

(f) Plumbing standards.

(1) Plumbing systems. An owner shall maintain:

(A) all plumbing pipes, fittings, and valves necessary to supply and conduct natural fuel gases, sanitary drainage, storm drainage, or potable water in operating condition; and

(B) all plumbing fixtures free of cross-connections and conditions that permit backflow into the potable water supply.

(2) Fuel gas distribution systems. An owner shall maintain distribution systems that carry fuel gas or liquefied petroleum gas in leak-free condition in accordance with the construction codes. If such a distribution system has been compromised, an owner shall have the system pressure-tested and repaired in accordance with the Dallas Fuel Gas Code, Chapter 60 of the Dallas City Code, as amended.

(3) Plumbing fixtures. An owner shall:

(A) provide each dwelling unit with:

(i) a kitchen equipped with a kitchen sink; and

(ii) a minimum of one toilet; a lavatory sink; and either a bathtub or shower, or a combination of bathtub and shower;

(B) keep all plumbing fixtures connected to an approved potable water supply system;

(C) connect and maintain all plumbing fixtures in operating condition;

(D) equip toilets and urinals with cold potable water under pressure necessary for safe and sanitary operation;

(E) keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system;

(F) maintain all piping distribution systems in operating condition, and eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems; and

(G) cap each sewer clean-out opening with an approved plug, except when the sewer line is being serviced.

(4) Water heating equipment. An owner shall:

(A) maintain all water heating equipment, including existing fuel-fired water heaters, in operating condition;

(B) maintain all water heating equipment with a pressure relief valve with an approved drain line;

(C) provide and maintain, in operating condition, water heating equipment that supplies hot water at a minimum temperature of 110° F., measured at the water outlet, to every required plumbing fixture;

(D) vent all fuel-fired water heating equipment as required by the construction codes; and

(E) maintain boilers and central heating plants in operating condition.

(g) Electrical standards. An owner shall:

(1) maintain all electrical equipment and materials in operating condition;

(2) maintain electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition;

(3) maintain in each habitable room, bathroom, hallway, and stairway of a dwelling unit at

least one electric lighting outlet, and the electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes;

(4) maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition; and

(5) use extension cords and flexible cords in accordance with the construction codes, and not as substitutes for permanent wiring.

(h) Lighting standards for multitenant properties.

(1) In general.

(A) An owner shall not wire lighting in common areas into individual dwelling units.

(B) An owner shall maintain overall illumination of four footcandles for exterior lighting on the premises, measured in accordance with the Housing Standards Manual.

(2) Exterior lighting.

(A) An owner shall maintain illumination from dusk until dawn:

(i) along pedestrian pathways; in plazas, courtyards, building entrances, parking areas, including carports and driveway areas; and other outdoor spaces commonly used.

(ii) at stairwells, landings, and areas under the lower landing.

(iii) along breezeways, and transitional lighting must be maintained at all entries to a breezeway.

(iv) at cluster or gang mailboxes.

(B) An owner shall maintain exterior lighting so that it reduces conflicts or obstructions between building design and landscape treatments and provides appropriate crime prevention.

(i) Health standards.

(1) Infestations.

(A) Where evidence of an infestation exists, the owner of a building, structure, or property, including a vacant or occupied one- or two-family dwelling, or multifamily dwelling, shall eliminate the infestation using a person licensed under the Texas Structural Pest Control Act, as amended, and repair any condition that contributes to an infestation.

(B) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate an infestation.

(i) Notice must be in writing and must include the method being used to eliminate the infestation.

(ii) A tenant may in writing waive the 48-hour requirement.

(2) Common toilet and shower facilities. An owner shall maintain in operating condition toilet and shower facilities in common area multifamily uses.

(3) Swimming pools, spas, ponds, and fountains.

(i) Water in swimming pools, spas, ponds, and fountains must be maintained to prevent the breeding or harborage of insects.

(ii) Swimming pools, spas, ponds, and fountains must be maintained in operating condition.

(iii) Fences or other barriers enclosing swimming pools, spas, ponds, and fountains must be maintained in operating condition.

(iv) Pool yard enclosures, as defined in Chapter 757 of the Texas Health and Safety Code, as amended, shall be maintained in operating condition and must comply with the standards in Chapter 757 of the Texas Health and Safety Code, as amended.

(4) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(5) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling

unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code, as amended.

(j) Security standards. An owner of a multifamily dwelling, other than one exempt from registration under this chapter, shall provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended.

(k) It is a defense to prosecution under Subsection (a) of this section that the premises is the site of new construction and reasonable and continuous progress is being made to complete the construction.

(l) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) after being issued a notice or citation for violation of Subsection (e)(2) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40° F. for three consecutive days after receiving such notice or citation; or

(2) after being issued a notice or citation for violation of Subsection (e)(1) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95° F. or above for three consecutive days after receiving such notice or citation.

(m) It is a defense to prosecution under Subsections (e)(1) and (e)(2) of this section and to the alternative housing requirements of Subsection (i) of this section that:

(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (e)(1) or (e)(2) of this section.

(n) It is a defense to prosecution under Subsection (e)(2) of this section and to the alternative housing requirements of Subsection (i)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(o) It is a defense to prosecution under Subsection (e)(1) of this section and to the alternative housing requirement of Subsection (i)(2) of this section that the structure is not a rental property. (Ord. Nos. 15198; 15372; 15919; 16473; 19234; 20578; 24481; 25522; 30236)

SEC. 27-12. RESPONSIBILITIES OF OCCUPANT.

~~(a) An occupant shall:~~

~~(1) maintain those portions of the interior of a structure under his control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, or vermin;~~

~~(2) remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant;~~

~~(3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the Dallas Plumbing Code and the Dallas Mechanical Code.~~

~~(4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and~~

~~(5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section.~~

~~(b) The tenant occupant of a single-family residential structure shall keep the interior of the~~

~~structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:~~

~~(1) within two weeks before the date the tenant took occupancy; or~~

~~(2) once within the preceding six months if there has been more than one tenant during the preceding six months.~~

An occupant shall:

(1) maintain the interior and exterior portions of the person's dwelling unit free from accumulations of solid waste and other conditions that would encourage an infestation;

(2) remove any animal from a structure if the presence of the animal is a health hazard to an occupant;

(3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the construction codes.

(4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and

(5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section. (Ord. Nos. 15198; 15372; 19234; 30236)

ARTICLE IV.

VACATION, REDUCTION OF OCCUPANCY LOAD, AND SECURING OF STRUCTURES AND RELOCATION OF OCCUPANTS.

(Ord. Nos. 20470, 24086, and 26455, title)

SEC. 27-13. RESERVED.

(Repealed by Ord. 26455)

SEC. 27-14. RESERVED.

(Repealed by Ord. 26455)

SEC. 27-14.1. TREATMENT FOR INSECTS AND RODENTS.

When a structure is ordered demolished by a municipal court judge under Article IV-a of this chapter, if the owner fails to comply with the Dallas Building Code in obtaining certification from a person licensed under the Texas Structural Pest Control Act that:

(1) the structure is free of insects and rodents; or

(2) the structure has been treated within the preceding 30 days to eliminate insect and rodent infestation;

the city may obtain the certification and charge the cost as part of the expense of demolition constituting a lien against the real property as provided in Section 27-16.8(e). (Ord. Nos. 15202; 19234; 24086; 26455)

SEC. 27-14.2. RESERVED.

(Repealed by Ord. 24086)

SEC. 27-14.3. RESERVED.

(Repealed by Ord. 24086)

SEC. 27-15. OCCUPANCY ~~LOAD~~ LIMITS.

~~A structure or dwelling unit is overcrowded if the following standards are not met:~~

~~(1) Floor space per person. Each structure or dwelling unit must contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.~~

~~(2) Sleeping space per person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least 50 square feet of floor space for each occupant.~~

~~(3) Special provisions. Children under 12 months of age are not considered occupants, and children under 12 years of age are considered as 1/2 of one occupant for purposes of Subparagraphs (1) and (2).~~

~~(4) Ceiling height. For purposes of Subparagraphs (1) and (2), a room of a structure must have a ceiling height of at least seven feet to be considered habitable space.~~

An owner shall not allow a structure or dwelling unit to exceed the occupancy limits in Texas Property Code Section 92.010, as amended. (Ord. Nos. 15198; 16473; 19234; 20470; 24086; 26455; 30236)

SEC. 27-15.1. PLACARDING OF A STRUCTURE BY THE DIRECTOR.

~~(a) The director may place a red placard warning of a dangerous condition on any structure or dwelling unit that:~~

~~(1) is unsanitary or unsafe; and~~

~~(2) presents an immediate danger to the health, safety, or welfare of the public or of any occupant of the structure.~~

~~(b) After placarding a structure under Subsection (a) of this section, the director shall immediately refer the structure to the city attorney for a hearing before the municipal court, to be held in accordance with Article IV-a of this chapter, on the dangerous condition of the structure and the need to vacate any occupants of the structure. Before the 11th day after the director placards the structure, the director shall give notice of the hearing to each owner, lienholder, or mortgagee of the affected property in accordance with the notice requirements of Section 27-16.5.~~

~~(c) A person commits an offense if he:~~

~~(1) without authority from the director, removes or destroys a red placard placed by the director;~~

~~(2) occupies a structure or dwelling unit on which the director has placed a red placard; or~~

~~(3) as owner of a structure or dwelling unit, authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard.~~

(a) Upon issuance of a final court order

requiring vacation of a structure or dwelling unit, the director may place a red placard on or near the front door of a structure or dwelling unit.

(b) The red placard must state that:

(1) the structure or dwelling unit was ordered to be vacated;

(2) a person commits an offense if he, without authority from the director:

(A) removes or destroys the red placard;

(B) occupies the structure or dwelling unit; or

(C) as owner of the structure, authorizes a person to occupy the structure or dwelling unit; and

(3) the maximum fine for violation of the ordinance.

~~(d) It is a defense to prosecution under Subsection (c)(2) that:~~

~~(1) the person had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.~~

~~(e) It is a defense to prosecution under Subsection (c)(3) that:~~

~~(1) the person authorized by the owner to occupy the structure or dwelling unit had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.~~

(c) A person commits an offense if he:

(1) without authority from the director, removes or destroys a red placard placed by the director;

(2) occupies a structure or dwelling unit on which the director has placed a red placard; or

(3) authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard. (Ord. Nos. 24086; 26455; 30236)

SEC. 27-16. SECURING OF A STRUCTURE BY THE DIRECTOR.

~~(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV–a of this chapter for hearings before the municipal court.~~

~~(b) The director shall secure any structure that the director determines:~~

~~(1) violates a minimum standard established in Article III of this chapter; and~~

~~(2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.~~

~~(c) Before securing a structure under Subsection (b), the director shall post a notice on or near the front door of the structure stating that if the owner does not secure the structure within 48 hours, the city will secure the structure at the owner's expense.~~

~~(d) Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:~~

~~(1) personally serving the owner with written notice;~~

~~(2) depositing the notice in the United States mail addressed to the owner at the owner's post office address;~~

~~(3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner's post office address is unknown; or~~

~~(4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner's post office address is unknown.~~

~~(e) The notice issued under Subsection (d) must contain:~~

~~(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;~~

~~(2) a description of the violation of the minimum standards that is present at the structure;~~

~~(3) a statement that the director will secure or has secured, as the case may be, the structure; and~~

~~(4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.~~

(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV-a of this chapter for hearings before the municipal court.

(b) The director shall secure any structure that the director determines:

(1) violates a minimum standard established in Article III of this chapter; and

(2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.

(c) Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:

(1) personally serving the owner with written notice;

(2) depositing the notice in the United States mail addressed to the owner at the owner's post office address;

(3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner's post office address is unknown; or

(4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner's post office address is unknown.

(d) The notice issued under Subsection (c) must contain:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) a description of the violation of the minimum standards that is present at the structure;

(3) a statement that the director will secure or has secured, as the case may be, the structure; and

(4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.

~~(f) A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner, lienholder, or mortgagee of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.~~

~~(g) The municipal court shall uphold the director's action in securing a structure if it finds the structure or a portion of the structure was open and potentially dangerous to the health, safety, or welfare of the public.~~

~~(h) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code.~~

~~(i) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred by the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:~~

~~(1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and~~

~~(2) has at least one visible violation of this chapter.~~

~~(j) The city's cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e).~~

(e) A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.

(f) The municipal court shall uphold the director's action in securing a structure if it finds the structure or a portion of the structure was an urban nuisance.

(g) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code, as amended.

(h) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred by the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:

(1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and

(2) has at least one visible violation of this chapter.

(i) The city's cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e). (Ord. Nos. 15198; 16473; 19234; 20470; 20679; 21025; 24086; 26455; 30236)

SEC. 27-16.1. RESERVED.

(Repealed by Ord. 26455)

SEC. 27-16.2. RESERVED.

(Repealed by Ord. 26455)

ARTICLE IV-a.

MUNICIPAL COURT JURISDICTION OVER URBAN NUISANCES.

SEC. 27-16.3. MUNICIPAL COURT JURISDICTION, POWERS, AND DUTIES RELATING TO URBAN NUISANCES.

(a) The municipal court of record has the power and duty to hold a public hearing to determine whether a structure complies with the minimum standards set out in this chapter.

~~(b) The municipal court of record has the following powers and duties:~~

~~(1) To require the reduction in occupancy load of an overcrowded structure or the vacation of a structure found to be an urban nuisance.~~

~~(2) To require the repair of a structure found to be an urban nuisance.~~

~~(3) To require the demolition of a structure found to be an urban nuisance.~~

(b) The municipal court of record has the following powers and duties:

(1) To require the reduction in occupancy load of a structure that exceeds the limits set out in this chapter or the vacation of a structure found to be an urban nuisance.

(2) To require the repair of a structure found to be an urban nuisance.

(3) To require the demolition of a structure found to be an urban nuisance.

~~(4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.~~

~~(5) To require that an open and vacant structure or open and vacant portion of a structure be secured.~~

~~(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.~~

~~(7) To assess a civil penalty, not to exceed $1,000 a day per violation or, if the property is the owner's lawful homestead, $10 a day per violation, against a property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.~~

~~(8) To require relocation of the occupants of a structure found to be an urban nuisance or found to be overcrowded, and to determine, upon an order of relocation of the occupants of a structure, whether the occupants of the structure are ineligible for relocation assistance under Subsection (c) of this section.~~

(4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.

(5) To require that an open and vacant structure or open and vacant portion of a structure be secured.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed $1,000 a day per violation or, if the property is the owner's lawful homestead, $10 a day per violation, against a property or property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.

(8) To require vacation of the occupants of a structure found to be an urban nuisance or found to be overcrowded.

~~(c) For purposes of determining ineligibility for relocation assistance under Subsection (b)(8) of this section, the municipal court must consider the following:~~

~~(1) A person who is ordered to vacate a structure is not considered a displaced person under Chapter 39A of this code and is not eligible for relocation assistance (other than for moving expenses) if the person:~~

~~(A) is ordered to vacate a structure as a consequence of the person's own intentional or negligent conduct; or~~

~~(B) began occupying the structure after the city placed a red placard on the structure warning of its dangerous condition.~~

~~(2) Vacation is considered to be a consequence of a person's own intentional or negligent conduct if the person:~~

~~(A) owns or occupies the structure;~~

~~(B) is responsible for maintaining the structure to minimum standards; and~~

~~(C) is not prevented from maintaining the structure to minimum standards by personal hardship, such as physical disability or infirmity or financial inability to maintain standards.~~ (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.4. INITIATION OF PROCEEDING; PETITION REQUIREMENTS.

(a) A petition filed with the municipal court by the city attorney initiates a civil proceeding under this article. The proceeding must be kept and organized separately from the criminal dockets of the municipal court.

(b) The petition must include:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located; and

(2) a description of the alleged violation or violations of minimum standards that are present on the property.

~~(c) The proceeding will be styled "City of Dallas, Plaintiff v. (Property Description), Defendant." The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition.~~

(c) The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition. (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.5. NOTICE OF HEARING BEFORE THE MUNICIPAL COURT.

(a) The city attorney or the director shall give notice of a municipal court hearing on the repair, demolition, vacation, or securing of a structure, or the relocation of the occupants of a structure, to any owner, mortgagee, or lienholder of the structure. A diligent effort must be made to discover each owner, mortgagee, or lienholder of the structure and to give such persons notice of the hearing.

(b) Notice of the hearing must include:

(1) the date, time, and place of the hearing;

(2) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(3) a description of the alleged violation or violations of minimum standards that are present on the property; and

(4) a statement that the owner, mortgagee, or lienholder must submit at the hearing proof of the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.

(c) On or before the 10th day before the hearing date, notice of the hearing must be:

(1) mailed, by certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the property, as shown by the records in the office of the county clerk of the county in which the property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or any other applicable instruments on file in the office of the county clerk;

(2) posted, to all unknown owners, on the front door of each improvement situated on the affected property or as close to the front door as practicable; and

(3) published on one occasion in a newspaper of general circulation in the city.

(d) The city attorney or the director may file in the official public records of real property in the county in which the property is located a notice of hearing that contains:

(1) the name and address of the property owner, if that information can be determined;

(2) a legal description of the property; and

(3) a description of the hearing.

(e) A notice issued under this section or Section 27-16.8, or an order entered by the municipal court under this article, that is filed in accordance with Subsection (d) is binding on any subsequent grantee, lienholder, or other transferee of an interest in the property who acquires such interest after the filing of the notice or order and constitutes notice of the matter or order to any subsequent grantee, lienholder, or other transferee. (Ord. Nos. 24457; 26455)

SEC. 27-16.6. REQUEST FOR CONTINUANCE OF HEARING.

A continuance of a hearing requested and set under this article may only be considered and granted in open court by the presiding judge of the court on the date and time of the originally scheduled hearing.

(1) mailed by certified mail, return receipt requested, to each owner, lienholder, and mortgagee of the structure;

(2) posted on the front door of the structure or as close to the front door as practicable; and

(3) published on one occasion in a newspaper of general circulation in the city.

(c) Any costs incurred by the city in performing work under this article may be enforced in accordance with Subsection (e) of this section and through any other remedies provided by city ordinance or state law.

~~(d) Assessment of civil penalties.~~

~~(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the assessment of a civil penalty against the property. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:~~

~~(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;~~

~~(B) an identification of the court order affecting the property;~~

~~(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;~~

~~(D) a description of any work ordered by the court to correct each violation on the property;~~

~~(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and~~

~~(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty on the property and the date, time, and place of the hearing.~~

~~(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty on property subject to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.~~

~~(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.~~

~~(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.~~

~~(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.~~

~~(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.~~

~~(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.~~

(d) Assessment of civil penalties.

(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the

assessment of a civil penalty against the property and property owner. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:

(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(B) an identification of the court order affecting the property;

(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(D) a description of any work ordered by the court to correct each violation on the property;

(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and

(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty against the property and property owner and the date, time, and place of the hearing.

(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty against the property and property owner subject to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.

(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.

(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.

(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.

(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.

(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.

(e) Liens.

(1) The expense of the repair, demolition, vacation, or securing of a structure or the relocation of the occupants of a structure, when performed under contract with the city or by city forces, and any civil penalty assessed against the owner of the structure, constitute a nontransferable lien against the real property on which the structure stands or stood and runs with the land, unless it is a homestead as protected by the Texas Constitution. The city's lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due.

(2) The city's lien for the expenses is a privileged lien subordinate only to tax liens, if each mortgagee and lienholder is given notice and an opportunity to repair, demolish, vacate, or secure the structure, or relocate the occupants of the structure, whichever applies. Otherwise, the city's lien for expenses, or for any civil penalties imposed, is superior to all other previously recorded judgment liens except for any previously recorded bona fide mortgage lien attached to the real property, if the mortgage lien was filed for record in the county clerk's office of the county in which the real property is located before the date the civil penalty was assessed or the action for which the expenses were incurred was begun by the city.

(3) A lien acquired by the city under this section for repair expenses may not be foreclosed if the structure upon which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

~~(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes primae facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty.~~

(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner or a property. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes prima facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty. (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.9. MODIFICATION OF COURT ORDERS.

(a) Within 15 days after the municipal court enters an order under this article, the city of Dallas or an owner, lienholder, or mortgagee of a structure that is the subject of the order may request that the court modify its order. The request must be in writing and filed with the court.

(b) The court shall schedule a hearing on the motion not less than five days or more than 10 days after the request for modification is filed. The movant must promptly deliver a copy of the request and notice of the hearing date and time, in writing, to the city attorney and each owner, lienholder, and mortgagee by either personal service or certified mail, return

SEC. 27-16.10. APPEAL OF COURT ORDERS.

Any owner, lienholder, or mortgagee of record who is jointly or severally aggrieved by a municipal court order issued under this article may appeal by filing in state district court a verified petition setting forth that the municipal court's decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee of record within 30 calendar days after the respective dates a copy of the municipal court order is mailed to each in compliance with Section 27-16.7(f) of this chapter; otherwise, the order will become final as to each person upon expiration of each person's respective 30-calendar-day period. An appeal in state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 24457; 26455)

SEC. 27-16.11. MISCELLANEOUS NOTICE PROVISIONS.

(a) Any notice required by this article to be given to the owner, lienholder, or mortgagee of any structure must also be given to any occupant of the structure, if the subject of the notice involves the demolition, vacation, or reduction of occupancy load of the structure or the relocation or ineligibility for relocation expenses of the occupants. Notice required under this subsection must be given to the occupants either:

(1) in the same manner required by this article for notice to the owner, lienholder, or mortgagee of the structure; or

(2) by personal service, using the time and procedural requirements set forth in this article for notice to the owner, lienholder, or mortgagee of the structure.

(b) For purposes of this article, a requirement to use "best efforts" or "a diligent effort" is satisfied by a search of the following records:

(1) county real property records of the county in which the structure is located;

(2) appraisal district records of the appraisal district in which the structure is located;

(3) records of the secretary of state for the State of Texas;

(4) assumed name records of the county in which the structure is located;

(5) tax records of the city of Dallas; and

(6) utility records of the city of Dallas.

(c) If any notice, order, or other document is mailed by certified mail, return receipt requested, as required by this article, and is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice, order, or other document is not affected, and the notice, order, or other document will be deemed as delivered.

(d) If the city attorney requests a court to issue an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area on a property subject to a predesignation moratorium or a structure in a historic overlay district, the city attorney shall comply with the requirements of Section 51A-4.501(i). (Ord. Nos. 24457; 26455; 27922)

ARTICLE IV-b.

ADMINISTRATIVE ADJUDICATION PROCEDURE FOR PREMISES, PROPERTY, AND CERTAIN OTHER VIOLATIONS.

SEC. 27-16.12. ALTERNATIVE ADMINISTRATIVE ADJUDICATION PROCEDURE.

Every violation of an ordinance described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code may be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in this article, as authorized by Section 54.044 of the Texas Local Government Code. The adoption or use of this alternative administrative adjudication procedure does not preclude the city from enforcing a violation of an ordinance described in this section through criminal penalties and procedures. (Ord. Nos. 25927; 29403)

SEC. 27-16.13. ADMINISTRATIVE CITATION.

~~(a) An administrative citation issued under this article must:~~

~~(1) notify the person charged with violating the ordinance that the person has the right to a hearing;~~

~~(2) provide information as to the time and place of the hearing;~~

~~(3) include the nature, date, and location of the violation;~~

~~(4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;~~

~~(5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person's right to require the inspector to be present at the hearing;~~

~~(6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and~~

~~(7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged.~~

(a) An administrative citation issued under this article must:

(1) notify the person charged with violating the ordinance that the person has the right to a hearing;

(2) provide information as to the time and place to appear before the hearing officer;

(3) include the nature, date, and location of the violation;

(4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;

(5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person's right to require the inspector to be present at the hearing;

(6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and

(7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged.

(b) An administrative citation under this article serves as the summons and charging instrument for purposes of this article.

(c) A copy of the administrative citation must be kept as a record in the ordinary course of business of the city by the municipal court clerk.

(d) An administrative citation kept by the municipal court clerk is rebuttable proof of the facts it states. (Ord. Nos. 25927; 30236)

SEC. 27-16.14. SERVICE OF AN ADMINISTRATIVE CITATION.

~~(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person's usual place of residence with any person residing at such~~

~~residence who is 16 years of age or older and informing that person of the citation's contents.~~

~~(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:~~

~~(1) the front door of the premises or property; or~~

~~(2) a placard staked to the yard of the premises or property in a location visible from a public street or alley.~~

~~(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation. If the person charged is the person in control of the premises or property, then the last known address of the person is the address of the premises or property.~~

~~(d) If service upon the person charged is by posting the citation on the premises or property, a photograph of the posting and a copy of the mail notice must be forwarded with a copy of the citation to the municipal court clerk. The photograph and the mail notice will become part of the citation.~~

(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person's usual place of residence with any person residing at such residence who is 16 years of age or older and informing that person of the citation's contents.

(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:

(1) the front door or front gate of the premises or property; or

(2) a placard staked to the yard of the premises or property in a location visible from a public street or alley.

(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation, except that if the owner is a corporation or other legal entity, a copy of the citation may be mailed to the registered agent's address on file with the Texas Secretary of State. If the person charged is the person in control of the premises or property, then the last known address of the person is the address of the premises or property. (Ord. Nos. 25927; 30236)

SEC. 27-16.15. ANSWERING AN ADMINISTRATIVE CITATION.

~~(a) A person who has been issued an administrative citation shall answer to the charge of the violation by appearing in person at the hearing on the date and location set forth in the citation. The hearing~~

~~must be held no sooner than 31 calendar days following the issuance of the administrative citation.~~

~~(b) An answer to the administrative citation may be made in any of the following ways:~~

~~(1) By returning the citation, on or before the date of the administrative hearing, with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.~~

~~(2) By personally appearing, with or without counsel, before the hearing officer on the date and location set forth in the citation and on any subsequent hearing date.~~

~~(3) By filing a written answer, either personally or through counsel, at least seven calendar days prior to the hearing date set forth in the citation, except that the filing of a written answer does not relieve the person charged from the duty to personally appear before the hearing officer on the date and location set forth in the citation and on any subsequent hearing date.~~

(a) A person who has been charged with a violation of this chapter through an administrative citation shall answer to the charge by appearing in person or through counsel before the hearing officer no later than the 31st calendar day after the date the citation was issued. If the 31st calendar day falls on a day when the court is closed, then the person must appear (in person or through counsel) by the next day that the court is open.

(b) An answer to the administrative citation may be made in either of the following ways:

(1) By returning the citation, on or before the 31st calendar day from the date the citation was issued, with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.

(2) By personally appearing, with or without counsel, before the hearing officer on or before the 31st calendar day from the date the citation was issued and on any subsequent hearing date. The person charged in the administrative citation must be present at the hearing and cannot be represented by anyone other than an attorney who has a license to practice law in Texas, which is in good standing. If the person charged is a corporation or a business entity, the corporation or business entity must be represented by an attorney who has a license to practice law in Texas, which is in good standing. (Ord. Nos. 25927; 30236)

SEC. 27-16.16. FAILURE TO APPEAR AT AN ADMINISTRATIVE HEARING.

~~(a) A person issued an administrative citation who fails to appear at a hearing authorized under this article is considered to have admitted liability for the violation charged. The hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and court costs.~~

~~(b) The hearing officer shall assess an additional $36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas~~

(a) A person who fails to answer an administrative citation as required by Section 27-16.15 of this chapter is considered to have admitted liability for the violation charged. Upon proof of service by the city, the hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and court costs.

(b) The hearing officer shall assess an additional $36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation, and in no case may the total amount of administrative penalties, including the $36 administrative penalty, assessed against a person for a violation be less than the minimum penalty established by city ordinance for the particular violation.

~~Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation.~~

~~(c) Within seven calendar days after filing the administrative order of liability with the municipal court clerk, the hearing officer shall send a copy of the order to the person charged with the violation. The copy of the order must be sent by regular United States mail to the person's last known address as defined in Section 27-16.14(c). The administrative order must include a statement:~~

~~(1) of the amount of the administrative penalties, fees, and court costs;~~

~~(2) of the right to appeal to municipal court before the 31st calendar day after the date the hearing officer's order is filed with the municipal court clerk;~~

~~(3) that, unless the hearing officer's order is suspended through a properly filed appeal, the administrative penalties, fees, and court costs must be paid within 31 calendar days after the date the hearing officer's order is filed;~~

~~(4) that, if the administrative penalties, fees, and court costs are not timely paid, the penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment; and~~

~~(5) that the city may enforce the hearing officer's administrative order by:~~

~~(A) filing a civil suit for collection of the administrative penalties, fees, and court costs; and/or~~

~~(B) obtaining an injunction to prohibit specific conduct that violates the order or to require specific conduct necessary for compliance with the order.~~

(c) Within seven calendar days after the hearing officer files the administrative order of liability with the municipal court clerk, the municipal court clerk shall send a copy of the order to the person charged with the violation. The copy of the order must be sent by regular United States mail to the person's last known address as defined in Section 27-16.14(c). The administrative order must include a statement:

(1) of the amount of the administrative penalties, fees, and court costs;

(2) of the right to appeal to municipal court before the 31st calendar day after the date the hearing officer's order is filed with the municipal court clerk;

(3) that, unless the hearing officer's order is suspended through a properly filed appeal, the administrative penalties, fees, and court costs must be paid within 31 calendar days after the date the hearing officer's order is filed;

(4) that, if the administrative penalties, fees, and court costs are not timely paid, the penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment; and

(5) that the city may enforce the hearing officer's administrative order by:

(A) filing a civil suit for collection of the administrative penalties, fees, and court costs;

(B) obtaining an injunction to prohibit specific conduct that violates the order or to require specific conduct necessary for compliance with the order; or

(C) both (A) and (B). (Ord. Nos. 25927; 29403; 29618; 30236)

SEC. 27-16.17. HEARING OFFICERS; QUALIFICATIONS, POWERS, DUTIES, AND FUNCTIONS.

~~(a) Hearing officers shall be employed by the administrative judge of the municipal court to administratively adjudicate violations of ordinances described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code. The administrative judge of the municipal court shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.~~

(a) Hearing officers shall be recommended by the administrative judge and appointed by the city council, and shall serve until a successor is recommended by the administrative judge and appointed by the city council. Hearing officers shall administratively adjudicate violations of ordinances described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code. The city council shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.

(b) A hearing officer must meet all of the following qualifications:

(1) Be a resident of the city of Dallas at the time of employment as a hearing officer and maintain residency in the city throughout such employment.

(2) Be a citizen of the United States.

(3) Be a licensed attorney in good standing.

(4) Have two or more years of experience in the practice of law in the State of Texas.

(c) A hearing officer shall have the following powers, duties, and functions:

(1) To administer oaths.

(2) To accept admissions to, and to hear and determine contests of, premises and property violations under this article.

(3) To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.

(4) To assess administrative penalties, fees, and court costs in accordance with this article.

(5) To question witnesses and examine evidence offered.

(6) To suspend the payment of administrative penalties for a specific period of time.

(7) To make a finding as to the financial inability of a person found liable of a violation to comply with an administrative order and to refer that person to potential sources of funding to assist the person in complying with the administrative order.

(8) To make a finding as to the financial inability of a person found liable of a violation to pay for the transcription of any recording of an administrative hearing and/or to post an appeal bond. (Ord. Nos. 25927; 30236)

SEC. 27-16.18. HEARING FOR DISPOSITION OF AN ADMINISTRATIVE CITATION; CITATION AS REBUTTABLE PROOF OF OFFENSE.

~~(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer.~~

~~(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. The formal rules of evidence do not apply to the hearing, and any relevant evidence will be admitted if the hearing officer finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.~~

~~(c) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.~~

~~(d) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.~~

~~(e) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the proceedings of the administrative hearing, limited to pre-hearing motions and testimony, will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.~~

~~(f) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:~~

~~(1) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court;~~

~~(2) finding the person charged not liable for the violation; or~~

~~(3) finding the person charged liable for the violation, assessing the applicable administrative~~

(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer. A hearing cannot be held without the presence of the person charged or the person's attorney.

(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. Evidence of compliance with the ordinance after the administrative citation was issued can be taken into consideration by the hearing officer when assessing a reasonable administrative penalty, but the evidence is not considered rebuttal evidence nor does it refute or contradict the allegations made in the citation.

(c) The formal rules of evidence do not apply to the hearing, and any relevant evidence will be deemed admitted if the hearing officer finds it competent and reliable. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.

(d) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.

(e) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.

(f) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the administrative hearing will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.

(g) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:

(1) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court; or

(2) finding the person charged not liable for the violation.

~~penalties, fees, and court costs, notifying the person of the right of appeal to municipal court, and suspending the enforcement of the administrative order for a specific period of time; provided that:~~

~~(A) a person whose administrative order is suspended must pay all fees and court costs;~~

~~(B) if, at the end of the suspension, the property or premises complies with the administrative order, the hearing officer may reduce the applicable administrative penalties; and~~

~~(C) if, at the end of the suspension, the property or premises is still in violation of the administrative order, the administrative penalties originally assessed will become due.~~

~~(g) The hearing officer shall assess an additional $36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation.~~

~~(h) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer may suspend enforcement of the administrative order and make a determination of financial inability to pay pursuant to Section 27-16.19.~~

~~(i) During a period in which enforcement of an administrative order is suspended under Subsection (f)(3) or (h) of this section, the person found liable for a violation may request an extension of the suspension period. The hearing officer may, only one time for each administrative order, grant an extension of the suspension period. The sole basis for an extension is that the person found liable for the violation is making a good faith attempt to comply with the administrative order and, due to delay beyond that person's control, is unable to timely complete the rehabilitation and/or repair of the property or the premises or otherwise comply with the administrative order. The extension granted will be for a specific time period as determined by the hearing officer.~~

~~(j) An administrative order of the hearing officer must be filed with the municipal court clerk.~~

~~(k) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.~~

~~(l) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.~~

~~(m) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged.~~

(h) The hearing officer shall assess an additional $36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may

the total amount of administrative penalties, including the $36 administrative penalty, assessed against a person for a violation be more than the maximum penalty or less than the minimum penalty established by city ordinance for the particular violation.

(i) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer shall suspend enforcement of the administrative order for a specific time not to exceed 30 days and set the matter for an indigency hearing pursuant to Section 27-16.19(e), if, in the interests of justice, the attorney for the city believes that a further extension should be granted, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(j) An administrative order of the hearing officer must be filed with the municipal court clerk.

~~If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.~~ (Ord. Nos. 25927; 29403; 29618; 30236)

SEC. 27-16.19. FINANCIAL INABILITY TO COMPLY WITH AN ADMINISTRATIVE ORDER, PAY FOR TRANSCRIPTION OF A RECORD, OR POST AN APPEAL BOND.

(a) A person found by the hearing officer to be financially unable to comply with an administrative order must be:

(1) a resident of the property or premises that is the subject of the administrative order; and

(2) the sole owner of the property or premises, except that the person may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to comply with the administrative order.

(b) A person claiming a financial inability to comply with the administrative order must make that claim prior to the conclusion of the administrative hearing before the hearing officer.

(c) A person claiming a financial inability to pay for a transcription of the record and/or to post an appeal bond must make that claim in writing to the hearing officer on or before the seventh calendar day following the administrative hearing.

(d) A person claiming a financial inability to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond must have an income that does not exceed 50 percent of the Dallas Area Median Family Income (AMFI) as determined by the United States Department of Housing and Urban Development.

~~(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer may set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer may order the person found liable for a violation to bring to the hearing documentary evidence to support the person's claim of financial inability. The hearing officer's determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing.~~

(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer shall set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer shall order the person found liable for a violation to bring to the hearing documentary evidence to support the person's claim of financial inability. The hearing officer's determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing.

~~(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the officer shall not suspend the finding of liability, but shall suspend the enforcement of the administrative order. The suspension must be for a specific period of time. At the end of the suspension period, if the property or premises is in compliance with the administrative order, the administrative citation will be dismissed. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due.~~

(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the hearing officer shall not suspend the finding of liability, but shall suspend the enforcement of the administrative order for a specified period of time, not to exceed 120 days, to allow the person to apply with a Citizen Advocate Program to help bring his or her property into compliance with the administrative order. At the end of the suspension period, if the property or premises is in compliance with the administrative order, the administrative penalty will be waived. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due. If, in the interests of justice, the attorney for the city believes that the suspension should be extended, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(g) A Citizen Advocate Program will be created to assist individuals who are found by the hearing officer to be financially unable to comply with an

administrative order or who need special assistance regarding an administrative citation.

(h) If the hearing officer finds that the person found liable for a violation is financially unable to pay the costs of the transcription of the record and/or to post an appeal bond, these costs will be waived by the city. (Ord. Nos. 25927; 30236)

SEC. 27-16.20. APPEAL TO MUNICIPAL COURT.

~~(a) A person determined by the hearing officer to be liable for a violation of an ordinance enforced under this article may appeal that determination by filing a petition in municipal court before the 31st calendar day after the date the hearing officer's administrative order is filed with the municipal court clerk. An appeal does not stay the enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer's administrative order is reversed on appeal, the appeal bond will be returned to the appellant.~~

~~(b) If a person found liable for a violation does not timely appeal the hearing officer's administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer's order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.~~

~~(c) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.~~

~~(d) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:~~

~~(1) in violation of a constitutional or statutory provision;~~

~~(2) in excess of the hearing officer's statutory authority;~~

~~(3) made through unlawful procedure;~~

~~(4) affected by another error of law;~~

(a) Either party to an action ruled upon by the hearing officer under this article may appeal that determination by filing a petition in municipal court within 31 calendar days after the date the hearing officer's administrative order is filed with the municipal court clerk. An appeal does not stay the

enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. The city is not required to file a bond in order to appeal. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer's administrative order is reversed on appeal, the appeal bond will be returned to the appellant.

(b) If a person found liable for a violation does not timely appeal the hearing officer's administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer's order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.

(c) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(d) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, and the costs of the court reporter, typing, and other incidental services. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.

(f) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(g) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

(1) in violation of a constitutional or statutory provision;

(2) in excess of the hearing officer's statutory authority;

(3) made through unlawful procedure;

(4) affected by another error of law;

(5) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or

(6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

~~(5) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or~~

~~(6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.~~

~~(e) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (d) of this section. If the record reflects that the hearing officer's order violated one of the standards in Subsection (d), the municipal judge may either:~~

~~(1) reverse the hearing officer's order and find the appellant not liable;~~

~~(2) reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or~~

~~(3) affirm the order, but reduce the amount of the administrative penalties assessed.~~

~~(f) The municipal judge's ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.~~

~~(g) The municipal judge's ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge's ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge's ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling.~~

(h) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (g) of this section. If the record reflects that the hearing officer's order violated one of the standards in Subsection (g), the municipal judge may either:

(1) reverse the hearing officer's order and find the appellant not liable;

(2) reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or

(3) affirm the order, but reduce the amount of the administrative penalties assessed to no lower than the minimum penalty established by ordinance for the particular violation, including the additional $36 administrative penalty.

(i) The municipal judge's ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

(j) The municipal judge's ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs

assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge's ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge's ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling. (Ord. Nos. 25927; 30236)

SEC. 27-16.21. DISPOSITION OF ADMINISTRATIVE PENALTIES, FEES, AND COURT COSTS.

(a) Except as provided in Subsection (b), administrative penalties, fees, and court costs assessed under this article must be paid into the city's general fund for the use and benefit of the city.

(b) From the administrative penalties assessed under this article, $36 for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable must be deposited into the Dallas Tomorrow Fund established in Section 27-16.22 of this article or the Dallas Animal Welfare Fund established under Section 7-8.4 of Chapter 7 of this code, as applicable. (Ord. Nos. 25927; 29403; 29618)

SEC. 27-16.22. DALLAS TOMORROW FUND.

~~(a) The Dallas Tomorrow Fund is composed of:~~

~~(1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;~~

~~(2) 30 percent of all civil fines collected by the city for lawsuits filed in the municipal court under~~

~~Subchapter B, Chapter 54 of the Texas Local Government Code; and~~

~~(3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.~~

~~(b) The Dallas Tomorrow Fund must be used for the sole purpose of rehabilitating and/or repairing properties and premises in the city for persons who:~~

~~(1) are found financially unable to comply with an administrative order of a hearing officer under Section 27-16.19; and~~

~~(2) do not qualify for other home repair or rehabilitation assistance available through the city.~~

(a) The Dallas Tomorrow Fund is composed of:

(1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;

(2) 30 percent of all civil penalties collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code, as amended, or under Chapter 214 of the Texas Local Government Code, as amended; and

(3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.

(b) The Dallas Tomorrow Fund must be used for the sole purpose of rehabilitating and repairing properties and premises in the city for persons who are found by the Dallas Tomorrow Fund administrator to be financially unable to comply with a notice of violation issued by the director under this chapter. (Ord. Nos. 25927; 30236)

SEC. 27-16.23. ADMINISTRATION OF THE DALLAS TOMORROW FUND.

~~(a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.~~

~~(b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:~~

~~(1) have been found liable for an administrative offense under this article (other than a violation of Chapter 7 or Section 49-21.1 of this code);~~

~~(2) have been found by a hearing officer under Section 27-16.19 to be financially unable to comply with an administrative order issued under this article;~~

~~(3) not qualify for other home repair or rehabilitation assistance available through the city;~~

~~(4) file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person's property or premises until it complies with the administrative order; and~~

~~(5) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.~~

~~(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with the administrative order.~~

~~(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work.~~

~~(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. That person may inspect the project plan prior to the beginning of work and withdraw the request. The administrator shall give the person written notice of this right to examine the project plan and withdraw the request. If the person does not withdraw the request, the person is considered to have given approval for the project. If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.~~

~~(f) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan and the administrative order.~~

~~(g) The person who filed the request with the Dallas Tomorrow Fund and the contractor selected by that person shall each have the right to terminate the~~

(a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.

(b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:

(1) have received a notice of violation of this chapter from the director;

(2) have been found by the administrator of the Dallas Tomorrow Fund to be financially unable to comply with the notice of violation;

(3) file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person's property or premises until it complies with the notice of violation; and

(4) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with the notice of violation.

(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work. The project plan must include only the work necessary to bring the property or premises into compliance with the notice of violation.

(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. Before the work on the property or premises begins, the person who filed the request must confirm in writing that he or she:

(1) inspected the project plan;

(2) approved the project plan; and

(3) has understood that he or she has the right to withdraw the request at any time by providing written notice to the Dallas Tomorrow Fund administrator.

(f) If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.

~~project at any time pursuant to their contractual agreement or pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent rehabilitation and/or repair of the property or premises as a result of the termination.~~

~~(h) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for completion of work approved by the administrator.~~

~~(i) Once the administrator certifies that the project is completed, the administrator shall notify the hearing officer in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the administrative order. If the property or premises complies with the administrative order, then the city inspector shall send a notification of compliance to the hearing officer, who shall then dismiss the administrative citation. If the city inspector determines that the property or premises does not comply with the administrative order, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the administrative order.~~

~~(j) The administrator may only initiate project plans for projects costing $10,000 or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, change orders are needed in order to ensure that the property or premises complies with the administrative order, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the administrative order, but that was not anticipated in the original project plan.~~

(g) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan.

(h) The contractor selected by the Dallas Tomorrow Fund administrator has the right to terminate the project at any time pursuant to their contractual agreement and pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent rehabilitation and/or repair of the property or premises as a result of the termination.

(i) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor.

(j) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation. If the city inspector determines that the property or premises does not comply with the notice of violation, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation.

(k) The administrator may only initiate project plans for projects costing $20,000 or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds are needed in order to ensure that the property or premises complies with the notice of violation, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation, but that was not anticipated in the original project plan. Substantial changes to the project plan must be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator. (Ord. Nos. 25927; 29618; 30236)

ARTICLE V.

RESERVED.

SECS. 27-17 THRU 27-23. (Repealed by Ord. 25522)

ARTICLE VI.

MASTER METERED UTILITIES.

SEC. 27-24. DEFINITIONS.

~~In this article:~~

~~(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing more than four dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.~~

~~(2) PROPERTY MANAGER means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.~~

~~(3) UTILITY COMPANY means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.~~

~~(4) UTILITY INTERRUPTION means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service.~~

In this article:

(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing three or more dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.

(2) PROPERTY MANAGER means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.

(3) UTILITY COMPANY means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.

(4) UTILITY INTERRUPTION means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service. (Ord. Nos. 16232; 18591; 19234; 30236)

SEC. 27-25. RECORDS OF OWNERSHIP AND MANAGEMENT MAINTAINED BY UTILITY COMPANIES.

(a) Before providing utility service to a new account at a master metered apartment building, a utility company shall obtain the names and addresses of:

(1) the owner or owners of the building;

(2) the property manager responsible for paying the utility bills; and

(3) the first lienholder, if any.

(b) The utility company shall maintain a record of the information obtained under Subsection (a) and shall make it available to the director upon request.

(c) The applicant for utility service shall provide the information required in Subsection (a) to the utility company. (Ord. Nos. 16232; 18591; 19234)

SEC. 27-26. NOTICE TO TENANTS.

(a) The owner or property manager of a master metered apartment building shall post and maintain a notice in accordance with Subsection (b) containing the name, address, and telephone number of the person with authority and responsibility for making payment to the utility companies for utility bills. The owner or property manager shall correct the notice within 10 days of any change in the information given in the notice.

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended. (Ord. Nos. 16232; 18591; 19234; 25522; 30236)

SEC. 27-28. NONPAYMENT OF UTILITY BILLS - ESSENTIAL UTILITY SERVICE.

(a) The owner or property manager of a master metered apartment building commits an offense if he fails to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of a utility service essential to the habitability of the dwelling unit and to the health of the occupants. Essential utility services are gas, electric, and water and wastewater services.

(b) The owner or property manager of a master metered apartment building who violates Subsection (a) is guilty of a separate offense for each dwelling unit to which utility service is interrupted.

(c) It is a defense to prosecution under this section that the tenant occupying a dwelling unit to which utility service is interrupted is in arrears in rent to the owner or property manager of the master metered apartment building. (Ord. Nos. 18591; 19234; 25522)

ARTICLE VII.

REGISTRATION AND INSPECTION OF ~~MULTI-TENANT~~ RENTAL PROPERTIES AND CONDOMINIUMS.

SEC. 27-29. AUTHORITY OF DIRECTOR.

~~The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article.~~

The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-30. REGISTRATION AND POSTING REQUIREMENTS ~~REQUIRED~~; DEFENSES.

~~(a) A person commits an offense if he owns or operates a multi-tenant property in the city without a valid certificate of registration issued under this article.~~

~~(b) It is a defense to prosecution under this section that an annual exemption affidavit, signed and sworn to by the owner of a multifamily property or the owner's authorized agent and stating that no dwelling units in the multifamily property are leased or offered for lease, is filed with the director on a form provided by the department.~~

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium or its common elements without first

submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(d) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property or condominium association, fails to post, in a conspicuous place in a common area of the property or as otherwise approved by the director:

(1) the certificate of inspection; and

(2) the property's score from its most recent graded inspection as well as an information sheet explaining how the graded inspection is scored.

(e) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, fails to provide each tenant, upon request, with a copy of the rules of the multitenant property.

(f) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, operates that property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 60 or more units.

(g) It is a defense to prosecution under this section that:

(1) at the time of notice of a violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;

(2) at the time of notice of a violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of not more than 30 days during the preceding 12 months;

(3) at the time of notice of a violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(4) within the two years preceding the notice of violation or at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district in which the rental property is located; or

(5) at the time of the notice of a violation:

(A) the property was a short-term rental; and

(B) applicable hotel occupancy taxes levied on the property under Article V of Chapter 44 of the city code, as amended, had been collected and remitted in full. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-31. REGISTRATION ~~APPLICATION~~ ; FEES; RENEWAL.

~~To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:~~

~~(1) the name, address, and telephone number of the applicant or the applicant's authorized agent;~~

~~(2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property.~~

~~(3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;~~

~~(4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;~~

~~(5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);~~

~~(6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;~~

~~(7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;~~

~~(8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend meetings as required by Section 27-44 of this article;~~

~~(9) the current occupancy rate of the multi-tenant property (expressed as a percentage);~~

~~(10) the names, addresses, and telephone numbers of any person or entity leasing one or more units and providing services such as community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with the self-administration of medication to residents of those units; the number and location of such units; the number of residents in each unit; and a description of the on-site services provided to residents by the person or entity leasing the units; and~~

~~(11) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.~~

(a) Rental properties and condominium associations must provide a complete registration to the director annually.

(b) A registration application for a rental property or condominium association that was not previously required to register must be submitted before the owner leases the property or before any condominium units are occupied.

(c) Rental registration expires one year after the registration date.

(d) The annual registration fee, which includes the initial inspection fee, for a multitenant property is an amount equal to $6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant property.

(e) The annual registration fee, which excludes the initial inspection fee, for a single dwelling unit rental property is $21 per single dwelling unit rental property.

(f) No refund or prorating of a registration fee will be made.

(g) A registrant shall keep the information contained in its registration application current and accurate. If there is any change in the application information, the registrant shall promptly notify the director in writing of the changes information.

(h) A registration may be renewed by making application for a renewal in accordance with this article on a form provided by the director. In the application for renewal the registrant shall certify that all information in the then-current registration application is still accurate as of the date of the renewal application or correct any information that is not accurate as of the date of the renewal application. The registrant shall also submit a new, current

affidavit certifying the matters identified in Subsection 27-32(b) of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 26455; 27458; 29306; 29753; 30236)

SEC. 27-32. REGISTRATION ~~FEES~~ APPLICATION.

~~(a) The fee for a certificate of registration for a multi-tenant property is an amount equal to $6.00 times the total number of units in the multi-tenant property, whether occupied or unoccupied.~~

~~(b) No refund of a registration fee will be made.~~

(a) An owner of a rental property and the owner, landlord, or property manager of a condominium association must submit to the director a registration application on a form provided for that purpose by the director. The application must contain the following true and correct information:

(1) the name, mailing address, and, telephone number for:

(A) the owner of the rental property being registered or the name of the condominium association being registered;

(B) the person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the rental property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to avoid or minimize potential harm to the rental property, neighboring property, the occupants of the property, or the public.

(C) if the owner is not a natural person, then an agent, employee, or officer of the owner or condominium association authorized to receive legal notices and service of legal process on behalf of the owner or condominium association, and, in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(D) the holder of any deed of trust or mortgage lien on the rental property being registered;

(E) any insurance carriers providing casualty insurance to the owner covering the rental property or condominium association being registered (and providing the applicable policy number(s));

(F) any agent, employee, officer, landlord, property manager, and other persons in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(2) if the property being registered is part of a multitenant property or a condominium:

(A) the name, all legal addresses comprising the property, and the main telephone number, if any, of the property;

(B) the number of dwelling units, buildings, and swimming pools located on the property and the total number of bedrooms located on the property (a dwelling unit with no separate bedroom will be counted as one bedroom); and

(C) the name, mailing address, telephone number and e-mail address for any condominium association applicable to the property;

(3) if the owner of the rental property is not a natural person, the form of the entity, including, but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as well as the name and mailing address for each principal officer, director, general partner, trustee, manager, member, or other person charged with the operation, control, or management of the entity;

(4) the location of business records pertaining to the rental property or condominium association required to be maintained by Section 27-38 of this article;

(5) the official recording information (e.g., volume, page, and county of recording) for the owner's deed and any other instruments evidencing ownership of the rental property or creation and governance of the condominium association being registered;

(6) a list of all businesses, whether for-profit or non-profit, operating out of the property and offering goods or services to persons residing at or visiting the property;

(7) a copy of the owner's current driver's license or other government-issued personal

identification card containing a photograph of the owner, if the owner is a natural person; and

(8) any additional information the registrant desires to include or that the director deems necessary to aid in the determination of whether the registration application will be deemed complete.

(b) In addition to the application containing the information enumerated above, the owner must also provide an affidavit certifying that the following statements are true:

(1) there are no outstanding and unpaid ad valorem taxes or city liens applicable to the rental property being registered;

(2) operation of the rental property as currently configured does not violate the city's zoning ordinance;

(3) if the rental property is a multitenant property or part of a condominium, that it has a valid and adequate certificate of occupancy;

(4) if the rental property owner is an entity required to be registered or incorporated in its jurisdiction of formation, said entity is duly formed, existing, and in good standing with the jurisdiction; and

(5) if the rental property is a single dwelling unit rental property, the owner or the owner's agent inspected the interior and exterior of the rental property within the 60 days prior to the submission of the application and the results have been recorded on a form provided by the director. (Ord. Nos. 22205; 22695; 22906; 24481; 25522; 27695; 28019; 28423; 29879~~, eff. 10/1/15~~ ; 30236)

~~**SEC. 27-33. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.**~~

~~(a) Upon payment of all required fees, the director shall issue a certificate of registration for a multi-tenant property to the applicant if the director determines that:~~

~~(1) the applicant has complied with all requirements for issuance of the certificate of registration;~~

~~(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;~~

~~(3) the applicant has no outstanding fees assessed under this article or Article VIII of this chapter; and~~

~~(4) operation of the multi-tenant property would not violate the city's zoning ordinances.~~

SEC. 27-33. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.

(a) Upon receiving a registration application, the director shall review the application for completeness.

(b) If the director finds that the registrant submitted a complete application and paid the correct annual registration fee, the director shall promptly notify the registrant that his or her application has been received and found to be complete.

(c) If the director finds that the registrant has failed to submit a complete application or pay the annual registration fee or that any of the information on the application is materially incorrect or misleading, the director shall promptly notify the registrant that the application is defective or incomplete and the director shall list the defects or missing items.

~~(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.~~

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

~~(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination.~~ (Ord. Nos. 22205; 22695; 24481; 25522; 27458; 30236)

~~SEC. 27-34. REVOCATION OF CERTIFICATE OF REGISTRATION.~~

~~(a) The director shall revoke any certificate of registration for a multi-tenant property if the director determines that:~~

~~(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a multi-tenant property;~~

~~(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;~~

~~(3) the registrant failed to pay a fee required by this article or Article VIII of this chapter at the time it was due; or~~

~~(4) operation of the multi-tenant property violates the city's zoning ordinances.~~

~~(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.~~

~~(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.~~ ~~(Ord. Nos. 22205; 22695; 24481; 25522; 27458)~~

SEC. 27-34. RESERVED.

(Repealed by Ord. 30236)

~~SEC. 27-35. APPEALS.~~

~~If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration issued pursuant to this article, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~ ~~(Ord. Nos. 22205; 22695; 24481; 25522)~~

SEC. 27-35. RESERVED.

(Repealed by Ord. 30236)

~~SEC. 27-36. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.~~

~~(a) A certificate of registration for a multi-tenant property expires one year after the date of issuance.~~

~~(b) A certificate of registration may be renewed by making application in accordance with Section 27-31. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.~~ ~~(Ord. Nos. 22205; 22695; 24481; 25522; 27458)~~

SEC. 27-36. RESERVED.

(Repealed by Ord. 30236)

~~SEC. 27-37. NONTRANSFERABILITY.~~

~~A certificate of registration for a multi-tenant property is not transferable. (Ord. Nos. 22205; 22695; 24481; 25522)~~

SEC. 27-37. RESERVED.

(Repealed by Ord. 30236)

SEC. 27-38. REGISTRANT'S RECORDS.

~~(a) Each registrant shall maintain at a single location business records of the multi-tenant property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.~~

~~(b) Records that must be maintained by the registrant include, but are not limited to:~~

~~(1) the current certificate of occupancy issued for the property;~~

~~(2) records of ownership for the property;~~

~~(3) the name and telephone number of the manager of operations, and the pool logs, for any swimming pool on the property;~~

~~(4) the crime prevention addendum for each tenant of the property as required under Section 27-43 of this article;~~

~~(5) records of attendance at crime watch safety meetings and mandatory crime prevention and safety meetings sponsored by the city of Dallas as required by Section 27-44 of this article; and~~

~~(6) any other records deemed necessary by the director for the administration and enforcement of this article.~~

(a) Each registrant shall maintain at a single location within the city of Dallas, and identified in its registration application, the business records of the rental property or condominium association being registered. If the registrant refuses to make those records available for inspection by the director or a peace officer, the director or peace officer may seek a court order to inspect the records.

(b) Records that must be maintained by the registrant include:

(1) the current certificate of occupancy issued for the rental property, if required;

(2) deeds or other instruments evidencing ownership for the rental property;

(3) a current rental registration application or renewal application;

(4) the pool logs, pool permits, and manager of pool operation certificates for any swimming pool on the rental property, if required;

(5) leases or rental agreements applicable to the rental property;

(6) the crime prevention addendum for each tenant of the property, as required under Section 27-43 of this article;

(7) records of attendance at four crime watch meetings in the last calendar year, as required by Section 27-44 of this article, unless the property has not been operated as a rental property during part of the last calendar year;

(8) a record of each tenant complaint, describing the complaint and how the complaint was resolved, and which record can only be viewed by the current tenant of the unit complained of and by the city, upon the city's request;

(9) a copy of the inspection report described in Section 27-32(b)(5) of this article; and

(10) any other records deemed necessary by the director for the administration and enforcement of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 29306; 30236)

~~**SEC. 27-39. EMERGENCY RESPONSE INFORMATION.**~~

~~(a) An owner or operator of a multi-tenant property shall provide the director with the name, address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.~~

~~(b) The owner or operator of the multi-tenant property shall notify the director within 10 days of any change in the emergency response information.~~

~~(c) The owner or operator of a multi-tenant property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property.~~

SEC. 27-39. REQUIRED EMERGENCY RESPONSE.

(a) An owner of a rental property and a condominium association shall provide the director with the name, address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(b) The owner of the rental property and a condominium association shall notify the director within 10 days of any change in the emergency response information.

(c) The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property. (Ord. Nos. 25522; 30236)

SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.

~~A registrant or an applicant for a certificate of registration for a multi-tenant property shall not allow the payment of ad valorem taxes owed in connection with the multi-tenant property to become delinquent.~~

A registrant, excluding a condominium association, for a property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the property to become delinquent. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

~~**SEC. 27-41. NOTIFICATION OF CHANGE OF INFORMATION.**~~

~~A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a multi-tenant property, including any changes in ownership of the property. (Ord. Nos. 22205; 22695; 24481; 25522)~~

SEC. 27-41. RESERVED.

(Repealed by Ord. 30236)

SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.

~~(a) The director may inspect any multi-tenant property in the city for code violations in accordance with Section 27-5 of this chapter. At least once every three years, the director shall conduct a graded inspection of each multi-tenant property, except for one that was constructed and issued a certificate of occupancy within the preceding five years. Graded inspections may be conducted more frequently by the director, but not more than once during a property's annual registration period, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (b) of this section, shall also conduct a supplemental graded inspection of any property failing the graded inspection. After completing a graded inspection or a supplemental graded inspection, the director shall enter the inspection score on the property's certificate of registration. The director may conduct nongraded inspections on a multi-tenant property at any time the director determines necessary.~~

~~(b) Supplemental graded inspections.~~

~~(1) If a multi-tenant property scores lower than 85 on a graded inspection, the director shall give the owner or operator of the property 45 days from the date of the inspection to correct all substandard conditions and other premises violations specifically listed in the inspection report.~~

~~(2) After the 45-day correction period, the director shall conduct:~~

~~(A) a first reinspection of the property to determine whether the owner or operator has corrected the specific substandard conditions and other premises violations listed in the inspection report; and~~

~~(B) a supplemental graded inspection of the property.~~

~~(3) If the multi-tenant property scores 85 or higher on the supplemental graded inspection and the director determines that all substandard conditions and other premises violations specifically listed in the report for the original graded inspection have been corrected, then no inspection fee will be charged under Subsection (c) to the owner or operator of the property.~~

~~(4) If the multi-tenant property scores lower than 85 on the supplemental graded inspection or the director determines that all substandard conditions and other premises violations specifically listed in the report for the original graded inspection have not been corrected, then inspection fees for the original graded inspection will be charged to the owner or operator of the property in accordance with Subsection (c)(2) or (c)(3), whichever applies.~~

~~(c) The owner or operator of a multi-tenant property shall pay to the director the following fees for a graded inspection of the property:~~

~~(1) For a graded inspection in which the property scores 85 or higher or where Subsection (b)(3) applies to the property, no inspection fee will be charged.~~

~~(2) For a graded inspection in which the property scores lower than 85 because of substandard conditions or other premises violations existing on the property and where Subsection (b)(4) applies to the property, the inspection fee is $46 times the total number of units in the multi-tenant property.~~

~~(3) For a graded inspection in which the property scores lower than 85 only because of failure to have or display required documentation, including but not limited to permits, notices, licenses, records, or certificates of occupancy, and where Subsection (b)(4) applies to the property, the inspection fee is $87 times the total number of units in the multi-tenant property.~~

(a) The director shall conduct a graded inspection of each multitenant property and each condominium property at least once every three years, but not more frequently than once a year. Graded inspections may be conducted more frequently by the director, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (d) of this section, shall also conduct any subsequent inspections of any

property failing the graded inspection. The director may conduct nongraded inspections on a multitenant and condominium property at any time the director determines necessary.

(1) After completing a graded inspection, the director shall timely issue the property owner or condominium association a certificate of inspection that includes the inspection score.

(2) Multitenant properties and condominiums that were constructed and issued a certificate of occupancy within the preceding five years are not subject to a graded inspection.

(b) The director shall conduct an inspection of each single dwelling unit rental property at least once every five years but not more frequently than once a year.

(c) The inspections conducted pursuant to this section are in addition to any inspections conducted under Section 27-5 of this chapter.

(d) The director may use a property condition assessment tool to determine the frequency and the scope of graded inspections. If a property fails its graded inspection, or if the graded inspection reveals a condition that the director determines to be a nuisance, the owner will be assessed fees for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the nuisance or cured the deficiencies noted in the graded inspection. Inspection fees will be assessed as follows:

(1) For a multitenant property, a re-inspection of the exterior and any common area(s): $20 for each separate structure inspected.

(2) For a multitenant property, a re-inspection of the interior: $46 for each unit actually re-inspected.

(3) For an initial inspection of a single dwelling unit rental property: $110 per single dwelling unit rental property.

(4) For a re-inspection of a single dwelling unit rental property: $43 per single dwelling unit rental property.

(e) For failure to have or display, at any time, required documentation, including, but not limited to, permits, notices, licenses, records, or certificates of occupancy, the fee is $87 multiplied by the total number of units in the multitenant property.

(f) The director shall provide a list of the current graded inspection scores for all registered rental properties on the city's website.

~~(d) Whenever a multi-tenant property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.~~

~~(e) The owner, occupant, operator, or other person responsible for the violation shall pay to the director the following fees for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated:~~

~~(1) For a reinspection conducted inside units of a multi-tenant property, the fee is $50 times the number of units actually reinspected.~~

~~(2) For a reinspection of the exterior and common areas of a multi-tenant property, the fee is $20 for each separate violation site reinspected.~~

~~(f) The owner or operator of a multi-tenant property shall disclose, on a form provided by the director, the current inspection score for the property in accordance with the following requirements:~~

~~(1) A copy of the form containing the current score must be posted on the premises in a manner and location approved by the director.~~

~~(2) A copy of the form containing the current score must be given to every new and prospective tenant of the property.~~
(Ord. Nos. 22205; 22695; 24481; 25522; 26598; 27185; 27695; 29879~~, eff. 10/1/15~~; 30236)

SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.

Where a multitenant property is used or maintained in a manner that poses a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any local, state, or federal laws or regulations, the director may ask the building official to revoke the multitenant property's certificate of occupancy. (Ord. 30236)

SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.

~~(a) The owner or operator of a multi-tenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.~~

~~(b) The crime prevention addendum must include the following information:~~

~~(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the applicant named in the lease or rental agreement and, if the applicant will not be occupying the multi-tenant property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant who will be occupying the property. The signature required on the crime prevention addendum must be separate and apart from the signature used to execute other provisions of the lease.~~

~~(2) A statement advising the applicant and tenant that the owner or operator of the multi-tenant property will initiate eviction proceedings if the applicant or tenant, or any guest or co-occupant of the applicant or tenant, engages in any abatable criminal activity on the premises of the multi-tenant property.~~

~~(c) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; manufacture, sale, or use of drugs; and manufacture or sale of alcoholic beverages.~~

(a) The owner of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.

(b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after January 1, 2017, include a crime prevention addendum complying with this section.

(c) The crime prevention addendum must include the following information:

(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the tenant will not be occupying the rental property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property, as described in Subsection (d) of this section.

(d) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, or use of drugs; illegal manufacture or sale of alcoholic beverages; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended.

(e) It is a defense to prosecution under Subsection (a) of this section that the owner of the multitenant property used a Texas Apartment Association lease contract for the lease or lease renewal. (Ord. Nos. 25522; 25774; 30236)

SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS ~~AND MANDATORY CRIME PREVENTION AND SAFETY MEETINGS SPONSORED BY THE CITY~~.

~~(a) The owner, operator, or other person in control of a multi-tenant property shall attend a total of at least four [eff. 1-1-15] crime watch safety meetings each calendar year. The meetings attended must be held by crime watch safety organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily properties, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police and Fire-Rescue Departments. The meetings must be attended in the neighborhood in which the multi-tenant property is located or, if that neighborhood has no crime watch safety organization, then in the nearest neighborhood that does. A written statement, signed by a crime watch safety chair, verifying that the crime watch safety meeting was attended by the owner, operator, or other person in control of the multi-tenant property, or by the person designated to attend meetings for the property under Subsection (c), must be submitted to the director upon request.~~

~~(b) The owner, operator, or other person in control of a multi-tenant property shall, upon notification by the city of Dallas, attend any mandatory crime prevention or safety meetings sponsored by the city of Dallas.~~

~~(c) If unable to personally attend every meeting required by this section, the owner, operator, or other person in control of a multi-tenant property may designate in the property registration application another person to attend the meetings. A person may not be designated to attend required meetings for more than five separate multi-tenant properties.~~

(a) The owner of a multitenant property shall attend at least four [eff. 1-1-15] crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily dwellings, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. The meetings must be attended in the neighborhood in which the multitenant property is located or, if that neighborhood has no crime watch organization, then in the nearest neighborhood that does. A crime watch attendance certificate, signed by a crime watch chair, verifying that the crime watch meeting was attended by the owner of the multitenant property, or by the person designated to attend meetings for the property under Subsection (c), must be maintained with the property's records and submitted to the director upon request.

(b) If unable to personally attend every crime watch meeting required by this section, the owner of a multitenant property may designate another person to attend the meetings. A person may not be designated to attend crime watch meetings for more than five separate multitenant properties. (Ord. Nos. 24481; 25522; 27458; 29306; 30236)

SEC. 27-44.1. PRESUMPTIONS.

(a) Unless otherwise provided in this article, 30 business days is deemed prompt and sufficient notice by the city.

(b) Any notice to be provided by the city pursuant to this article shall be deemed effective when personally delivered to the intended addressee or mailed by first class U.S. mail, certified mail, return receipt requested, addressed to the intended addressee at the last applicable address provided in the registration of the rental property in question. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(c) Notices delivered to one tenant of a dwelling unit in a rental property shall be deemed effective as to all tenants and occupants of that dwelling unit.

(d) Notice delivered to one owner of a rental property shall be deemed effective as to all owners of a rental property.

(e) Notice to an owner of a rental property shall be deemed effective if made to an agent, employee, officer, landlord, or property manager authorized to act on behalf of the owner or identified in the registration for the rental property. For purposes of this article, an owner may act by and through an agent, employee, officer, landlord, or property manager authorized to act on behalf of the owner or identified in the registration for a rental property for that purpose.

(f) Notice to a condominium association with respect to common areas or exteriors of a condominium shall be effective as to all owners with an interest in that common area or those exteriors. If there is not a condominium association existing and in good standing with authority over common areas or exteriors of a condominium, notice to an owner of a common interest in the common areas or exterior shall be effective as to all other owners with a common interest in the common area or exterior.

(g) In lieu of originals, true and correct copies of any instruments or documents required of an owner or registrant shall be sufficient. Notwithstanding the foregoing, affidavits submitted to the city must bear the original signatures of the affiant and the authority who administered the oath.

(h) Any affidavits required in connection with this article must be made by a natural individual having personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to administer oaths. (Ord. 30236)

ARTICLE VIII.

RESERVED.

SECS. 27-45 THRU 27-58. (Repealed by Ord. 30236)

~~**MANDATORY CRIME REDUCTION PROGRAM FOR DESIGNATED APARTMENT COMPLEXES.**~~

~~**SEC. 27-45. PURPOSE.**~~

~~(a) A correlation exists between high crime rates at an apartment complex and an apartment complex's failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.~~

~~(b) This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program. (Ord. 27458)~~

~~**SEC. 27-46. DEFINITIONS.**~~

~~In this article:~~

~~(1) APARTMENT COMPLEX means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.~~

~~(2) CHAPTER 125 CRIMES means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated~~

robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.

(3) CHIEF OF POLICE means the chief of the police department of the city or the chief's authorized representative.

(4) COMMUNITY PER CAPITA CRIME INDEX or CRIME INDEX means a statistically-determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article.

(5) CRIME RISK THRESHOLD means a statistically-determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.

(6) DESIGNATED APARTMENT COMPLEX means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.

(7) MULTI-TENANT PROPERTY REGISTRATION means registration as a multi-tenant property under Article VII of this chapter.

(8) NONAPPLICABLE CRIMES means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.

(9) PART 1 CRIMES means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.

(10) PART 2 CRIMES means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.

(11) REGISTERED APARTMENT COMPLEX means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter. (Ord. 27458)

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.

The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. 27458)

SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.

(a) The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.

(b) The community per capita crime index for an apartment complex is calculated as follows:

(1) Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;

(2) Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;

(3) Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;

(4) Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;

(5) Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.

(6) Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.

(c) Example of calculation of community per capita crime index.

Apartment size:	100 units
Apartment occupancy rate:	90% occupied
Apartment crime in 12-month period:	10 Part I crimes; 20 Part II crimes; 15 Chapter 125 crimes
Apartment-unit mix:	70 one-bedrooms; 30 two-bedrooms
Total bedrooms	130 (with two occupants counted for each bedroom)

Ideal occupancy number = 130 x 2 = 260
Actual occupancy number = 260 x 90% = 234

Crime index for Part I crimes = (10 ÷ 234) x 100 = 4.3
Crime index for Part II crimes = (20 ÷ 234) x 100 = 8.5
Crime index for Chapter 125 crimes = (15 ÷ 234) x 100 = 6.4

(Ord. 27458)

SEC. 27-49. CRIME RISK THRESHOLD.

(a) The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.

(b) The crime risk threshold for apartment complexes is calculated as follows:

(1) Determine the total number of registered apartment complexes in the city.

(2) Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.

(3) Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.

(4) Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.

(5) Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.

(6) Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.

(c) Example of calculation of crime risk threshold.

Apartment Complex No.	1	2	3	4	5	6	7	8	9	10	SUM
Crime Index for Part I Crimes	12	9	3	10	12	22	7	11	15	19	120
Deviation from Average Crime Index	0	-3	-9	-2	0	10	-5	-1	3	7	0
Deviation Squared	0	9	81	4	0	100	25	1	9	49	278

Average crime index for Part I crimes = 120 ÷ 10 = 12
Average squared deviation = 278 ÷ 10 = 27.8
Standard deviation = $\sqrt{27.8}$ = 5.27
Crime risk threshold for Part I crimes = 12 + 5.27 = 17.27

(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)
(Ord. 27458)

SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED.

(a) An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:

(1) a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or

(2) a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.

(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later. (Ord. 27458)

SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.

(a) The chief of police shall provide written notice to the owner, operator, or property manager of

each apartment complex designated to participate in the mandatory crime reduction program.

(b) The notice must include the following information:

(1) The name and address of the apartment complex.

(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.

(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.

(4) The actual occupancy number used to calculate the apartment complex's crime index.

(5) The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.

(6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.

(7) The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.

(c) Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex. (Ord. 27458)

SEC. 27-52. DELIVERY OF NOTICES.

Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:

(1) on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi-tenant property registration application. (Ord. 27458)

SEC. 27-53. APPEAL FROM DESIGNATION.

(a) If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.

(b) If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.

(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.

(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted. (Ord. 27458)

SEC. 27-54. PROPERTY INSPECTIONS.

(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:

(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;

(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and

(3) determine whether the apartment complex is in compliance with this article.

(b) The chief of police is authorized at a reasonable time to inspect:

(1) the exterior of the apartment complex; and

(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.

(c) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.

(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.

(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the

chief of police to determine that the violation has been eliminated. (Ord. 27458)

SEC. 27-55. CONFERENCE WITH POLICE.

(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:

(1) the requirements of the mandatory crime reduction program;

(2) the results of the chief of police's inspection of the apartment complex;

(3) any voluntary recommendations for reducing crimes on and near the apartment complex; and

(4) any other information the chief of police wishes to discuss at the conference.

(b) An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.

(c) At least one individual with legal authority to act on behalf of the apartment complex must attend each conference required by this section. (Ord. 27458)

SEC. 27-56. PROGRAM FEE.

(a) A program fee of $250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.

(b) The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.

(c) No refund of a program fee will be made. (Ord. 27458)

SEC. 27-57. MANDATORY REQUIREMENTS.

(a) Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h) (fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.

(b) Trespass affidavits.

(1) An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.

(2) A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.

(c) Background checks.

(1) A current official criminal history report (issued by the Texas Department of Public Safety

~~within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.~~

~~(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of any termination of the employee's employment or the tenant's occupancy at the apartment complex.~~

~~(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.~~

~~(d) Lighting.~~

~~(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.~~

~~(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.~~

~~(e) Landscaping.~~

~~(1) No bush or shrub on the premises of the apartment complex may be taller than three and one-half feet.~~

~~(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.~~

~~(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.~~

~~(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.~~

~~(h) Fencing.~~

~~(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.~~

~~(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian~~

walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.

(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.

(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.

(j) Crime watch meetings.

(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.

(2) The chief of police must be given at least 10 days advance notice of the meeting.

(k) Residential security survey.

(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older.

(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution. (Ord. 27458)

SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.

(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:

(1) being designated for participation in a mandatory crime reduction program under Section 27-50; or

(2) having a previously-granted fencing modification revoked by the chief of police under Subsection (f) of this section.

(b) If a written request is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.

(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:

(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and

(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.

(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.

(f) If the board grants the request for a fencing modification, the modification remains valid and does

not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:

(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or

(2) fails to comply with a city ordinance or state law applicable to fences.

(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.

(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law. (Ord. 27458)

ARTICLE IX.

RESERVED.

SECS. 27-59 THRU 27-72. (Repealed by Ord. 30236)

REGISTRATION AND INSPECTION OF NON-OWNER OCCUPIED RENTAL PROPERTY.

SEC. 27-59. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. 27751)

SEC. 27-60. REGISTRATION REQUIRED; DEFENSES.

(a) A person commits an offense if he owns a non-owner occupied rental property in the city without a valid certificate of registration issued under this article.

(b) If a person owns more than one non-owner occupied rental property in the city, a separate registration is required for each property. If both dwelling units of a duplex qualify as non-owner occupied rental properties, then each dwelling unit must be registered separately, even if under a common ownership.

(c) If three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they must be registered as a multi-tenant property under Article IV of this chapter instead of as non-owner occupied rental properties under this article.

(d) It is a defense to prosecution under Subsection (a) that the non-owner occupied rental property had been leased or rented for less than the 60-day period preceding the date of the violation. (Ord. 27751)

SEC. 27-61. REGISTRATION APPLICATION.

To obtain a certificate of registration for a non-owner occupied rental property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the owner of the non-owner occupied rental property. If the owner is

not an individual, an authorized officer or agent of the owner must file the form. The application must contain the following information:

(1) The name, street address, mailing address, and telephone number of the applicant (owner of the property).

(2) The name, street address, mailing address, telephone number, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant for the non-owner occupied rental property is not an individual.

(3) The form of business of the applicant; the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.

(4) The street address of the non-owner occupied rental property.

(5) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 27-69 of this article.

(6) Documentary evidence of payment of ad valorem taxes owed in connection with the non-owner occupied rental property.

(7) The names, street addresses, mailing addresses, and telephone numbers of any owners of the non-owner occupied rental property other than the applicant.

(8) A statement that, by filing the registration, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.

(9) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted. (Ord. 27751)

SEC. 27-62. REGISTRATION FEES.

(a) The annual fee for a certificate of registration for a non-owner occupied rental property is $17.

(b) No refund of a registration fee will be made.

(c) The registration fee established in Subsection (a) will not be charged upon renewal of a certificate of registration for a non-owner occupied rental property if no violations of Section 27-11(b), (c), or (d) of this chapter were found on the property by the director within the preceding registration year. (Ord. Nos. 27751; 29879, eff. 10/1/15)

SEC. 27-63. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a non-owner occupied rental property to the applicant if the director determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration;

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and

(3) the applicant has no outstanding fees assessed under this article.

(b) If the director determines that the requirements of Subsection (a) have not been met, the

director shall deny a certificate of registration to the applicant.

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

(d) A certificate of registration issued under this section must be displayed on the premises of the non-owner occupied rental property in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination. (Ord. 27751)

SEC. 27-64. REVOCATION OF CERTIFICATE OF REGISTRATION.

(a) The director shall revoke any certificate of registration for a non-owner occupied rental property if the director determines that:

(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a non-owner occupied rental property;

(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or

(3) the registrant failed to pay a fee required by this article at the time it was due.

(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.

(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal. (Ord. 27751)

SEC. 27-65. APPEALS.

If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration issued pursuant to this article, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 27751)

SEC. 27-66. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

(a) A certificate of registration for a non-owner occupied rental property expires one year after the date of issuance.

(b) A certificate of registration may be renewed by making application in accordance with Section 27-61. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration. (Ord. 27751)

SEC. 27-67. NONTRANSFERABILITY.

A certificate of registration for a non-owner occupied rental property is not transferable. (Ord. 27751)

SEC. 27-68. REGISTRANT'S RECORDS.

(a) Each registrant shall maintain at a single location business records of the non-owner occupied rental property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.

(b) Records that must be maintained by the registrant include, but are not limited to:

(1) records of ownership for the property; and

(2) any other records deemed necessary by the director for the administration and enforcement of this article. (Ord. 27751)

SEC. 27-69. EMERGENCY RESPONSE INFORMATION.

(a) The registrant of a non-owner occupied rental property shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(b) The registrant of the non-owner occupied rental property shall notify the director within 10 days of any change in the emergency response information.

(c) The registrant of a non-owner occupied rental property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property. (Ord. 27751)

SEC. 27-70. FAILURE TO PAY AD VALOREM TAXES.

A registrant or an applicant for a certificate of registration for a non-owner occupied rental property shall not allow the payment of ad valorem taxes owed in connection with the non-owner occupied rental property to become delinquent. (Ord. 27751)

SEC. 27-71. NOTIFICATION OF CHANGE OF INFORMATION.

A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a non-owner occupied rental property, including any changes in ownership of the property. (Ord. 27751)

SEC. 27-72. PROPERTY INSPECTIONS; REINSPECTION FEES.

(a) The director may inspect any non-owner occupied rental property in the city for code violations in accordance with Section 27-5 of this chapter.

(b) Whenever a non-owner occupied rental property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.

(c) The owner, occupant, or other person responsible for the violation shall pay to the director $19 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated. (Ord. Nos. 27751; 29879, eff. 10/1/15)

Department or any other licensing agency showing the name of the person to whom the license plates were issued. This proof shall constitute prima facie evidence of the fact that the person to whom such certificate of registration was issued was the driver of the automobile. This presumption may be rebutted by competent evidence. (Ord. 14584)

ARTICLE V.

TRAFFIC-CONTROL DEVICES.

SEC. 28-24. AUTHORITY TO INSTALL.

~~(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall determine those places on public streets and highways where a particular danger or hazard exists to motor vehicle traffic and pedestrian traffic and shall place and maintain traffic control signs, signals, and devices in accordance with these studies and determinations as required under this chapter and other traffic laws. In addition, the city manager, the director of public works, the director of street services, the chief of police, the chief of fire-rescue, or personnel acting under their authority, and public contractors or their employees performing work pursuant to any federal, state, county, road district, or city contract, may place and maintain barricades, detour signs, or other warning devices at places where danger becomes apparent as a result of hazards caused by the weather or natural phenomena, defects, or obstructions in or near streets, alleys, sidewalks, parkways, parks, or other public places, as a result of building construction or demolition, or where street, alley, or sidewalk construction or repair is underway.~~

~~(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of street services is authorized to install and maintain permanent traffic diverters at the approved location.~~

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall determine those places on public streets and highways where a particular danger or hazard exists to motor vehicle traffic and pedestrian traffic and shall place and maintain traffic control signs, signals, and devices in accordance with these studies and determinations as required under this chapter and other traffic laws. In addition, the city manager, the director of mobility and street services, the chief of police, the chief of fire-rescue, or personnel acting under their authority, and public contractors or their employees performing work pursuant to any federal, state, county, road district, or city contract, may place and maintain barricades, detour signs, or other warning devices at places where danger becomes apparent as a result of hazards caused by the weather or natural phenomena, defects, or obstructions in or near streets, alleys, sidewalks, parkways, parks, or other public places, as a result of building construction or demolition, or where street, alley, or sidewalk construction or repair is underway.

(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of mobility and street services is authorized to install and maintain permanent traffic diverters at the approved location. (Ord. Nos. 14584; 14900; 22026; 23694; 28424; 30239)

SEC. 28-24.1. TRAFFIC BARRICADE MANUAL.

(a) The traffic engineer is authorized to prescribe a traffic barricade manual, conforming to the *Texas Manual on Uniform Traffic Control Devices approved by the Texas Transportation Commission*, for providing barricades, warning signs, and other traffic control devices that alert the public to hazards caused by construction, repair, pavement excavation or cuts, or other uses requiring closure of any portion of a public

(A) is no larger than 14 inches wide and 20 inches tall;

(B) states, in white lettering on a blue background, "THIS NEIGHBORHOOD PATROLLED BY VOLUNTEERS IN PATROL"; and

(C) does not contain any other message or any identification of a neighborhood, neighborhood group, or other person or organization on the sign. (Ord. Nos. 17167; 17225; 23822)

SEC. 28-28. TESTING UNDER ACTUAL CONDITIONS OF TRAFFIC.

The traffic engineer may test all forms of traffic control devices under actual conditions of traffic. (Ord. 14584)

SEC. 28-29. EXISTING DEVICES AFFIRMED AND RATIFIED.

~~Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of street services, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state law or this chapter.~~

Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of mobility and street services, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state law or this chapter. (Ord. Nos. 14584; 22026; 28424; 30239)

SEC. 28-30. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

(a) A person commits an offense if he places, maintains, or displays, upon or in view of a highway, any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or

STREET	EXTENT	SPEED (MPH)
Northwest Highway	The west city limits at the Elm Fork of the Trinity River to 1360 feet east of Shady Trail	45
Northwest Highway	1360 feet east of Shady Trail to 550 feet west of Starlight Road	40
Northwest Highway	550 feet west of Starlight Road to Central Expressway	35
Northwest Highway	Central Expressway to the east city limits	45
Oates Drive	Ferguson Road to the east city limits	35
Park Lane	Hillcrest Road to Greenville Avenue	35
Park Lane	Larmanda Street to Abrams Road	35
Parma Place	Spring Avenue to Teal Place	20
Parsons Street	Bexar Street to Choice Street	20
Pearl Street	McKinney Avenue to Live Oak Street	35
Pemberton Hill Road	C. F. Hawn Freeway to Loop 12	35
Pilgrim Drive	Commodore Drive to Bethurum Avenue	20
Plano Road	Forest Lane to Chesterton Drive	40
Plano Road	Chesterton Drive to Northwest Highway	35
Pleasant Drive	Bruton Road to Grovecrest Drive	35
Pointer Avenue	Vacek Street to Singleton Boulevard	20
Polk Street	Turner Avenue to Twelfth Street	35
Polk Street	Vernon Avenue to Ledbetter Drive	35
Polk Street	Ledbetter Drive to the south city limits at Danieldale Road	40
Prairie Creek Road	Forney Road to Scyene Road	40
Prairie Creek Road	Scyene Road to Lake June Road	35
Prairie Creek Road	Seagoville Road to Fostoria Drive	35
Preston Road	The north city limits to 100 feet north of Prestondell Drive	45
Preston Road	Prestondell Drive to Northwest Highway	35
Prestonwood Boulevard	Arapaho Road to Belt Line Road	35
Pueblo Street	Rupert Street to Kingsbridge Street	20
Ravinia Drive	Jefferson Boulevard to Gladstone Drive	20
Record Crossing Road	Stemmons Freeway to Harry Hines Boulevard	35
Red Bird Lane	Cockrell Hill Road to Marvin D. Love Freeway	40
Regal Row	Governors Row to the Irving city limits	35
Regal Row	Governors Row to Harry Hines Boulevard	40
Remond Drive	Westmoreland Road to Fort Worth Avenue	35
Restland Road	Valley View Lane to Greenville Avenue	40
Riverfront Boulevard	Irving Boulevard to Corinth Street	35
Robert B. Cullum Boulevard	Ash Lane to Second Avenue	35
Rosemeade Parkway	Marsh Lane to Dallas Parkway	35
Rowlett Road	2700 feet south of Chaha Road to 1700 feet north of Roan Road	40
Royal Lane	The west city limits to Central Expressway	35
Royal Lane	Central Expressway to Greenville Avenue	40
Royal Lane	Greenville Avenue to Lyndon B. Johnson Freeway	35

STREET	EXTENT	SPEED (MPH)
Rupert Street	Bickers Street to the cul-de-sac	20
Rupert Street	Pointer Avenue to Toronto Avenue	20
St. Augustine Road	The northeast city limits at Sam Houston Road to Middlefield Road	35
Sam Houston Road	All portions within the city limits	40
Samuell Boulevard	Dolphin Road to 300 feet east of Enderley Place	35
Samuell Boulevard	300 feet east of Enderley Place to Buckner Boulevard	40
Scyene Circle	All portions within the city limits	45
Scyene Road	Second Avenue to Lagow Street	35
Scyene Road	Lagow Street to Scyene Circle	45
Scyene Road	Scyene Circle east of Scyene Road to the east city limits at Sam Houston Road	45
Scyene Road	Scyene Circle west of Scyene Road to six-tenths of a mile west of Buckner Boulevard	35
Seagoville Road	Elam Road to Prairie Creek Road	35
Seagoville Road	Masters Drive to Acres Drive	40
Second Avenue	860 feet south of Dixon Avenue to C. F. Hawn Freeway	40
Shady Trail	Walnut Hill Lane to Northwest Highway	35
Shaw Street	Applegrove Street to Goldman Street	20
Shiloh Road	Lyndon B. Johnson Freeway to Santa Anna Avenue	40
Shiloh Road	Santa Anna Avenue to Ferguson Road	35
Shoreview Road	Audelia Road to Thurgood Lane	25
~~Simpson-Stuart Road~~	~~Lancaster Road to Central Expressway~~	~~35~~
Simpson-Stuart Road	Lancaster Road to Bonnie View Road	40
Simpson-Stuart Road	Bonnie View Road to Central Expressway	35
Singleton Boulevard	Walton Walker Boulevard to Hampton Road	35
Skillman Street	Forest Lane to 640 feet north of Walling Lane	45
Skillman Street	640 feet north of Walling Lane to Sandhurst Lane	40
Skillman Street	Sandhurst Lane to Richmond Avenue	35
South Belt Line Road	Interstate Highway 20 to 900 feet south of Beckett Road	40
South Ledbetter Drive	Walton Walker Boulevard to Whispering Cedar Drive	40
Southern Oaks Boulevard	Illinois Avenue to Overton Road	35
Southwestern Boulevard	Greenville Avenue to Skillman Street	35
Spring Avenue	Wahoo Street to Hatcher Street	25
Spring Valley Road	Dallas Parkway to Coit Road	35
Spur 482 (Storey Lane)	The west city limits to Harry Hines Boulevard	45
State Highway 66	1100 feet east of Edgewater Drive to 1300 feet west of Mark Lane	50
Stonebridge Drive	Turtle Creek Boulevard to Fitzhugh Avenue	20
Sylvan Avenue	Irving Boulevard to Morris Street	35
Sylvan Avenue	150 feet north of Singleton Boulevard to Colorado Boulevard	35
Teagarden Road	Dowdy Ferry Road to Muleshoe Road	35
Teal Place	Spring Avenue to Beulah Place	20
Tenison Parkway	East Grand Avenue to Samuell Boulevard	25
Thomas Avenue	Leonard Street to Hall Street	25
Tippecanoe Street	Tuxedo Street to Woodville Street	20
Toronto Street	Westmoreland Road to Fish Trap Road	20
Treehaven Street	Pilgrim Drive to Commodore Drive	20

STREET	EXTENT	SPEED (MPH)
Youngblood Road	Central Expressway to a point one mile east of Central Expressway	15
Zang Boulevard	Greenbriar Lane to one-eighth of a mile south of Clarendon Drive	35
Zang Boulevard	One-eighth of a mile south of Clarendon Drive to three-tenths of a mile south of Saner Avenue	40

(Ord. Nos. 14584; 14696; 14818; 14869; 14922; 14974; 15194; 15430; 15455; 15541; 15699; 15760; 15835; 16018; 16091; 16166 16288; 16411; 16524; 16577; 16624; 16821; 16901; 16986; 17041; 17146; 17345; 17456; 17576; 17667; 17875; 18265; 18283; 18483; 18484; 18982; 18983; 19749; 20196; 20475; 21237; 21564; 22643; 22926; 23078; 23556; 23917; 25833; 26500; 27294; 27700; 28871; 30022; 30217)

SEC. 28-45. EXPRESSWAYS AND FREEWAYS.

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

STREET	EXTENT	SPEED (MPH)
Central Expressway	Woodall Rodgers Freeway to Live Oak Street	50
Central Expressway	From a point 600 feet south of Taylor Street to Park Row	35
Central Expressway (S. M. Wright Freeway; US 175)	Park Row to C. F. Hawn Freeway	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Central Expressway (S. M. Wright Freeway; SH 310)	C. F. Hawn Freeway to a point two-tenths of a mile north of Overton Road	50
Central Expressway (S. M. Wright Freeway; SH 310)	From a point two-tenths of a mile north of Overton Road to Linfield Drive	50
Central Expressway (S. M. Wright Freeway; SH 310)	Linfield Drive to a point 750 feet north of Ledbetter Drive	50
Central Expressway (SH 310)	From a point 750 feet north of Ledbetter Drive to the south city limits at Langdon Drive	50
C. F. Hawn Freeway (US 175)	S. Central Expressway (SH 310) to Prairie Creek Road	Set by Texas Transportation Commission Minute Order No. 114203
C. F. Hawn Freeway (US 175)	Prairie Creek Road to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
Dallas Ft. Worth Turnpike (IH 30)	West city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203
Dallas North Tollway	From a divergent point of McKinnon Avenue and Harry Hines Boulevard to the north city limits	Set by North Texas Tollway Authority Resolution No. 97-30, as amended
E.R.L. Thorton Freeway (IH 30)	First Avenue to Rockwall county line	Set by Texas Transportation Commission Minute Order No. 114203
Good-Latimer Expressway	Taylor Street to Central Expressway	35
Interstate Highway 30	Dallas county line to Rockwall west city limits	Set by Texas Transportation Commission Minute Order No. 114203

STREET	BLOCK(s)	EXTENT
Boaz Street	5300-5500	200'E. of Inwood Road to 125'E. of West Greenway Boulevard
Boca Bay Drive	3900-4100	300'E. of Haydale Drive to 200'W. of Rosser Road
Bombay Avenue	2500-2700	20'E. of Waneba Drive to 75'E. of Brookdale Drive
Bonnie View Road	500-600	150'N. of Morrell Avenue to Sanderson Avenue
Bonnie View Road	800-1100	100'S. of Harrell Avenue to Gallatin Street
Bonnie View Road	3100-3300	60'S. of Millermore Street to 150'S. of King Cole Drive
Bonnie View Road	3900	270'S. of Beauchamp Street to Fordham Road
Bonnie View Road	4100-4300	200'N. of Fordham Road to 230'S. of Linfield Road
Bonnie View Road	5000-5100	230'N. of Corrigan Avenue to 200'S. of Stag Road
Bonnie View Road	5700-5800	380'N. to 410'S. of Persimmon Road
Bonnie View Road	6200-6300	220'N. of Pinebrook Lane to 50'N. of Pacesetter Street
Bonnie View Road	6400-6500	200'N. of Ivy Ridge Street to 350'S. of Tioga Street
Boulder Drive	3700-3900	60' N. of Gladiolus Lane to 225' N. of Larkspur Lane
Brentfield Drive	6500-6900	150'E. of Meadowcreek Drive to 160'W. of Shadybank Road
Briargrove Lane	3400	60'N. to 1100'N. of Old Mill Road
Briargrove Lane	4100-4200	287'W. of Voss Road to 310'W. of High Star Lane
Brockbank Drive	9500	65'N. to 905'N. of Storey Lane
~~Brockbank Drive~~	~~9700-9800~~	~~200'S. of Wheelock Street to 200'S. of Valley Meadow Drive~~
Brockbank Drive	9700-9800	250'N. of Bynum Avenue to 200'N. of Valley Meadow Drive
Brockbank Drive	10300-10400	19'S. of Bay Oaks Drive to 452'S. of Merrell Road
Bruton Road	7100-7500	60'W. of Mack Lane to 150'E. of Las Cruces Lane
Bruton Road	8800-8900	390'W. to 225'E. of Greendale Lane
Bruton Road	9500-9600	220'W. to 260'E. of St. Augustine Road
Bryan Street	4500-4700	130' W. of Holly Avenue to 30' E. of Grigsby Avenue
N. Buckner Boulevard	2700	333'N. to 375'S. of Gross Road
Bunchberry Drive	10200-10300	Whispering Hills Drive to 175'W. of Forest Ridge Drive
Burns Avenue	1100-1200	200'N. of Kernack Street to 230'N. of Beechwood Avenue
Caddo Street	2000-2200	50'S. of Lafayette Street to 160'S. of Thomas Avenue
Calculus Road	3900-4100	High Meadow Drive to 180'E. of Haydale Drive
Campbell Road	6800-7000	20'W. of Colegrove Drive to 230'W. of Park Hill Drive
Campbell Road	17700-18000	30'S. of Twinbrooks Drive to 60'S. of Fallsview Lane
Camp Wisdom Road	300-400	300'W. to 200'E. of Brierfield Drive
E. Camp Wisdom Road	1500-1800	300'W. to 300'E. of Old Ox Road
Canada Drive	2700-2800	300' E. of to 470' W. of Holystone Street
Candlenut Road	3900-4000	150'W. to 150' E. of Haydale Drive
Capital Avenue	3900-4400	70'W. of Carroll Avenue to 330'W. of Peak Avenue
Carroll Avenue	300-600	225'N. of Worth Street to 115' S. of Victor Street
Carroll Avenue	1500-2000	137' S. of Ross Avenue to 150' S. of Lafayette Street
Carroll Avenue	2300-2500	170'S. of Capitol Avenue to 175'N. of Weldon Street
Casa Oaks Drive	9900-10000	125'N. of Larry Drive to 20'S. of Andrea Lane
Catawba Road	8100-8300	125'W. of Elsby Avenue to 150'E. of Bluffview Boulevard
Cedar Crest Boulevard	2200-2300	340'E. to 320'W. of Bonnie View Road

STREET	BLOCK(s)	EXTENT
Frankford Road	2500-2600	500' E. of Kelly Boulevard to 150' W. of Creststone Drive
Frankford Road	4100-4200	375'E. of Voss Road to 32'W. of Whispering Gables Drive
Frankford Road	5700-5800	200'W. of Gallery Road/ Windflower Way to 450'W. of Campbell Road
S. Franklin Street	3700-3800	500'S. of Gibb Williams Road to 25' N. of Bridal Wreath Lane
Fullerton Drive	1200-1300	100' S. of Remond Drive to Colorado Boulevard
Garden Grove Drive	10300	650'S. of Edd Road to Edd Road
Gaston Avenue	5700-5800	170'S. to 185'N. of Skillman Street
Gayglen Drive	7600-7800	300'W. of Long Branch Lane to 15'W. of Anchorage Circle
Gladstone Drive	2300-2500	150'E. of S. Hampton Road to 100'W. of S. Franklin Avenue
Glasgow Drive	300N-300S	125'N. of Reiger Avenue to 125'S. of Covington Lane
Glenhaven Boulevard	4100-4300	270'W. of Sunnyside Avenue to 280'E. of Andrews Street
Goldwood Drive	1800	100'E. of Indian Ridge Trail to 150'W. of Forest Meadow Trail
Gooding Drive	10000-10100	150'N. of Killion Drive to 100'N. of Walnut Hill Lane
~~Goodman Street~~	~~5100-5200~~	~~245' W. of N. Justin Avenue to N. Morocco Avenue~~
Goodman Street	5100-5200	60'W. of N. Bagley Street to N. Morocco Avenue
Goodwin Avenue	5700-5900	50' E. of Delmar Avenue to 390' W. of Matilda Street
E. Grand Avenue	4900-5000	100'E. of Fitzhugh Avenue to 80'E. of S. Barry Avenue
E. Grand Avenue	5700-6200	50' W. of Parkview Avenue to 50' W. of Cristler Avenue
East Grand Avenue	7200-7300	290'S. to 270'N. of LaVista Drive
Great Trinity Forest Way	3000-3200	525'W. of Bonnie View Road to 70'W. of Greencrest Drive
Great Trinity Forest Way	6900-7200	465'E. to 500'W. of Jim Miller Road
Green Cove Lane	600-800	350'E. of Lone Oak Trail to 300'W. of Oak Trail
Greenleaf Street	3600-3700	70'S. of Holly Stone Street to 35'N. of Bickers Street
Greenmeadow Drive	2900-3000	John West Road to 180'N. of Forestcliff Drive
Greenmound Avenue	8800-9000	200'W. of McKim Drive to Blanton Street
Greenspan Drive	6600-6900	100'N. of Midvale Drive to 300'N. of Brierfield Drive
Greenspan Drive	7700-7800	400'N. to 350'S. of Kirnwood Drive
Greenville Avenue	2800-3000	Vickery Boulevard to 70'N. of Vanderbilt Avenue
Greenway Boulevard	7400-7500	100'N. of Glenwick Lane to 160'S. of Boaz Street
Gross Road	1700-2100	110'W. of Lindaro Lane to Felicia Court
Gus Thomasson Road	2900-3000	140'E. of Shiloh Road to 130'W. of Matterhorn Drive
Gus Thomasson Road	3200-3300	30'E. of Libby Lane to the Mesquite city limits
Gus Thomasson Road	10300	170' S. of Mandalay Drive to 80' S. of Ruth Ann Drive
Hampton Road	2000	215'S. of Elmwood Boulevard to 265'N. of Wright Street
N. Hampton Road	500-600	230' S. to 250' N. of Davis Street
N. Hampton Road	3200-3300	210' S. to 235' N. of Dennison Street
S. Hampton Road	400-600	280'N. of W. Twelfth Street to 230'S. of Gladstone Drive
S. Hampton Road	2900-3000	125' S. to 650' S. of Perryton Drive
S. Hampton Road	4000-4100	200' N. to 315' S. of Vatican Lane
Hargrove Drive	9400	150' S. of Oradell Lane to Sheila Lane
Harry Hines Boulevard	8500-8600	350'S. to 330'N. of Regal Row
Harvest Hill Road	4500-4800	255'W. of Welch Road to 250'E. of Harriet Drive
Harvest Hill Road	5100-5200	200'E. of Inwood Road (East Leg) to Forest Bend Road

STREET	BLOCK(s)	EXTENT
N. Haskell Avenue	1800-1900	400' N. to 200' S. of Munger Avenue
N. Haskell Avenue	3100	40'W. of McKinney Avenue to 30'E. of Cole Avenue
Haymarket Road	1200-1400	100'S. of Cade Road to 465'S. of Sewell Circle
Hazelhurst Lane	4800-5000	20'S. of Everglade Road to 50'N. of Fallon Place
Healey Drive	2500-2700	210'W. of Casa Oaks Drive to 190'E. of Shiloh Road
Hedgeway Drive	10000-10100	Walnut Hill Lane to 300' N. of Killion Drive
Henderson Avenue	1800-1900	10'W. of Lewis Street to 250' W. of McMillan Avenue
Hermosa Drive	10100-10400	190'S. of Stevens Street to 150'S. of Fuller Drive
Highland Hills Drive	5900	90'W. of Moonstone Drive to Bonnie View Drive
Highland Road	2000-2300	405' E. of Ferguson Road to 620' W. of Villa Cliff Drive
Highland Road	2400	210'N. to 200'S. of Claremont Drive
Hillbrook Street	2900-3000	Lake Circle to Sondra Drive
Hillburn Drive	2600	190'S. of Piedmont Drive to Piedmont Drive
Hillcrest Road	9700-10300	140'N. of Stichter Avenue to 150'S. of Waggoner Drive
Hillcrest Road	15700	45'S. of La Bolsa Drive to 300'N. of Arapaho Road
Hillcrest Road	16300-16400	270'S. to 260'N. of Brentfield Drive
Hillcrest Road	16900-17000	220'S. of Park Hill Drive to Dye Drive
Hillside Drive	2700-2800	80'N. of Westlake Avenue to 120'N of Blanch Circle
Hodde Street	6800-7000	100'E. of Woodmont Drive to Jim Miller Road
Holcomb Road	600-700	80'S. of Old Homestead Drive to 600'N. of Elam Heights Drive
Holly Hill Drive	7000	240' W. to 780' E. of Ridgecrest Road
Holystone Street	3600-3700	150' S. to 150' N. of Bickers Street
Horn Beam Drive	12700	550'S. of Bunchberry Drive to Bunchberry Drive
Hovenkamp Drive	4800-4900	100'N. of Winding Woods Trail to Ashbrook Road
Hudnall Street	3100-3200	200' W. to 200' E. of Vandelia Street
Hume Drive	7600-7900	500'W. of Buckner Boulevard to Piedmont Drive
Hunnicut Road	8200-8300	15'W. of Rivercrest Drive to 5'E. of Coolgreene Drive
Idaho Avenue	3900-4200	Grinnell Street to 200'S. of Brookmere Drive
E. Illinois Avenue	500-700	40'W. of Alaska Avenue to 20'W. of Maryland Avenue
W. Illinois Avenue	1300-1500	330'E. to 345'W. of S. Edgefield Avenue
W. Illinois Avenue	3700-3800	300'E. of Coombs Creek Drive to 250'W. of Keats Drive
W. Illinois Avenue	4600-4700	268'E. to 350'W. of Knoxville Street
W. Illinois Avenue	4900-5000	320'W. to 300'E. of Duncanville Road
Indian Ridge Trail	7500-7700	100'N. of Altadena Lane to 100'S. of Oak Garden Trail
Inwood Road	2400-2500	420' S. to 160' N. of Maple Avenue
Inwood Road	2700-3200	270'W. of Denton Drive to 240'E. of Vandelia Street
Inwood Road	11600-11700	260'N. of Caladium Drive to 30'N. of Del Roy Drive
Inwood Road	12200-12800	260'N. of Harvest Hill Road to 760'N. of Willow Lane
Itasca Drive	10800-11200	150'S. of Monterrey Avenue to 150'W. of Farola Drive
Jacqueline Drive	1100	200'N. of Fort Worth Avenue to Colorado Boulevard
E. Jefferson Boulevard	700-800	190' W. to 240' E. of N. Ewing Avenue
W. Jefferson Boulevard	1300-1400	355′ W. to 330′ E. of Edgefield Avenue

STREET	BLOCK(s)	EXTENT
W. Jefferson Boulevard	2000-2200	300'E. of Tennant Street to 150'E. of Oak Cliff Boulevard
W. Jefferson Boulevard	2500-2600	290'E. to 325'W. of Bernice Street
W. Jefferson Boulevard	3000-3300	290' W. of S. Westmoreland Road to 245' E. of Barnett Avenue
W. Jefferson Boulevard	4500	200' W. of Via Bishop Grahmann to 150' E. of Calumet Avenue
W. Jefferson Boulevard	5000-5100	300'W. of Bond Avenue to 80'E. of Justin Avenue
N. Jim Miller Road	100-300	440' N. of Loop 12 to 515' N. of Atha Drive
N. Jim Miller Road	400-700	200'N. of Hodde Street to 350'S. of Elam Road
N. Jim Miller Road	1400-1600	500'S. of Umphress Road to 300'S. of Seco Boulevard
N. Jim Miller Road	3900-4300	100'S. of Lovett Avenue to 200'S. of Military Parkway (South Service Road)
N. Jim Miller Road	5000-5100	250'S. to 150'N. of Everglade Road
Joaquin Drive	10900-11000	210'S. to 180'N. of Ruidosa Avenue
John West Road	1300-1400	150'E. of Greenmeadow Drive to Hunnicut Road
Joseph Hardin Drive	4000	200' N. to 200' S. of Exchange Service Drive
Junius Street	5800-5900	60'E. of Lowell Street to 15'W. of Ridgeway Street
Jupiter Road	11700-11800	125'S. of Lippitt Avenue to Lanewood Circle
Jupiter Road	12000-12100	125'S. to 125'N. of Fernald Avenue
Jupiter Road	12800-12900	370'N. to 340'N. of McCree Road
N. Justin Avenue	1100-1200	155' S. to 770' N. of Goodman Street
Keats Drive	2000-2300	80'S. of Poinsettia Drive to Rolinda Drive
Keeneland Parkway	5500	215'W. of the west service road to 235'E. of the east service road of Walton Walker Boulevard
Keeneland Parkway	5900-6000	50'E. of Cavalcade Drive to 80'W. of Kelso Drive
Kelly Road	18100-18200	530'N. to 550'S. of Timberglen Road
Kiest Boulevard	100 E.-300 W.	200'E. of Beckley Avenue to 330'W. of the R. L. Thornton Freeway southbound service road
E. Kiest Boulevard	700-1000	160'W. of Maryland Avenue to 70'W. of Utah Avenue
E. Kiest Boulevard	1600-1700	125'W. of Belknap Avenue to 420'E. of Easter Avenue
E. Kiest Boulevard	1800-2100	230'W. of Sunnyvale Street to 50'E. of Garrison Street
E. Kiest Boulevard	3800	Cedar Crest Boulevard to 200' S. of Cedar Crest Boulevard
W. Kiest Boulevard	900-1200	100'W. of Ryan Road to 500'E. of Navaho Drive
W. Kiest Boulevard	3900-4000	317' W. to 314' E. of Los Angeles Boulevard
Killion Drive	3900-4200	120'E. of Hedgeway Drive to 210'E. of Midway Road
Kingbridge Street	2900	Singleton Boulevard to Bedford Street
Kings Highway	1300-1400	370' E. to 360' W. of Edgefield Avenue
Kinkaid Drive	3100-3300	50'W. of Harwell Drive to 485'W. of Dale Crest Drive
Kirkhaven Drive	9900-10000	Estate Lane to 135'N. of Robindale Drive
Kirnwood Drive	700-800	220'W. to 205'E. of Racine Drive
Kirnwood Drive	2700-2900	150'E. of Bainbridge Avenue to 100'W. of Chaucer Place
Knight Street	2700-3000	180' W. of Congress Avenue to 150' E. of Dickason Avenue
Knoxville Street	2500-2800	25'S. of Western Oaks Drive to 200'N. of La Rue Street
La Cosa Drive	6400-6700	350'E. of Meadowcreek Drive to 200'W. of Woodbriar Drive

STREET	BLOCK(s)	EXTENT
N. Madison Avenue	1000-1200	300'W. of Beckley Avenue to 180'S. of Neches Street
~~Maham Road~~	~~13400-13900~~	~~Brookgreen Drive to 210'N. of Midpark Park~~
Maham Road	13400-14000	300'S. of Brookgreen Drive to 450'S. of Spring Valley Road
Malcolm X Boulevard	2500-2700	Coombs Street to 100'N. of Park Row Avenue
Malcolm X Boulevard	3600-3800	10' S. of Dathe Street to 200' N. of Hickman Street
Malcolm X Boulevard	4700-5000	50' S. of Hatcher Street to 50' S. of Hunter Street
Mandalay Drive	10800	150' E. of Maylee Boulevard to Maylee Boulevard
Maple Avenue	4400-4500	100' N. of Wycliff Avenue to 200' N. of Hawthorne Avenue
Maple Avenue	5400-5700	250'N. of Inwood Road to 150'S. of Butler Street (east leg)
Maribeth Drive	7500-7600	Osage Plaza Parkway to 200' E. of Dickerson Street
Mariposa Drive	1600-1700	100'N. of Dixie Lane to 500'S. of Alta Mira Drive
N. Marsalis Avenue	100-400	200' E. of Ninth Street to 65' S. of E. Sixth Street
S. Marsalis Avenue	200	155' S. of E. Jefferson Boulevard to 150' N. of E. Twelfth Street
S. Marsalis Avenue	2000-2200	75'N. of Illinois Avenue to 120'S. of Louisiana Avenue
S. Marsalis Avenue	2900-3100	150'N. of McVey Avenue to 330'S. of Corning Avenue
S. Marsalis Avenue	3500-4000	200'N. of Overton Road to 200'S. of Fordham Road
S. Marsalis Avenue	5500-5700	5'S. of Calcutta Drive to 10'N. of Foxboro Lane
Marsh Lane	9600-9700	Fontana Drive to 50'N. of Hidalgo Drive
Marsh Lane	12000-12100	40'W. of High Vista Drive to 320'N. of Crown Shore Drive
Marsh Lane	17800-17900	340'S. to 300'N. of Briargrove Lane
Martin Luther King, Jr. Boulevard	2900-3100	175'E. of Jeffries Street to 300'E. of Meadow Street
Mary Cliff Road	600-800	185'S. of Ranier Street to 160'N. of Taft Street
Maryland Avenue	2900-3100	500'N. of McVey Avenue to 230'S. of Corning Avenue
N. Masters Drive	100-200	150'N. of Grady Lane to 250'S. of Pebble Valley Lane
N. Masters Drive	1500-1800	100'S. of Shayna Drive to 200'S. of Checota Drive
N. Masters Drive	2500-2600	365'S. to 355'N. of N. Masters Drive
Mather Court	4000	265'E. of Randolph Drive to Albrook Street
Matilda Street	2800-3000	150'N. of Vickery Boulevard to 200'S. of Marquita Avenue
Matilda Street	3900-4200	Ellsworth Avenue to 135'N. of Mockingbird Lane
Maylee Boulevard	10200-10300	80'S. of RuthAnn Drive to the east city limits
Maylee Boulevard	10600	125'W. of Cassandra Way to Ferguson Road
McCree Road	11000-11200	20' E. of Fern Hollow Lane to 140' E. of Flicker Lane
McKim Drive	2200-2300	50'N. of Barclay Street to McKim Circle
McKinney Avenue	2900-3100	Clyde Lane to 150' N. of Sneed Street
McKinney Avenue	3700-3900	165'S. of Blackburn Street to 120'N. of Haskell Avenue
McKinney Avenue	4100-4200	440'N. to 140'S. of Fitzhugh Avenue
McVey Avenue	700-1000	225'E. of Ewing Avenue to 210'W. of Maryland Avenue
Meaders Lane	5600-5800	30'E. of Dallas North Tollway to 260'E. of Meaders Circle
Meadow Road	6800-7000	200' W. of Hillcrest Road to 200' E. of Shadow Bend Drive
Meadow Road	8200-8300	335' E. to 195' W. of Rambler Road
Meadowcreek Drive	4200-4400	290'N. of Windy Ridge Drive to 20'N. of Vista Willow Drive

STREET	BLOCK(s)	EXTENT
Meadowcreek Drive	5400-5600	35'S. of Fireflame Drive to 100'S. of Winterwood Lane
Meadowknoll Drive	9100-9300	Millridge Drive to 100'N. of Robin Meadow Drive
Meandering Way	13400-13700	Purple Sage Road to 180'N. of Peyton Drive
Meandering Way	14400-14700	50'S. of Village Trail Drive to 40'S. of Larchview Drive
Meandering Way	15100-15200	180'S. to 250'N. of Round Rock Road
Meandering Way	15400-15700	290'S. of La Cosa Drive to 280'N. of Arapaho Road
Meandering Way	16000-16100	250'S. to 190'N. of La Manga Drive
Mercer Drive	9500	300'E. of Ash Creek Drive to 175'S. of Mariposa Street
Meredith Avenue	3900-4100	20'W. of Red Bud Lane to 20'E. of Albrook Street
Merrell Road	2900-3100	175'E. of Dundee Drive to Carrizo Lane
Merrell Road	4100	192'W. of Midway Road to 260'E. of Westlawn Drive
Metropolitan Avenue	4100-4300	500'W. of Lagow Street to 500'E. of Clem Street
Midbury Drive	7000-7100	350'W. of St. Michaels Drive to 300'W. of St. Judes Drive
~~Midpark Road~~	~~8400~~	~~Maham Road to 220'E. of Maham Road~~
Midpark Road	8400	100'E. to 800'E. of Maham Road
Midway Road	9800-10100	60'N. of Valley Ridge Road to 130'N. of Better Drive
Midway Road	11100-11200	60'N of Sleepy Lane to 210'S of Northaven Road
Military Parkway	6700-7000	200'W. of Wilkes Avenue to 300'E. of Jim Miller Road
Military Parkway	7700-7800	200'E. of Scottsdale Drive to 300'E. of Cedar Lake Drive
Military Parkway	8900-9200	700'W. of Prairie Creek Road to 75'E. of Kingsford Avenue
Millmar Drive	2000-2400	275'E. of Ferguson Road to 350'E. of Peavy Road
Millmar Drive	2500-2700	150'E. of Shiloh Road to 150'W. of Casa Oaks Drive
Mixon Drive	9400-9700	60'S. of Dunhaven Road to 60'S. of Highgrove Drive
E. Mockingbird Lane	5700-5900	150'W. of Matilda Street to 150'W. of Concho Street
Monarch Street	5100-5200	180' E. of Moser Avenue to 60' E. of Garrett Avenue
Montana Avenue	600-700	30' E. of Marsalis Avenue to 15' E. of Alaska Avenue
N. Montclair Avenue	600-800	300'S. of Taft Street to 500'S. of Kyle Avenue
N. Montclair Avenue	1700-1900	300'N. of Fort Worth Avenue to 150'N. of Walmsley Avenue
Monterrey Avenue	2000-2100	Itasca Drive to 150'W. of Farola Drive
Montfort Drive	12600-12700	Nuestra Drive to McShann Road
Montfort Drive	14500-14600	240'S. to 375'N. of Celestial Road
N. Morocco Avenue	1100-1200	250' S. to 755' N. of Goodman Street
Morrell Avenue	1700-1800	170'E. to 200'W. of Hutchins Road
Morrell Avenue	2100-2200	200'E. to 250'W. of Avenue G
Moser Avenue	1800	90'E. of Monarch Street to 220'W. of Ross Avenue
Moss Farm Lane	9100-9200	400'E. to 200'W. of Club Meadows Drive
Mountain Creek Parkway	7200-7400	250'W. of Country View Road to 250'E. of Timberbluff Road
Mouser Street	2000-2100	90'E. of Bonnie View Drive to 200'E. of Signet Street
S. Munger Boulevard	500-600	Junius Street to 30'N. of Tremont Street
Murdock Road	400-500	300'N. to 300'S. of Komalty Drive

STREET	BLOCK(s)	EXTENT
Neches Street	100-300	290'W. of Madison Avenue to 35'E. of Elsbeth Avenue
Nedra Way	15500-15800	10'N. of Warm Breeze Lane to La Cosa Drive
Neering Drive	11600-11800	50' N. of Sinclair Avenue to 100' N. of Lippitt Avenue
Ninth Street	100 W.-300 E.	215'E. of Zang Boulevard to 50'W. of Patton Avenue
Noel Road	14600	170'N. to 170'S. of Celestial Road
Nomas Street	800-1100	105' E. of Crossman Avenue to 115' W. of Sylvan Avenue
Nomas Street	5100-5300	200'E. of Clymer Street to 200'W. of Tumalo Trail
Northaven Road	2800-3000	140'E. of Marcus Drive to 150'W. of Dennis Road
Northaven Road	3800-3900	150'W. of Rosser Road to 140'W. of Snow White Drive
Northaven Road	7000-7100	250'E. to 250'W. of St. Judes Drive
Northcliff Drive	9600-9800	200'E. of Brookhurst Drive to 150'W. of Peavy Road
Nuestra Drive	12500-12600	300'N. of Charlestown Drive to Montford Drive
Oak Lawn Avenue	3700-3900	100'S of Gilbert Avenue to 150'N of Irving Avenue
Oak Trail	4900-5100	215'N. of Green Cove Lane to 240'S. of Town Creek Drive
Odom Drive	8500-8600	60'E. of Holcomb Road to 150'W. of Odeneal Street
Oldgate Lane	1400-1500	80' S. of Forest Hills Boulevard to 235' N. of Diceman Drive
Old Ox Road	5900-6100	5'S. of Caravan Trail to 100'N. of Indian Summer Trail
Old Seagoville Road	9600-9900	St. Augustine Drive to 400'W. of September Lane
Orlando Court	4000-4100	220'W. to 175'E. of Randolph Drive
Osage Plaza Parkway	7700	450' S. of Maribeth Drive to 60' N. of Bromwich Drive
Overton Road	100 W.-100 E.	165'W. to 185'E. of Beckley Avenue
Overton Road	800-900	Maryland Avenue to 300'E. of Idaho Avenue
Overton Road	2100-2400	220'W. of Easter Avenue to 360'E. of Garrison Street
E. Overton Road	3400-3600	180'N. to 395'S. of Southern Oaks Boulevard
Palisade Drive	8900-9100	140'E. of Greendale Drive to 270'W. of Prairie Creek Road
Park Lane	3100-3200	60'W. of Harwell Drive to 125'W. of Dale Crest Drive
Park Lane	8300-8400	250' W. to 245' E. of Ridgecrest Road
Parkview Avenue	900-1000	150'N. to 220'S. of Gurley Avenue
Patterson Street	1400-1500	50'W of Akard Street to Ervay Street
Patton Avenue	100-300	100'N. of Tenth Street to 50'S. of Eighth Street
Paulus Avenue	100-300	50'S. of Covington Lane to 100'N. of Reiger Street
Peavy Road	600-700	180' N. of Waterview Road to 70' S. of Northcliff Drive
Peavy Road	2600	320'N. to 350'S. of Ferguson Road
Peavy Road	2700-2800	200'W. to 160'E. of Gross Road
Pelican Drive	11200	15' E. of Flicker Lane to 20' W. of McCree Road
Pennsylvania Avenue	1500-2300	180' W. of Holmes Street to 300' W. of Edgewood Street
Pennsylvania Avenue	2900-3000	20'S. of Meadow Street to 100'S. of Jeffries Street
Philip Avenue	4800-5000	50'W. of Fitzhugh Avenue to 50'E. of S. Barry Avenue
Piedmont Drive	7500-7600	150'S. to 200'N. of Hume Drive
Piedmont Drive	7700	200' N. to 180' S. of Ravehill Lane
Pine Street	2300-2500	50'E. of Leland Avenue to 175'E. of Latimer Street
Plano Road	9600-9700	370'S. to 300'N. of Kingsley Road
Pleasant Drive	1200-1300	180'S. to 500'N. of Lake June Road
Pleasant Valley Drive	12300-12400	75'S. of Glen Canyon Drive to 175'N. of Chimney Hill Lane

STREET	BLOCK(s)	EXTENT
Pleasant Vista Drive	300	165'N. of Hamlin Drive to 165'S. of Wessex Drive
Plymouth Road	600-700	215'N. to 215'S. of Avon Street
Polk Street Cut-off	600	250'N. to 300'S. of Page Avenue
S. Polk Street	3100-3200	50'S. of O'Bannon Drive to 100'S. of Kiest Boulevard
S. Polk Street	5400-5500	400'N. of Drury Drive to 100'S. of Clear Fork Drive
S. Polk Street	5700-5800	300'N. to 300'S. of Reynoldston Lane
S. Polk Street	9200-9400	200'N. of Wardmont Avenue to 185'S. of Brogden Lane
Pomona Road	4500	Cherokee Trail to Catawba Road
Prairie Creek Road	3600-3800	60'N. of Tampas Lane to 300'S. of Cedar Run Drive
N. Prairie Creek Road	1900-2000	80'S. of Donnybrook Lane to 150'N. of Seaway Drive
Preston Road	10500-10600	200'S. of Street Marks Circle to 200'S. of Over Downs Drive
Prichard Lane	2400	180'S. of Ravehill Lane to Ravehill Lane
Prichard Lane	2900	700'S. of Scyene Road to Scyene Road
Pritchard Lane	2500-2600	195' S. of Reva Street to Hume Drive
Racine Drive	7600-8000	5'S. of Edgedale Drive to 200'S. of Jadewood Drive
Ravensway Drive	10000	150'S. of Church Road to 200'S. of Windledge Drive
Ravinia Drive	2000-2400	80'S. of Rolinda Drive to183'S. of Poinsettia Drive
S. Ravinia Drive	1100-1200	20' S. of Clarendon Drive to 40' N. of Grafton Street
S. Ravina Drive	1400-1700	200'S. of Sharon Avenue to 150'N. of Falls Drive
Raydell Place	3100	75'E. of Schooldell Drive to 60'W. of Barnett Avenue
E. Red Bird Lane	1300-1600	245'E. of Samcar Trail to 230'E. of Old Ox Road
W. Red Bird Lane	3700-3800	255'W. to 270'E. of Red Bird Center Drive
Reiger Avenue	6100	175'N. of Slaughter to 60'S. of N. Paulus Avenue
Remond Drive	2600	145'E. of Hartsdale Drive to 100'E. of Fullerton Drive
Reynoldston Lane	1200-1400	600'E. of Spring Glen Drive to 10'E. of Caracas Drive
Richwater Drive	5800-6000	200'W. to 570'E. of Campbell Road
Ridge Center Drive	6200	Wandt Drive to 1349' W. of Cedar Ridge Road
Ridgecrest Road	5800-5900	Holly Hill Drive to 240' E. of Fair Oaks Avenue
Ridgecrest Road	6500-6600	340'S. to 115'N. of Eastridge Drive
Ridgeside Drive	4400-4500	100'W. of Welch Road to 245'E. of Crestline Drive
Robert B. Cullum Boulevard	1600-1700	250'W. to 250'E. of Pennsylvania Avenue
Rolling Hills Lane	7900-8000	254'W. to 232'E. of Coit Road
Rolling Hills Lane	13900-14000	180'W. of Waterfall Way to 350'W. of Flagstone Lane
Roper Street	6700-7100	W. University Boulevard to 200'S. of Thedford Avenue
Ross Avenue	4400-4500	2'W. of Ashby Street to 461'E. of Carroll Avenue
Ross Avenue	4600-4900	175' E. of Annex Avenue to 400' W. of Bennett Avenue
Ross Avenue	5200-5300	300'N. of Moser Avenue to 65'S. of N. Garrett Avenue
Rosser Road	12200-12400	40'N. of Port Royal Drive to 70'S. of High Summit Drive
Round Rock Road	7500-7900	75'E. of Meandering Way to 220'E. of Spring Creek Road
Routh Street	1700-2100	215' N. of Ross Avenue to 50' S. of Woodall Rodgers (North Service Road)
Royal Lane	2000-2200	340'W. of Newkirk Street (North Leg) to 860'W. of Goodnight Avenue
Royal Lane	5500-5700	600' W. of Netherland Drive to 100' W. of the Dallas North Tollway off ramp
Royal Lane	6400-6600	260'W. to 610'E. of Edgemere Road

STREET	BLOCK(s)	EXTENT
Royal Lane	9100-9200	265'E. to 265'W. of Arborside Drive
Rugged Drive	3800-4000	150'S. of Vatican Lane to 300'N. of Rubens Drive
Rylie Crest Drive	11000-11100	100'E. of the South Leg of Haymarket Road to the east city limits
Rylie Road	10200-10500	200'E. of Haymarket Road to 30'W. of Trewitt Street
Salado Drive	16100	120'N. of La Manga Drive to 13'S. of Carta Valley Drive
San Leandro Drive	8300-8500	150'W. of St. Francis Avenue to 100'E. of Corday Street
Schroeder Road	12300-12400	280'S. to 190'N. of Towns Street
Scyene Road	7800-7900	150'E. of Scyene Circle to 100'E. of Prichard Lane
Scyene Road	9500-9600	530' N. to 683' S. of N. St. Augustine Road
Seagoville Road	11000	100'E. of Haymarket Road to the east city limits
Seagoville Road	15600-15900	295'W. to 750'E. of Woody Road
Seagoville Road	16100-16200	450'W. to 310'E. of Stark Road
S. Seagoville Road	300	300'W. of St. Augustine Drive to St. Augustine Drive
Searcy Drive	2900	111' W. to 120' E. of Cowart Street
Sebring Drive	6500-6600	60'S. of Tioga Street to 300'N. of Soft Wind Drive
Seco Boulevard	6800-7100	Celeste Drive to 300'W. of Gillette Street
Second Avenue	4300-4500	10'N. of York Street to 150'N. of Carpenter Avenue
Shadybank Road	16400-16500	100'S. of Redpine Road to 150'S. of Embers Road
Sheila Lane	3400	300' E. of Lakefield Boulevard to Hargrove Drive
Shiloh Road	9900-10000	175'S. of Healey Drive to 150'N. of Milmar Drive
Shiloh Road	10800	35'W. of Centerville Road to Ferguson Road
Singleton Boulevard	1600-1800	410'W. to 330'E. of Vilbig Road
Singleton Boulevard	2800-3000	190'E. of Westerfeld Avenue to 280'E. of Kingbridge Street
Singleton Boulevard	5300-5600	250'E. of Clymer Street to 60'E. of Lumley Street
Sondra Drive	6700	215'W. of Hillbrook Street to Wendover Road
Sonnet Drive	11300-11400	170' S. of Flair Drive to 200' N. of Orchard Ridge Court
Southern Oaks Boulevard	3300-3400	300'N. to 300'S. of Tips Boulevard
Sprague Drive	3300-3400	300'W. of Boulder Drive to 15'E. of Westmoreland Road
Spring Grove Avenue	13400-13600	150'W. of Meandering Way to 200'E. of Knollwood Drive
Stag Road	3000-3100	2500'E. of Bonnie View Road to 1040'W. of Haas Drive
St. Augustine Road	100S-200N	220'S. of Grady Lane to 200'N. of Grove Oaks Boulevard
St. Augustine Road	1600	420'S. to 530'N. of Musgrove Drive
N. St. Augustine Road	500-700	200'S. of Calico Drive to 400'N. of Rhoda Lane
N. St. Augustine Road	1000	75'N. of Paramount Avenue to 75'S. of Angelus Road
N. St. Augustine Road	2000-2100	270'N. to 310'S. of Bruton Road
N. St. Augustine Road	2400-2500	170'S. of Bluffcreek Drive to 170'N. of Highfield Drive
N. St. Augustine Road	2900-3100	630' W. to 360' E. of Scyene Road
St. David Drive	2800-2900	225' W. of St. Gabriel Drive to 60' W. of St. Rita Drive
~~Stevens Forest Drive~~	~~1800-1900~~	~~135' W. to 765' W. of Mary Cliff Road~~
Stevens Forest Drive	1800-2000	135' W. of Mary Cliff Road to 220'E. of Stevens Village Drive
St. Francis Avenue	1600-1700	125'S. of San Cristobal Drive to 200'N. of San Leandro Drive
St. Francis Avenue	4400-4500	205' W. of Berridge Lane to 145' E. of Trace Road
St. Michaels Drive	11300-11400	115'N. of Midbury Drive to 180'N. of Mason Dells Drive
N. St. Paul Street	600	25'S. of San Jacinto Place to Wenchell Lane

STREET	BLOCK(s)	EXTENT
Stichter Avenue	6300-6500	200'E. of Edgemere Road to 200'W. of Tibbs Street
Stoneview Drive	9000-9200	200'S. of Beckleymeade Avenue to 200'N. of Westfall Drive
Stults Road	8400-8500	116'E. of Pinewood Drive to 100'S. of Floyd Lake Drive
Stults Road	8600-8800	Shepherd Road to 200'W. of Woodshore Drive
Sunland Street	11600-11800	160'N. of Lippitt Avenue to 150'S. of Flamingo Lane
Sunnyvale Street	4700-4800	500'S. to 150'N. of Cummings Avenue
Sunnyvale Street	4100	185'N. to 185'S. of Wilhurt Avenue
Swansee Drive	2100-2000	80'E. of Alamosa Drive to 100'W. of Cassia Drive
Sylvan Avenue	3200-3300	230'S. of Nomas Street to 150'N. of McBroom Street
Teagarden Road	10200	250'W. to 650'E. of Education Way
Telegraph Avenue	2400-2500	Claremont Drive to 140'E. of Rangeway Drive
W. Tenth Street	800-1000	235'W. of Polk Street to 195'E. of Tyler Street
Thedford Avenue	3600-3800	160'N. of Tyree Street to 170'E. of Victoria Avenue
Throckmorton Street	2700-3000	35'E. of Dickason Avenue to 120'W. of Congress Avenue
Tibbs Street	9700-9900	145'N. of Aberdeen Avenue to 155'N. of Walnut Hill Lane
Timberglen Road	3400	Kelly Boulevard to 30'W. of Justice Lane
Timberglen Road	3600	200' W. to 210' E. of Vail Street
Tioga Street	3500-3800	200'W. of Bonnie View Road to 190'W. of Strawberry Trail
Toluca Avenue	3000	Corning Avenue to McVay Avenue
Tosca Lane	2100-2200	20'W. of Rugged Drive to 250'W. of Ovid Avenue
Town North Drive	6800-7000	150'S. of Berryhill Street to 150'N. of Larmanda Street
Towns Street	8200-8300	Schroeder Road to Dandridge Drive
Tumalo Trail	3200-3300	100'N. of Odessa Street to 500'N. of Nomas Street
W. Twelfth Street	500-600	250'E. to 250'W. of Llewellyn Avenue
W. Twelfth Street	1300-1500	85'W. of Clinton Avenue to 115'W. of the south leg of Windomere Avenue
W. Twelfth Street	2300-2500	35'W. of Hollywood Avenue to 165'W. of Franklin Street
N. Tyler Street	100	80'N. of Tenth Street to Melba Street
S. Tyler Street	500-600	250'S. to 200'N. of Page Avenue
Tyree Street	6800	120'N. of Thedford Avenue to Linnet Lane
Umphress Road	7700-7900	250'S. of Prichard Lane to 300'W. of Ormond Drive
University Boulevard	4300-4700	180'W. of Webster Drive to 140'E. of Roper Street
Vail Street	18300	200' S. of Timberglen Road to Timberglen Road
Vandelia Street	5500-5600	100' S. of Inwood Road to 150' N. of Hedgerow Drive
Vanderbilt Avenue	5800	40'E. of Matilda Street to Delmar Avenue
Verde Valley Lane	5100-5200	170'W. to 170'E. of Noel Road
Vernon Avenue	2000-2300	100'S. of Ludlow Street to 150'S. of Ferndale Avenue
Veterans Drive	4600	Ann Arbor Avenue to 500'S. of Ann Arbor Avenue
Veterans Drive	4700-4900	150′ S. of Kristen Drive to 150′ S. of Ledbetter Road
Victoria Avenue	6700-6900	250'S. to 120'N. of Thedford Avenue
Victor Street	4500	N. Carroll Avenue to 270'E. of N. Carroll Avenue
Voss Road	17800-17900	206'S. of Briargrove Lane to 65'S. of Whispering Gables Drive
Walmsley Avenue	1300-1500	75'E. of Neal Street to 150'W. of N. Edgefield Avenue
Walnut Hill Lane	2900-3000	210'W. of Monroe Drive to 60'E. of Goodyear Drive

STREET	BLOCK(s)	EXTENT
Walnut Hill Lane	3300-3400	180' W. to 825' E. of Webb Chapel Road
Walnut Hill Lane	3800-4100	70'W. of Dresden Drive to 285'W. of Midway Road
Walnut Hill Lane	4900-5000	300' E. of Surrey Oaks Drive to 40' W. of Strait Lane
Walnut Hill Lane	6300-6500	270'W. of Tibbs Street to 240'E. of Edgemere Road
Walnut Hill Lane	8700-8900	10'W. of Claybrook Drive to 150'W. of Abrams Road
~~Walnut Hill Lane~~	~~9400-9500~~	~~500' W. to 650' E. of White Rock Trail~~
Walnut Hill Lane	9400-9500	500'W. to 200'E. of Meadowhill Drive
Walnut Hill Lane	10100-10400	270' W. of Ferndale Road to 120' W. of Livenshire Drive
Walnut Street	10200-10400	280'W. to 220'E. of Hornbean Drive
Walton Walker Boulevard northbound service road	800-900	320'S. to 105'N. of Keeneland Parkway
Walton Walker Boulevard southbound service road	800-900	275'N. to 115'S. of Keeneland Parkway
Wandt Drive	6700	330' N. of Camp Wisdom Road to Ridge Center Drive
N. Washington Avenue	1900-2300	110' N. of Munger Avenue to 285' S. of Thomas Avenue
Waterfall Way	13600-13700	130'N. of Brookgreen Drive to 200'N. of Rolling Hill Lane
Wayne Street	900-1000	120'N. to 220'S. of Gurley Avenue
Webb Chapel Road	9800	30'S. of Park Lane (North Leg) to 20'N. of Manana Drive
Webb Chapel Road	9900-10000	50' N. of Lockmoor Lane to 245' N. of Walnut Hill Lane
Welch Road	11600-11800	230'S. of Hockaday Drive to 100'S. of Allencrest Lane
Welch Road	12200-12300	115'S. of Ridgeside Drive to 200'S. of Rickover Drive
Welch Road	12600-12700	160'S. of Mill Creek Road to 110'N. of Harvest Hill Road
Wendover Road	3200-3400	220'W. of Alexander Drive to 120'N. of Meadow Lake Avenue
Westmoreland Road	100 S-100 N	210' S. to 270' N. of West Jefferson Boulevard
S. Westmoreland Road	500-600	40'S. of Arnoldell Street to 300'S. of Irwindell Boulevard
S. Westmoreland Road	1400-1500	60'N. of Glen Haven Boulevard to 150'S. of Shelly Boulevard
S. Westmoreland Road	3500-3900	50'N. of Kimballdale Road to 50'S. of Kiestcrest Drive
N. Westmoreland Road	3400-3600	450'S. of Morris Street to 250'N. of Bickers Street
Wheatland Road	1700-2000	300'E. of McKissick Lane to 50'E. of Fellowship Drive
Wheatland Road	7100-7200	325'E. to 500'W. of County View Road
W. Wheatland Road	400-500	620'E. to 420'W. of Willoughby Boulevard
Whispering Hills Drive	12700-12900	125'N. of Laingtree Drive to Sunridge Trail
Whitehurst Drive	9200	320'W. to 300'E. of Club Meadows Drive
Whitehurst Drive	9300-9400	660'W. of Echo Valley Drive to 55'E. of Spring Hollow Drive
Whitehurst Drive	9400-9600	75'W. of Branch Hollow Drive to 60'E. of Glen Springs Drive
Whitehurst Drive	9700-9800	275' E. of Arbor Park Drive to 120' E. of Ferris Branch Boulevard
White Rock Trail	9400-9700	70' S. of Crestedge Drive to 550' N. of Kingsley Road
White Rock Trail	9900-10000	350'S. of White Rock Place to 330'S. of Church Road
Whitewing Lane	8800-8900	25' S. of Quail Run to Pelican Drive
Willoughby Boulevard	8500-8700	40' S. to 650' N. of Adjective Street
Willow Lane	4800-4900	90'W. of Shirestone Lane to 160'W. of Drujon Lane
Willowdell Drive	12200	250'W. of Schroeder Road to Schroeder Road

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

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

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

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

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

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

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

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

Division 3. Turning Movements.

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

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

SEC. 28-54. LIMITATION ON U TURNS.

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

STREET	EXTENT	DIRECTION
Balboa Drive	Edgefield Avenue to Berkley Avenue	East
Berkley Avenue	Balboa Drive to Clinton Avenue	East
Bertrand Avenue	2nd Avenue to Spring Garden Avenue	West
Blanton Street	Riverway Drive to Greenmound Avenue	South
Bluffcreek Drive	Aspen Street to St. Augustine Drive	West
Brierfield Drive	Greenspan Avenue to Cherry Point Drive	East
Brookhurst Drive	Waterview Road to Northcliff Drive	South
Caddo Street	Thomas Avenue to Lafayette Street	South
Carlson Street	Vandelia Street to Cedar Springs Road	South
Classen Drive	Northcliff Drive to North Lake Drive	North
Columbia Avenue	Glasgow Drive to Juliette Fowler Street	West
Cradlerock Drive	Amity Lane to Cheyenne Road	East
Crenshaw Drive	Grady Lane to Old Seagoville Road	North
Cummings Street	Sunnyvale Street to Bonnie View Road	East
Delmar Avenue	Mockingbird Lane to Anita Street	South
Delmar Avenue	Vanderbilt Avenue to Goodwin Avenue	South
Dennison Street	Fish Trap Road to N. Hampton Road	East
Dickason Avenue	Knight Street to Throckmorton Street	South
Drury Drive	Polk Street to Regatta Drive	East
Dunloe Drive	From a point approximately 400 feet west of Joaquin Drive to Joaquin Drive	East
Edgeworth Drive	20'S. of Turnbow Drive to Rylie Crest Drive	South
Forrestal Drive	Wyoming Street to Larkhill Drive	North
S. Franklin Street	Gladstone Drive to Twelfth Street	North
Gayglen Drive	Oklaunion Drive to Longbranch Lane	East
Gladstone Drive	Hampton Road to Franklin Street	West
Goodwin Avenue	Delmar Avenue to Matilda Street	West
Green Cove Lane	Oak Trail to Lone Oak Drive	Northeast
Greendale Drive	Bruton Road to Milverton Drive	North
Greenmeadow Drive	Forestcliff Drive to John West Road	South
Greenmound Avenue	Blanton Street to McKim Drive	West
Grigsby Avenue	Bryan Street to Live Oak Street	North
Hawthorne Avenue	Production Drive to Afton Street	East
Haymarket Road	Zurich Drive to Turnbow Drive	North
Hazelhurst Lane	Everglade Road to Hovenkamp Drive	South
Healey Drive	Shiloh Road to Casa Oaks Drive	West
Highfield Drive	St. Augustine Drive to Aspen Street	East
Hillbrook Street	Lake Circle Drive to Sondra Drive	North
Hodde Street	Woodmont Drive to Jim Miller Road	East
Hoke Smith Drive	Navajo Drive to Polk Street	East
Hollis Avenue	LaVerne Avenue to Lawnview Avenue	East
Hovenkamp Drive	Hazelhurst Lane to Ashbrook Road	West
Juliette Fowler Street	Reiger Avenue to Columbia Avenue	North
Junius Street	Lowell Street to Ridgeway Street	East
N. Justin Avenue	The alley 760 feet north of Goodman Street to Goodman Street	South
Knight Street	Congress Avenue to Dickason Avenue	East
Lancaster Avenue	Seventh Street to Eighth Street	South

STREET	EXTENT	DIRECTION
Larkhill Drive	Forrestal Drive to Knoxville Street	East
Linnet Lane	Tyree Street to Victoria Street	East
Lowell Street	Worth Street to Junius Street	North
Maryland Avenue	Corning Avenue to McVey Avenue	North
McKissick Lane	Egyptian Drive to Algebra Drive	South
Melba Street	N. Llewellyn Avenue to N. Adams Avenue	East
Melbourne Avenue	Clinton Avenue to Edgefield Avenue	West
Mercer Drive	Mariposa Drive to Ash Creek Drive	West
Military Parkway (North Service Road)	Jim Miller Road to Wilkes Avenue	West
Mimosa Lane	Hillcrest Road to Thackery Street	West
Mixon Drive	Clover Lane to Highgrove Drive	South
Montana Avenue	Marsalis Avenue to Alaska Avenue	West
Montclair Avenue	Taft Street to Ranier Street	South
Morocco Avenue	Goodman Street to the alley 760 feet north of Goodman Street	North
Mouser Street	Bonnie View Road to Signet Street	East
W. Ninth Street	N. Adams Avenue to N. Llewellyn Avenue	West
Nomas Street	Clymer Street to Tumalo Trail	East
Odom Drive	Holcomb Road to Odeneal Street	East
Ouida Avenue	Schooldell Drive to Barnett Avenue	East
Paducah Avenue	Denley Drive to Lancaster Road	East
Palisade Drive	Greendale Drive to Prairie Creek Road	East
Philip Avenue	Fitzhugh Avenue to Munger Avenue	East
Pomona Road	Catawba Road to Cherokee Trail	East
Racine Drive	Kirwood Drive to Cleardale Drive	North
Rangeway Drive	Telegraph Avenue to El Cerrito Drive	South
Raydell Place	Westmoreland Road to Barnett Avenue	West
Reiger Avenue	Glasgow Drive to Paulus Avenue	East
Ridgeway Street	Worth Street to Junius Street	South
Rosewood Avenue	Lucas Drive to Arroyo Avenue	South
San Leandro Drive	St. Francis Avenue to Lakeland Drive	East
Scottsboro Lane	Grassy Ridge Trail to Marsalis Avenue	West
Silver Springs Drive	Knoxville Street to Sage Valley Lane	East
Sprague Drive	Boulder Drive to Westmoreland Road	West
Stichter Avenue	Tibbs Street to Edgemere Road	East
Sunset Street	Van Buren Avenue to Polk Street	East
Taft Street	Mary Cliff Road to Montclair Avenue	East
Telegraph Avenue	Claremont Drive to Rangeway Drive	East
Tennant Street	Oak Cliff Boulevard to Jefferson Boulevard	North
Tenth Street	Oak Cliff Boulevard to Tennant Street	West
Throckmorton Street	Dickason Avenue to Congress Avenue	West
Tosca Lane	Rugged Drive to Ovid Avenue	West
Towns Street	Schroeder Road to Oberlin Drive	West
Tufts Street	Rylie Road to Cade Road	South
Tyree Street	Thedford Avenue to Linnet Lane	North
Vanderbilt Avenue	Hillbrook Street to Oakhurst Street	West
Vanderbilt Avenue	Matilda Street to Delmar Avenue	East
Victoria Avenue	Linnet Lane to Thedford Avenue	South
Waterview Road	Peavy Road to Brookhurst Drive	East

STREET	EXTENT	DIRECTION
Winton Street	Concho Street to Delmar Avenue	West
Worth Street	Ridgeway Street to Lowell Street	West
Wyoming Street	Knoxville Street to Forrestal Drive	West
Zurich Drive	Edgeworth Drive to Haymarket Road	West

(Ord. Nos. 14584; 18409; 19749; 21237; 21564; 22926; 23078; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 30022; 30217)

ARTICLE VIII.

PEDESTRIANS' RIGHTS AND DUTIES.

SEC. 28-61. DUTIES OF PEDESTRIANS WHILE ON SIDEWALKS.

(a) Pedestrians shall stand on sidewalks or islands while waiting for a bus.

(b) Pedestrians, while waiting for a bus, shall stand on the side of a sidewalk either at or near the curb or the property line, in a manner which will not interfere with other pedestrians using the sidewalk.

(c) A pedestrian, except one wholly or partially blind, shall accord full right-of-way on a sidewalk or in a crosswalk, to all persons carrying a cane or walking stick which is white or white with the lower end red. (Ord. 14584)

SEC. 28-62. ENTERING OR ALIGHTING FROM VEHICLE; LOADING AND UNLOADING SO NOT TO INTERFERE WITH TRAFFIC.

(a) A person shall not enter or alight from a vehicle on the side of the vehicle adjacent to lanes of moving traffic unless reasonably safe to do so and unless it will cause no interference with the movement of other traffic.

(b) A person shall not load or unload goods or merchandise in or on a vehicle in a manner which will interfere with moving traffic, except where other provisions of this chapter apply.

(c) A person commits an offense if he enters or alights from a vehicle while the vehicle is moving. (Ord. 14584)

SEC. 28-63. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

A person commits an offense if while upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, he goes upon any roadway except while crossing a street on a cross-walk, and when so crossing the person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. (Ord. 14584)

SEC. 28-63.1. PROHIBITING CROSSING IN CENTRAL BUSINESS DISTRICT OTHER THAN AT CROSSWALK.

(a) A pedestrian commits an offense if, in the central business district, he crosses a roadway at a place other than a crosswalk.

be admissible as evidence for the purposes of adjudication by mail. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.

(c) Failure of the person charged to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail is an admission by the person charged of liability for the parking violation and shall subject the person who requested the adjudication by mail to the appropriate civil fines, penalties, and costs assessed by the hearing officer.

(d) If a hearing officer determines that an adjudication cannot proceed by mail, the hearing officer shall advise the person charged by first class mail that the person must appear to answer the charge at a hearing. (Ord. Nos. 20012; 21612)

SEC. 28-130.7. HEARINGS FOR DISPOSITION OF A PARKING CITATION; PARKING CITATION AS PRIMA FACIE EVIDENCE.

(a) Every hearing for the adjudication of a parking violation charge under this chapter shall be held before a hearing officer.

(b) At a hearing, the parking citation is prima facie proof of its contents and the officer or other authorized person who issued the parking citation is not required to be present; except, that the issuing officer or other authorized person shall be present at a scheduled administrative adjudication hearing if requested by the person charged or by the hearing officer.

(c) At a hearing, the hearing officer shall hear and consider evidence presented by the city and by the person charged. The formal rules of evidence do not apply to a hearing under this division, and the hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this division or other applicable law.

(d) At the conclusion of an instanter or a scheduled administrative adjudication hearing, the hearing officer shall immediately render an order or decision, either by:

(1) finding the person charged liable for the parking violation, assessing the applicable civil fine and any penalties and other costs in accordance with this division, and notifying the person of the right to appeal to municipal court; or

(2) finding the person charged not liable for the parking violation.

~~(e) An order of a hearing officer must be filed with the city department of public works in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or similar data processing techniques.~~

(e) An order of a hearing officer must be filed with the city department of court and detention services, in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or other digital retention methods. (Ord. Nos. 20012; 21612; 22026; 28424; 30239)

SEC. 28-130.8. FAILURE TO ANSWER A PARKING CITATION OR APPEAR AT A HEARING.

(a) The failure of any person charged with a parking violation to answer to the charge within 15 calendar days after the date of issuance of the parking citation or to appear at any hearing, including a hearing on appeal, when required to appear is an admission of liability for the parking violation, and the hearing officer, or the municipal court in the case of an appeal, shall issue an order of liability and assess against the person charged with the violation the appropriate civil fines, penalties, and other costs.

(b) Within seven calendar days after filing an order of liability issued under this section, a hearing officer shall notify the registered owner or operator of

(3) through no fault of the owner, notice of the unresolved parking violations was never received as required by this article;

(4) one or more citations for the unresolved parking violations are defective and, if dismissed, would leave no more than two unresolved parking violations within the calendar year; or

(5) at the time of immobilization or impoundment of the vehicle, the registered owner had no more than two unresolved parking violations within the calendar year.

(f) The determination of the hearing officer at the immobilization/impoundment hearing is final and is not subject to appeal.

(g) If the hearing officer determines that immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towage, storage, and impoundment of the vehicle and any other amount paid to redeem the vehicle shall be refunded, including any fines, penalties, and costs for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded. (Ord. 21612)

SEC. 28-130.12. APPEAL FROM HEARING.

~~(a) A person determined by a hearing officer, at either an instanter or scheduled administrative adjudication hearing or by failure to answer a parking citation or appear at a hearing in the time required, to be liable for a parking violation may appeal this determination to the municipal court by filing a petition, along with a filing fee of $15, with the municipal court clerk or a deputy clerk within 30 calendar days after the hearing officer's order is filed with the department of public works. If the hearing officer's order is reversed, the $15 filing fee shall be returned by the city to the appellant.~~

(a) A person determined by a hearing officer, at either an instanter or scheduled administrative adjudication hearing or by failure to answer a parking citation or appear at a hearing in the time required, to be liable for a parking violation may appeal this determination to the municipal court by filing a petition, along with a filing fee of $15, with the municipal court clerk or a deputy clerk within 30 calendar days after the hearing officer's order is filed with the department of court and detention services. If the hearing officer's order is reversed, the $15 filing fee shall be returned by the city to the appellant.

(b) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing. The officer or other authorized person who issued the parking citation is not required to be present at the appeal hearing unless requested by the person charged or by the municipal court.

(c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding for the purpose of affirming or reversing the hearing officer's order. The person filing the appeal may request that the hearing be held before a jury. The decision from the municipal court is final.

(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the chief of police an amount equal to all civil fines, penalties, and costs assessed against the person charged. The chief of police shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal. (Ord. Nos. 20012; 21194; 21612; 22026; 27697; 28424; 30239)

SEC. 28-130.13. DISPOSITION OF FINES, PENALTIES, AND COSTS.

(a) Except as provided in Subsection (b) of this section, all fines, penalties, and costs assessed under this division must be paid into the city's general fund for the use and benefit of the city.

manager a written appeal. The city manager shall, within 24 hours after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the city manager shall be final. (Ord. Nos. 14584; 19869)

ARTICLE XVII.

STREETCAR REGULATIONS.

SEC. 28-193. DEFINITIONS.

In this article:

(1) LOADING AND UNLOADING means the transfer of persons or property between a vehicle or streetcar and the curb, or between a vehicle or streetcar and a nearby building.

(2) MOTORMAN means an employee of a streetcar company who controls the movement of a streetcar.

(3) STREETCAR means a self-powered vehicle used for transporting persons or property that is operated upon rails within a public right-of-way.

(4) STREETCAR COMPANY means any person licensed by the city to operate a streetcar within the city.

(5) STREETCAR STOP means an area in the public right-of-way reserved for the exclusive use of streetcars during the loading or unloading of passengers or property.

(6) STREET RAILROAD means any rail or appurtenance located within a public right-of-way that is authorized by the city to be used for streetcars. (Ord. 20329)

SEC. 28-194. AUTHORITY OF THE DIRECTOR OF ~~PUBLIC WORKS~~ MOBILITY AND STREET SERVICES.

~~The director of public works shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city.~~

The director of mobility and street services shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city. (Ord. Nos. 20329; 22026; 28424; 30239)

SEC. 28-195. OPERATION OF STREETCARS AND OTHER VEHICLES.

(a) When overtaking and passing on the right side of a streetcar that is approaching or stopped at a designated streetcar stop, a driver of a vehicle shall stop at least five feet from the rear of the streetcar and proceed only when safe, allowing pedestrians the right-of-way.

(b) A person commits an offense if he stops, stands, or parks any vehicle other than a streetcar at a designated streetcar stop or between the right curb and a designated streetcar stop.

(c) An operator of a streetcar may not stop the streetcar at any location other than a designated streetcar stop, except in an emergency or when complying with other traffic regulations. Streetcar passengers shall be loaded and unloaded only at a designated streetcar stop. (Ord. 20329)

SEC. 28-196. UNLAWFUL CONDUCT ON OR NEAR A STREETCAR.

(a) A person commits an offense if he:

(1) boards, alights, clings to the outside of, or otherwise makes or attempts to make unsafe contact with a moving streetcar; or

(7) TRANSIT CORRIDOR means the light rail transit system alignment known as the South Oak Cliff Line that operates within the center median of Lancaster Road from approximately 800 feet north of Illinois Avenue to Ledbetter Drive, after which point it crosses the southbound lane of Lancaster Road and ends at the light rail transit station located on the southwest corner of the intersection of Lancaster Road and Ledbetter Drive.

(8) TRANSITWAY MALL means the light rail transit system alignment in the central business district that is located within the right-of-way lines of the following described streets:

(A) Hawkins Street from approximately 150 feet north of Routh Street to Bryan Street;

(B) Bryan Street from Hawkins Street to Akard Street; and

(C) Pacific Avenue from Akard Street to approximately 50 feet west of Houston Street.

(9) SAFETY QUADRANT means that portion of each corner lot located within or abutting the transitway mall, whether composed of public or private property or both, that is contained within an area forming a quadrant of a circle having a 30-foot radius when measured from the point of intersection of adjacent street curb lines or, if there are not street curbs, what would be the normal street curb lines. (Ord. 22763)

SEC. 28-201. OPERATION OF VEHICLES IN THE TRANSITWAY MALL AND TRANSIT CORRIDOR.

(a) The transitway mall and the transit corridor are for the exclusive use of light rail vehicles. The right-of-way on each side of the transit corridor will be used for the operation of other vehicles.

(b) A person commits an offense if he:

(1) stops, stands, or parks any vehicle, other than a light rail vehicle, within the transitway mall or transit corridor; or

(2) operates any vehicle, other than a light rail transit vehicle, in any area within the transitway mall or transit corridor.

~~(c) It is a defense to prosecution under Subsection (b)(1) or (2) of this section that the vehicle was:~~

~~(1) being operated by an employee of the city or DART in the performance of official duties;~~

~~(2) an authorized emergency vehicle;~~

~~(3) a public works, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or~~

~~(4) being operated in compliance with a valid permit issued by the city and approved by DART.~~

(c) It is a defense to prosecution under Subsection (b)(1) or (2) of this section that the vehicle was:

(1) being operated by an employee of the city or DART in the performance of official duties;

(2) an authorized emergency vehicle;

(3) a mobility and street services, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or

(4) being operated in compliance with a valid permit issued by the city and approved by DART.

(~~c~~ d) It is a defense to prosecution under Subsection (b)(2) of this section that the vehicle was:

(1) crossing the transitway mall or transit corridor on a street designated for through traffic; or

(2) entering or exiting a private parking

area with direct ingress or egress to or from the transitway mall, if the vehicle:

(A) was being operated in compliance with all speed, directional, and traffic control signs, devices, laws, and regulations applicable to the transitway mall; and

(B) at no time was operated on or across the fixed guideway of the transitway mall. (Ord. Nos. 22763; 30239)

SEC. 28-202. TRANSITWAY MALL SAFETY QUADRANTS.

(a) A person commits an offense if, within a safety quadrant, he:

(1) erects, places, or maintains any structure, berm, plant life, or other item; or

(2) sells, offers for sale, or distributes any goods or services, including, but not limited to, food, drinks, flowers, plants, tickets, souvenirs, or handbills.

(b) It is a defense to prosecution under Subsection (a)(1) that the item was:

(1) a directional, warning, traffic control, or other official sign or device authorized under city, state, or federal law; or

(2) street hardware authorized by the city and DART, including, but not limited to, street lights, benches, garbage receptacles, and other existing and planned transitway mall design elements. (Ord. 22763)

ARTICLE XIX.

PHOTOGRAPHIC ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION OF RED LIGHT VIOLATIONS.

Division 1. Generally.

SEC. 28-203. DEFINITIONS.

In this article:

(1) AUTOMATED RED LIGHT ENFORCEMENT PROGRAM means the installation of one or more photographic traffic signal enforcement systems to reduce red light violations and collisions citywide.

(2) CAMERA - ENFORCED INTERSECTION means an intersection toward which a photographic traffic signal enforcement system is directed and in operation.

(3) DATE OF ISSUANCE means the date that a civil red light citation is mailed in accordance with this article.

~~(4) DEPARTMENT means the city department of public works.~~

(4) DEPARTMENT means the city department of mobility and street services.

(5) DIRECTOR means the director of the department or the director's authorized representative.

(6) INTERSECTION means the point or area where two or more intersecting streets meet.

(7) OWNER means:

(A) the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country;

(B) the person named under Section 28-207(d) or (g) as the lessee of the motor vehicle at the time of a red light violation; or

(C) the person named under Sections 28-207(h) as holding legal title to the motor vehicle at the time of a red light violation.

(8) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM means a system that:

(A) consists of a camera system and a vehicle sensor installed to exclusively work in conjunction with an electronically-operated traffic-control signal; and

(B) is capable of producing at least two recorded images depicting the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.

(9) RECORDED IMAGE means a photographic or digital image recorded by a photographic traffic signal enforcement system that depicts the front or the rear of a motor vehicle.

(10) RED LIGHT VIOLATION means a violation of Section 28-207 of this article.

(11) RED LIGHT CITATION or CIVIL RED LIGHT CITATION means a citation for a red light violation issued under this article.

(12) TRAFFIC-CONTROL SIGNAL means a traffic-control device that displays red, amber, and green lights successively to direct traffic when to stop at or proceed through an intersection. (Ord. Nos. 26305; 26988; 28424; 30239)

SEC. 28-204. GENERAL AUTHORITY AND DUTIES OF THE DIRECTOR AND DEPARTMENT AND THE CHIEF OF POLICE.

(a) The department is responsible for the enforcement and administration of this article relating to hearing officers, administrative adjudication hearing procedures, and appeals. The director shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as the director determines are necessary to discharge the director's duties under or to effect the policy of this article.

(b) The chief of police shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of red light citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director [chief of police] determines are necessary to discharge the duty of the chief of police under or to effect the policy of this division. (Ord. Nos. 26305; 26988; 27697)

SEC. 28-205. ENFORCEMENT OFFICERS - POWERS, DUTIES, AND FUNCTIONS.

(a) The city manager or a designated representative shall appoint enforcement officers to issue civil red light citations.

(b) An enforcement officer shall have the following powers, duties, and functions:

(1) To review recorded images from the photographic traffic signal enforcement system to determine whether a red light violation has occurred.

(2) To order a red light citation to be issued based on evidence from the recorded images.

(3) To void recorded images due to lack of evidence or due to knowledge that a defense described in Section 28-207 applies.

(4) To issue warnings in lieu of citations during acceptance testing of the photographic traffic signal enforcement system equipment or at any other time prescribed by the chief of police. (Ord. Nos. 26305; 26988; 27697)

SEC. 28-206. HEARING OFFICERS - POWERS, DUTIES, AND FUNCTIONS.

(a) The city council shall designate hearing officers from a list of persons recommended by the city

(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.

(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.

(12) Any other information the director determines necessary for the administration and enforcement of this chapter.

~~(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, street services, and public works. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.~~

(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, and mobility and street services. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.

(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.

(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section. (Ord. Nos. 28046; 28424; 29016; 29691; 30239)

CHAPTER 30

NOISE

SEC. 30-1. LOUD AND DISTURBING NOISES AND VIBRATIONS.

A person commits an offense if he makes or causes to be made any loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of the inhabitants of the city. (Ord. Nos. 13744; 24835; 26022)

SEC. 30-2. LOUD AND DISTURBING NOISES AND VIBRATIONS PRESUMED OFFENSIVE.

The following loud and disturbing noises and vibrations are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.

(2) The playing of any radio, phonograph, television, or musical instrument with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence.

(3) The continuous barking, howling, crowing, or making of other loud noises by an animal for more than 15 minutes near a private residence that the animal's owner or person in control of the animal has no right to occupy.

(4) The loud grating, grinding, or rattling noise caused by the use of any automobile, motorcycle, bus, streetcar, or vehicle that is out of repair or poorly or improperly loaded.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(7) The discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

~~(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of public works may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of public works to~~

~~be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).~~

(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of mobility and street services may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of mobility and street services to be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

(9) The shouting and crying of peddlers, hawkers, and vendors that disturb the quiet and peace of the neighborhood.

(10) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business.

(11) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.

(12) The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(13) The operation of sound equipment, including a car stereo, in a motor vehicle in such a manner that the noise is so audible or causes such a vibration as to unreasonably disturb the peace, quiet, or comfort of another person. (Ord. Nos. 13744; 22026; 24835; 26022; 28424; 30239)

SEC. 30-2.1. PRESUMPTION.

Whenever a violation of Section 30-2(11) of this chapter occurs, 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

CHAPTER 34

PERSONNEL RULES

ARTICLE I.

GENERAL PROVISIONS.

ARTICLE II.

COMPENSATION.

ARTICLE III.

LEAVE POLICIES.

ARTICLE IV.

BENEFITS.

ARTICLE V.

RULES OF CONDUCT.

ARTICLE VI.

DISCIPLINE, GRIEVANCE, AND APPEAL PROCEDURES.

ARTICLE VII.

WAGE SUPPLEMENTATION.

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

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

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

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

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

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

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

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

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

(A) be called by the same descriptive title;

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

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

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

(12) CLASSIFIED POSITION means a position that is subject to civil service rules and regulations as designated by the city charter.

(13) DEMOTION means a demotion as defined in Section 34-12(a) of this chapter.

(14) DISCHARGE means involuntary termination.

(15) EMPLOYEE means a person employed and paid a salary or wages by the city, whether under civil service or not, and includes a person on a part-time basis, but does not include an independent contractor or city council member.

(16) EMPLOYEES' RETIREMENT FUND BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(17) EXEMPT EMPLOYEE means an exempt employee as defined by the Fair Labor Standards Act, as amended.

(18) FAMILY AND MEDICAL LEAVE ACT means the Family and Medical Leave Act of 1993 (29 U.S.C.A. ~~§~~ §§ 2601 et seq.), as amended.

(19) FAMILY LEAVE means authorized leave as provided for in the Family and Medical Leave Act.

(20) FIRE DEPARTMENT means the fire-rescue department of the city.

~~(21) FLEX TIME means a balancing time entry process that provides an employee with the opportunity to substitute additional hours worked outside of his or her normal work schedule for time not worked during the same pay period in order to meet the total 80 hours required in a pay period. Flex time is a balancing entry only and is not paid leave.~~

(21) FLEX TIME means a balancing time entry process that provides exempt employees with the opportunity to substitute additional hours worked outside of his or her normal work schedule for time not worked during the same pay period in order to meet the total 80 hours required in a pay period. Flex time is a balancing entry only and is not paid leave.

(22) FURLOUGH LEAVE means time off from

(51) SWORN EMPLOYEES OF THE POLICE DEPARTMENT means:

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

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

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

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

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

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

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

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

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

SEC. 34-5. CONDITIONS OF EMPLOYMENT.

(a) Compliancewithrulesandlaws. Every city employee shall comply with:

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

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

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

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

(d) Nepotism.

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

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

(3) For purposes of this subsection:

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

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

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

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

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

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

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

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

(d) Exception. This section does not apply to a sworn employee of the police department or the fire department. (Ord. Nos. 19340; 19473; 22296; 22318; 24052; 24873; 25389; 28024; 30216)

SEC. 34-18. PAY FOR VACATION LEAVE.

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

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

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

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

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

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

(3) Paid leave. Any sworn employee of the police department is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate

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

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

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

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

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

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

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

SEC. 34-20. EXEMPT EMPLOYEES.

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

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

(c) Prorated salary. If part of a week is taken as leave without pay, a proportionate part of the weekly salary will be paid to an exempt employee for the hours worked or charged to paid leave. A proportionate part of the weekly salary will be paid to an exempt employee for the part of the week worked in the initial or terminal week of employment. (Ord. Nos. 19340; 19473; 20075; 22195; 24873; 26182; 28024)

SEC. 34-21. DISTRIBUTION OF PAY CHECKS.

(a) Administration. The city controller is responsible for proper distribution of pay checks. Any

(3) the officer cooperates with the city attorney in proceedings to recover workers' compensation benefits from the employer for whom the officer was working at the time of the injury; and

(4) the officer agrees that if workers' compensation benefits are received from the off-duty employer, the officer will reimburse the city for benefits that the city paid under this policy that were intended to be equivalent to workers' compensation benefits.

(b) If the benefits paid to an officer under this policy that were intended to be equivalent to workers' compensation benefits exceed the amount the officer is awarded as workers' compensation benefits from the off-duty employer, the officer is not required to reimburse the city for the excess.

~~(c) The determination of whether an officer is entitled to benefits and the extent of benefits under this policy will be made by the city's director of human resources.~~

(c) The determination of whether an officer is entitled to benefits and the extent of benefits under this policy will be made by the director of risk management.

(Ord. Nos. 19340; 22026; 24873; 25389; 30216)

SEC. 36-45. INSPECTION OF POLES AND WIRES; NOTICE TO REMOVE, REPLACE, OR ALTER.

~~The police chief, fire-rescue chief, and director of public works, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire.~~

The police chief, fire-rescue chief, and director of mobility and street services, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire. (Code 1941, Art. 106-7; Ord. Nos. 22026; 28424; 30239)

SEC. 36-46. ARTICLE NOT A GRANT OF ADDITIONAL PRIVILEGES.

Nothing in this article grants any privilege or authority for any other term than already vested in persons now using and occupying the streets, alleys, and public places of the city. (Code 1941, Art. 106-9; Ord. 28424)

SEC. 36-47. EFFECT OF ARTICLE ON OTHER ORDINANCES.

Nothing in this article relieves any person of any condition, restriction, or requirement imposed by the ordinance in which it has been authorized to place in the streets, highways, alleys, or public places of the city its conduits, poles, wires, or other apparatus or imposed by this code or other ordinances previously enacted by the city. (Code 1941, Art. 106-10; Ord. 28424)

~~formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of public works of the city to serve as ex officio members of the subcommittee.~~

(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of mobility and street services of the city to serve as ex officio members of the subcommittee.

(b) Powers and duties of the subcommittee. The subcommittee has the following powers and duties:

(1) To review railroad operations for public safety.

(2) To recommend revisions to this chapter relating to the safety of rail operations. (Ord. Nos. 18100; 22026; 28424; 30239)

SEC. 39-5. REPORTING DUTIES AND REQUESTS FOR CITY ACTION.

(a) Reports to the director. Beginning January 1984, each railroad company shall furnish to the director complete operating and engineering data as specified by the director, including, but not limited to, the following information:

(1) main lines in operation;

(2) spurs being served;

(3) a copy of the latest FRA inspection report for each main line;

(4) a copy of the latest United States Department of Transportation's AAR crossing inventory form for each grade crossing;

(5) an outline of any major maintenance or rehabilitation projects undertaken;

(6) the number of through trains each day of the week and their average speed and length for each main line;

CHAPTER 40A

RETIREMENT

SEC. 40A-1. DEFINITIONS.

In this chapter, unless the context clearly indicates otherwise:

~~(1) ACTUARIAL EQUIVALENT means the equivalent in value on the basis of the actuarial factors contained in this chapter.~~

~~(2) ACTUARIALLY REQUIRED CONTRIBUTION RATE means, for any fiscal year, a rate of contribution to the fund, expressed as a percentage of members' projected wages for such fiscal year, that is the sum of the following as determined in the actuarial valuation report for the preceding plan year:~~

~~(A) the actuarial present value of the pension plan benefits and expenses that are allocated to a valuation period by the actuarial cost method; and~~

~~(B) the contribution that will amortize the difference between the actuarial accrued liability of the fund and the actuarial value of the assets of the fund over the period of years required by generally accepted accounting principles.~~

~~(3) ACTUARIAL VALUATION REPORT means the report issued by the fund's actuary and adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.~~

(1) ACTUARIAL EQUIVALENT means the equivalent in value on the basis of the actuarial factors recommended by the fund's actuary and adopted by the board.

(2) ACTUARIAL VALUATION REPORT means the report issued by the fund's actuary and

adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.

(3) ACTUARIALLY REQUIRED CONTRIBUTION RATE means, for any fiscal year, a rate of contribution to the fund, expressed as a percentage of members' projected wages for such fiscal year, that is the sum of the following as determined in the actuarial valuation report for the preceding plan year:

(A) the actuarial present value of the pension plan benefits and expenses that are allocated to a valuation period by the actuarial cost method; and

(B) the contribution that will amortize the difference between the actuarial accrued liability of the fund and the actuarial value of the assets of the fund over the period of years required by generally accepted accounting principles.

~~(4) AVERAGE MONTHLY EARNINGS means wages paid by the city, divided by the number of months of credited service of a member or inactive member, computed for whichever of the following periods is most beneficial to the member or inactive member:~~

~~(A) the three calendar years of service in which the member or inactive member was paid the highest wage;~~

~~(B) the last three years of service; or~~

~~(C) the length of time actually served if less than three years.~~

~~(5) BASE PENSION means the amount of retirement pension or death benefits as computed under this chapter at the time of retirement or death of a member, inactive member, or retiree.~~

~~(6) BENEFICIARY means a person who is entitled to payment of benefits under this chapter upon the death of a member, inactive member, or retiree.~~

~~(7) BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.~~

~~(8) CHILD means an unmarried person whose parent is a member, inactive member, or retiree.~~

~~(9) CITY means the city of Dallas, Texas.~~

~~(10) CITY COUNCIL means the governing body of the city of Dallas, Texas.~~

~~(11) COMMUTED VALUE means the present value of a series of payments to be made in the future, the present value to be calculated using the actuarial interest assumption prescribed in Section 40A-9 as the only discounting factor.~~

~~(12) CURRENT ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the rate determined by the board as follows, using whichever formula is applicable:~~

~~(A) If the current total obligation rate minus the prior adjusted total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the lesser of:~~

~~(i) the prior adjusted total obligation rate plus one-half times the difference of the current total obligation rate minus the prior adjusted total obligation rate; or~~

~~(ii) 110 percent times the prior adjusted total obligation rate; or~~

~~(iii) 36 percent.~~

~~(B) If the difference between the current total obligation rate and the prior adjusted total obligation rate is less than three, then the current adjusted total obligation rate for such fiscal year is equal to the prior adjusted total obligation rate.~~

~~(C) If the prior adjusted total obligation rate minus the current total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the greater of:~~

~~(i) the prior adjusted total obligation rate minus one-half times the difference of the prior adjusted total obligation rate minus the current total obligation rate; or~~

~~(ii) 90 percent times the prior adjusted total obligation rate.~~

~~(13) CURRENT TOTAL OBLIGATION RATE means, for any fiscal year, the rate adopted by the board that is equal to the sum of the pension obligation bond credit rate for such fiscal year plus the actuarially required contribution rate for such fiscal year.~~

(4) ACTUARY means a person with at least five years of experience as an actuary working with one or more public retirement systems; and is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employees Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(5) AVERAGE MONTHLY EARNINGS means wages paid by the city, divided by the number of months of credited service of a member or inactive member, computed for whichever of the following periods is most beneficial to the member or inactive member:

(A) For Tier A members or inactive members, the:

(i) three calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 6,240 hours of credited service; or

(iii) length of credited service if less than three years.

(B) For Tier B members or inactive members, the:

(i) five calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 10,400 hours of credited service; or

(iii) length of credited service if less than five years.

(6) BASE PENSION means the amount of retirement pension or death benefits as computed under this chapter at the time of retirement or death of a member, inactive member, or retiree.

(7) BENEFICIARY means a person who is entitled to payment of benefits under this chapter upon the death of a member, inactive member, or retiree.

(8) BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(9) CHILD means an unmarried person whose parent is a member, inactive member, or retiree.

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

(11) CITY COUNCIL means the governing body of the city of Dallas, Texas.

(12) COMMUTED VALUE means the present value of a series of payments to be made in the future, the present value to be calculated using the actuarial interest assumption prescribed in Section 40A-9 as the only discounting factor.

(13) CREDITED SERVICE means any period that a person is paid as an employee of the city and contributes to the fund.

(14) CURRENT ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the rate recommended by the fund's actuary and adopted by the board as follows, using whichever formula is applicable:

(A) If the current total obligation rate minus the prior adjusted total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the lesser of:

(i) the prior adjusted total obligation rate plus one-half times the difference of the current total obligation rate minus the prior adjusted total obligation rate; or

(ii) 110 percent times the prior adjusted total obligation rate; or

(iii) 36 percent.

(B) If the difference between the current total obligation rate and the prior adjusted total obligation rate is less than three, then the current adjusted total obligation rate for such fiscal year is equal to the prior adjusted total obligation rate.

(C) If the prior adjusted total obligation rate minus the current total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the greater of:

(i) the prior adjusted total obligation rate minus one-half times the difference of the prior adjusted total obligation rate minus the current total obligation rate; or

(ii) 90 percent times the prior adjusted total obligation rate.

(15) CURRENT TOTAL OBLIGATION RATE means, for any fiscal year, the rate adopted by the board that is equal to the sum of the pension obligation bond credit rate for such fiscal year plus the actuarially required contribution rate for such fiscal

year.

~~(14) DEPENDENT PARENT means a member, inactive member, or retiree's parent who is:~~

~~(A) totally and permanently disabled and who receives over half of the support for each calendar year from the member, inactive member, or retiree; or~~

~~(B) 65 years of age or older.~~

~~(15) DESIGNEE means an estate, a person, or an entity selected by:~~

~~(A) a member or inactive member to receive a refund of contributions under Section 40A-21(b); or~~

~~(B) a member, inactive member, or retiree to receive a commuted value lump sum payment under Section 40A-16(d) or 40A-21(c).~~

~~(16) EMPLOYEE:~~

~~(A) means:~~

~~(i) a person employed by the city on a permanent basis who receives regular compensation from the city; and~~

~~(ii) a leased employee, to the extent required by Section 414(n) or 414(o) of the Internal Revenue Code; and~~

~~(B) does not mean:~~

~~(i) an elective officer or nonsalaried appointive member of an administrative board or commission;~~

~~(ii) an individual, other than a leased employee, employed under contract for a definite period or for the performance of a particular service;~~

~~(iii) an individual employed on a part-time basis of less than one-half time;~~

~~(iv) an individual, other than a leased employee, given a temporary designation for the purpose of employment by the city; or~~

~~(v) a police officer, firefighter, or fire alarm operator as those categories are defined in the classifications of the personnel department of the city.~~

~~(17) FISCAL YEAR means the city's fiscal year, which is the 12-month period commencing October 1 and ending the following September 30.~~

~~(18) INACTIVE MEMBER means a person:~~

~~(A) who has terminated employment with the city but who has not retired; and~~

~~(B) whose contributions to the fund have not been forfeited or withdrawn.~~

~~(19) INJURY means an accident resulting in damage or harm to the physical structure of the body.~~

~~(20) INTERNAL REVENUE CODE means the Internal Revenue Code of 1986, as amended.~~

~~(21) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:~~

~~(A) such services are performed pursuant to an agreement between the city and another person;~~

~~(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and~~

~~(C) such services are performed under the primary direction or control of the city.~~

~~(22) LEAVE OF ABSENCE means:~~

(16) DEPENDENT PARENT means a member, inactive member, or retiree's parent who is:

(A) totally and permanently disabled and who receives over half of the support for each calendar year from the member, inactive member, or retiree; or

(B) 65 years of age or older.

(17) DESIGNEE means an estate, a person, or an entity selected by:

(A) a member or inactive member to receive a refund of contributions under Section 40A-21(b);

(B) a member, inactive member, or retiree to receive a commuted value lump sum payment under Section 40A-16(e) or 40A-21(c); or

(C) a member, inactive member, or retiree to receive the earned but unpaid portion of the final month's pension due under Section 40A-23(e).

(18) EMPLOYEE:

(A) means a person employed by the city on a permanent basis who receives regular compensation from the city; and

(B) does not mean:

(i) an elective officer or nonsalaried appointive member of an administrative board or commission;

(ii) a person retained under contract for a definite period or for the performance of a particular service;

(iii) a person given a temporary designation for the purpose of employment by the city;

(iv) a leased employee; or

(v) a police officer, firefighter, or fire alarm operator as those categories are defined in the classifications of the personnel department of the city.

(19) FISCAL YEAR means the city's fiscal year, which is the 12-month period commencing October 1 and ending the following September 30.

(20) INACTIVE MEMBER means a person:

(A) who has terminated employment with the city but who has not retired; and

(B) whose contributions to the fund have not been forfeited or withdrawn.

(21) INJURY means an accident resulting in damage or harm to the physical structure of the body.

(22) INTERNAL REVENUE CODE means the Internal Revenue Code of 1986, or its successor, as amended.

(23) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:

(A) such services are performed pursuant to an agreement between the city and another person;

(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and

(C) such services are performed under the primary direction or control of the city.

~~(A) leave without pay granted by the city in accordance with a uniform and nondiscriminatory leave policy; or~~

~~(B) leave during which a member receives worker's compensation benefits or short-term disability benefits.~~

~~(23) MEMBER means an employee who is currently contributing to the retirement fund or who is on an approved leave of absence, but does not include a person establishing credited service under Section 40A-14 after termination of employment because of reduction in force.~~

~~(24) NONSERVICE DISABILITY means total and permanent disability caused by injury, sickness, or disease while not in the performance of official city duties.~~

~~(25) PARENT has the meaning ascribed to that term in Section 11.01 of the Texas Family Code, as amended.~~

~~(26) PENSION means an amount payable monthly to a person eligible to receive death or retirement benefits under the retirement fund.~~

~~(27) PENSION OBLIGATION BOND CREDIT RATE means, for any fiscal year, the rate adopted by the board that is a percentage calculated by dividing:~~

~~(A) the debt service due during such fiscal year on any pension obligation bonds, the proceeds of which have been deposited in the fund, by:~~

~~(B) the total members' projected wages for such fiscal year, as reported in the relevant actuarial valuation report.~~

~~(28) PENSION OBLIGATION BONDS means bonds described in Chapter 107 of the Texas Local Government Code (or any successor law that supersedes such chapter) and issued by the city.~~

~~(29) PERCENTAGE MULTIPLIER means the percentage by which the average monthly earnings of a member or inactive member is multiplied in order to compute benefits.~~

~~(30) PERMANENT BASIS means employment of an individual for an unfixed continuing period.~~

~~(31) PERSON means an individual.~~

~~(32) PLAN YEAR means the calendar year or other plan year adopted by the board.~~

~~(33) PRICE INDEX means the national Consumer Price Index of Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the U. S. Department of Labor, or its successor in function.~~

~~(34) PRIOR ADJUSTED TOTAL OBLIGATION RATE means:~~

~~(A) for the fiscal year commencing October 1, 2006, the current total obligation rate that was effective for the prior fiscal year; and~~

~~(B) for each fiscal year commencing on or after October 1, 2007, the current adjusted total obligation rate that was effective for the prior fiscal year.~~

~~(35) QUALIFIED RECIPIENT means:~~

~~(A) the spouse of a deceased member or inactive member at the time of death of the member or inactive member;~~

~~(B) the spouse of a deceased retiree, if the spouse was married to the retiree at the time of retirement and at the time of the retiree's death;~~

~~(C) each child of a deceased member, inactive member, or retiree under the age of 18, if the~~

(24) LEAVE OF ABSENCE means:

(A) leave without pay granted by the city in accordance with a uniform and nondiscriminatory leave policy; or

(B) leave during which a member receives worker's compensation benefits or short-term disability benefits.

(25) MEMBER means an employee who is currently contributing to the retirement fund or who is on an approved leave of absence, but does not include a person establishing credited service under Section 40A-14 after termination of employment because of reduction in force.

(26) NONSERVICE DISABILITY means total and permanent disability caused by injury, sickness, or disease while not in the performance of official city duties.

(27) PARENT has the meaning ascribed to that term in Section 51.02 of the Texas Family Code, as amended.

(28) PART-TIME EMPLOYEE means an employee classified as part-time by the city under Section 34-8(c) of this code, as amended.

(29) PENSION means an amount payable monthly to a person eligible to receive death or retirement benefits under the retirement fund.

(30) PENSION OBLIGATION BOND CREDIT RATE means, for any fiscal year, the rate adopted by the board that is a percentage calculated by dividing the:

(A) debt service due during such fiscal year on any pension obligation bonds, the proceeds of which have been deposited in the fund, by

(B) total members' projected wages for such fiscal year, as reported in the relevant actuarial valuation report.

(31) PENSION OBLIGATION BONDS means bonds described in Chapter 107 of the Texas Local Government Code (or any successor law that supersedes such chapter) and issued by the city.

(32) PERCENTAGE MULTIPLIER means the percentage by which the average monthly earnings of a member or inactive member is multiplied in order to compute benefits.

(33) PERMANENT BASIS means employment of an individual for an unfixed continuing period.

(34) PERSON means an individual.

(35) PLAN YEAR means the calendar year or other plan year adopted by the board.

(36) PRICE INDEX means the national Consumer Price Index of Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the U. S. Department of Labor, or its successor in function.

(37) PRIOR ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the current adjusted total obligation rate that was effective for the prior fiscal year.

~~child was alive or had been conceived at the time of death of the member, inactive member, or retiree;~~

~~(D) each totally and permanently disabled child of a deceased member, inactive member, or retiree if the child was totally and permanently disabled before the age of 18; and~~

~~(E) a parent of a deceased member, inactive member, or retiree who was a dependent parent at the time of death of the member, inactive member, or retiree.~~

~~(36) RETIREE means a person who was once a member but who has retired from city employment and is receiving a pension from the fund other than a death benefit.~~

~~(37) RETIREMENT means terminating employment for a reason other than death and fulfilling all requirements for a pension under this chapter.~~

~~(38) RETIREMENT FUND or FUND means the employees' retirement fund of the city of Dallas and the program of benefits established under this chapter and any rule or regulation established by the board.~~

~~(39) SERVICE means any period that a person is paid as an employee of the city and contributes to the retirement fund.~~

~~(40) SERVICE DEATH means the death of a member resulting from an injury sustained while in the performance of official city duties. A death resulting from an injury sustained while in the performance of official city duties does not include:~~

~~(A) a death caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;~~

~~(B) a death caused by an act of a third person who causes the death of the member because of reasons personal to the third person and not for reasons of the member's employment;~~

~~(C) a death caused while the member was attempting to injure or kill another person;~~

~~(D) a suicide;~~

~~(E) a death while on leave of absence, unless the leave was granted solely because of an injury sustained in the performance of official city duties and the injury was the primary cause of death;~~

~~(F) a death while on leave for military active duty; or~~

~~(G) a death resulting from an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance.~~

~~(41) SERVICE DISABILITY means total and permanent disability caused by injury while in the performance of official city duties. An injury while in the performance of official city duties does not include:~~

~~(A) an injury caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;~~

~~(B) an injury caused by an act of a third person who injures the member because of reasons personal to the third person and not for reasons of the member's employment;~~

~~(C) an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance;~~

~~(D) an injury caused while the member was attempting to injure or kill another person; or~~

(38) QUALIFIED RECIPIENT means:

(A) the spouse of a deceased member or inactive member at the time of death of the member or inactive member;

(B) the spouse of a deceased retiree, if the spouse was married to the retiree at the time of retirement and at the time of the retiree's death;

(C) each child of a deceased member, inactive member, or retiree under the age of 18, if the child was alive or had been conceived at the time of death of the member, inactive member, or retiree;

(D) each totally and permanently disabled child of a deceased member, inactive member, or retiree if the child was totally and permanently disabled before the age of 18; and

(E) a parent of a deceased member, inactive member, or retiree who was a dependent parent at the time of death of the member, inactive member, or retiree.

(39) RESTRICTED PRIOR SERVICE CREDIT means service credit for work as a permanent, full-time, paid employee of a government entity, agency, authority, or political subdivision of the United States or its states or territories, performed before employment or re-employment by the city.

(40) RETIREE means a person who was once a member but who has retired from city employment and is receiving a pension from the fund other than a death benefit.

(41) RETIREMENT means terminating city employment or city council membership for a reason other than death and fulfilling all requirements for a pension under this chapter.

(42) RETIREMENT FUND or FUND means the employees' retirement fund of the city of Dallas and the program of benefits established under this chapter and any rule or regulation established by the board.

(43) SERVICE DEATH means the death of a member resulting from an injury sustained while in the performance of official city duties. A death resulting from an injury sustained while in the performance of official city duties does not include:

(A) a death caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) a death caused by an act of a third person who causes the death of the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) a death caused while the member was attempting to injure or kill another person;

(D) a suicide;

(E) a death while on leave of absence, unless the leave was granted solely because of an injury sustained in the performance of official city duties and the injury was the primary cause of death;

(F) a death while on leave for military active duty; or

(G) a death resulting from an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance.

(44) SERVICE DISABILITY means total and permanent disability caused by injury while in the performance of official city duties. An injury while in the performance of official city duties does not include:

(A) an injury caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) an injury caused by an act of a third person who injures the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance;

(D) an injury caused while the member was attempting to injure or kill another person; or

(E) an injury that was self-inflicted.

~~(E) an injury that was self-inflicted.~~

~~(42) SPOUSE means the person to whom the member, inactive member, or retiree is married, as evidenced by the last marriage certificate or declaration of common law marriage on file with the Retirement Fund and verified by the Fund to be valid in the jurisdiction in which the marriage was celebrated.~~

~~(43) TOTAL AND PERMANENT DISABILITY means the continuing inability of a person to procure and retain any type of employment for compensation as a result of a mental or physical impairment caused by an injury or illness. A person is not under a total or permanent disability if, with reasonable effort and safety to the person, the impairment can be diminished to the extent that the person will not be prevented by the impairment from procuring and retaining any type of employment for compensation.~~

~~(44) TRANSITION YEAR means each of the following:~~

~~(A) the first fiscal year in which debt service payments related to pension obligation bonds are due from the city;~~

~~(B) the first fiscal year in which no debt service payments related to pension obligation bonds are due from the city; and~~

~~(C) the fiscal year beginning October 1, 2005.~~

~~(45) WAGE:~~

~~(A) means:~~

~~(i) wages of an employee as defined in Section 3401(a) of the Internal Revenue Code for income tax withholding, including salary continuation payments made to an employee with a job-related injury or illness;~~

~~(ii) compensation that by special rule is excluded from Section 3401(a) of the Internal Revenue Code because of the nature or location of the services performed;~~

~~(iii) elective contributions to a plan or deferred compensation program, including a plan established under Section 125, 401(k), or 457 of the Internal Revenue Code, and elective reductions in compensation for qualified transportation fringe benefits that are excluded from an employee's gross income by reason of Section 132(f)(4) of the Internal Revenue Code; and~~

~~(iv) any lump sum payment made at termination of employment for accrued vacation leave; and~~

~~(B) does not mean:~~

~~(i) expense reimbursements, expense allowances, car allowances, or moving expenses;~~

~~(ii) cash or noncash fringe benefits;~~

~~(iii) welfare benefits, including, but not limited to, health benefits or life insurance benefits;~~

~~(iv) deferred compensation, unless made under a plan or program described in Paragraph (A)(iii) of this subsection;~~

~~(v) any lump sum payment made at retirement for accrued sick leave;~~

~~(vi) workers compensation benefits, short-term disability benefits, or catastrophic leave benefits; or~~

~~(vii) any compensation in excess of the limits imposed by Section 401(a)(17)(A), as~~

(45) SPOUSE means the person to whom the member, inactive member, or retiree is married, as evidenced by the last marriage certificate or declaration of informal marriage on file with the retirement fund and verified by the administrator to be valid in the jurisdiction in which the marriage was

celebrated.

(46) TIER A means:

(A) a person who was:

(i) employed by the city before January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose credited service before January 1, 2017, has not been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(47) TIER B means:

(A) a person who was:

(i) employed by the city on or after January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose prior credited service has been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(48) TOTAL AND PERMANENT DISABILITY means the continuing inability of a person to obtain and retain any type of employment for compensation as a result of a mental or physical impairment caused by an injury or illness. A person is not under a total or permanent disability if, with reasonable effort and safety to the person, the impairment can be diminished to the extent that the person will not be prevented by the impairment from obtaining and retaining any type of employment for compensation.

(49) TRANSITION YEAR means each of the following:

(A) the first fiscal year in which debt service payments related to pension obligation bonds are due from the city; and

(B) the first fiscal year in which no debt service payments related to pension obligation bonds are due from the city.

(50) VESTED means that a member or inactive member has accumulated sufficient credited service or age to have earned a nonforfeitable right to receive a pension benefit, payable in accordance with the terms of the plan.

(51) WAGE:

(A) means:

(i) wages of an employee as defined in Section 3401(a) of the Internal Revenue Code for income tax withholding, including salary continuation payments made to an employee with a job-related injury or illness;

(ii) compensation that by special rule is excluded from Section 3401(a) of the Internal Revenue Code because of the nature or location of the services performed;

(iii) elective contributions to a plan of deferred compensation, including a plan established under Section 125, 401(k), or 457 of the Internal Revenue Code, and elective reductions in compensation for qualified transportation fringe benefits that are excluded from an employee's gross income by reason of Section 132(f)(4) of the Internal Revenue Code; and

(iv) any lump sum payment made at termination of employment for accrued vacation leave or prorated service incentive pay; and

(B) does not mean:

(i) expense reimbursements, expense allowances, car allowances, or moving expenses;

(ii) cash or noncash fringe benefits;

(iii) welfare benefits, including, but not limited to, health benefits or life insurance benefits;

(iv) deferred compensation, unless made under a plan described in Paragraph (A)(iii) of this subsection;

(v) any lump sum payment made at retirement for accrued sick leave or attendance incentive leave;

(vi) workers compensation benefits, short-term disability benefits, or catastrophic leave benefits; or

(vii) any compensation in excess of the limits imposed by Section 401(a)(17)(A), as adjusted in accordance with Section 401(a)(17)(B), of the Internal Revenue Code.

~~adjusted in accordance with Section 401(a)(17)(B), of the Internal Revenue Code.~~ (Ord. Nos. 15414; 16886; 17713; 18181; 19470; 20960; 21582; 22345; 25695; 25818; 28739; 29644; 30162)

SEC. 40A-2. CREATION OF THE RETIREMENT FUND AND BOARD OF TRUSTEES; COMPOSITION AND OFFICERS OF THE BOARD.

~~(a) There is hereby created the employees' retirement fund of the city of Dallas, which is a trust fund, and the board of trustees of the employees' retirement fund of the city of Dallas.~~

~~(b) The fund is a public entity. The employees' retirement fund of the city of Dallas is the name in which all of its business must be transacted, all of its funds invested, and all of its cash, securities, and property held.~~

~~(c) Composition of the board.~~

~~(1) Until March 1, 2005, the board shall be composed of five members consisting of:~~

~~(A) two persons appointed by the city council who may be city council members;~~

~~(B) two employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and~~

~~(C) the city auditor.~~

~~(2) On and after March 1, 2005, the board shall be composed of seven members consisting of:~~

~~(A) three persons appointed by the city council who may be city council members;~~

~~(B) three employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and~~

~~(C) the city auditor.~~

~~(d) The board shall elect a chair and a vice-chair at the first regular monthly meeting each calendar year. The chair shall call a meeting at least once a month and at any time there is business of the board to be acted upon. In the absence of the chair, the vice-chair may call meetings or preside over meetings of the board.~~

~~(e) If the office of chair or vice-chair becomes vacant, the board will elect a replacement at its next meeting.~~

(a) Creation. There is hereby created the employees' retirement fund of the city of Dallas, which is a trust fund, and the board of trustees of the employees' retirement fund of the city of Dallas.

(b) Public entity. The fund is a public entity established for the exclusive purpose of providing benefits to members and their beneficiaries. Except as permitted under this chapter or by state law, the employees' retirement fund of the city of Dallas is the name in which all of its business must be transacted, all of its funds invested, and all of its cash, securities, and property held.

(c) Composition of the board.

(1) The board shall be composed of seven members consisting of:

(A) three persons appointed by the city council who may be city council members;

(B) three employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and

(C) the city auditor.

(2) If only one eligible employee is nominated for an elected board position described in Subsection (c)(1)(B) of this section, that employee will be declared elected to that position by the board without requiring an election by the members of the

retirement fund.

(d) Chair and vice chair.

(1) The board shall elect a chair and a vice-chair at the first regular meeting each calendar year. The chair shall call a meeting as frequently as necessary to conduct the business of the board, but not less than quarterly. In the absence of the chair, the vice-chair may call meetings or preside over meetings of the board.

(2) If the office of chair or vice-chair becomes vacant, the board will elect a replacement at its next meeting. (Ord. Nos. 15414; 20960; 21582; 25695; 30162)

SEC. 40A-3. TERMS AND REMUNERATION OF THE BOARD.

~~(a) Terms.~~

~~(1) Until March 1, 2005, the elected and appointed members of the board shall serve without remuneration and for terms of two years.~~

~~(2) On and after March 1, 2005:~~

~~(A) the elected members, including incumbents, of the board shall serve without remuneration and for terms of three years, except that the first term of the elected position created effective March 1, 2005 ends on December 31, 2006; and~~

~~(B) the appointed members of the board shall serve without remuneration and for terms of two years.~~

~~(b) A position on the board becomes vacant if the occupant:~~

~~(1) was elected as an employee member and is no longer an employee;~~

(a) Terms.

(1) Elected board members.

(A) On and after January 1, 2017, the three elected positions on the board will be designated Place 1, Place 2, and Place 3, respectively, as determined by the board.

(B) The elected members, including incumbents, of the board shall serve without remuneration and for terms as follows:

(i) A member elected to Place 1 will serve a three-year term, with the initial term running from January 1, 2017, through December 31, 2019.

(ii) A member elected to Place 2 will serve a three-year term, with the initial term running from January 1, 2019, through December 31, 2021.

(iii) A member elected to Place 3 will serve a three-year term, except that the initial term will be for two years and run from January 1, 2019, through December 31, 2020.

(2) Appointed board members. The appointed members of the board shall serve without remuneration and for terms of two years.

~~(2) was appointed while serving as a city council member and is no longer a city council member; or~~

~~(3) gives the chair written notice of resignation from the board.~~

~~(c) If a vacancy occurs on the board:~~

~~(1) in a position held by an elected employee member, the board shall hold an election within 60 days after the vacancy occurs to fill the unexpired term of the member; or~~

~~(2) in a position held by a city council appointee, the city council shall appoint a new member to fill the unexpired term of the member.~~

(b) Vacancy.

(1) A position on the board becomes vacant if the occupant:

(A) was elected as an employee member and is no longer an employee;

(B) was appointed while serving as a city council member and is no longer a city council member; or

(C) gives the chair written notice of resignation from the board.

(2) If a vacancy occurs on the board in a position held by:

(A) an elected employee member, the board shall hold an election within 90 days after the vacancy occurs to fill the unexpired term of the member; or

(B) a city council appointee, the city council shall appoint a new member to fill the unexpired term of the member. (Ord. Nos. 15414; 20960; 21582; 25695; 30162)

SEC. 40A-4. POWERS, DUTIES, AND IMMUNITIES OF THE BOARD.

~~(a) In addition to other powers and duties it may have under state or federal law, the board shall have the power and duty to:~~

~~(1) administer the retirement fund in accordance with this chapter for the exclusive purposes of providing benefits to members, inactive members, retirees, and their beneficiaries and defraying reasonable expenses of administering the fund;~~

~~(2) adopt rules and regulations not inconsistent with this chapter and the constitution and laws of this state;~~

~~(3) invest, reinvest, alter, and change the funds of the retirement fund with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;~~

~~(4) diversify the investments of the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;~~

~~(5) pay for professional services out of income from investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;~~

~~(6) appoint an administrator and authorize employees to carry out the business of the board;~~

~~(7) establish rates of compensation for employees of the retirement fund, subject to the approval of the city council and in accordance with civil service rules of the city;~~

~~(8) correct administrative errors and remedy any effects of those errors;~~

~~(9) make a final determination of the eligibility of a member, inactive member, retiree, or beneficiary for a normal, early, service, or disability pension or death benefits;~~

~~(10) issue subpoenas for the attendance of witnesses and the production of records, papers, or other objects, administer oaths to witnesses, and examine witnesses on any matter relating to the payment of benefits of the retirement fund;~~

~~(11) determine the time, method, and manner of election to the board;~~

~~(12) prepare and adopt a budget;~~

~~(13) pay for fiduciary insurance out of income from investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;~~

(a) In addition to other powers and duties it may have under state or federal law, the board shall have the power and duty to:

(1) administer the retirement fund in accordance with this chapter for the exclusive purposes of providing benefits to members, inactive members, retirees, and their beneficiaries and defraying reasonable expenses of administering the fund;

(2) adopt rules and regulations not inconsistent with this chapter and the constitution and laws of this state;

(3) invest, reinvest, alter, and change the funds of the retirement fund with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(4) diversify the investments of the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(5) pay for professional services out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;

(6) appoint an administrator and authorize employees to carry out the business of the board;

(7) establish rates of compensation for employees of the retirement fund, subject to the approval of the city council and in accordance with civil service rules of the city;

(8) correct administrative errors and remedy any effects of those errors;

(9) make a final determination of the eligibility of a member, inactive member, retiree, or beneficiary for a normal, early, service, or disability pension or death benefits;

(10) issue subpoenas for the attendance of witnesses and the production of records, papers, or other objects, administer oaths to witnesses, and examine witnesses on any matter relating to the payment of benefits of the retirement fund;

(11) determine the time, method, and manner of election to the board;

(12) prepare and adopt a budget;

(13) pay for fiduciary insurance out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;

~~(14) pay for the costs of administration out of income from investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the costs are necessary;~~

~~(15) sue and be sued in the name of the fund;~~

~~(16) appoint an actuary and adopt actuarial assumptions for the fund;~~

~~(17) appoint such other professionals as it deems appropriate and necessary;~~

~~(18) interpret this chapter as necessary to resolve any problems created by any ambiguities, inconsistencies, or omissions that might be found in this chapter;~~

~~(19) direct the fund's actuarial firm to perform an annual experience review of assumptions as part of its annual actuarial valuation;~~

~~(20) direct the fund's actuarial firm to perform a complete analysis of actuarial assumptions as frequently as the board deems necessary, but not less frequently than every five years; and~~

~~(21) engage a second actuarial firm to perform an actuarial peer review/audit as the board deems necessary.~~

~~(b) The board may not use the fund to engage in a transaction if the board knows or should know that the transaction directly or indirectly constitutes a prohibited transaction under Section 503(b) of the Internal Revenue Code.~~

~~(c) No expenditures may be made from the retirement fund without the approval of the board.~~

~~(d) The board shall adopt the actuarially required contribution rate, the current adjusted total obligation rate, the current total obligation rate, and the pension obligation bond credit rate for each fiscal year commencing on or after October 1, 2005 by June 1 of the preceding fiscal year, and promptly notify the city manager.~~

~~(e) At least once every three plan years, the board shall provide 60 days notice to the city manager:~~

~~(1) that the board intends to engage a second actuarial firm to perform an actuarial peer review/audit; and~~

~~(2) the name of the actuarial firm the board intends to engage.~~

~~If, within the 60 days, the city manager objects to the actuarial firm selected, the board shall seek another actuarial firm to perform the peer review/audit and re-notify the city manager. This process shall repeat until the city manager no longer objects to the actuarial firm the board intends to engage. The board shall then engage such actuarial firm for such purpose. If the process described in Section 40A-7.1 is used, the requirements of this subsection shall be satisfied for the plan year in which the process concludes.~~

~~(f) Quorum and vote of the board.~~

~~(1) Until March 1, 2005, the board shall meet at any time to act on business, and three members of the board constitute a quorum. The approval of three members of the board is necessary for any motion of the board to carry.~~

~~(2) On and after March 1, 2005, the board shall meet at any time to act on business, and four members of the board constitute a quorum. The approval of four members of the board is necessary for any motion of the board to carry.~~

~~(g) The board is not liable for its acts and conduct or any losses incurred in the administration of the retirement fund, the management of the assets of the fund, or the investment of the fund if the board has met the standards set forth in Subsections (a) and (b) of this section and in Sections 40A-4.1 and 40A-4.2.~~

(14) pay for the costs of administration out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the costs are necessary;

(15) sue and be sued in the name of the fund;

(16) appoint an actuary and adopt actuarial assumptions for the fund;

(17) appoint such other professionals as it deems appropriate and necessary;

(18) interpret this chapter as necessary to resolve any problems created by any ambiguities, inconsistencies, or omissions that might be found in this chapter;

(19) direct the fund's actuarial firm to perform an annual experience review of assumptions as part of its annual actuarial valuation;

(20) direct the fund's actuarial firm to perform a complete analysis of actuarial assumptions as frequently as the board deems necessary, but not less frequently than every five years; and

(21) engage a second actuarial firm to perform an actuarial peer review/audit as the board deems necessary.

(b) The board may not cause the fund to engage in a transaction if the board knows or should know that the transaction directly or indirectly constitutes a prohibited transaction under Section 503(b) of the Internal Revenue Code.

(c) No expenditures may be made from the retirement fund without the approval of the board by resolution or by adoption of its budget.

(d) The board shall adopt the actuarially required contribution rate, the current adjusted total obligation rate, the current total obligation rate, and the pension obligation bond credit rate for each fiscal year no later than June 1 of the preceding fiscal year, and shall promptly notify the city manager of the adoption.

(e) At least every five plan years, or in accordance with state law, whichever is sooner, the board shall provide 60 days' notice to the city manager:

(1) that the board intends to engage a second actuarial firm to perform an actuarial peer review/audit; and

(2) the name of the actuarial firm the board intends to engage.

If, within the 60 days, the city manager objects to the actuarial firm selected, the board shall seek another actuarial firm to perform the peer review/audit and re-notify the city manager. This process shall repeat until the city manager no longer objects to the actuarial firm the board intends to engage. The board shall then engage such actuarial firm for such purpose. If the process described in Section 40A-7.1 is used, the requirements of this subsection shall be satisfied for the plan year in which the process concludes.

(f) The board shall meet at any time after posting timely notice as required by law. Four members of the board constitute a quorum. The approval of four members of the board is necessary for any motion of the board to carry.

(g) The board is not liable for its acts and conduct or any losses incurred in the administration of the retirement fund, the management of the assets of the fund, or the investment of the fund if the board has met the standards set forth in Subsections (a) and (b) of this section and in Sections 40A-4.1 and 40A-4.2.

~~(h) If the board, in good faith, is in doubt as to the construction or interpretation of any provision of this chapter, or has any other question that may arise during the administration of the retirement fund, the board may resolve all such doubts and questions without obtaining a judicial construction. All constructions and interpretations made by the board are binding and conclusive.~~

~~(i) The board may consult with an actuary, attorney, physician, or accountant, who may also be employed by the city. The board is not liable for any act or conduct that was performed in good faith reliance on the opinion of an actuary, attorney, physician, or accountant with respect to an actuarial, legal, medical, or accounting matter, respectively.~~

(h) If the board, in good faith, is in doubt as to the construction or interpretation of any provision of this chapter, or has any other question that may arise during the administration of the retirement fund, the board may resolve all such doubts and questions without obtaining a judicial construction. All constructions and interpretations made by the board are binding and conclusive.

(i) The board may consult with an actuary, attorney, physician, or accountant, who may also be employed by the city. The board is not liable for any act or conduct that was performed in good faith reliance on the opinion of an actuary, attorney, physician, or accountant with respect to an actuarial, legal, medical, or accounting matter, respectively. (Ord. Nos. 15414; 17713; 18181; 19470; 20960; 21582; 22345; 25695; 30162)

SEC. 40A-4.1. INVESTMENT MANAGERS; FIDUCIARY DUTIES.

~~(a) The board may appoint investment managers for the fund by contracting for professional investment management services with one or more organizations, which may include a bank if it has a trust department, that are in the business of managing investments.~~

~~(b) To be eligible for appointment under this section, an investment manager must be:~~

~~(1) an organization registered under the Investment Advisors Act of 1940 (15 U.S.C. Section 80b-1 et seq.);~~

~~(2) a bank as defined by that Act; or~~

~~(3) an insurance company qualified to perform investment services under the laws of more than one state.~~

~~(c) In a contract made under this section, the board shall specify any policies, requirements, or~~

~~restrictions, including criteria for determining the quality of investments and for the use of standard rating services, that the board may adopt for investment of the fund.~~

~~(d) In choosing and contracting for professional investment management services and in continuing the use of an investment manager, the board must act prudently and in the interest of the members, inactive members, retirees, and their beneficiaries.~~

~~(e) The board is not liable for the acts or omissions of an investment manager appointed under this section, nor is the board obligated to invest or otherwise manage any asset of the fund subject to management by the investment manager.~~

~~(f) An investment manager appointed under this section shall acknowledge in writing the manager's fiduciary responsibilities to the fund, which include the same duties assigned to the board in Section 40A-4(a)(1), (3), and (4).~~

~~(g) The investment standards provided by Section 40A-4(a) and (b) and the policies, requirements, and restrictions adopted under this section are the only standards, policies, requirements, and restrictions governing the investment of funds of the retirement fund by an investment manager or by the board during a 90-day interim between professional investment management services. Any other standard, policy, requirement, or restriction provided by law is suspended and not applicable during a time, and for 90 days after a time, in which an investment manager is responsible for investment of fund assets. If an investment manager has not begun managing investments before the 91st day after the date of termination of the services of a previous investment manager, the standards, policies, requirements, and restrictions otherwise provided by law are applicable until the date professional investment management services are resumed.~~

(a) The board may appoint investment managers for the fund by contracting for professional investment management services with one or more organizations, which may include a bank if it has a trust department, that are in the business of managing investments.

(b) To be eligible for appointment under this section, an investment manager must be:

(1) an organization registered under the Investment Advisors Act of 1940 (15 U.S.C. Section 80b-1 et seq.);

(2) a bank as defined by that Act; or

(3) an insurance company qualified to perform investment services under the laws of more than one state.

(c) In a contract made under this section, the board shall specify any policies, requirements, or restrictions, including criteria for determining the quality of investments and for the use of standard rating services, that the board may adopt for investment of the fund.

(d) In choosing and contracting for professional investment management services and in continuing the use of an investment manager, the board must act prudently and in the interest of the members, inactive members, retirees, and their beneficiaries.

(e) The board is not liable for the acts or omissions of an investment manager appointed under this section, nor is the board obligated to invest or otherwise manage any asset of the fund subject to management by the investment manager.

(f) An investment manager appointed under this section shall acknowledge in writing the manager's fiduciary responsibilities to the fund, which include the same duties assigned to the board in Section 40A-4(a)(1), (3), and (4).

(g) The investment standards provided by Section 40A-4(a) and (b) and the policies, requirements, and restrictions adopted under this section are the only standards, policies, requirements, and restrictions governing the investment of funds of the retirement fund by an investment manager or by the board during a 90-day interim between professional investment management services. Any other standard, policy, requirement, or restriction provided by law is suspended and not applicable during a time, and for 90 days after a time, in which an investment manager is responsible for investment of fund assets. If an investment manager has not begun managing investments before the 91st day after the date of termination of the services of a previous investment manager, the standards, policies, requirements, and restrictions otherwise provided by law are applicable until the date professional investment management services are resumed. (Ord. Nos. 21582; 30162)

SEC. 40A-4.2. INVESTMENT CUSTODY ACCOUNT.

~~(a) If the board contracts for professional investment management services, it also shall enter into an investment custody account agreement designating one or more banks or depository trust companies to serve as custodian for all assets allocated to or generated under the contract.~~

~~(b) Under an investment custody account agreement, the board shall require the designated custodian to perform the duties and assume the responsibilities for funds under the contract for which the agreement is established that are performed and assumed, in the absence of a contract, by the custodian of system funds.~~

(a) If the board contracts for professional investment management services, it also shall enter into an investment custody account agreement designating one or more banks, depository trust companies, or brokerage firms meeting the requirements under Section 802.205(d) of the Texas Government Code, as amended, to serve as custodian for the assets allocated to or generated under the contract.

(b) Under an investment custody account agreement, the board shall require the designated custodian to perform the duties and assume the responsibilities for funds under the contract for which the agreement is established that are performed and assumed, in the absence of a contract, by the custodian of system funds. (Ord. Nos. 21582; 30162)

SEC. 40A-5. ADMINISTRATOR OF THE RETIREMENT FUND.

~~(a) The administrator of the retirement fund shall carry out the business of the board and keep a record of the proceedings of the board.~~

~~(b) In accordance with civil service rules of the city, the administrator may appoint assistants and other employees.~~

~~(c) The administrator shall serve at the will of the board.~~

(a) The administrator of the retirement fund shall carry out the business of the board and keep a record of the proceedings of the board.

(b) The administrator, in accordance with civil service rules of the city, may appoint and hire deputies and other employees.

(c) The administrator shall serve at the will of the board.

(d) The administrator is the "plan administrator," as that term is defined in 26 U.S.C. 414(g).

(e) Whenever the term "executive director" is used in relation to the retirement fund in any plan documents, contracts, resolutions, or other documents generated by the board or the fund, or in any city ordinances, resolutions, or contracts related to the fund, that term will mean "administrator." (Ord. Nos. 15414; 19470; 20960; 21582; 30162)

~~**SEC. 40A-6. EMPLOYEE CONTRIBUTIONS.**~~

~~(a) Every employee must be a member of the fund except:~~

~~(1) a retiree re-employed by the city, who may elect not to contribute to the fund under Section 40A-19; or~~

~~(2) a leased employee who is not eligible to contribute to the fund.~~

~~(b) Contribution amount.~~

~~(1) For each pay period ending before October 1, 2005, each member shall contribute to the retirement fund an amount equal to 6-1/2 percent of the member's wages for the pay period.~~

~~(2) For each pay period ending during a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current total obligation rate for that fiscal year times the member's wages for the pay period.~~

~~(3) For each pay period ending during each fiscal year commencing on or after October 1, 2005, except for a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current adjusted total obligation rate for that fiscal year times the member's wages for the pay period.~~

~~(c) The contributions by each member receiving compensation from the city will normally be made by means of deduction on each payday.~~

~~(d) No member may discontinue contributions to the retirement fund unless the member is:~~

~~(1) on leave for military active duty; or~~

~~(2) on a leave of absence.~~

~~(e) A member who discontinues contributions to the retirement fund under Subsection (d)(2) will have any retirement or death benefits computed based on credited service established at the date of discontinuance.~~

SEC. 40A-6. EMPLOYEE CONTRIBUTIONS.

(a) Members. Every employee must be a member of the fund except:

(1) a retiree re-employed by the city, who may elect not to contribute to the fund under Section 40A-20; or

(2) a leased employee who is not eligible to contribute to the fund.

(b) Contribution amount.

(1) For each pay period ending during a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current total obligation rate for that fiscal year times the member's wages for the pay period.

(2) For each pay period ending during a fiscal year other than a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current adjusted total obligation rate for that fiscal year times the member's wages for the pay period.

(c) Deductions. The contributions by each member receiving compensation from the city will normally be made by means of deduction on each payday.

(d) Discontinuing contributions.

(1) No member may discontinue contributions to the retirement fund unless the member is on:

(A) unpaid leave for military active duty; or

(B) a leave of absence.

(2) A member who discontinues contributions to the retirement fund under Subsection (d)(1)(B) will have any retirement or death benefits computed based on credited service established at the date of discontinuance. (Ord. Nos. 15414; 17713; 19470; 20960; 21582; 25695; 30162)

SEC. 40A-7. CITY CONTRIBUTIONS.

~~(a) Contribution amount.~~

~~(1) For each pay period ending before October 1, 2005, the city shall contribute to the~~

~~retirement fund an amount equal to 11 percent times the members' wages for the pay period.~~

~~(2) For each pay period ending during a transition year, the city shall contribute to the retirement fund an amount equal to:~~

~~(A) 63 percent times the current total obligation rate for that fiscal year times the members' wages for the pay period, minus~~

~~(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.~~

~~(3) For each pay period ending during each fiscal year commencing on or after October 1, 2005, except for a transition year, the city shall contribute to the retirement fund an amount equal to:~~

~~(A) 63 percent times the current adjusted total obligation rate for that fiscal year times the members' wages for the pay period, minus~~

~~(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.~~

~~(b) The city shall provide for costs of administration of the retirement fund, if the board determines that payment of the costs by the retirement fund will have an adverse effect on payment of benefits and that the costs are necessary. The city may modify any budget provision for administrative costs that it is being asked to fund under this subsection.~~

~~(c) The total contributions of the employees and the city must be forwarded by the city to the retirement fund not later than the end of each week for all contributions made as to the pay period ending in that week.~~

~~(d) The city will provide to the retirement fund adequate office space and the associated utilities without charge.~~

~~(e) The city may not contribute to the retirement fund for an employee on leave of absence or leave for military active duty.~~

~~(f) The city may not withdraw its contribution previously made to the retirement fund. Nothing in this subsection prohibits the administrative adjustment of future contributions for erroneously made prior contributions, if the adjustment is made within 60 days after the error is made or discovered, whichever occurs later.~~

~~(g) All payments and benefits provided for in this chapter must be made from the retirement fund. There is no obligation on the part of the city, the board, or the employees to provide for payment of benefits from any other source, nor is there any liability on the city or the employees to make any contribution other than those specified in this section and Section 40A-6.~~

(a) Contribution amount.

(1) For each pay period ending during a transition year, the city shall contribute to the retirement fund an amount equal to:

(A) 63 percent times the current total obligation rate for that fiscal year times the members' wages for the pay period, minus

(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.

(2) For each pay period ending during a fiscal year other than a transition year, the city shall contribute to the retirement fund an amount equal to:

(A) 63 percent times the current adjusted total obligation rate for that fiscal year times the members' wages for the pay period, minus

(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.

(b) The city shall provide for costs of administration of the retirement fund, if the board determines that payment of the costs by the retirement fund will have an adverse effect on payment of benefits and that the costs are necessary. The city may modify any budget provision for administrative costs

that it is being asked to fund under this subsection.

(c) The total contributions of the employees and the city must be forwarded by the city to the retirement fund not later than the end of each week for all contributions made as to the pay period ending in that week.

(d) The city may not contribute to the retirement fund for an employee on leave of absence or unpaid leave for military active duty.

(e) The city may not withdraw its contribution previously made to the retirement fund. Nothing in this subsection prohibits the administrative adjustment of future contributions for erroneously made prior contributions, if the adjustment is made within 60 days after the error is made or discovered, whichever occurs later.

(f) All payments and benefits provided for in this chapter must be made from the retirement fund. There is no obligation on the part of the city, the board, or the employees to provide for payment of benefits from any other source, nor is there any liability on the city or the employees to make any contribution other than those specified in this section and Section 40A-6. (Ord. Nos. 15414; 18181; 19470; 20960; 21582; 25695; 30162)

SEC. 40A-7.1. MODIFICATION OF CONTRIBUTION RATES.

~~(a) Notwithstanding the provisions of Sections 40A-4(d), 40A-6, and 40A-7, for any fiscal year in which the prior adjusted total obligation rate does not equal the current adjusted total obligation rate, the city may, within 45 days after receiving notice of the rates adopted by the board under Section 40A-4(d), retain at its complete discretion its own actuary who shall calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the actuary employed by the city; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. If the city's actuary agrees with the board's actuary, the determinations of the board's actuary shall be used to determine member and city contributions to the fund for the fiscal year.~~

~~(b) If there is a dispute between the actuary employed by the board and the actuary employed by~~

(a) Notwithstanding the provisions of Sections 40A-4(d), 40A-6, and 40A-7, for any fiscal year in which the prior adjusted total obligation rate does not equal the current adjusted total obligation rate, the city may, within 45 days after receiving notice of the rates adopted by the board under Section 40A-4(d), retain at its complete discretion its own actuary who shall calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the actuary employed by the city; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. If the city's actuary agrees with the board's actuary, the determinations of the board's actuary shall be used to determine member and city contributions to the fund for the fiscal year.

~~the city with respect to the required member and/or city contributions to the fund for a fiscal year, the two actuaries shall attempt to resolve their differences. If the two actuaries resolve their differences, they shall sign a document setting forth the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total contribution rate, current total obligation rate, and pension obligation bond credit rate, all of which shall be adopted by the board and used to determine member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed to by the two actuaries are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.~~

~~(c) If the differences between the two actuaries cannot be resolved within 90 days after the appointment of the second actuary, the board shall retain a third actuary based upon the joint recommendation of the other two actuaries. The third actuary shall review and calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the third actuary; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. The board, the city, and their respective actuaries shall cooperate with the third actuary and promptly provide such information as the third actuary reasonably requests. The three actuaries shall confer regarding the actuarial dispute between the city's and the board's actuaries, and shall attempt to resolve their differences. If any two of the three actuaries agree regarding the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate, such joint determinations shall be communicated in writing to the board and adopted by the board and used in establishing the member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed upon are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.~~

~~(d) If a dispute described in this Section 40A-7.1 is not resolved prior to the commencement of the fiscal year, the member and city contributions to the fund for such fiscal year (as a percentage of wages) shall be the same as the prior fiscal year.~~

~~(e) Notwithstanding Section 40A-1(34), for any fiscal year in which the process described in this Section 40A-7.1 results in a change in the current adjusted total obligation rate, then the prior adjusted total obligation rate for the succeeding fiscal year shall be deemed to be the current adjusted total obligation rate determined by the board through the process described in this section.~~

(b) If there is a dispute between the actuary employed by the board and the actuary employed by the city with respect to the required member and/or city contributions to the fund for a fiscal year, the two actuaries shall attempt to resolve their differences. If the two actuaries resolve their differences, they shall sign a document setting forth the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total contribution rate, current total obligation rate, and pension obligation bond credit rate, all of which shall be adopted by the board and used to determine member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed to by the two actuaries are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.

(c) If the differences between the two actuaries cannot be resolved within 90 days after the

appointment of the second actuary, the board shall retain a third actuary based upon the joint recommendation of the other two actuaries. The third actuary shall review and calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the third actuary; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. The board, the city, and their respective actuaries shall cooperate with the third actuary and promptly provide such information as the third actuary reasonably requests. The three actuaries shall confer regarding the actuarial dispute between the city's and the board's actuaries, and shall attempt to resolve their differences. If any two of the three actuaries agree regarding the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate, such joint determinations shall be communicated in writing to the board and adopted by the board and used in establishing the member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed upon are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.

(d) If a dispute described in this Section 40A-7.1 is not resolved prior to the commencement of the fiscal year, the member and city contributions to the fund for such fiscal year (as a percentage of wages) shall be the same as the prior fiscal year.

(e) Notwithstanding Section 40A-1(37), for any fiscal year in which the process described in this Section 40A-7.1 results in a change in the current adjusted total obligation rate, then the prior adjusted total obligation rate for the succeeding fiscal year shall be deemed to be the current adjusted total obligation rate determined by the board through the process described in this section. (Ord. Nos. 25695; 30162)

SEC. 40A-8. EFFECT OF MEMBERSHIP IN THE RETIREMENT FUND.

~~A person, by becoming or remaining a member, inactive member, retiree, or beneficiary of the retirement fund, binds the person and the person's heirs, administrators, executors, legal representatives, beneficiaries, and survivors to all provisions of this chapter.~~

A person, by becoming or remaining a member, inactive member, retiree, or beneficiary of the retirement fund, binds the person and the person's heirs, administrators, executors, legal representatives, beneficiaries, and survivors to all provisions of this chapter. (Ord. Nos. 15414; 19470; 20960; 21582; 30162)

SEC. 40A-9. ACTUARIAL ASSUMPTIONS.

~~When an actuarial assumption is required under this chapter, the following will apply:~~

~~(1) When determining the commuted value of future benefits under the fund, a 10 percent interest assumption must be used.~~

~~(2) When calculating service retirement pension benefits for a person who retires before age 50, a five percent interest assumption must be used.~~

~~(3) When calculating the cost of benefits under the fund, the following mortality tables must be used:~~

~~(A) 1965 Railroad Disabled Life Mortality Table, for disability retirement pension benefits; and~~

~~(B) 1984 Unisex Mortality Table, set back four years, for all benefits under the fund except disability retirement pension benefits.~~

~~(4) When calculating the limits under Section 415 of the Internal Revenue Code, the applicable mortality table and applicable interest rate determined by the United States secretary of the treasury and in effect at the time of the calculation must be used.~~

(a) Except when specifically provided otherwise in this chapter, the board, upon recommendation of the fund's actuary, shall adopt and establish reasonable actuarial assumptions, interest rates, and mortality tables to be used under this chapter.

(b) When determining the commuted value of future benefits under the fund during a particular calendar year, the five-year average of the 10-year treasury bond (calculated as of the last business day of each of the last five years averaged together) is the interest assumption that must be used.

(c) When calculating the limits under Section 415 of the Internal Revenue Code, the applicable mortality table and applicable interest rate determined by the United States secretary of the treasury and in effect at the time of the calculation must be used. (Ord. Nos. 20960; 21582; 28739; 30162)

SEC. 40A-10. CREDITED SERVICE; COMPUTATION OF BENEFITS.

~~(a) A retiree or a beneficiary is entitled to benefits of the retirement fund on the basis of credited service established while a member.~~

~~(b) Credited service includes:~~

~~(1) the length of service performed by the member or inactive member before retirement for which contributions to the fund have not been withdrawn or forfeited;~~

~~(2) the length of service performed by the member or inactive member prior to withdrawal or forfeiture of contributions to the fund if the credited service has been reinstated under Section 40A-11;~~

~~(3) the length of credited service for military active duty under Section 40A-12;~~

~~(4) the amount of vacation leave for which the member or inactive member received lump sum payment at termination of employment;~~

~~(5) the amount of credited service that is established at the time of a reduction in force in accordance with Section 40A-14; and~~

~~(6) the amount of credited service established by a retiree who is re-employed by the city and elects to contribute to the fund in accordance with Section 40A-19.~~

~~(c) For purposes of determining eligibility to retire, but not for purposes of computing benefits, an employee shall receive one year of credited service upon completion of 1,000 hours of service in any 12-consecutive-month period beginning on the employee's date of employment or employment anniversary date.~~

~~(d) For the purpose of computing benefits, a member is deemed to be on leave of absence during any portion of a work period for which the member does not receive wages from the city, including, but not limited to, any time for which the member does not receive wages as a result of part-time employment or pro rata compensation. A member receiving sick leave or salary continuation payments in an amount coordinated with workers compensation payments is deemed to be receiving wages for that portion of time covered by sick leave and salary continuation payments and to be on leave of absence for that portion of time covered by workers compensation payments.~~

~~(e) Benefits may not exceed 100 percent of the average monthly earnings of the member or inactive member.~~

~~(f) Benefits are computed at the rate of 2-3/4 percent of the average monthly earnings of the member or inactive member for each full year of~~

(a) A retiree or a beneficiary is entitled to benefits of the retirement fund on the basis of credited service established while a member.

(b) Credited service includes:

(1) the length of credited service performed by the member or inactive member before retirement for which contributions to the fund have not been withdrawn or forfeited;

(2) the length of credited service performed by the member or inactive member prior to withdrawal or forfeiture of contributions to the fund if the credited service has been reinstated under Section 40A-11;

(3) the length of credited service for military active duty under Section 40A-12;

(4) the amount of vacation leave for which the member or inactive member received lump sum payment at termination of employment;

(5) the amount of credited service that is established at the time of a reduction in force in accordance with Section 40A-14; and

(6) the amount of credited service established by a retiree who is re-employed by the city and elects to contribute to the fund in accordance with Section 40A-20.

(c) For purposes of determining eligibility to retire, but not for purposes of computing benefits, a part-time employee shall receive one year of credited service upon completion of 1,000 hours of service in any 12-consecutive-month period beginning on the employee's date of employment or employment anniversary date.

(d) For the purpose of computing benefits, a member is deemed to be on leave of absence during any portion of a work period for which the member does not receive wages from the city, including, but not limited to, any time for which the member does not receive wages as a result of part-time employment or pro rata compensation. A member receiving sick leave or salary continuation payments in an amount coordinated with workers compensation payments is deemed to be receiving wages for that portion of time covered by sick leave and salary continuation payments and to be on leave of absence for that portion of time covered by workers compensation payments.

(e) Benefits may not exceed 100 percent of the average monthly earnings of the member or inactive member.

(f) For a Tier A member or inactive member, benefits are computed at the rate of 2-3/4 percent of the average monthly earnings of the member or inactive

member for the total amount of credited service by the member or inactive member. Benefits will be prorated for each partial year of credited service.

(g) For a Tier B member or inactive member, benefits are computed at the rate of 2-1/2 percent of the average monthly earnings of the member or inactive member for the total amount of credited service by the member or inactive member. Benefits will be prorated for each partial year of credited service.

(h) Benefits will be computed under this chapter without regard to gender.

~~credited service by the member or inactive member. Benefits will be prorated for each partial year of credited service.~~

~~(g) Benefits will be computed under this chapter without regard to gender.~~ (Ord. Nos. 15414; 16886; 18181; 20443; 20960; 21582; 30162)

SEC. 40A-10.1. RESTRICTED PRIOR SERVICE CREDIT.

(a) A Tier B member may be eligible for restricted prior service credit to be used in determining a member's eligibility to vest or retire, but not toward calculating benefits under this chapter.

(b) To be eligible, a Tier B member must apply for restricted prior service credit not later than three years after the date of employment or re-employment by the city. The application must be on a form approved by the administrator and must be submitted to the administrator. Upon verification of prior restricted service, the administrator shall grant the credit. (Ord. 30162)

SEC. 40A-11. CREDITED SERVICE FOR EMPLOYMENT BEFORE A BREAK IN SERVICE.

~~(a) An eligible member whose credited service in the fund was canceled by withdrawal or forfeiture of contributions may reinstate the credited service.~~

~~(b) To be eligible to reinstate credited service under this section, a member must have:~~

~~(1) returned to employment with the city and resumed contributing to the fund within six years of the end of the period of service for which credit was canceled; and~~

~~(2) continuously contributed to the fund for 12 consecutive months after returning to city employment.~~

~~(c) A member may reinstate credited service only during the 24-month period beginning on the later of:~~

~~(1) January 1, 1992; or~~

~~(2) completion of 12 consecutive months of service following a cancellation of credited service.~~

~~(d) A member shall have only one period of time under this section in which to reinstate credited service canceled by any single withdrawal or forfeiture of contributions.~~

~~(e) An eligible member choosing to reinstate credited service must reinstate either all of the credited~~

~~service canceled by a single withdrawal or forfeiture or the amount of credited service canceled by a single withdrawal or forfeiture that is needed to make the member eligible for pension benefits equal to 100 percent of the member's average monthly earnings on the date of reinstatement. Where reinstatement of a portion of credited service is authorized under this subsection, the member must reinstate credited service from the last earned to the first earned.~~

~~(f) An eligible member may reinstate credited service:~~

~~(1) by depositing in the fund a lump sum equal to the amount withdrawn, or portion of the amount withdrawn where full credited service is not to be reinstated, plus interest of 7-1/2 percent compounded annually from the date of withdrawal to the date of reinstatement, if credited service was canceled by withdrawal of contributions; or~~

~~(2) by filing an application for reinstatement on a form approved by the administrator, if credited service was canceled by forfeiture of contributions.~~

~~(g) If an eligible member has more than one break in service during which credited service was canceled, the credited service must be reinstated from the last canceled to the first canceled.~~

(a) An eligible member whose credited service in the fund was canceled by withdrawal or forfeiture of contributions may reinstate the credited service.

(b) To be eligible to reinstate credited service under this section, a member must have:

(1) returned to employment with the city and resumed contributing to the fund within six years of the end of the period of service for which credit was canceled; and

(2) continuously contributed to the fund for 12 consecutive months after returning to city employment.

(c) A member may reinstate credited service only during the 24-month period beginning on the completion of 12 consecutive months of service following a cancellation of credited service.

(d) A member shall have only one period of time under this section in which to reinstate credited service canceled by any single withdrawal or forfeiture of contributions.

(e) An eligible member choosing to reinstate credited service must reinstate either all of the credited service canceled by a single withdrawal or forfeiture or the amount of credited service canceled by a single withdrawal or forfeiture that is needed to make the member eligible for pension benefits equal to 100 percent of the member's average monthly earnings on the date of reinstatement. Where reinstatement of a portion of credited service is authorized under this subsection, the member must reinstate credited service from the last earned to the first earned.

(f) An eligible member may reinstate credited service as follows:

(1) If credited service was canceled by withdrawal of contributions,

(A) a Tier A member must deposit in the fund a lump sum equal to the amount withdrawn, or portion of the amount withdrawn where full credited service is not to be reinstated, plus interest of 7-1/2 percent compounded annually from the date of withdrawal to the date of reinstatement; and

(B) a Tier B member must deposit in the fund a lump sum equal to the amount withdrawn, or portion of the amount withdrawn where full credited service is not to be reinstated, plus interest at a rate equal to the highest actuarial rate of return assumption used during the withdrawal period compounded annually from the date of withdrawal to the date of reinstatement.

(2) If credited service was canceled by forfeiture of contributions, the member must file an application for reinstatement on a form approved by the administrator and submit the application to the administrator.

(g) If an eligible member has more than one break in service during which credited service was canceled, the credited service must be reinstated from the last canceled to the first canceled. (Ord. Nos. 154141; 19470; 20960; 21582; 30162)

SEC. 40A-12. CREDITED SERVICE FOR MILITARY ACTIVE DUTY.

~~(a) A member with a break in service for military active duty is entitled to credited service for~~

~~the period of military active duty not exceeding five years if the time is spent in the service of the armed forces of the United States, provided the member satisfactorily completes active service and returns to the service of the city after the member's discharge within the period described by law, if any.~~

(a) A member with a break in service for military active duty is entitled to credited service for the period of military active duty not exceeding five years if the time is spent in the service of the armed forces of the United States, provided the member satisfactorily completes active service and returns to the service of the city after the member's discharge within the period described by law, if any.

~~(b) Benefits of a member allowed under Subsection (a) for the period of the break in service for military active duty is computed at the appropriate rate of the average monthly earnings of the member on the date the break in service for military active duty was granted for each year the member is on military active duty.~~

~~(c) Notwithstanding any other provision to the contrary, contributions, benefits, and service with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code.~~

~~(d) If a member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code), the beneficiaries of the member are entitled to any additional benefits (other than benefits relating to the period of qualified military service) that would have been provided if the member had returned to service and then died.~~

(b) Benefits of a member allowed under Subsection (a) for the period of the break in service for military active duty is computed at the appropriate rate of the average monthly earnings of the member on the date the break in service for military active duty was granted for each year the member is on military active duty.

(c) Notwithstanding any other provision to the contrary, contributions, benefits, and service with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code.

(d) If a member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code), the beneficiaries of the member are entitled to any additional benefits (other than benefits relating to the period of qualified military service) that would have been provided if the member had returned to service and then died.
(Ord. Nos. 15414; 18181; 19470; 20960; 21582; 25818; 28739; 30162)

SEC. 40A-13. CREDITED SERVICE FOR LEAVE OF ABSENCE.

~~No credited service will be given for time spent on leave of absence.~~

Except as provided in Section 40A-12, no credited service will be given for time spent on leave of absence. (Ord. Nos. 15414; 20960; 21582; 30162)

SEC. 40A-14. REDUCTION IN FORCE.

~~(a) The administrator must be notified in writing by the city manager, or by any department head not under the city manager, each time an employee who is a member is terminated as the result of a reduction in force. The determination of the city manager, or a department head not under the city manager, as to the date and the cause of termination is final and binding.~~

~~(b) Effective November 7, 1991, a person is eligible to establish credited service under this section if the person:~~

~~(1) had five or more years of credited service at the time of termination;~~

~~(2) would have been eligible to retire within two years had employment not been terminated; and~~

~~(3) was designated by the city manager, or by a department head not under the city manager, as being terminated as a result of a reduction in force.~~

~~(c) A person eligible under Subsection (b) may establish any amount of credited service desired, up to a maximum of the amount of credited service needed to take the person to the earliest retirement date, by making a lump sum payment of the amount required by Subsection (d):~~

~~(1) within 90 days after the person's termination date; and~~

~~(2) within the same calendar year in which employment was terminated.~~

~~(d) The amount of contributions required to be paid to establish credited service under Subsection (c) is equal to the employee contribution rate being paid under Section 40A-6 plus the city contribution rate being paid under Section 40A-7 multiplied by the average monthly wage earned by the person during the last 12 full months of service prior to termination multiplied by the number of months of credited service to be established.~~

~~(e) Service established under this section will be credited to the person purchasing the service on a month-by-month basis as if the person had remained a city employee and a member.~~

~~(f) If a person who paid to establish credited service under this section is reinstated as a member before establishing all of the service purchased, then any unused portion of the lump sum payment will be returned to the person without interest, and any uncredited service for which payment was made will be canceled.~~

(a) The administrator must be notified in writing by the city manager, or by any department head not under the city manager, each time an employee who is a member is terminated as the result of a reduction in force. The determination of the city manager, or a department head not under the city manager, as to the date and the cause of termination is final and binding.

(b) A person is eligible to establish credited service under this section if the person:

(1) had five or more years of credited service at the time of termination;

(2) would have been eligible to retire within two years had employment not been terminated; and

(3) was designated by the city manager, or by a department head not under the city manager, as being terminated as a result of a reduction in force.

(c) A person eligible under Subsection (b) may establish any amount of credited service desired, up to a maximum of the amount of credited service needed to take the person to the earliest retirement date, by making a lump sum payment of the amount required by Subsection (d) within 90 days after the person's termination date.

(d) The amount of contributions required to be paid to establish credited service under Subsection (c) is equal to the employee contribution rate being paid under Section 40A-6 plus the city contribution rate being paid under Section 40A-7 multiplied by the average monthly wage earned by the person during the last 12 full months of service prior to termination multiplied by the number of months of credited service to be established.

(e) Credited service established under this section will be credited to the person purchasing the credited service on a month-by-month basis as if the person had remained a city employee and a member.

(f) If a person who paid to establish credited service under this section is reinstated as a member before establishing all of the service purchased, then any unused portion of the lump sum payment will be returned to the person without interest, and any uncredited service for which payment was made will be canceled.

~~(g) If a person who paid to establish credited service under this section dies before establishing all of the service purchased, then any unused portion of the lump sum payment will be paid to the beneficiary, or, if there is no beneficiary, to the decedent's estate without interest, and any uncredited service for which payment was made will be canceled.~~

(g) If a person who paid to establish credited service under this section dies before establishing all of the credited service purchased, then any unused portion of the lump sum payment will be paid to the beneficiary, or, if there is no beneficiary, to the decedent's estate without interest, and any uncredited service for which payment was made will be canceled. (Ord. Nos. 20960; 21582; 22345; 30162)

SEC. 40A-15. RETIREMENT.

~~(a) An inactive member with five or more years of credited service or a member is eligible for:~~

~~(1) a normal retirement pension at age 60;~~

~~(2) an early retirement pension at age 55, if credited service began before May 9, 1972;~~

~~(3) a service retirement pension at age 50, if the member or inactive member has 30 years of credited service; or~~

~~(4) a service retirement pension at any age below age 50, if the member or inactive member has 30 years of credited service, provided that benefits will be actuarially reduced from age 50 in accordance with Section 40A-16(c).~~

~~(b) A member, or a person establishing credited service under Section 40A-14 through the month in which the retirement occurs, is eligible for a service retirement pension at or after age 50 if the person's age and years of credited service, when added together, total at least 78. A member may not retire under this subsection while on leave of absence.~~

(a) A Tier A inactive member with five or more years of credited service or a Tier A member is eligible for:

(1) a normal retirement pension at age 60;

(2) an unreduced service retirement pension at age 50, if the member or inactive member has 30 years of credited service; or

(3) a service retirement pension at any age below age 50, if the member or inactive member has 30 years of credited service, provided that benefits will be actuarially reduced from age 50 in accordance with Section 40A-16(c).

(b) A Tier A member is eligible for an unreduced service retirement pension at or after age 50 if the person's age and years and partial years of credited service, when added together, total at least 78.

(c) A Tier B inactive member with five or more years of credited service or a Tier B member with five or more years of credited service is eligible for:

(1) a normal retirement pension at age 65; or

(2) an unreduced service retirement pension if the member or inactive member has 40 years of credited service.

(d) A Tier B member with five or more years of credited service is eligible for a retirement pension if the person's age and years and partial years of credited service, when added together, total at least 80.

(1) Benefits for a member retiring under Subsection 40A-15(d) before the age of 65 will be actuarially reduced in accordance with Section 40A-16(d).

(2) A member who is eligible to retire under this subsection before the age of 65 may terminate city employment and elect to defer retirement and the receipt of benefits until age 65, at which age the benefits received will not be actuarially reduced under Section 40A-16(d). At any time before the age of 65, the person may revoke this election and choose to retire and receive benefits, which benefits will be actuarially reduced under Section 40A-16 based on the person's age on the date the revocation application is approved by the administrator. The application for an election to defer a retirement as described in Section 40A-15(d) of this chapter or to revoke that election must be on a form approved by the administrator and must be submitted to the administrator. The administrator must approve the

application in accordance with rules and procedures adopted by the board. (Ord. Nos. 15414; 16886; 18181; 19470; 20960; 21582; 22345; 30162)

SEC. 40A-16. RETIREMENT PENSION.

~~(a) A member or inactive member eligible for a retirement pension is entitled to a pension for life computed on the amount of credited service of the member or inactive member.~~

~~(b) Except as provided in Section 40A-18(a), a member or inactive member eligible for a retirement pension is entitled to a pension beginning from the date of eligibility, but not before the member or inactive member's last paid day of employment with the city.~~

~~(c) A member or inactive member eligible for a service retirement pension who retires before the age of 50 is entitled to the following percentage of a normal pension benefit:~~

(a) A member or inactive member eligible for a retirement pension is entitled to a pension for life computed on the amount of credited service of the member or inactive member.

(b) Except as provided in Section 40A-18(a), a member or inactive member eligible for a retirement pension is entitled to a pension beginning from the date of eligibility, but not before the member or inactive member's last paid day of employment with the city.

(c) A Tier A member or inactive member eligible for a service retirement pension who retires before the age of 50 is entitled to the following percentage of a benefit calculated under Section 40A-10(f):

Age	Percentage
49	93.3
48	87.2
47	81.5
46	76.3
45	71.5
44	67.0

~~(d) The following retirement options are payable from the fund:~~

~~(1) Life with a 10 year certain option. Under this option, a retiree will receive an unreduced pension for life. If the retiree dies before 120 monthly payments have been made, then an unreduced pension will be paid to the designated beneficiary or beneficiaries for the remainder of 10 years from the effective date of the retiree's retirement. Only qualified recipients of the retiree are eligible to be beneficiaries. If the retiree dies and if all designated~~

~~beneficiaries die or cease to be eligible before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:~~

~~(A) to one or more designees; or~~

(d) A Tier B member eligible for an early retirement pension under Section 40A-15(d) of this chapter who retires before the age of 65 is entitled to a benefit calculated under Section 40A-10(g) and then reduced in accordance with actuarially equivalent factors adopted by the board and in effect at the time of the member's retirement. These actuarially equivalent factors may not be given effect for at least six months after their adoption by the board. Copies of the actuarially equivalent factors must be maintained in the fund office and published on the fund's website.

(e) The following retirement options are payable from the fund:

(1) Life with a 10 year certain option. Under this option, a retiree will receive an unreduced pension for life. If the retiree dies before 120 monthly payments have been made, then an unreduced pension will be paid to the designated beneficiary or beneficiaries for the remainder of 10 years from the effective date of the retiree's retirement. Only qualified recipients of the retiree are eligible to be beneficiaries. If the retiree dies and if all designated beneficiaries die or cease to be eligible before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees; or

~~(B) if no designee exists, to the retiree's estate.~~

~~(2) Joint and one-half survivor option. Under this option, a retiree will receive an unreduced pension for life and, after the retiree's death, one-half of the unreduced pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one described in Section 40A-1(35)(C) is eligible to be the beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.~~

~~(3) Joint and full survivor option. Under this option, a retiree will receive an actuarially-reduced pension for life and, after the retiree's death, the same pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one designated in Section 40A-1(35)(C) is eligible to be the beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.~~

~~(e) Except as provided in Subsection (f), at the time of a normal, early, service, or disability retirement, a member or inactive member may select either:~~

~~(1) a joint and one-half survivor option; or~~

~~(2) a life with a 10 year certain option.~~

~~(f) At the time of normal, early, service, or disability retirement, a member who is eligible by age and years of credited service for a normal, early, or service retirement pension or a member or inactive member who is retiring with 15 or more years of credited service may select:~~

~~(1) a joint and one-half survivor option;~~

~~(2) a life with a 10 year certain option; or~~

~~(3) a joint and full survivor option.~~

~~(g) Each retiring member or inactive member who is married shall designate the spouse as beneficiary under the joint and full survivor option, if eligible to select that option, or under the joint and one-half survivor option, if not eligible to select the joint and full survivor option. Any other designation of a beneficiary or selection of a retirement option will be effective only if agreed to by the spouse in writing on a form filed with the administrator.~~

~~(h) Except as provided in Section 40A-19, a retirement option may not be changed after the effective date of retirement.~~

(B) if no designee exists, to the retiree's estate.

(2) Joint and one-half survivor option. Under this option, a Tier A retiree will receive an unreduced pension for life and, after the retiree's death, one-half of the unreduced pension will be paid for the life of one beneficiary designated by the retiree before retirement. A Tier B retiree will receive an actuarially reduced pension for life and, after the retiree's death, one-half of the reduced pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one described in Section 40A-1(38)(C) is eligible to be the beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.

(3) Joint and full survivor option. Under this option, a retiree will receive an actuarially-reduced pension for life and, after the retiree's death, the same pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one designated in Section 40A-1(38)(C) is eligible to be the

beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.

(f) Except as provided in Subsection (g), at the time of a normal, early, service, or disability retirement, a member or inactive member may select either a:

(1) joint and one-half survivor option; or

(2) life with a 10 year certain option.

(g) At the time of normal, early, service, or disability retirement, a member who is eligible by age and years of credited service for a normal, early, or service retirement pension or a member or inactive member who is retiring with 15 or more years of credited service may select:

(1) a joint and one-half survivor option;

(2) a life with a 10 year certain option; or

(3) a joint and full survivor option.

(h) Each retiring member or inactive member who is married shall designate the spouse as beneficiary under the joint and full survivor option, if eligible to select that option, or under the joint and one-half survivor option, if not eligible to select the joint and full survivor option. Any other designation of a beneficiary or selection of a retirement option will be effective only if agreed to by the spouse in writing on a form filed with the administrator.

(i) Except as provided in Section 40A-20, a retirement option may not be changed after the effective date of retirement. (Ord. Nos. 15414; 18181; 19470; 20960; 21582; 22345; 25695; 30162)

SEC. 40A-17. DISABILITY RETIREMENT.

~~(a) Any member or inactive member who is totally and permanently disabled with a service disability is eligible for a disability retirement pension.~~

~~(b) Any member who is totally and permanently disabled with a nonservice disability and who has five or more years of credited service is eligible for a disability retirement pension.~~

~~(c) Any inactive member who is totally and permanently disabled with a nonservice disability and who has 10 or more years of credited service is eligible for a disability retirement pension.~~

~~(d) The board shall determine the disability of a member or inactive member. The determination of the board is final.~~

(a) Any member or inactive member who is totally and permanently disabled with a service disability is eligible for a disability retirement pension.

(b) Any member who is totally and permanently disabled with a nonservice disability and who has five or more years of credited service is eligible for a disability retirement pension.

(c) Any inactive member who is totally and permanently disabled with a nonservice disability and who has 10 or more years of credited service is eligible for a disability retirement pension.

(d) The board shall determine the disability of a member or inactive member. The determination of the board is final. (Ord. Nos. 15414; 20960; 21582; 30162)

SEC. 40A-18. DISABILITY RETIREMENT PENSION.

~~(a) A member or inactive member is not eligible for a disability retirement pension until 90 days after the member or inactive member's last working day before being disabled, or until application is made to the board, whichever occurs later.~~

~~(b) A member or inactive member eligible for a disability retirement pension is entitled to a disability retirement pension for life with benefits computed at the rates reflected in Section 40A-10, subject to the following minimums:~~

~~(1) The minimum disability retirement pension payable for a nonservice disability is equal to 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings.~~

~~(2) The minimum disability retirement pension payable for a service disability is equal to the greater of:~~

~~(A) $500 a month, regardless of the date of retirement; or~~

~~(B) 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings.~~

(a) A member or inactive member is not eligible for a disability retirement pension until 90 days after the member or inactive member's last working day before being disabled, or until application is made to the board, whichever occurs later.

(b) A member or inactive member eligible for a disability retirement pension is entitled to a disability retirement pension for life with benefits computed at the rates reflected in Section 40A-10, subject to the following minimums:

(1) The minimum disability retirement pension payable for a nonservice disability is equal to 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings.

(2) The minimum disability retirement pension payable for a service disability is equal to the greater of:

(A) $1,000 a month, regardless of the date of retirement; or

(B) 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings. (Ord. Nos. 15414; 16886; 18181; 19470; 20443; 20960; 21582; 22345; 30162)

~~SEC. 40A-19. RE-EMPLOYMENT OF A RETIREE.~~

~~(a) If a retiree is re-employed by the city in a position normally covered by the fund, the retiree:~~

~~(1) irrevocably waives all rights to payment of pension benefits for the period of re-employment; and~~

~~(2) may elect to become a member and contribute to the retirement fund during the period of re-employment.~~

~~(b) Upon termination of re-employment of a retiree who elects to contribute to the fund under Subsection (a), pension benefits will be calculated as follows:~~

~~(1) If the period of re-employment was for less than 12 months, pension benefits for the credited service from which the person had previously retired will be reinstated in the form and amount previously paid, modified by any intervening cost-of-living adjustments. Pension benefits for credited service for the period of re-employment will be calculated in accordance with the formulas and options available under the fund on the date of termination of re-employment.~~

~~(2) If the period of re-employment was for at least 12 months, the person may choose to have pension benefits paid in accordance with Paragraph (1) of this subsection or calculated on all credited service for all periods of employment in accordance with the formulas and options available under the fund on the date of termination of re-employment. If the new election changes or adds a retirement option or designated beneficiary for a period of credited service from which the person had previously retired and the change would have a negative actuarial effect on the fund, the pension benefits will be reduced by an amount calculated by the fund's actuary as necessary to prevent the loss.~~

~~(c) A retiree re-employed by the city who does not contribute to the fund is, after termination of re-employment, entitled to those pension benefits payable on the date of re-employment, modified by any intervening cost-of-living adjustments.~~

SEC. 40A-19. TERMINATION OF A DISABILITY RETIREMENT PENSION.

(a) A retiree entitled to a disability retirement pension may not receive a disability retirement pension if the retiree:

(1) does not submit, when requested by the administrator, a truthful sworn affidavit stating any earnings from any gainful activity;

(2) is re-employed by the city or capable of performing the duties of the position previously held with the city;

(3) refuses, when requested by the administrator, to submit to a medical examination by a doctor approved by the board;

(4) is found to be earning or be capable of earning compensation in an amount greater than $250 per month, whether or not such a position is available; or

(5) is found to be involved in any gainful activity not commensurate with health limits imposed by the attending physician.

(b) The board shall discontinue a disability retirement pension if it determines that one of the conditions of Subsection (a) exists. The determination by the board is final.

(c) A person whose disability retirement pension is discontinued under this section is entitled to other benefits payable under the fund for all credited service previously accrued and not canceled by forfeiture or refund of contributions. Any refund of the person's contributions based on credited service previously accrued will be made without interest, less any previous retirement pension payments. (Ord. Nos. 15414; 18181; 20960; 21582; 30162)

~~SEC. 40A-20. TERMINATION OF A DISABILITY RETIREMENT PENSION.~~

~~(a) A retiree entitled to a disability retirement pension may not receive a disability retirement pension if the retiree:~~

~~(1) does not submit, when requested by the administrator, a truthful sworn affidavit stating any earnings from any gainful activity;~~

~~(2) is re-employed by the city or capable of performing the duties of the position previously held with the city;~~

~~(3) refuses, when requested by the administrator, to submit to a medical examination by a doctor approved by the board;~~

~~(4) is found to be earning or be capable of earning compensation in an amount greater than $250 per month, whether or not such a position is available; or~~

~~(5) is found to be involved in any gainful activity not commensurate with health limits imposed by the attending physician.~~

~~(b) The board shall discontinue a disability retirement pension if it determines that one of the conditions of Subsection (a) exists. The determination by the board is final.~~

~~(c) A person whose disability retirement pension is discontinued under this section is entitled to other benefits payable under the fund for all credited service previously accrued and not canceled by forfeiture or refund of contributions. Any refund of the person's contributions based on credited service previously accrued will be made without interest, less any previous retirement pension payments.~~

SEC. 40A-20. RE-EMPLOYMENT OF A RETIREE.

(a) If a retiree is re-employed by the city in a position normally covered by the fund, the retiree:

(1) irrevocably waives all rights to payment of pension benefits for the period of re-employment; and

(2) may elect to become a member and contribute to the retirement fund during the period of re-employment.

(b) Upon termination of re-employment of a retiree who elects to contribute to the fund under Subsection (a), pension benefits will be calculated as follows:

(1) If the period of re-employment was for less than 12 months, pension benefits for the credited service from which the person had previously retired will be reinstated in the form and amount previously paid, modified by any intervening cost-of-living adjustments. Pension benefits for credited service for the period of re-employment will be calculated in accordance with the formulas and options available under the fund on the date of termination of re-employment.

(2) If the period of re-employment was for at least 12 months, the person may choose to have pension benefits paid in accordance with Paragraph (1) of this subsection or calculated on all credited service for all periods of employment in accordance with the formulas and options available under the fund on the date of termination of re-employment. If the new election changes or adds a retirement option or designated beneficiary for a period of credited service from which the person had previously retired and the change would have a negative actuarial effect on the fund, the pension benefits will be reduced by an amount calculated by the fund's actuary as necessary to prevent the loss.

(c) A retiree re-employed by the city who does not contribute to the fund is, after termination of re-employment, entitled to those pension benefits payable on the date of re-employment, modified by any intervening cost-of-living adjustments. (Ord. Nos. 15414; 16886; 17713; 19470; 20960; 21582; 30162)

SEC. 40A-20.1. SELECTION OF A DESIGNEE.

~~(a) A member, inactive member, or retiree may at any time select a designee or designees or change a previous selection of a designee or designees.~~

~~(b) If a designee is a former spouse, the designation must have been signed by the member, inactive member, or retiree after the divorce, or the designation of the former spouse is void.~~

~~(c) A designee who is a person must be alive at the time payment is due, or the designation of that person is void. A designee that is an entity must be in existence at the time payment is due, or the designation of that entity is void.~~

~~(d) Any selection of a designee by a member or inactive member must be ratified at the time of retirement, or it becomes void.~~

(a) A member, inactive member, or retiree may at any time select a designee or designees or change a previous selection of a designee or designees.

(b) If a designee is a former spouse, the designation must have been signed by the member, inactive member, or retiree after the divorce, or the designation of the former spouse is void.

(c) A designee who is a person must be alive at the time payment is due, or the designation of that person is void. A designee that is an entity must be in existence at the time payment is due, or the designation of that entity is void.

(d) Any selection of a designee by a member or inactive member must be ratified at the time of retirement, or it becomes void. (Ord. Nos. 22345; 30162)

SEC. 40A-21. DEATH BENEFITS BEFORE RETIREMENT.

~~(a) Before retirement, a member or inactive member is eligible for the death benefits described in this section.~~

~~(b) Refund of contributions.~~

~~(1) If a member who is not eligible to retire by both age and years of credited service dies with less than two years of credited service, a refund of the member's contributions will be paid to one or more designees or, if no designee exists, to the member's estate.~~

~~(2) If an inactive member who terminated city employment without having at least five years of credited service dies before receiving a refund of contributions, a refund of the contributions will be~~

(a) Before retirement, a member or inactive member is eligible for the death benefits described in this section.

(b) Refund of contributions.

(1) If a member who is not eligible to retire by both age and years of credited service dies with less than two years of credited service, a refund of the member's contributions will be paid to one or more designees or, if no designee exists, to the member's estate.

(2) If an inactive member who terminated city employment without having at least five years of credited service dies before receiving a refund of contributions, a refund of the contributions will be paid to one or more designees or, if no designee exists, to the inactive member's estate, except that if more than three years have passed between the date of termination of city employment and the date of death, then the contributions are forfeited under Section 40A-30 and are not refundable.

paid to one or more designees or, if no designee exists, to the inactive member's estate, except that if more than three years have passed between the date of termination of city employment and the date of death, then the contributions are forfeited under Section 40A-30 and are not refundable.

(c) Death benefit options.

(1) 10 year certain option. Under this option, the designated beneficiary or beneficiaries will receive an unreduced pension for 120 months. Only qualified recipients of the member or inactive member are eligible to be beneficiaries. If all beneficiaries die or cease to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees; or

(B) if no designee exists, to the estate of the member or inactive member.

(2) One-half survivor option. Under this option, one designated beneficiary will receive one-half of an unreduced pension for life. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(35)(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(3) Full survivor option. Under this option, one designated beneficiary will receive a reduced pension for life based upon the relative ages of the member or inactive member and the beneficiary on the day before the member or inactive member's death in an amount actuarially equivalent to an unreduced pension payable to the member or inactive member. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(35)(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(d) If an inactive member dies with at least five years, but less than 15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the inactive member. The pension will be based upon the inactive member's actual credited service or 10 years credited service, whichever is greater, and the benefit formulas in effect at the time of termination of city employment. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a one-half survivor option.

(e) If a member who is not described in Subsection (f) dies with at least two years, but less than

(c) Death benefit options.

(1) 10 year certain option. Under this option, the designated beneficiary or beneficiaries will receive an unreduced pension for 120 months. Only qualified recipients of the member or inactive member are eligible to be beneficiaries. If all beneficiaries die or

cease to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees; or

(B) if no designee exists, to the estate of the member or inactive member.

(2) One-half survivor option. Under this option, one designated beneficiary will receive one-half of an unreduced pension for life. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(38)(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(3) Full survivor option. Under this option, one designated beneficiary will receive a reduced pension for life based upon the relative ages of the member or inactive member and the beneficiary on the day before the member or inactive member's death in an amount actuarially equivalent to an unreduced pension payable to the member or inactive member. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(38)(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(d) If an inactive member dies with at least five years, but less than 15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the inactive member. The pension will be based upon the inactive member's actual credited service or 10 years credited service, whichever is greater, and the benefit formulas in effect at the time of termination of city employment. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a one-half survivor option.

~~15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member. The pension will be based upon the member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:~~

~~(1) a 10 year certain option; or~~

~~(2) a one-half survivor option.~~

~~(f) If a member who is eligible to retire by both age and years of credited service or a member or inactive member who has at least 15 years of credited service dies, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member or inactive member. The pension will be based upon the member or inactive member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:~~

~~(1) a 10 year certain option; or~~

~~(2) a full survivor option.~~

~~(g) Death benefits for any service death will be determined as follows:~~

~~(1) The benefits will be computed using the greater of:~~

~~(A) the decedent's actual credited service; or~~

~~(B) 10 times the percentage multiplier used in computing benefits of the decedent on the date of death multiplied by the decedent's average monthly earnings.~~

~~(2) The benefits may never be less than $500 per month, regardless of the date of death, or the amount computed under Paragraph (1) of this subsection, whichever is greater.~~

~~(h) If two or more beneficiaries are entitled to pension payments from the account of a deceased member or inactive member and one of the beneficiaries dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries.~~

(e) If a member who is not described in Subsection (f) dies with at least two years, but less than 15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member. The pension will be based upon the member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a one-half survivor option.

(f) If a member who is eligible to retire by both age and years of credited service or a member or inactive member who has at least 15 years of credited service dies, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member or inactive member. The pension will be based upon the member or inactive member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a full survivor option.

(g) Death benefits for any service death will be determined as follows:

(1) The benefits will be computed using the greater of:

(A) the decedent's actual credited service; or

(B) 10 times the percentage multiplier used in computing benefits of the decedent on the date of death multiplied by the decedent's average monthly earnings.

(2) The benefits may never be less than $1,000 per month, regardless of the date of death, or the amount computed under Paragraph (1) of this

subsection, whichever is greater.

(h) If two or more beneficiaries are entitled to pension payments from the account of a deceased member or inactive member and one of the beneficiaries dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries. (Ord. Nos. 15414; 16886; 17713; 18181; 19470; 20443; 20960; 21582; 22345; 25695; 30162)

SEC. 40A-22. SELECTION OF DEATH BENEFITS PRIOR TO RETIREMENT.

~~(a) A member or inactive member described in Section 40A-21(d), (e), (f), or (g) is eligible to select a death benefit option for the payment of a pension as provided by those provisions. The selected option will become effective only if the member or inactive member dies while eligible to select the option.~~

~~(b) Designation of beneficiaries.~~

~~(1) Each member or inactive member who is married at the time a death benefit option is selected shall designate the spouse as beneficiary under the full survivor option or, if not eligible for the full survivor option, under the one-half survivor option. Any other designation of a beneficiary or selection of a death benefit option will become effective only if agreed to by the spouse in writing on a form filed with the administrator.~~

~~(2) A death benefit option that designates a spouse as beneficiary becomes void if the member or inactive member and the spouse become divorced.~~

~~(3) Upon the marriage of a member or inactive member, a death benefit option that does not designate the new spouse as beneficiary under either the full survivor option or the one-half survivor option becomes void.~~

~~(c) If a member or inactive member selects a one-half survivor option, and the member or inactive~~

(a) A member or inactive member described in Section 40A-21(d), (e), (f), or (g) is eligible to select a death benefit option for the payment of a pension as provided by those provisions. The selected option will become effective only if the member or inactive member dies while eligible to select the option.

(b) Designation of beneficiaries.

(1) Each member or inactive member who is married at the time a death benefit option is selected shall designate the spouse as beneficiary under the full survivor option or, if not eligible for the full survivor option, under the one-half survivor option. Any other designation of a beneficiary or selection of a death benefit option will become effective only if agreed to by the spouse in writing on a form filed with the administrator.

(2) A death benefit option that designates a spouse as beneficiary becomes void if the member or inactive member and the spouse become divorced.

(3) Upon the marriage of a member or inactive member, a death benefit option that does not designate the new spouse as beneficiary under either the full survivor option or the one-half survivor option becomes void.

(c) If a member or inactive member selects a one-half survivor option, and the member or inactive member is eligible to select a full survivor option at the time of death, then benefits under a full survivor option will be paid.

~~member is eligible to select a full survivor option at the time of death, then benefits under a full survivor option will be paid.~~

~~(d) If an eligible member or inactive member dies without having selected a death benefit option or if the selection cannot be made effective, the surviving spouse may select an option as if the member or inactive member had made the selection. If there is no surviving spouse, the personal representative of the estate of the member or inactive member may make the selection for the benefit of the qualified recipients. If there are no qualified recipients, then a lump sum payment equal to the commuted value of a 10 year certain option will be paid to the estate of the member or inactive member.~~

(d) If an eligible member or inactive member dies without having selected a death benefit option or if the selection cannot be made effective, the surviving spouse may select an option as if the member or inactive member had made the selection. If there is no surviving spouse, the personal representative of the estate of the member or inactive member may make the selection for the benefit of the qualified recipients. If there are no qualified recipients, then a lump sum payment equal to the commuted value of a 10 year certain option will be paid to the estate of the member or inactive member. (Ord. Nos. 15414; 16886; 18181; 19470; 20960; 21582; 30162)

SEC. 40A-23. DEATH BENEFITS AFTER RETIREMENT.

~~(a) A retiree who dies shall have death benefits determined and distributed in accordance with the provisions of the retirement option selected at retirement.~~

~~(b) If two or more beneficiaries are entitled to a pension upon a retiree's death and one of the beneficiaries subsequently dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries.~~

~~(c) If a retiree marries after retirement, the spouse of this marriage is not eligible for any retirement benefit from the fund other than as the retiree's heir or devisee.~~

~~(d) If the retiree is divorced, the former spouse has no right to benefits except as provided in Section 40A-34(b).~~

~~(e) When a retiree or beneficiary dies, the earned but unpaid portion of the final month's benefit will be paid as follows:~~

~~(1) To the beneficiary or beneficiaries entitled to future monthly benefits from the fund, to be divided in the same proportional shares as the future monthly benefits are to be divided.~~

~~(2) If there are no future monthly benefits payable, then to the decedent's surviving spouse, if any.~~

~~(3) If there are no future monthly benefits payable and if there is no surviving spouse, then to the executor or administrator of the decedent's estate, if any.~~

~~(4) If there are no future monthly benefits payable, if there is no surviving spouse, and if no executor or administrator has been named within 120 days of the decedent's death, then to the decedent's heirs as established by an affidavit of heirship filed with the administrator.~~

(a) A retiree who dies shall have death benefits determined and distributed in accordance with the provisions of the retirement option selected at retirement.

(b) If two or more beneficiaries are entitled to a pension upon a retiree's death and one of the beneficiaries subsequently dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries.

(c) If a retiree marries after retirement, the spouse of this marriage is not eligible for any retirement benefit from the fund other than as the retiree's heir, devisee, or designee.

(d) If the retiree is divorced, the former spouse has no right to benefits except as provided in Section 40A-34(b).

(e) When a retiree or beneficiary dies, the earned but unpaid portion of the final month's benefit will be paid as follows:

(1) To the beneficiary or beneficiaries entitled to future monthly benefits from the fund, to be divided in the same proportional shares as the future monthly benefits are to be divided.

(2) If there are no future monthly benefits payable, then to the decedent's surviving spouse, if any.

(3) If there are no future monthly benefits payable and if there is no surviving spouse, then to the executor or administrator of the decedent's estate, if any.

(4) If there are no future monthly benefits payable, if there is no surviving spouse, and if no executor or administrator has been named within 120 days of the decedent's death, then to the decedent's heirs as established by an affidavit of heirship filed with the administrator of the retirement fund. (Ord. Nos. 15414; 16886; 17713; 18181; 19470; 20443; 20960; 21582; 30162)

SEC. 40A-24. DEATH BENEFITS TO MINORS.

~~If a minor is entitled to benefits from the retirement fund, the board must pay the benefits to the minor's legal guardian or, until one is appointed, the minor's natural guardian, who shall be entitled to receive the benefits for the best interest of the child.~~

If a minor is entitled to benefits from the retirement fund, the board must pay the benefits to the minor's legal guardian or, until one is appointed, the minor's natural guardian, who shall be entitled to receive the benefits for the best interest of the child. (Ord. Nos. 15414; 20960; 21582; 30162)

SEC. 40A-25. BENEFITS TO INCOMPETENT RETIREES OR BENEFICIARIES.

~~If a court has appointed a personal representative of a retiree or qualified recipient entitled to benefits from the retirement fund, the board shall pay those benefits to the court-appointed representative.~~

If a court has appointed a personal representative of a retiree or qualified recipient entitled to benefits from the retirement fund, the board shall pay those benefits to the court-appointed representative. (Ord. Nos. 17713; 19470; 20960; 21582; 30162)

SEC. 40A-26. DIRECT ROLLOVER.

~~(a) This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.~~

~~(b) Definitions. In this section:~~

~~(1) ELIGIBLE ROLLOVER DISTRIBUTION means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:~~

~~(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;~~

~~(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; or~~

~~(C) any distribution that is made upon hardship of the employee.~~

~~(2) ELIGIBLE RETIREMENT PLAN means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, an eligible deferred compensation plan that is maintained by an eligible employer described in Section 457(e)(1) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. An eligible retirement plan means only an individual retirement account or individual retirement annuity in the case of an eligible rollover distribution for a designated beneficiary that is not:~~

~~(A) the surviving spouse; or~~

~~(B) an alternate payee under a qualified domestic relations order who is a spouse or former spouse.~~

~~(3) DISTRIBUTEE means:~~

~~(A) an employee or former employee;~~

~~(B) the employee or former employee's surviving spouse;~~

~~(C) an alternate payee under a qualified domestic relations order who is the employee or former employee's spouse or former spouse, but only with regard to the interest of the spouse or former spouse under the qualified domestic relations order; or~~

~~(D) the employee or former employee's designated beneficiary.~~

~~(4) DIRECT ROLLOVER means a payment by the plan to the eligible retirement plan specified by the distributee.~~

~~(5) DESIGNATED BENEFICIARY means an individual who is designated to receive an eligible rollover distribution.~~

(a) Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) Definitions. In this section:

(1) ELIGIBLE ROLLOVER DISTRIBUTION means any distribution of all or any portion of the balance to the credit of the distributee, except that an

eligible rollover distribution does not include:

(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; or

(C) any distribution that is made upon hardship of the employee.

(2) ELIGIBLE RETIREMENT PLAN means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, an eligible deferred compensation plan that is maintained by an eligible employer described in Section 457(e)(1) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. An eligible retirement plan means only an individual retirement account or individual retirement annuity in the case of an eligible rollover distribution for a designated beneficiary that is not:

(A) the surviving spouse; or

(B) an alternate payee under a qualified domestic relations order who is a spouse or former spouse.

(3) DISTRIBUTEE means:

(A) an employee or former employee;

(B) the employee or former employee's surviving spouse;

(C) an alternate payee under a qualified domestic relations order who is the employee or former employee's spouse or former spouse, but only with regard to the interest of the spouse or former spouse under the qualified domestic relations order; or

(D) the employee or former employee's designated beneficiary.

(4) DIRECT ROLLOVER means a payment by the plan to the eligible retirement plan specified by the distributee.

(5) DESIGNATED BENEFICIARY means an individual who is designated to receive an eligible rollover distribution. (Ord. Nos. 21582; 25818; 28739; 30162)

SEC. 40A-27. HEALTH BENEFIT SUPPLEMENTS.

~~(a) Retirements and deaths after December 31, 1991. A health benefit supplement will be paid for each account on which payments become effective~~

~~after December 31, 1991 in addition to the amount otherwise payable under the fund. The health benefit supplement is equal to $25 a month for each full year of credited service or $125 a month, whichever is less. Payment of the health benefit supplement will be prorated for each partial year of credited service.~~

~~(b) Retirements and deaths before January 1, 1992. Beginning January 1, 1992, the board shall pay a health benefit supplement of:~~

~~(1) $125 a month for each account on which payments became effective on or before April 4, 1987, regardless of the amount of credited service;~~

~~(2) $125 a month for each account on which payments are being made as a result of a service death or service disability, regardless of the date payments began; and~~

~~(3) $25 a month for each full year of credited service or $125 a month, whichever is less, for each account in pay status on December 31, 1991 that is not described in Paragraph (1) or (2) of this subsection.~~

~~(c) If more than one beneficiary is receiving a pension from the account of a deceased member, inactive member, or retiree, the health benefit supplement will be divided among the beneficiaries in shares proportionate to their rights to the pension.~~

~~(d) A health benefit supplement is not includable when calculating lump sum death benefit payments.~~

(a) A Tier A retiree or beneficiary is eligible for a health benefit supplement in addition to the amount otherwise payable under the fund. The health benefit supplement is equal to $25 a month for each full year of credited service or $125 a month, whichever is less. Payment of the health benefit supplement will be prorated for each partial year of credited service.

(b) If more than one beneficiary is receiving a pension from the account of a deceased member, inactive member, or retiree, the health benefit supplement will be divided among the beneficiaries in shares proportionate to their rights to the pension.

(c) A health benefit supplement is not includable when calculating lump sum death benefit payments.

(d) Health benefit supplements attributable to retirements and deaths that occurred before January 1, 2017 shall not be reduced by reason of Subsection (a).

(e) A Tier B retiree or beneficiary is not eligible for any health benefit supplement. (Ord. Nos. 20960; 21582; 22345; 30162)

SEC. 40A-28. COST-OF-LIVING ADJUSTMENT TO BENEFITS.

~~(a) On January 1 of each year, a cost-of-living adjustment will be made to the base pension payable to each retiree or beneficiary, if the person was entitled to a base pension on or before December 31 of the preceding year. If a base pension becomes payable~~

during the 12 months preceding the cost-of-living adjustment, the adjustment will be prorated, with one-twelfth being paid for each whole or part month from the date the base pension became payable to the end of the year.

(1) A health benefit supplement under Section 40A-27 is not base pension and is not subject to any cost-of-living adjustment.

(2) The minimum amount payable as a disability retirement pension for a service disability under Section 40A-18(b)(2) or as death benefits for a service death under Section 40A-21(g)(2) will be considered the base pension for computing cost-of-living adjustments unless a greater base pension is payable under this chapter.

(b) The cost-of-living adjustment to the base pension will be made by using one of the following methods, whichever is the most beneficial to the retiree or beneficiary:

(1) the percentage of change in the price index for October of the current year over October of the previous year, up to five percent; or

(2) the percentage of the annual average change of the price index for the latest 12 months available, up to five percent.

(c) The cost-of-living adjustment may not reduce benefits of a retiree or beneficiary below the base pension.

(d) In addition to the regular cost-of-living adjustment payable under Subsection (a) of this section, the board may from time to time grant an additional temporary or permanent adjustment if there exists investment income in excess of that needed to maintain the actuarial soundness of the fund. The adjustment is discretionary with the board in both its grant and application after the board has considered the funding of the increase and the relative needs of

~~the retirees and beneficiaries. The adjustment may not increase or decrease the base pension of the retirees and beneficiaries. Any discretionary adjustment granted by the board under this subsection will not become effective unless approved by an ordinance or resolution of the city council.~~

(a) On January 1 of each year, a cost-of-living adjustment will be made to the base pension payable to each retiree or beneficiary, if the person was entitled to a base pension on or before December 31 of the preceding year. If a base pension becomes payable during the 12 months preceding the cost-of-living adjustment, the adjustment will be prorated, with one-twelfth being paid for each whole or part month from the date the base pension became payable to the end of the year.

(1) A health benefit supplement under Section 40A-27 is not base pension and is not subject to any cost-of-living adjustment.

(2) The minimum amount payable as a disability retirement pension for a service disability under Section 40A-18(b)(2) or as death benefits for a service death under Section 40A-21(g)(2) will be considered the base pension for computing cost-of-living adjustments unless a greater base pension is payable under this chapter.

(b) The cost-of-living adjustment to the base pension will be made by using one of the following methods, whichever is the most beneficial to the retiree or beneficiary:

(1) the percentage of change in the price index for October of the current year over October of the previous year, up to:

(A) five percent for a Tier A retiree or beneficiary; or

(B) three percent for a Tier B retiree or beneficiary; or

(2) the percentage of the annual average change of the price index for the latest 12 months available, up to:

(A) five percent for a Tier A retiree or beneficiary; or

(B) three percent for a Tier B retiree or beneficiary.

(c) The cost-of-living adjustment may not reduce benefits of a retiree or beneficiary.

(d) In addition to the regular cost-of-living adjustment payable under Subsection (a) of this section, the board may from time to time grant an additional temporary or permanent adjustment if there exists investment income in excess of that needed to maintain the actuarial soundness of the fund. The adjustment is discretionary with the board in both its grant and application after the board has considered the funding of the increase and the relative needs of the retirees and beneficiaries. The adjustment may not increase or decrease the base pension of the retirees and beneficiaries. Any discretionary adjustment granted by the board under this subsection will not become effective unless approved by an ordinance or resolution of the city council. (Ord. Nos. 15414; 16886; 19470; 20960; 21582; 22345; 25695; 30162)

SEC. 40A-29. TERMINATION OF CITY EMPLOYMENT PRIOR TO RETIREMENT; BENEFITS.

~~(a) A member with five or more years of credited service who terminates employment before becoming eligible for a normal, early, or service retirement pension is entitled to:~~

~~(1) a refund of contributions to the retirement fund, without interest, any time after termination, less any previous retirement pension payments; or~~

~~(2) payment of a retirement pension and benefits at the time the member becomes eligible.~~

~~(b) An inactive member with more than 10 years of credited service who terminated employment before becoming eligible for a normal, early, or service retirement pension is eligible to apply for a disability retirement pension as provided in Section 40A-17.~~

~~(c) A member with less than five years of credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-~~

~~employed:~~

~~(1) before contributions are forfeited under Section 40A-30(b), shall have any pension benefits payable for all periods of credited service based on the provisions of the fund in effect on the date of termination of re-employment;~~

~~(2) after contributions are forfeited under Section 40A-30(b), but who reinstates credited service by filing the application required under Section 40A-11, shall have pension benefits payable for all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment; or~~

~~(3) after contributions are forfeited under Section 40A-30(b), but who is not eligible to reinstate credited service under Section 40A-11, shall be treated as a new employee by the fund and have no right to pension benefits based on the period of canceled credited service.~~

~~(d) A member with five or more years of credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-employed:~~

~~(1) for less than 12 full months of continuous service, shall have pension benefits payable on the period of credited service earned prior to the break in service based on provisions of the fund in effect at the time such service ended, while pension benefits for the period of credited service earned during re-employment will be based on provisions of the fund in effect on the date of termination of re-employment;~~

~~(2) for at least 12 full months of continuous service, shall have pension benefits payable on all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment.~~

(a) A member with five or more years of credited service who terminates employment before becoming eligible for a normal, early, or service retirement pension is entitled to:

(1) a refund of contributions to the retirement fund, without interest, any time after termination, less any previous retirement pension payments; or

(2) payment of a retirement pension and benefits at the time the member becomes eligible.

(b) An inactive member with more than 10 years of credited service who terminated employment before becoming eligible for a normal, early, or service retirement pension is eligible to apply for a disability retirement pension as provided in Section 40A-17.

(c) A member with less than five years of

credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-employed:

(1) before contributions are forfeited under Section 40A-30(b), shall have any pension benefits payable for all periods of credited service based on the provisions of the fund in effect on the date of termination of re-employment;

(2) after contributions are forfeited under Section 40A-30(b), but who reinstates credited service by filing the application required under Section 40A-11, shall have pension benefits payable for all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment; or

(3) after contributions are forfeited under Section 40A-30(b), but who is not eligible to reinstate credited service under Section 40A-11, shall be treated as a new employee by the fund and have no right to pension benefits based on the period of canceled credited service.

(d) A member with five or more years of credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-employed for:

(1) less than 12 full months of continuous service, shall have pension benefits payable on the period of credited service earned prior to the break in service based on provisions of the fund in effect at the time such service ended, while pension benefits for the period of credited service earned during re-employment will be based on provisions of the fund in effect on the date of termination of re-employment;

(2) at least 12 full months of continuous service, shall have pension benefits payable on all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment. (Ord. Nos. 15414; 17713; 18181; 19470; 20960; 21582; 30162)

SEC. 40A-30. REFUND OR FORFEITURE OF CONTRIBUTIONS.

~~(a) A member who terminates employment without either retiring or having sufficient credited service to retire at a future date is entitled to the amount of the member's contributions to the~~

~~retirement fund, without interest, less any previous retirement pension payments.~~

~~(b) A member who terminates employment without either retiring or having sufficient credited service to retire at a future date must make written application with the retirement fund for the refund of the member's contributions within three years of the date of termination or all of the member's rights to a refund of contributions will be forfeited, and the contribution will remain in the retirement fund.~~

~~(c) Actuarial gains and forfeitures of employee or city contributions must be applied to reduce the cost of the fund and may not be used to increase benefits otherwise payable under the fund.~~

(a) A member who terminates city employment without either retiring or having sufficient credited service to retire at a future date is entitled to the amount of the member's contributions to the retirement fund, without interest, less any previous retirement pension payments, except as provided by federal law.

(b) A member who terminates employment without either retiring or having sufficient credited service to retire at a future date must make written application with the retirement fund for the refund of the member's contributions within three years of the date of termination or all of the member's rights to a refund of contributions will be forfeited, and the contribution will remain in the retirement fund.

(c) Actuarial gains and forfeitures of employee or city contributions must be applied to reduce the cost of the fund and may not be used to increase benefits otherwise payable under the fund. (Ord. Nos. 15414; 18181; 20960; 21582; 30162)

SEC. 40A-31. LEAVE OF ABSENCE.

~~(a) A member on leave of absence, who is eligible to retire because of disability or because of age and length of credited service, is entitled to:~~

~~(1) receive a pension for normal, early, or service retirement; or~~

~~(2) receive a pension for disability retirement or have death benefits paid to the beneficiaries if the leave of absence was granted for sickness or injury.~~

~~(b) The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave of absence and must be furnished with a copy of a written authorization for the leave of absence.~~

~~(c) A leave of absence will be regarded for retirement fund purposes as a break in service and not as a termination of employment.~~

(a) A member on leave of absence, who is eligible to retire because of disability or because of age and length of credited service, is entitled to:

(1) receive a pension for normal, early, or service retirement; or

(2) receive a pension for disability retirement or have death benefits paid to the beneficiaries if the leave of absence was granted for sickness or injury.

(b) The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave of absence and must be furnished with a copy of a written authorization for the leave of absence.

(c) A leave of absence will be regarded for retirement fund purposes as a break in service and not as a termination of employment. (Ord. Nos. 15414; 20960; 21582; 30162)

SEC. 40A-32. LEAVE FOR MILITARY ACTIVE DUTY.

~~The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave for military active duty and must be furnished with a copy of a written authorization for the leave.~~

The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave for military active duty and must be furnished with a copy of a written authorization for the leave. (Ord. Nos. 15414; 19470; 20960; 21582; 30162)

SEC. 40A-33. COMPLIANCE WITH FEDERAL TAX LAWS.

~~(a) A member or survivor of a member of the pension system may not accrue a retirement pension, or any other benefit under this chapter, in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If total benefits under this fund and the benefits and contributions to which any member is entitled under any other qualified plans maintained by the city would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the fund shall be reduced to the extent necessary to enable the benefits to comply with Section 415. The limits shall be adjusted annually in accordance with Section 415(d) of the Internal Revenue Code. The annual adjustment shall apply to the benefits of both active and inactive members and shall apply without regard to whether retirement benefits are being received.~~

~~(b) The total salary taken into account for any purpose for any member of the pension system may not exceed the limit imposed pursuant to Section 401(a)(17) of the Internal Revenue Code for any year ($360,000 for an eligible participant and $245,000 for an ineligible participant for 2009). These dollar limits shall be adjusted from time to time in accordance with~~

(a) A member or survivor of a member of the pension system may not accrue a retirement pension, or any other benefit under this chapter, in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If total benefits under this fund and the benefits and contributions to which any member is entitled under any other qualified plans maintained by the city would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the fund shall be reduced to the extent necessary to enable the benefits to comply with Section 415. The limits shall be adjusted annually in accordance with Section 415(d) of the Internal Revenue Code. The annual adjustment shall apply to the benefits of both active and inactive members and shall apply without regard to whether retirement benefits are being received.

(b) The total salary taken into account for any purpose for any member of the pension system may not exceed the limit imposed pursuant to Section 401(a)(17) of the Internal Revenue Code for any year ($360,000 for an eligible participant and $245,000 for an ineligible participant for 2009). These dollar limits shall be adjusted from time to time in accordance with guidelines provided by the United States secretary of the treasury. For purposes of this subsection, an eligible participant is a person who first became an active member before 1996, and an ineligible participant is a member who is not an eligible participant.

~~guidelines provided by the United States secretary of the treasury. For purposes of this subsection, an eligible participant is a person who first became an active member before 1996, and an ineligible participant is a member who is not an eligible participant.~~

~~(c) Amounts representing forfeited nonvested benefits of terminated members may not be used to increase benefits payable from the fund.~~

~~(d) Distribution of benefits must begin not later than April 1 of the year following the calendar year during which the member entitled to the benefits becomes 70-1/2 years of age or terminates employment with the city, whichever is later, and must otherwise conform to Section 401(a)(9) of the Internal Revenue Code.~~

~~(e) Termination of the retirement fund and discontinuance of city contributions. If the retirement fund is fully terminated or partially terminated, as determined by the Internal Revenue Service, or if all city contributions to the retirement fund are discontinued, the rights of each member affected by the termination or discontinuance that have accrued at the date of termination or discontinuance will be fully vested to the extent funded.~~

~~(f) It is intended that the provisions of this chapter be construed and administered in such a manner that the fund's program of benefits will be considered a qualified plan under Section 401(a) of the Internal Revenue Code. In determining qualification status under Section 401(a), the fund's program of benefits will be considered the primary retirement plan for members of the fund.~~

~~(g) The right of each member to such member's interest accrued under this chapter shall become 100 percent vested, if not already vested, upon the member's attainment of normal retirement age, and the member shall have a right to terminate employment and commence to receive a pension at that time.~~

(c) Amounts representing forfeited nonvested benefits of terminated members may not be used to increase benefits payable from the fund.

(d) Distribution of benefits must begin not later than April 1 of the year following the calendar year during which the member entitled to the benefits becomes 70-1/2 years of age or terminates employment with the city, whichever is later, and must otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

(e) If the retirement fund is fully terminated or partially terminated, as determined by the Internal Revenue Service, or if all city contributions to the retirement fund are discontinued, the rights of each member affected by the termination or discontinuance that have accrued at the date of termination or discontinuance will be fully vested to the extent funded.

(f) It is intended that the provisions of this chapter be construed and administered in such a manner that the fund's program of benefits will be considered a qualified plan under Section 401(a) of the Internal Revenue Code. In determining qualification status under Section 401(a), the fund's program of benefits will be considered the primary retirement plan for members of the fund.

(g) The right of each member to such member's interest accrued under this chapter shall become 100 percent vested, if not already vested, upon the member's attainment of normal retirement age, and the member shall have a right to terminate employment and commence to receive a pension at that time. (Ord. Nos. 20354; 20960; 21582; 22345; 25818; 28739; 30162)

SEC. 40A-34. NONALIENATION AND NONREDUCTION OF BENEFITS.

~~(a) Except with respect to fund assets subject to a securities lending agreement, the legal and equitable title and ownership of all assets at any time constituting a part of the fund will be and remain with the board, and neither the city nor any member or other person who may be entitled to benefits under the fund shall ever have any legal or equitable estate in the fund, except to receive distributions lawfully made in accordance with this chapter.~~

~~(b) Qualified domestic relations orders. In the event of receipt of a valid qualified domestic relations order, the interest in the fund of the member, inactive member, or retiree will be divided between the member, inactive member, or retiree and the spouse, former spouse, or child in accordance with the terms of the order as follows:~~

~~(1) A spouse or former spouse who is named as an alternate payee is entitled to receive a court-ordered lump sum distribution of accumulated employee contributions or monthly pension benefit in the form of payments for life. If the actuarial value of the pension is less than $3,500, the board, at its option, may pay the actuarial present value to the alternate payee as a lump sum. A lump sum distribution of a portion of the member, or inactive member, or retiree's contributions, but not of annuity payments, may be made to an alternate payee who is a spouse or former spouse if such distribution is authorized by a qualified domestic relations order, even if the earliest retirement age has not been reached.~~

~~(2) A child who is named as an alternate payee is entitled to receive a part of the retiree's monthly pension benefit in an amount ordered by the court. Payments will terminate on the date designated by the court or upon the retiree's death, whichever occurs first. Payments may be made to a person legally authorized to receive them on behalf of the child.~~

(a) Title/ownership. Except with respect to fund assets subject to a securities lending agreement, the legal and equitable title and ownership of all assets at any time constituting a part of the fund will be and remain with the board, and neither the city nor any member or other person who may be entitled to benefits under the fund shall ever have any legal or equitable estate in the fund, except to receive distributions lawfully made in accordance with this chapter.

(b) Qualified domestic relations orders. The administrator shall determine whether a domestic relations order is a valid qualified domestic relations order, and the determination by the administrator may be appealed only to the board. In the event of receipt of a valid qualified domestic relations order, the interest in the fund of the member, inactive member, or retiree will be divided between the member, inactive member, or retiree and the spouse, former spouse, or child in accordance with the terms of the order as follows:

(1) A spouse or former spouse who is named as an alternate payee is entitled to receive a court-ordered lump sum distribution of accumulated employee contributions or monthly pension benefit in the form of payments for life. If the actuarial value of the pension is less than $10,000, the board, at its option, may pay the actuarial present value to the alternate payee as a lump sum. A lump sum distribution of a portion of the member, or inactive member, or retiree's contributions, but not of annuity payments, may be made to an alternate payee who is a spouse or former spouse if such distribution is authorized by a qualified domestic relations order, even if the earliest retirement age has not been reached.

(2) A child who is named as an alternate payee is entitled to receive a part of the retiree's monthly pension benefit in an amount ordered by the court. Payments will terminate on the date designated by the court or upon the retiree's death, whichever occurs first. Payments may be made to a person legally authorized to receive them on behalf of the child.

~~(3) All rights and benefits provided to the member, inactive member, or retiree are subject to the rights afforded to any alternate payee under a valid qualified domestic relations order that meets the requirements of this section.~~

~~(4) For purposes of this section, alternate payee and qualified domestic relations order have the meanings given under Section 414(p) of the Internal Revenue Code.~~

~~(c) Contributions and benefits payable under the retirement fund are exempt from attachment, execution, garnishment, judgments, and all other suits or claims, with the exception of a "qualified domestic relations order," and are not assignable or transferable.~~

~~(d) Waiver of benefits.~~

~~(1) A person may, on a form prescribed by and filed with the administrator, waive all or a portion of any benefits from the retirement fund to which the person is entitled. A person may revoke a waiver of benefits in the same manner as the original waiver was made, unless the original waiver by its terms was made irrevocable.~~

~~(2) A waiver or a revocation of a waiver applies only to benefits that become payable on or after the date the document is filed.~~

~~(3) Unless otherwise expressly provided for in this chapter, the board may not take action to reduce an individual pension.~~

(3) All rights and benefits provided to the member, inactive member, or retiree are subject to the rights afforded to any alternate payee under a valid qualified domestic relations order that meets the requirements of this section.

(4) For purposes of this section, alternate payee, domestic relations order, and qualified domestic relations order have the meanings given under Texas Government Code Chapter 804, as in effect on January 1, 2017.

(c) Exemptions. Contributions and benefits payable under the retirement fund are exempt from attachment, execution, garnishment, judgments, and all other suits or claims, with the exception of a "qualified domestic relations order," and are not assignable or transferable.

(d) Waiver of benefits.

(1) A person may, on a form prescribed by and filed with the administrator, waive all or a portion of any benefits from the retirement fund to which the person is entitled. A person may revoke a waiver of benefits in the same manner as the original waiver was made, unless the original waiver by its terms was made irrevocable.

(2) A waiver or a revocation of a waiver applies only to benefits that become payable on or after the date the document is filed.

(3) Unless otherwise expressly provided for in this chapter, the board may not take action to reduce an individual pension. (Ord. Nos. 15414; 19470; 20960; 21582; 22345; 30162)

SEC. 40A-35. AMENDMENT TO THIS CHAPTER.

~~(a) Except as provided in Subsection (b) of this section, this chapter may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters voting at a general or special election.~~

~~(b) A provision of this chapter, other than this section, that is determined by the board to require amendment in order to comply with federal law may be amended by ordinance of the city council, without voter approval, upon recommendation of the board. The board shall recommend the exact amending language to be included in the ordinance, which language may not be limited or added to by the city council. An amendment may be made under this subsection only to the extent necessary to comply with federal law.~~

(a) Except as provided in Subsection (b) of this section, this chapter may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters voting at a general or special election.

(b) A provision of this chapter, other than this section, that is determined by the board to require amendment in order to comply with federal law may be amended by ordinance of the city council, without voter approval, upon recommendation of the board. The board shall recommend the exact amending language to be included in the ordinance, which language may not be limited or added to by the city council. An amendment may be made under this subsection only to the extent necessary to comply with federal law. (Ord. Nos. 15414; 20960; 21582; 25695; 30162)

CHAPTER 41

SMOKING

ARTICLE I.

GENERAL PROVISIONS.

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SMOKING PROHIBITIONS.

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TOBACCO-PRODUCT VENDING MACHINES.

ARTICLE I.

GENERAL PROVISIONS.

SEC. 41-1. DEFINITIONS.

In this chapter:

~~(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.~~

~~(2) BILLIARDS means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.~~

~~(3) BILLIARD HALL means an establishment that:~~

~~(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;~~

~~(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and~~

~~(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and~~

(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular

establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

(2) BILLIARDS means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

(3) BILLIARD HALL means an establishment that:

(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;

(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and

(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and billiard equipment to persons desiring to play billiards on the premises.

~~billiard equipment to persons desiring to play billiards on the premises.~~

~~(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.~~

~~(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.~~

~~(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.~~

~~(7) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.~~

~~(8) EMPLOYER means any person who employs one or more employees.~~

~~(9) ENCLOSED means an area that:~~

~~(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and~~

~~(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.~~

~~(10) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.~~

~~(11) MINOR means any individual under 18 years of age.~~

~~(12) PERSON means an individual, firm, partnership, association, or other legal entity.~~

~~(13) RETAIL OR SERVICE ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.~~

~~(14) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.~~

~~(15) SMOKE OR SMOKING means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.~~

~~(16) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.~~

~~(17) WORKPLACE means any indoor or enclosed area where an employee works for an employer.~~

(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.

(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and

catering establishments.

(7) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.

(8) EMPLOYER means any person who employs one or more employees.

(9) ENCLOSED means an area that:

(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

(10) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.

(11) MINOR means any individual under 18 years of age.

(12) PARK PARTNER means any entity that contracts with the city for the operation, maintenance, or management of park property.

(13) PARK PROPERTY means property under the control and jurisdiction of the park board.

(14) PERSON means an individual, firm, partnership, association, or other legal entity.

(15) RETAIL OR SERVICE ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.

(16) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.

(17) SMOKE OR SMOKING means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.

(18) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.

(19) WORKPLACE means any indoor or enclosed area where an employee works for an employer. (Ord. Nos. 18961; 19648; 25168; 27440; 30258)

ARTICLE II.

SMOKING PROHIBITIONS.

SEC. 41-2. SMOKING PROHIBITED IN CERTAIN AREAS.

~~(a) A person commits an offense if he smokes:~~

(a) A person commits an offense if he smokes:

~~(1) in any indoor or enclosed area in the city;~~

~~(2) within 15 feet of any entrance to an indoor or enclosed area in the city; or~~

~~(3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3.~~

(1) in any indoor or enclosed area in the city;

(2) within 15 feet of any entrance to an indoor or enclosed area in the city;

(3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3; or

(4) on park property.

(b) An owner, operator, or person in control of an indoor or enclosed area in the city commits an offense if he, either personally or through an employee or agent, permits a person to smoke in the indoor or enclosed area.

(c) For purposes of this chapter, an indoor or enclosed area includes but is not limited to the following:

(1) An elevator.

(2) A hospital or nursing home.

(3) Any facility owned, operated, or managed by the city.

(4) Any retail or service establishment.

(5) Any workplace.

(6) Any facility of a public or private primary or secondary school or any enclosed theater, movie house, library, museum, or transit system vehicle.

(d) It is a defense to prosecution under Subsection (a)(1), (a)(3), or (b) of this section if the person was smoking in a location that was:

(1) a private residence, except that this defense does not apply when the residence is being used as a child care facility, adult day care facility, or health care facility;

(B) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3; or

(6) a private, rented guest room in a hotel or motel that has been designated as a smoking room by the owner, operator, or person in control of the hotel or motel.

(e) It is a defense to prosecution under Subsection (a)(2) of this section if the person was smoking in a location that was an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:

(1) the outdoor seating area is adjacent to a playground or play area for children; or

(2) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3.

(f) It is a defense to prosecution under Subsection (a)(4) of this section if the person was smoking in a location that was:

(1) a golf course, if the location was:

(i) between the tee box of the first hole and the end of the green of the 18th hole;

(ii) on the driving range; or

(iii) on the outdoor patio;

(2) the Elm Fork Shooting Range; or

(3) at a park partner site. (Ord. Nos. 18961; 19648; 21109; 21109; 21614; 25168; 27440; 30258)

SEC. 41-3. SIGNAGE AND OTHER REQUIREMENTS.

(a) The owner, operator, or person in control of an establishment or other area in which smoking is prohibited under Section 41-2(a)(1) or (a)(3) shall post a conspicuous sign at the main entrance to the establishment or area. The sign must contain the words "No Smoking, City of Dallas Ordinance," the universal symbol for no smoking, or other language that clearly prohibits smoking.

(b) The owner, operator, or person in control of an indoor or enclosed area to which the smoking prohibition of Section 41-2(a)(2) applies shall post a

~~(c) Upon receipt of the completed application, the special event manager shall forward a copy of the application to the building official, to the departments of police, fire-rescue, equipment and building services, public works, risk management, street services, sanitation services, and code compliance, and to Dallas area rapid transit (DART). If any part of the special event is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the special event manager shall also forward a copy of the application to the department that manages or controls the exempt property. Each department and DART shall review the application and return it, with any comments, to the special event manager within 10 working days of receipt.~~

(c) Upon receipt of the completed application, the special event manager shall forward a copy of the application to the building official, to the departments of police, fire-rescue, equipment and building services, risk management, mobility and street services, sanitation services, and code compliance, and to Dallas area rapid transit (DART). If any part of the special event is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the special event manager shall also forward a copy of the application to the department that manages or controls the exempt property. Each department and DART shall review the application and return it, with any comments, to the special event manager within 10 working days of receipt.

(d) The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.

(e) After reviewing the application and comments, the special event manager shall issue the special event permit unless denial is required by Section 42A-13. A special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit may be renewed, without payment of the application fee, for additional consecutive 10-day periods during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded. (Ord. Nos. 18702; 19312; 19869; 20612; 21934; 22026; 23694; 24554; 26136; 27697; 28126; 28424; 30239)

SEC. 42A-8. FEES.

(a) An applicant for a special event permit shall pay the following fees to conduct the special event:

(1) A nonrefundable application fee of:

(2) any other information the director deems necessary.

(d) If, after reviewing the application, the director determines that the proposed indented parking meets the requirements of Subsections (b)(1) and (b)(2), but is located within 200 feet of a single family district, then the director shall send written notice of the indented parking proposal to all property owners located within 200 feet of the proposed indented parking. The notice must be given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(e) After receiving a notice under Subsection (d), a property owner has 14 days from the date the notice is mailed to file an objection to the indented parking proposal with the director. If any property owner notified under Subsection (d) timely files an objection with the director, then the director shall deny the application for indented parking.

(f) If the only basis for director's denial is that an objection was timely filed under Subsection (e), then the applicant may appeal the denial to the city plan commission. A written request for an appeal must be signed by the applicant or its legal representative and filed with the director within 15 days after the date the director's decision is issued. The appeal request must be accompanied by an appeal filing fee of $800.

(g) The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The director shall give notice of the public hearing in a newspaper of general circulation in the city at least 10 days before the hearing. In addition, the director shall send written notice of the hearing to all property owners located within 200 feet of the proposed indented parking. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(h) At the public hearing, the city plan commission shall determine whether the requested parking would detrimentally affect neighboring property. The city plan commission may reverse or affirm, in whole or in part, or modify the decision of the director based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this section. The decision of the commission is final.

(i) For purposes of this section, measurements must be made in a straight line, without regard to intervening structures or objects, from the nearest point of any proposed indented parking space to the nearest point of the boundary of a single-family district or other property required to receive notice under Subsection (d) or (g).

(j) Nothing in this section limits the authority of the city traffic engineer to approve parking under Chapter 28 of this code. (Ord. Nos. 8590; 11283; 27227)

SEC. 43-63. REPAIR OF DEFECTIVE SIDEWALKS OR DRIVEWAYS BY ABUTTING PROPERTY OWNERS.

~~(a) When a sidewalk, driveway, or any appurtenance to a sidewalk or driveway becomes defective, unsafe, or hazardous, the abutting property owner shall reconstruct or repair the sidewalk, driveway, or appurtenance, and the expense of such work must be borne by the abutting property owner.~~

~~(b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of street services or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance.~~

~~(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the~~

~~director of street services or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense.~~

(a) When a sidewalk, driveway, or any appurtenance to a sidewalk or driveway becomes defective, unsafe, or hazardous, the abutting property owner shall reconstruct or repair the sidewalk, driveway, or appurtenance, and the expense of such work must be borne by the abutting property owner.

(b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of mobility and street services or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance.

(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of mobility and street services or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense. (Ord. Nos. 8590; 13898; 19963; 22026; 23694; 30239)

SEC. 43-64. MIXING CONCRETE OR MORTAR ON EXISTING PAVEMENT; UNUSED MIXTURE TO BE IMMEDIATELY REMOVED.

No person shall mix concrete or mortar or any mixture or substance containing cement on any existing pavement on public property nor leave or cause to be left any excess concrete or mortar or any mixture or substance containing cement on any existing pavement on public property, nor allow same to leak or fall from any container or receptacle onto pavement on public property. If any concrete, mortar or any mixture or substance containing cement is accidentally dropped or placed upon any pavement on public property within the city, the person responsible shall immediately remove same before such substance hardens or sets on the pavement. (Ord. 8590)

SEC. 43-65. SIDEWALK DRAINAGE OPENINGS TO HAVE METAL COVERS.

Wherever water from roofs of adjacent buildings is drained or conducted under sidewalks from downspout drains to the street gutters through aqueducts or concrete troughs, these openings in the sidewalk shall be fitted with strong metal covers, which shall be securely held in place with screws or other fasteners which will not rust or corrode. Such cover shall be set flush with the surface of the sidewalk and securely bolted, fastened or so constructed that it cannot slip, shift or become out of alignment with the surface of the sidewalk. (Ord. 8590)

Division 2. Bicycle Parking Devices.

SEC. 43-120. DEFINITIONS.

In this division:

(1) BICYCLE PARKING DEVICE means a device, approved as to size and design by the director, to which a bicycle may be secured by a lock either provided by the user or provided on the device.

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

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director's designated representative. (Ord. Nos. 18838; 22026)

SEC. 43-121. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if he installs or operates a bicycle parking device on a public right-of-way within the city without a license issued by the director.

(b) A person who desires to install or operate a bicycle parking device on a public right-of-way abutting his property shall apply in writing to the director for a bicycle parking device license. The application must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the manufacturer of each bicycle parking device to be installed or operated;

(2) the number of bicycle parking devices to be installed or operated;

(3) the proposed location of each bicycle parking device;

(4) the dimensions of each bicycle parking device, measured with and without bicycles parked in the device;

(5) the proposed method of securing each bicycle parking device to the public right-of-way; and

(6) if the applicant is a lessee, written consent from the property owner to install or operate any bicycle parking device on public right-of-way abutting his property.

~~(c) The director shall forward a copy of any completed application to the departments of street services, sanitation services, code compliance, public works, planning and urban design, and sustainable development and construction, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(c) The director shall forward a copy of any completed application to the departments of mobility and street services, sanitation services, code compliance, planning and urban design, and sustainable development and construction, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(d) After reviewing the application and departmental comments, the director may issue a bicycle parking device license unless denial is required by Section 43-122. (Ord. Nos. 18838; 22026; 23694; 25047; 27697; 28424; 29478; 29882~~, eff. 10/1/15~~; 30239)

SEC. 43-122. DENIAL OR REVOCATION OF LICENSE.

(a) The director shall deny a bicycle parking device license if:

(1) the applicant fails to comply with the requirements of this division or other applicable law;

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) any independent contractor the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 22 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; as a rule, three spaces must be reserved unless the director determines that, because of special traffic conditions, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;

(4) the proposed hours and days of operation of the valet parking service;

(5) the location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

(6) proof of insurance required by Section 43-126.12; and

(7) a list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:

(A) with signatures showing consent to the operation of a valet parking service by the applicant; or

(B) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.

~~(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of street services, sanitation services, code compliance, sustainable development and construction, public works, planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of mobility and street services, sanitation services, code compliance, sustainable development and construction, planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(e) After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this division, the director may issue a valet parking service license unless denial is required by Section 43-126.7.

(f) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section. (Ord. Nos. 19190; 22026; 23694; 25047; 27697; 28424; 29478; 29882~~, eff. 10/1/15~~; 30239)

SEC. 43-126.6. FEES.

(a) A nonrefundable application fee of $25 must accompany each application for a valet parking service license.

(b) The annual fee for a valet parking service license is:

(1) if the valet parking service is being conducted inside the central business district, $250 per space for the first six spaces reserved by the valet

any sidewalk for the display of goods, wares or merchandise. (Code 1941, Art. 143-12; Ord. 3707)

SEC. 43-134. USE OF SIDEWALK TO FORWARD OR RECEIVE MERCHANDISE.

Nothing in this article shall be so construed as to prevent any merchant from occupying not more than one-half of any sidewalk in receiving and forwarding goods, wares and merchandise; provided, that such goods, wares and merchandise shall not remain on such sidewalk for a longer period than one and one-half hours. (Code 1941, Art. 143-12; Ord. 3707)

ARTICLE VIII.

CERTAIN USES OF PUBLIC RIGHT-OF-WAY.

SEC. 43-135. DEFINITIONS.

In this article:

(1) ABOVE GROUND UTILITY STRUCTURE or AGUS means any utility structure that extends higher than the surrounding grade.

(2) AGUS PLACEMENT GUIDELINES means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for the placement of above ground utility structures.

(3) BACKFILL means:

(A) the placement of new dirt, fill, or other material to refill an excavation; or

(B) the return of excavated dirt, fill, or other material to an excavation.

(4) CITY means the city of Dallas and the city's officers and employees.

(5) CLOSURE means a complete or partial closing of one or more lanes of traffic of a thoroughfare for any period of time.

(6) CONSTRUCTION means any of the following activities performed by any person within a public right-of-way:

(A) Installation, excavation, laying, placement, repair, upgrade, maintenance, or relocation of facilities or other improvements, whether temporary or permanent.

(B) Modification or alteration to any surface, subsurface, or aerial space within the public right-of-way.

(C) Performance, restoration, or repair of pavement cuts or excavations.

(D) Reconstruction of any of the work described in Paragraphs (6)(A) through (6)(C) of this subsection.

(E) Other similar construction work.

~~(7) DIRECTOR means the director of public works or any designated representative.~~

(7) DIRECTOR means the director of mobility and street services or any designated representative.

(8) EMERGENCY ACTIVITY means circumstances requiring immediate construction or operations by a public service provider to:

(A) prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;

(B) restore service; or

(C) prevent the loss of service.

(9) EXCAVATION means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.

attached to a pole) that is owned or used by a public service provider to provide service; and

(B) does not include:

(i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

(ii) any infrastructure that provides water used for fire suppression. (Ord. Nos. 24495; 26263; 28424; 30239)

SEC. 43-136. DIRECTOR'S AUTHORITY; ENFORCEMENT; OFFENSES.

(a) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to aid in the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law. To further aid in the administration and enforcement of this article, the director is also authorized to promulgate regulations and operational standards governing the shared use of the public right-of-way by transportation uses (including but not limited to streetcars) and public service providers, so long as those regulations and standards are not in conflict with this article, this code, or state or federal law.

(b) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.

(c) A person commits an offense if he:

(1) performs, authorizes, directs, or supervises construction without a valid permit issued under this article;

(2) violates any other provision of this article;

(3) fails to comply with restrictions or requirements of a permit issued under this article; or

(4) fails to comply with an order or regulation of the director issued pursuant to this article.

(d) A person commits an offense if, in connection with the performance of construction in the public right-of-way, he:

(1) damages the public right-of-way beyond what is incidental or necessary to the performance of the construction;

(2) damages public or private facilities within the public right-of-way; or

(3) knowingly fails to clear debris associated with the construction from a public right-of-way after construction is completed.

(e) It is a defense to prosecution under Subsection (d)(2) if the person complied with all of the requirements of this article and state law and caused the damage because the facilities in question:

(1) were not shown or indicated in a plan document, plan of record, record construction drawing, or field survey, staking, or marking; and

(2) could not otherwise be discovered in the public right-of-way through the use of due diligence.

(f) A person commits an offense if, while performing any construction or other activity along a public right-of-way (whether or not a building or other permit is required for the activity), the person:

SEC. 47A-1.4. EXCLUSIONS.

~~This chapter does not apply to:~~

~~(1) Dallas Area Rapid Transit ("DART") vehicles;~~

~~(2) courtesy vehicles;~~

~~(3) carpooling;~~

~~(4) the transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;~~

~~(5) a motor vehicle used to transport persons for hire that is regulated by another chapter of this code, such as ambulances regulated under Chapter 15D, "Emergency Vehicles"; or~~

~~(6) a bus or shuttle vehicle that is:~~

~~(A) operated for a funeral home in the performance of funeral services;~~

~~(B) provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;~~

~~(C) owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;~~

~~(D) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;~~

~~(E) operated under state or federal authority unless subject to the city's regulatory authority;~~

~~(F) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers; or~~

~~(G) operated under authority granted by the Surface Transportation Board.~~

This chapter does not apply to:

(1) a vehicle operating as a Dallas Area Rapid Transit ("DART") vehicle;

(2) courtesy vehicles;

(3) carpooling;

(4) the transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;

(5) a motor vehicle used to transport persons for hire that is regulated by another chapter of this code, such as ambulances regulated under Chapter 15D, "Emergency Vehicles"; or

(6) a bus or shuttle vehicle that is:

(A) operated for a funeral home in the performance of funeral services;

(B) provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(C) owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(D) used to transport children to or

from school if only a fee calculated to reasonably cover expenses is charged;

(E) regulated by Texas Department of Transportation (TXDOT) or the Federal Motor Carrier Safety Administration (FMCSA);

(F) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers; or

(G) operated under authority granted by the Surface Transportation Board. (Ord. Nos. 29596~~,~~ ~~eff. 4/30/15~~ ; 30180)

SEC. 47A-1.5. DEFINITIONS.

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

(1) BUS means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers.

(2) CARPOOLING means any voluntary sharing of transportation without compensation.

(3) COMPENSATION means any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.

(4) CONTINGENT PRIMARY LIABILITY COVERAGE means a liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.

(5) COURTESY VEHICLE means a vehicle that is not for hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

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

(27) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

(28) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended. (Ord. 29596)

SEC. 47A-1.6. PERMIT FEES.

~~(a) The fee for an operating authority permit is $278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and $282 per year for transportation-for-hire service provided by all other transport vehicles.~~

~~(b) The fee for a transportation-for-hire vehicle permit is $77 per vehicle per year for non-motorized passenger transport vehicles, and $3 per vehicle per year for all other transportation-for-hire vehicles. If a vehicle permit is issued for a period of time of less than one year, the fee will be prorated.~~

~~(c) The fee for a driver permit is $30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated.~~

(a) The fee for an operating authority permit is $278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and $282 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The fee for a transportation-for-hire vehicle permit is $77 per vehicle permit per year for non-motorized passenger transport vehicles, and $3 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.

(c) The fee for a driver permit is $30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated. (Ord. Nos. 29596; 29706; 30180)

ARTICLE II.

REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.

DIVISION 1.

OPERATING AUTHORITY PERMIT.

SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter. (Ord. 29596)

SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

~~(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.~~

~~(b) An applicant shall file with the director a verified application statement, to be accompanied by a nonrefundable application fee of $133, containing the following:~~

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee of $133, containing the following:

~~(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20% or greater ownership interest in the business;~~

~~(2) the verified signature of the applicant;~~

~~(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;~~

~~(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;~~

~~(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;~~

~~(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating a willingness to provide liability insurance required by this chapter;~~

~~(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and~~

~~(8) a copy of the company's zero-tolerance policy for intoxicating substances.~~

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company;

(8) a copy of the company's zero-tolerance policy for intoxicating substances; and

(9) a statement that the applicant does not maintain an ownership interest of 20 percent or greater in, or maintain control over, an entity that inspects or certifies vehicles pursuant to Section 47A-2.3.3 of this chapter. (Ord. Nos. 29596; 29706; 30180)

(A) made a false statement as to a material matter in the application concerning the operating authority; or

(B) failed to maintain the insurance required by this chapter.

(2) After revocation of an operating authority permit, an operating authority permit holder is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.6. ZERO-TOLERANCE DRUG POLICY.

(a) An operating authority shall employ, maintain, and enforce as to its drivers a zero-tolerance policy prohibiting the use of intoxicating substances.

(b) An operating authority shall include on its publicly remotely accessible data site notice of the operating authority's zero-tolerance policy for intoxicating substances and information on how passengers may report a possible violation of the policy to the operating authority and to the City. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.7. PUBLICLY REMOTELY ACCESSIBLE DATA SITE.

Each operating authority shall maintain a publicly remotely accessible data site that contains, at a minimum:

(1) the operating authority's rate information;

(2) the operating authority's zero-tolerance policy for intoxicating substances;

(3) the operating authority's contact information;

(4) a statement that wheelchair accessible vehicles are available upon request; and

(5) information on how to report complaints to the city. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.8. TRANSPORTATION-FOR-HIRE SERVICE AT DALLAS LOVE FIELD AIRPORT AND DALLAS-FORT WORTH INTERNATIONAL AIRPORT.

~~In addition to complying with this chapter, an operating authority providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall comply with all of the rules and regulations of those airports.~~

(a) In general. In addition to complying with this chapter, an operating authority providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall comply with all of the rules and regulations of those airports.

(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for ground transportation shall, upon request of the director, provide the director with the information necessary to independently verify trip fees, as that trip fee is set in Chapter five of this code, as amended, owed by that operating authority on a daily, weekly, and monthly basis. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

SEC. 47A-2.1.9. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names. (Ord. 29596~~, eff. 4/30/15~~)

DIVISION 2.

DRIVER PERMIT.

SEC. 47A-2.2.1. DRIVER PERMIT REQUIRED.

~~(a) A person may not drive a transportation-for-hire vehicle without a valid driver permit issued under~~

~~this article.~~

~~(b) An operating authority may not knowingly request or allow a person who does not hold a valid driver permit issued under this article to drive a transportation-for-hire vehicle for that operating authority.~~

(a) A person may not drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services without a valid driver permit issued under this article.

(b) An operating authority may not knowingly request or allow a person who does not hold a valid driver permit issued under this article to drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services for that operating authority. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

SEC. 47A-2.2.12. DRIVER REGULATIONS.

While driving a transportation-for-hire vehicle, a driver shall comply with this chapter, rules and regulations established under this chapter, and all other laws applicable to the operation of a motor vehicle in this state. A driver providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall also comply with all of the rules and regulations of those airports. (Ord. 29596)

DIVISION 3.

VEHICLE PERMIT.

SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.

No vehicle may be used to provide transportation-for-hire services without a valid permit for that vehicle issued under this article. (Ord. 29596)

SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

~~To obtain a vehicle permit or renewal of a vehicle permit, a person must provide the director or an approved company with the following information and documents:~~

~~(1) current state issued registration and safety inspection;~~

~~(2) proof that, within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3.~~

(a) To obtain a vehicle permit, a permit applicant must provide the director or an approved company with the following information, including the:

(1) vehicle's current state issued vehicle registration expiration year and month;

(2) permit applicant's name, mailing address, email address, and telephone contact information;

(3) vehicle identification number of the vehicle to be permitted;

(4) year, make, and model of the vehicle to be permitted; and

(5) license plate number of the vehicle to be permitted.

(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3 of this chapter. (Ord. Nos. 29596; 29706; 30180)

SEC. 47A-2.3.3 VEHICLE QUALITY STANDARDS.

~~(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-~~

~~hire vehicle he is driving for hire, in a condition such that each vehicle is mechanically sound and road worthy, the exterior and interior are clean and appear new or substantially like new, and meets the following standards:~~

~~(1) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches or other obvious unrepaired damage;~~

~~(2) paint in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive "orange peel";~~

~~(3) all recall work recommended by the vehicle's manufacturer has been performed;~~

~~(4) all exterior lights function and are aimed as designed by the manufacturer;~~

~~(5) all doors open and close smoothly using interior and exterior door handles;~~

~~(6) windshield and windows are in good condition, free of cracks or any condition that obscures visibility;~~

~~(7) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears or excessive wear;~~

~~(8) all seat belts function smoothly, lock securely, and are free of twists, cuts or visible signs of wear;~~

~~(9) power windows and locks function properly;~~

~~(10) windshield wipers function as designed and wiper blades clean properly;~~

~~(11) all dashboard lights illuminate as designed;~~

(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle meets all safety standards required by the State of Texas for passenger vehicles and the following additional standards:

(1) the exterior and interior are clean and appear new or substantially like new;

(2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear;

(3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage;

(4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage;

(5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;

(6) all recall work recommended by the vehicle's manufacturer has been performed;

(7) air conditioner, heater, and defoggers function properly.

~~(12) air conditioner, heater, and defoggers function properly;~~

~~(13) all interior lights function properly;~~

~~(14) all power controlled rearview mirrors function properly;~~

~~(15) trunk lid functions properly;~~

~~(16) trunk compartment contains a proper spare tire in good condition with proper tread depth and air pressure, and all tools required to change a tire;~~

~~(17) engine hood release operates properly;~~

~~(18) all engine compartment fluid levels are at manufacturer recommended levels;~~

~~(19) no leaks or excessive noise emitting from the fuel pump, cooling system, water pump, engine, or transmission;~~

~~(20) all engine belts are in good condition with no visible signs of damage or excessive wear;~~

~~(21) air filter is clean;~~

~~(22) engine oil is clean and free of contaminants;~~

~~(23) battery is at full charge, tests to proper standards and shows no visible signs of damage or leakage;~~

~~(24) front and rear tires, wheels and wheel covers match and are the proper size and type for the vehicle;~~

~~(25) front and rear tires contain the proper air pressure, sidewalls are in good condition, and tread depth is a minimum of 5/32";~~

~~(26) all lug nuts are properly torqued;~~

~~(27) brake rotors show no signs of warpage, heat damage, or excessive wear;~~

~~(28) brakes, including parking brakes, and brake assemblies, calipers, lines, hoses and cables show no signs of leakage, damage, or excessive wear;~~

~~(29) vehicle chassis, including frame rails, subframe, transmission case or pan, drive shaft, fuel tank and components, steering system, differential assembly, exhaust system, transmission mounts, and struts/shocks show no sign of damage, leakage, or excessive wear;~~

~~(30) on startup, engine idles normally; and~~

~~(31) while driving, engine performs normally, transmission shifts normally, brakes function normally, no warning lights illuminate, and steering functions normally, with no abnormal vibration.~~

~~(b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.~~

~~(c) A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a transportation-for-hire vehicle meets the standards in Subsection (a).~~

(b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.

(c) A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a transportation-for-hire vehicle meets the standards in Subsection (a). (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

SEC. 47A-2.3.4. DISPLAY OF VEHICLE PERMIT.

(a) A person commits an offense if he:

(1) operates a transportation-for-hire vehicle with an expired vehicle permit or with no vehicle permit affixed to the vehicle;

(2) attaches a vehicle permit to a

(4) possesses a forged, altered, or counterfeited transportation-for-hire vehicle permit required by this section.

(b) A transportation-for-hire vehicle permit assigned to one vehicle is not transferable to another. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.3.5. EXPIRATION OF VEHICLE PERMIT.

~~The vehicle permit expires one year from the date it is issued.~~

A vehicle permit is valid for the period of and expires concurrently with the permitted vehicle's state registration displayed on the vehicle at the time the permit is issued. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

DIVISION 4.

SERVICE RULES.

SEC. 47A-2.4.1. NO SOLICITATION.

A driver may not solicit passengers if the solicitation is:

(1) from a location other than the driver's compartment or the immediate vicinity of the driver's transportation-for-hire vehicle; or

(2) in a way that annoys or obstructs the movement of a person. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.2. NON-DISCRIMINATION.

An operating authority or driver shall not refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation, as that term is defined in Chapter 34 of this code; gender identity and expression, as that term is defined in Chapter 34 of this code; national origin; disability; political opinions; or affiliations. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.3. CITY-WIDE SERVICE.

(a) An operating authority may not exclude from service any portion of the city.

(b) An operating authority may not refuse to convey a ride request to an available driver based on point of origin, destination, or length of trip.

(c) While operating a transportation-for-hire vehicle, a driver shall not refuse a person who requests service unless:

(1) the person is disorderly;

(2) the driver is engaged in answering a previous request for service;

(3) the driver has reason to believe that the person is engaged in unlawful conduct; or

(4) the driver, based on observation of a specific passenger, reasonably fears for the driver's own safety.

(d) This section does not apply to transportation-for-hire service provided by non-motorized passenger transport vehicles. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.4. WHEELCHAIR ACCESSIBILITY.

(a) When a wheelchair accessible vehicle is requested, the operating authority must provide a wheelchair accessible vehicle, or cause one to be provided, without unreasonable delay.

(b) Operating authorities and drivers are prohibited from charging a higher fare rate for wheelchair accessible transportation-for-hire vehicles. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.5. DIRECT AND EXPEDITIOUS ROUTE.

(a) A driver must take the most direct and expeditious route available, unless otherwise directed by the passenger.

(b) This section does not apply to transportation-for-hire service provided by non-motorized passenger transport vehicles. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.6. PAYMENT BY CREDIT CARD.

(a) An operating authority or driver, whichever accepts payment for a fare, must allow fares to be paid by credit card.

(b) When accepting a credit card payment, an operating authority or driver must use a secure credit card processing method that encrypts information transmitted to authenticate a credit card payment transaction for approval. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.7. SIGNAGE.

A driver shall at all times while the driver is providing transportation-for-hire services display inside the vehicle in a manner that is visible and legible to passengers: the driver's first name and picture, the driver permit number, the vehicle permit number, and information on how to contact the city to make a complaint. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.8. RATES AND FARES.

~~(a) For purposes of this section, "payor" means the person paying for transportation-for-hire service.~~

~~(b) An operating authority shall inform the payor of the rate for the transportation-for-hire service before the transportation-for-hire service is provided.~~

~~(c) An operating authority must disclose its rates on a publicly remotely accessible data site. An operating authority must also disclose its rates on a sign placed in or on all hailable transportation-for-hire vehicles operated under the operating authority's permit.~~

~~(d) A driver or operating authority shall provide the payor of a fare with a legible receipt at the time of payment. The receipt, alone or in combination with additional contemporaneously produced document(s), must contain the following information:~~

~~(1) the fare rate;~~

~~(2) the total fare;~~

~~(3) an itemization showing how the fare was calculated;~~

~~(4) the trip distance (if fare based in whole or in part on distance);~~

~~(5) the duration of the trip in minutes (if fare based in whole or in part on time);~~

~~(6) the name of the operating authority under which the driver was operating at the time of the ride;~~

~~(7) the driver's first name and driver permit number; and~~

~~(8) the vehicle permit number.~~

~~(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.~~

~~(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:~~

(a) For purposes of this section, "payor" means the person paying for transportation-for-hire service.

(b) An operating authority shall inform the payor of the rate for the transportation-for-hire service before the transportation-for-hire service is provided.

(c) An operating authority must disclose its rates on a publicly remotely accessible data site. An operating authority must also disclose its rates on a sign placed in or on all hailable transportation-for-hire vehicles operated under the operating authority's permit.

(d) A driver or operating authority shall provide the payor of a fare with a legible receipt at the time of payment. The receipt, alone or in combination with additional contemporaneously produced document(s), must contain the following information:

(1) the fare rate;

(2) the total fare;

(3) an itemization showing how the fare was calculated;

(4) the trip distance (if fare based in whole or in part on distance);

(5) the duration of the trip in minutes (if fare based in whole or in part on time);

(6) the name of the operating authority under which the driver was operating at the time of the ride;

(7) the driver's first name and driver permit number; and

(8) the vehicle permit number.

(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.

(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:

~~(1) General fares.~~

~~Initial meter drop $2.25~~

~~Each 1/9 mile $0.20~~

~~Traffic delay time/waiting time, per 1-1/2 minutes $0.45~~

~~Each extra passenger (up to manufacturer's rated seating capacity) $2.00~~

(1) General fares.

(A) Initial meter drop: $2.25;

(B) Each 1/9 mile: $0.20;

(C) Traffic delay time/waiting time, per 1- 1/2 minutes: $0.45; and

(D) Each extra passenger (up to manufacturer's rated seating capacity): $2.00.

~~(2) Love Field Airport fares.~~

~~Each passenger-carrying trip departing from the airport (in addition to the general fare) $0.50~~

~~Minimum charge for each trip departing from the airport $8.00~~

~~Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport $18.00~~

~~Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport $15.00~~

(2) Love Field Airport fares.

(A) Each trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended.

(B) Minimum charge for each trip departing from the airport: $8.00.

(C) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: $21.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: $18.00.

~~(3) Dallas-Fort Worth International Airport fares.~~

~~Minimum charge for each terminal transfer $7.00~~

~~Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property $14.50~~

~~Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property $17.00~~

~~Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport $40.00~~

~~Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport $32.00~~

(3) Dallas-Fort Worth International Airport fares.

(A) Minimum charge for each terminal transfer: $7.00.

(B) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property: $14.50.

(C) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property: $17.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: $45.00.

(E) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: $37.00.

~~(4) Gasoline surcharge.~~

~~(A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare when the average weekly retail price of regular grade gasoline in the State of Texas exceeds $2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration.~~

~~(B) The gasoline surcharge will be calculated in $0.50 increments and applied per trip. For every $0.50 increase or decrease in the average price per gallon of gasoline above the $2.00 threshold, the per trip surcharge fee will be adjusted $0.50 up or down to reflect the change in the average gasoline price. For example:~~

(4) Gasoline surcharge.

(A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare when the average weekly retail price of regular grade gasoline in the State of Texas exceeds $2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration.

(B) The gasoline surcharge will be calculated in $0.50 increments and applied per trip. For every $0.50 increase or decrease in the average price per gallon of gasoline above the $2.00 threshold, the per trip surcharge fee will be adjusted $0.50 up or down to reflect the change in the average gasoline price. For example:

AVERAGE PRICE OF GASOLINE (PER GALLON)	AMOUNT OF SURCHARGE (PER TRIP)
$2.00 or less	No surcharge
$2.01 to $2.50	$0.50
$2.51 to $3.00	$1.00
$3.01 to $3.50	$1.50
Each additional $0.50 increase in the average per gallon price of gasoline	Additional $0.50 per trip

~~(C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the United States Department of Energy in its weekly updates:~~

(C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the United States Department of Energy in its weekly updates:

DATE OF QUARTERLY PRICE CHECK BY DIRECTOR	DATE OF QUARTERLY ADJUSTMENT (IF REQUIRED)
December 20	January 1
March 20	April 1
June 20	July 1
September 20	October 1

~~(g) Each driver of a hailable vehicle shall charge the rates of fare prescribed in Subsection (f) in accordance with the following terms and conditions:~~

~~(1) "Dallas Central Business District area" includes:~~

~~(A) the Dallas Central Business District, which is the area bounded by Woodall Rodgers Freeway on the north, Central Expressway on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west; and~~

~~(B) all points located within 1,000 feet of the Dallas Central Business District boundaries described in Paragraph (1)(A) of this subsection.~~

~~(2) "Dallas Market Center area" includes:~~

~~(A) the Dallas Market Center, which is the area bounded by Motor Street on the northwest, Harry Hines Boulevard on the northeast, Oak Lawn Avenue on the southeast, and Irving Boulevard on the southwest; and~~

~~(B) all points located within 1,000 feet of the Dallas Market Center boundaries described in Paragraph (2)(A) of this subsection.~~

~~(3) "Extra passengers" means the total number of passengers, less one, riding in the same vehicle whether or not going to the same destination.~~

~~(4) "Traffic delay time" is that time, as set and determined by the meter, during which the vehicle is stopped in traffic or proceeding at a speed of less than 11.5 miles per hour due to traffic conditions.~~

~~(5) "Waiting time" may be charged only when a passenger or party requests a vehicle to wait and be held exclusively for the use of that passenger or party.~~

~~(6) Passengers in the same vehicle traveling between the same points must be considered as one trip, and a multiple fare may not be charged. The only extra charge permitted for additional passengers is the $2.00 allowed under Subsection (e) for each extra passenger.~~

~~(7) When passengers in the same vehicle have different destinations, the fare must be collected and the meter must be reset at each destination point, except when the vehicle is engaged by, and the fare for the entire trip is paid by, one passenger or party. The $2.00 charge for each extra passenger is permitted under this paragraph only when the fare for the entire trip is paid by one passenger or party or when more than one passenger disembarks at a single location.~~

~~(8) A passenger or party must reimburse the driver for all lawful tolls paid during the time of engagement only if the passenger or party was notified of the toll route beforehand by the driver and did not object to the toll route.~~

(g) Each driver of a hailable vehicle shall charge the rates of fare prescribed in Subsection (f) in accordance with the following terms and conditions:

(1) "Dallas Central Business District area" includes:

(A) the Dallas Central Business District, which is the area bounded by Woodall Rodgers Freeway on the north, Central Expressway on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west; and

(B) all points located within 1,000 feet of the Dallas Central Business District boundaries described in Paragraph (1)(A) of this subsection.

(2) "Dallas Market Center area" includes:

(A) the Dallas Market Center, which is the area bounded by Medical District Drive on the northwest, Harry Hines Boulevard on the northeast, Oak Lawn Avenue on the southeast, and Irving Boulevard on the southwest; and

(B) all points located within 1,000 feet of the Dallas Market Center boundaries described in Paragraph (2)(A) of this subsection.

(3) "Extra passengers" means the total number of passengers, less one, riding in the same vehicle whether or not going to the same destination.

(4) "Traffic delay time" is that time, as set and determined by the meter, during which the vehicle is stopped in traffic or proceeding at a speed of less than 11.5 miles per hour due to traffic conditions.

(5) "Waiting time" may be charged only when a passenger or party requests a vehicle to wait and be held exclusively for the use of that passenger or party.

(6) Passengers in the same vehicle traveling between the same points must be considered as one trip, and a multiple fare may not be charged. The only extra charge permitted for additional passengers is the $2.00 allowed under Subsection (e) for each extra passenger.

(7) When passengers in the same vehicle have different destinations, the fare must be collected and the meter must be reset at each destination point, except when the vehicle is engaged by, and the fare for the entire trip is paid by, one passenger or party. The $2.00 charge for each extra passenger is permitted under this paragraph only when the fare for the entire trip is paid by one passenger or party or when more than one passenger disembarks at a single location.

(8) A passenger or party must reimburse the driver for all lawful tolls paid during the time of engagement only if the passenger or party was notified of the toll route beforehand by the driver and did not object to the toll route.

(9) Flat rate fares provided in Subsection (f) of this section, as amended, shall include all fares described in this section, except for the extra passenger fare, also as described in this section.

~~(h) The director shall periodically review the hailable vehicle rates of fare and, after receiving input from operators and drivers of hailable vehicles, recommend any change to the city council. The city council shall hold a public hearing to consider the proposed change in rates of fare. After the hearing, the city council may approve, disapprove, or modify the proposed change.~~

~~(i) Nothing in this section prohibits a hailable vehicle from being operated for a discounted rate or charge.~~

(h) The director shall periodically review the hailable vehicle rates of fare and, after receiving input from operators and drivers of hailable vehicles, recommend any change to the city council. The city council shall hold a public hearing to consider the proposed change in rates of fare. After the hearing, the city council may approve, disapprove, or modify the proposed change.

(i) Nothing in this section prohibits a hailable vehicle from being operated for a discounted rate or charge. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

SEC. 47A-2.4.9. ADDITIONAL REQUIREMENTS FOR HAILABLE VEHICLES.

(a) All hailable vehicles must:

(1) have a roof mounted top light that illuminates when the vehicle is in service but not available to be hailed; and

(2) display the following information on at least one door on each side of the vehicle:

(A) the name of the operating authority under which the vehicle is currently operating,

(B) the vehicle permit number, and

(C) the fare rate.

(b) The size and format of the information required by this section must be approved by the director.

(c) If a hailable vehicle is neither engaged in service nor available to be hailed, the driver must place a sign in the front window on the right side of the vehicle with the words "NOT FOR HIRE" printed in letters not less than 3" in height with a stroke of not less than 3/8". (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.10. GOUGING PROHIBITED.

Drivers and operating authorities may not knowingly or intentionally quote, charge, or attempt to charge a fare higher than the fare calculated based on the operating authority's published rates or the rates allowed by this chapter for hailable vehicles, whichever is applicable. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.11. SMARTWAY CERTIFIED VEHICLES.

(a) SmartWay certified hailable transporta-tion-for-hire vehicles that are 2011 model year or newer, authorized to operate at Love Field, will be eligible to advance to the front of the airport's holding or dispatch areas. "Head-of-the-line" privileges do not apply at stands used for loading passengers at the airports.

(b) A hailable compressed natural gas vehicle that is not SmartWay Certified but is in service and eligible for head-of-the-line privileges up to the effective date of this ordinance will continue to be eligible for head-of-the-line privileges until the expiration of seven (7) calendar years from the model year of the vehicle provided that the vehicle meets and continues to meet all other requirements of this chapter. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.12. SOLICITATION OF PASSENGERS BY BUSINESS ESTABLISHMENTS.

(a) An employee of a business establishment, other than an operating authority, who acts as an agent in obtaining transportation-for-hire service for prospective passengers shall not:

(1) solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver; or

(2) interfere with the orderly progression of transportation-for-hire vehicles from the rear to the front of a queue.

(b) Business establishments or their agents may not require guests to use a specific transportation-for-hire operating authority, driver, or vehicle.

(c) Drivers may not pay an employee of a business establishment to solicit passengers or to give preferential treatment in directing passengers to that driver. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.4.13. DRIVER AVAILABILITY LOG.

(a) An operating authority that employs contingent primary liability coverage to meet the insurance requirements of Section 47A-2.5.2 shall maintain a real time record that demonstrates each

date and time that a driver providing transportation-for-hire services under that operating authority has, in the manner prescribed by the operating authority, signaled to the operating authority that the driver:

(1) is available to accept a ride request;

(2) has accepted a ride request; and

(3) has completed a requested ride.

(b) The operating authority shall retain the record required by Subsection (a) for a minimum of ninety (90) days after the record is made, and shall make the records available for inspection by the director upon reasonable notice. (Ord. 29596~~, eff. 4/30/15~~)

DIVISION 5.

INSURANCE.

SEC. 47A-2.5.1. INSURANCE POLICY REQUIREMENTS AND PROHIBITIONS.

(a) An operating authority shall procure and keep in full force and effect no less than the insurance coverage required by this article through a policy or policies written by an insurance company that:

(1) is listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibitions described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a transportation-for-hire vehicle when driven by any authorized driver.

~~(c) Insurance required under this article must:~~

~~(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling (for a reason other than non-payment) or making a material change to the insurance policy;~~

~~(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before canceling for non-payment;~~

~~(3) cover all transportation-for-hire vehicles during all times that the vehicles are operating in furtherance of the operating authority's business, whether the vehicles are owned, non-owned, hired, rented, or leased by the operating authority, and whether the vehicles are or are not listed on a schedule of vehicles provided to the insurance company;~~

~~(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;~~

~~(5) require notice to the city of Dallas if the policy is cancelled or materially changed; and~~

~~(6) comply with all applicable federal, state, or local laws.~~

(c) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) cover all transportation-for-hire vehicles during all times that the vehicles are operating in furtherance of the operating authority's business, whether the vehicles are owned, non-owned, hired, rented, or leased by the operating authority, and whether the vehicles are or are not listed on a schedule of vehicles provided to the insurance company;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the city of Dallas if the policy is cancelled or if there is a reduction in coverage; and

(6) comply with all applicable federal, state, or local laws.

(d) A driver must keep proof of any and all liability insurance policies applicable to the driver or vehicle in the vehicle while the driver is providing transportation-for-hire services.

(e) No person who has a 20 percent or greater ownership interest in the operating authority may have any interest in the insurance company.

(f) The operating authority may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within forty-five (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. 29596~~, eff. 4/30/15~~; 30180)

SEC. 47A-2.5.2. MINIMUM INSURANCE LIMITS.

(a) Insurance policy limits for motorized transportation-for-hire vehicles. At a minimum, the liability coverage for motorized transportation-for-hire vehicles must be provided as follows:

(1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of $50,000 per person, $100,000 per occurrence for bodily injury and $25,000 in property damage; and

(2) From the time a driver accepts a ride request, either by being physically hailed or dispatched, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for injury and property damage arising out of or caused by the operation of the vehicle in the following amounts:

For vehicles with a manufacturer's rated seating capacity of 1-8 passengers	$500,000
For vehicles with a manufacturer's rated seating capacity of 9 or more passengers	$1,000,000.

~~(b) Insurance policy limits for non-motorized passenger transport vehicles. The commercial general liability insurance for non-motorized passenger transport vehicles must provide combined single limits of liability for bodily injury and property damage of not less than $500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of $5,000 per person. Aggregate limits of liability are prohibited.~~

(b) Insurance policy limits for non-motorized passenger transport vehicles. The commercial general liability insurance for non-motorized passenger transport vehicles must provide combined single limits of liability for bodily injury and property damage of not less than $500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of $5,000 per person. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30180)

ARTICLE III.

REGULATIONS SPECIFIC TO NON-MOTORIZED PASSENGER TRANSPORT VEHICLES.

SEC. 47A-3.1. ROUTE.

Transportation-for-hire service offered by non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the director. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-3.2. REQUIREMENTS FOR HORSES IN SERVICE.

(a) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish the director with:

(1) a state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

(b) A horse used in a non-motorized passenger transport service must:

(1) be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "eazy" type boot may be used to finish the scheduled work day;

(2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(4) be offered not less than five gallons of drinking water at least every two hours;

(5) have at least a 10-minute rest period after every 50 minutes worked;

(6) not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;

(7) have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;

(8) be properly cleaned with no offensive odors or caked dirt or mud;

(9) wear a special sanitary device for containing animal excrement;

(10) not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 150, as measured by the National Weather Service at Love Field; and

(11) be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the director.

~~(c) The director, or a designated representative of the city department of code compliance, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.~~

(c) The director, or a designated representative of the department, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.

(d) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.

(e) An operating authority and driver shall use a trailer to transport a horse to a job location in the city that is more than three miles from the location where the horse is stabled.

(f) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the director. (Ord. Nos. 29596~~, eff. 4/30/15~~; 30240)

SEC. 47A-3.3. REQUIRED EQUIPMENT.

(a) An operating authority shall maintain for

(2) tail-lights;

(3) flashing lights;

(4) a braking system approved by the director;

(5) rubber on all wheels;

(6) a "slow moving vehicle" sign attached to the rear of the vehicle;

(7) evidence of insurance required by Division 5 of Article II of this chapter;

(8) the company name and a unit number conspicuously located on the rear of the vehicle in letters not less than two inches high;

(9) a vehicle permit or temporary permit placed in a manner and location approved by the director;

(10) any other equipment required to comply with all applicable federal and state laws; and

(11) any other special equipment that the director determines to be necessary for the service to be operated.

(b) An operating authority and driver shall, at all times, keep each non-motorized passenger transport vehicle clean and free of refuse and in safe operating condition.

(c) A non-motorized passenger transport vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles, and supporting structures of each vehicle must be intact. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-3.4. APPLICATION FOR OPERATING AUTHORITY.

In addition to the information required by Section 47A-2.1.2 of this chapter, to obtain an operating authority permit for transportation-for-hire service offered by non-motorized passenger transport vehicles, the verified application statement filed with the director must include:

(1) the number of horses the applicant proposes to use in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and

(2) the proposed routes to be offered. (Ord. 29596~~, eff. 4/30/15~~)

ARTICLE IV.

ENFORCEMENT.

SEC. 47A-4.1. RESPONSIBILITY FOR ENFORCEMENT.

(a) The director may, with or without notice, inspect any transportation-for-hire vehicle operating under this chapter to determine whether the vehicle complies with this chapter, rules and regulations established under this chapter, or other applicable law.

(b) The director shall enforce this chapter with the assistance of the police department. A police officer upon observing a violation of this chapter or the rules or regulations established by the director, shall take necessary enforcement action to ensure effective regulations of transportation-for-hire service. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.2. REMOVAL OF EVIDENCE OF AUTHORIZATION.

Whenever an operating authority permit, driver permit, or vehicle permit is suspended, revoked, or renewal denied, the director may remove or require the surrender of all evidence of authorization as an operating authority, driver, or transportation-for-hire vehicle, including, but not limited to, removal or surrender of operating authority, permits, decals, and signage. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.3. TOWING AND IMPOUNDING.

A vehicle shall be towed and impounded if determined by the director or any peace officer to be operating as a transportation-for-hire vehicle without:

(1) the operating authority required by this chapter,

(2) a driver permit required by this chapter,

(3) a vehicle permit required by this chapter, or

(4) the insurance required by this chapter. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.4. CORRECTION ORDER.

(a) If the director determines that an operating authority or driver is violating or has violated this chapter, terms of its permit, a rule or regulation established by the director, or other law, the director may notify the operating authority or driver in writing of the violation and by written order direct the operating authority or driver to correct the violation within a reasonable 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 nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the operating authority or driver to immediately cease use of the equipment.

(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the operating authority or driver to correct the violation immediately, and, if the operating authority or driver fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.

(c) The director shall include in a notice issued under this subsection an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of the permit or imposition of a fine or both, and a statement indicating that the order may be appealed. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.5. SERVICE OF NOTICE.

(a) An operating authority shall designate and maintain a representative to receive service of notice required under this chapter to be given an operating authority and to serve notice required under this chapter.

(b) Notice required under this chapter to be given to:

(1) an operating authority must be personally served by the director on the operating authority or the operating authority's designated representative; or

(2) a driver must be personally served or sent by certified United States Mail, return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.

(c) Notice required under this chapter to be given to a person other than an operating authority or driver may be served in the manner prescribed by Subsection (b)(2).

(d) Service executed in accordance with this subsection constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is three days after the date of mailing. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.6. APPEAL OF CORRECTION ORDER.

The holder of a permit issued under this section may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-4.7. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this chapter, or a rule or regulation established by the director under this chapter, that is applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. 29596~~, eff. 4/30/15~~)

tow service, including names, dates of birth, state driver's license numbers, social security numbers, and wrecker driver's permit numbers;

(6) a copy of a written agreement, if one exists, between the vehicle tow service and each vehicle storage facility used by the tow service, other than its own, and proof that each vehicle storage facility used is currently licensed under the Texas Vehicle Storage Facility Act;

(7) a list of what methods of payment the applicant will accept from a vehicle owner for vehicle tow service;

(8) any other information deemed necessary by the director; and

~~(9) a nonrefundable application processing fee of $250.~~

(9) a nonrefundable application processing fee of $135.

(c) A person desiring to engage in vehicle tow service shall register with the director a trade name that clearly differentiates the person's company from all other companies engaging in vehicle tow service and shall use no other trade name for the vehicle tow service. (Ord. Nos. 19099; 21435; 24175; 27695; 30215)

SEC. 48A-7. LICENSE QUALIFICATIONS.

(a) To qualify for a vehicle tow service license, an applicant must:

(1) be at least 19 years of age;

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

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

(4) not have been convicted of a crime:

(A) involving:

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

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

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

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

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

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

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

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

(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle tow service;

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

(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or

the evidence required to determine present fitness under Subsection (b) of this section.

(d) A licensee shall maintain a permanent and established place of business at a location within the city where a vehicle tow service is not prohibited by the Dallas Development Code. A licensee shall use only vehicle storage facilities located within the city where a vehicle storage facility is not prohibited by the Dallas Development Code.

(e) A licensee shall use employees only to provide vehicle tow service; except, that vehicle tow services licensed under this article may subcontract with each other to provide tow service. (Ord. Nos. 19099; 21282; 21435; 24175)

SEC. 48A-8. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

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

(b) A license issued to a vehicle tow service authorizes the licensee and any bona fide employee to engage in vehicle tow service.

~~(c) The annual fee for a vehicle tow service license is $1,650, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a vehicle tow service license is $362, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A vehicle tow service license issued pursuant to this article must be conspicuously displayed in the vehicle tow service establishment.

(e) A vehicle tow service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) A vehicle tow service license expires June 30 of each year and may be renewed by applying in accordance with Section 48A-6. Application for renewal must be made not less than 30 days or more than 60 days before expiration of the license and must be accompanied by the annual license fee. (Ord. Nos. 19099; 19300; 21435; 24175; 30215)

SEC. 48A-9. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a vehicle tow service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this chapter or has had a vehicle tow service license revoked within two years prior to the date of application;

(3) uses a trade name for the vehicle tow service other than the one registered with the director;

(4) is not qualified under Section 48A-7 of this article;

(5) uses a subcontractor to provide vehicle tow service, unless the use of the subcontractor is authorized pursuant to Section 48A-7(e) of this chapter; or

(6) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform vehicle tow service.

(b) If the director determines that a license should be denied the applicant or licensee, the director

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

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

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

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

(11) be sanitary and well-groomed in dress and person;

(12) be employed by the licensee; and

(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a wrecker driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a wrecker driver. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 48A-19 of this article. (Ord. Nos. 21435; 24175)

SEC. 48A-14. APPLICATION FOR WRECKER DRIVER'S PERMIT; FEE.

~~To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $15. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $32. The director shall require each application to state such information as the director

reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21435; 24175; 27695; 30215)

whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the wrecker driver's permit to the director. (Ord. Nos. 21435; 24175)

SEC. 48A-18. PROVISIONAL PERMIT.

(a) The director may issue a provisional wrecker driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a wrecker driver's permit.

(b) A provisional wrecker driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a wrecker driver's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a wrecker driver's permit. (Ord. Nos. 21435; 24175)

SEC. 48A-19. PROBATIONARY PERMIT.

(a) The director may issue a probationary wrecker driver's permit to an applicant who is not qualified for a wrecker driver's permit under Section 48A-13 if the applicant:

(1) could qualify under Section 48A-13 for a wrecker driver's permit within one year from the date of application;

(2) holds a valid state driver's license or occupational driver's license; and

(3) is determined by the director, using the criteria listed in Section 48A-13(b) of this article, to be presently fit to engage in the occupation of a wrecker driver.

(b) A probationary wrecker driver's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary wrecker driver's permit as the director determines are necessary. (Ord. Nos. 21435; 24175)

SEC. 48A-20. DUPLICATE PERMIT.

~~If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $15.~~

If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $16. (Ord. Nos. 21435; 24175; 27695; 30215)

SEC. 48A-21. DISPLAY OF PERMIT.

A wrecker driver shall at all times conspicuously display a wrecker driver's permit on the clothing of the driver's upper body. A wrecker driver shall allow the director or a peace officer to examine the wrecker driver's permit upon request. (Ord. Nos. 21435; 24175)

SEC. 48A-22. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this chapter determines that a permittee has failed to comply with this chapter (except Section 48A-13) or a regulation established under this chapter, the representative may suspend the wrecker driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.

(b) A suspension under this section may be appealed to the director or the director's assistant if the permittee requests an appeal at the time the representative serves notice of suspension or within 10 days after the notice of suspension is served. When an appeal is requested, the suspension may not take effect

(A) has been subcontracted from another licensee pursuant to Section 48A-7(e) of this chapter; and

(B) is covered by insurance of the other licensee that meets the requirements of this chapter and that includes coverage for use of the vehicle by subcontractors; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.

(h) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle tow service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated.~~

(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle tow service while a license is suspended under this section whether or not the action is appealed. A $105 fee must be paid before a license suspended under this section will be reinstated.

(j) No person with any direct or indirect ownership interest in the licensee's vehicle tow service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the vehicle tow service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to

control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 19099; 21435; 23106; 24175; 25215; 30215)

SEC. 48A-30. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

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

(1) a current consolidated list of vehicles;

(2) a current financial statement that includes a balance sheet and income statement;

(3) names of current officers, owners, and managers; and

(4) a list of current drivers employed by the licensee, with their wrecker driver's permits indicated. (Ord. Nos. 21435; 24175)

SEC. 48A-31. VEHICLE TOW SERVICE RECORDS.

For each vehicle towed by a vehicle tow service, a licensee shall retain any record required pursuant to this chapter, including, but not limited to, towing agreements, photographs, written authorizations for removal, and wrecker slips or tickets, for not less than one year from the date of removal of the vehicle. The licensee shall make the vehicle tow service records available for inspection by the director upon reasonable notice and request. (Ord. Nos. 19099; 21435; 24175)

SEC. 48A-32. FAILURE TO PAY AD VALOREM TAXES.

A licensee or an applicant for a vehicle tow service license shall not allow the payment of ad

(2) The number and type of boots utilized by the vehicle immobilization service, including the make, model, and identification number.

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

(4) A statement attesting that each boot and other vehicle immobilization equipment used by the vehicle immobilization service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes.

(5) A list, to be kept current, of the owners and management personnel of the vehicle immobilization service, and of all employees who will participate in vehicle immobilization service, including names, dates of birth, state driver's license numbers, social security numbers, and vehicle immobilization operator's permit numbers.

(6) A list of what methods of payment the applicant will accept from a vehicle owner or operator for removal of a boot.

(7) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the vehicle immobilization service business.

(8) Any other information deemed necessary by the director.

~~(9) A nonrefundable application processing fee of $50.~~

(9) A nonrefundable application processing fee of $96.

(c) A person desiring to engage in vehicle immobilization service shall register with the director a trade name that clearly differentiates the person's company from all other companies engaging in vehicle immobilization service and shall use no other trade name for the vehicle immobilization service. (Ord. Nos. 27629~~, eff. 10-1-09~~; 30215)

SEC. 48C-7. LICENSE QUALIFICATIONS.

(a) To qualify for a vehicle immobilization service license, an applicant must:

(1) be at least 19 years of age;

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

(3) be able to communicate in the English language;

(4) not have been convicted of a crime:

(A) involving:

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

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

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

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

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

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

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

(4) the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;

(5) evidence of the applicant's, or employee's, rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's, or employee's, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

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

(d) A licensee shall maintain a permanent and established place of business at a location within the city where a vehicle immobilization service is not prohibited by the Dallas Development Code. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-8. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

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

(b) A license issued to a vehicle immobilization service authorizes the licensee and any bona fide employee to engage in vehicle immobilization service.

~~(c) The annual fee for a vehicle immobilization service license is $900, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a vehicle immobilization service license is $557, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $13. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A vehicle immobilization service license issued pursuant to this article must be conspicuously displayed in the vehicle immobilization service establishment.

(e) A vehicle immobilization service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) A vehicle immobilization service license expires June 30 of each year and may be renewed by applying in accordance with Section 48C-6. Application for renewal must be made not less than 30 days or more than 60 days before expiration of the license and must be accompanied by the annual license fee. (Ord. Nos. 27629~~, eff. 10-1-09~~; 30215)

SEC. 48C-9. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a vehicle immobilization service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this chapter or has had a vehicle immobilization service license revoked within two years prior to the date of application;

(3) uses a trade name for the vehicle immobilization service other than the one registered with the director;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 48C-20 of this article. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-15. APPLICATION FOR VEHICLE IMMOBILIZATION OPERATOR'S PERMIT; FEE.

~~To obtain a vehicle immobilization operator's permit, or renewal of a vehicle immobilization operator's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $10. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a vehicle immobilization operator's permit, or renewal of a vehicle immobilization operator's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $56. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 27629~~, eff. 10-1-09~~; 30215)

SEC. 48C-16. INVESTIGATION OF APPLICATION.

(a) The director shall obtain a current official criminal history report (issued by the Texas

Department of Public Safety within the preceding 12 months) on each applicant to determine the applicant's qualification under Section 48C-14. The director shall obtain a list of any warrants of arrest for the applicant that might be outstanding.

(b) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a vehicle immobilization operator's permit is qualified.

(c) The director shall provide the applicant, upon written request, a copy of all materials contained in the applicant's file to the extent allowed under the Public Information Act (Chapter 552, Texas Government Code), as amended. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-17. ISSUANCE AND DENIAL OF VEHICLE IMMOBILIZATION OPERATOR'S PERMIT.

(a) The director shall issue a vehicle immobilization operator's permit to an applicant, unless the director determines that the applicant is not qualified.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for a felony offense involving a crime described in Section 48C-14(a)(4)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses.

(c) The director shall deny the application for a vehicle immobilization operator's permit if the applicant:

(1) is not qualified under Section 48C-14; or

(2) intentionally or knowingly makes a false statement of a material fact in an application for a vehicle immobilization operator's permit.

(d) If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant of the right to, and process for, appeal of the decision. (Ord. 27629, eff. 10-1-09)

SEC. 48C-18. EXPIRATION OF VEHICLE IMMOBILIZATION OPERATOR'S PERMIT.

Except in the case of a probationary or provisional permit, a vehicle immobilization operator's permit expires one year after the date of issuance. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-19. PROVISIONAL PERMIT.

(a) The director may issue a provisional vehicle immobilization operator's permit if the director determines that it is necessary pending completion of investigation of an applicant for a vehicle immobilization operator's permit.

(b) A provisional vehicle immobilization operator's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a vehicle immobilization operator's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a vehicle immobilization operator's permit. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-20. PROBATIONARY PERMIT.

(a) The director may issue a probationary vehicle immobilization operator's permit to an applicant who is not qualified for a vehicle immobilization operator's permit under Section 48C-14 if the applicant:

(1) could qualify under Section 48C-14 for a vehicle immobilization operator's permit within one year after the date of application; and

(2) is determined by the director, using the criteria listed in Section 48C-14(b) of this article, to be presently fit to engage in the occupation of a vehicle immobilization operator.

(b) A probationary vehicle immobilization operator's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary vehicle immobilization operator's permit as the director determines are necessary. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-21. DUPLICATE PERMIT.

~~If a vehicle immobilization operator's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $10.~~

If a vehicle immobilization operator's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $14. (Ord. Nos. 27629~~, eff. 10-1-09~~; 30215)

SEC. 48C-22. DISPLAY OF PERMIT.

A vehicle immobilization operator shall at all times conspicuously display a vehicle immobilization operator's permit on the clothing of the driver's upper body. A vehicle immobilization operator shall allow the director or a peace officer to examine the vehicle immobilization operator's permit upon request. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-23. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this chapter

of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 27629~~, eff. 10-1-09~~)

ARTICLE IV.

MISCELLANEOUS LICENSEE AND OPERATOR REGULATIONS.

SEC. 48C-28. LICENSEE'S AND OPERATOR'S DUTY TO COMPLY.

(a) Licensee. In the operation of a vehicle immobilization service, a licensee shall comply with the terms and conditions of the vehicle immobilization service license and, except to the extent expressly provided otherwise by the license, shall comply with this chapter, rules and regulations established under this chapter, and other law applicable to the operation of a vehicle immobilization service.

(b) Operator. While on duty, a vehicle immobilization operator shall comply with this chapter, regulations established under this chapter, and orders issued by the licensee employing the vehicle immobilization operator in connection with the licensee's discharging of its duty under its vehicle immobilization service license and this chapter. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-29. LICENSEE'S DUTY TO ENFORCE COMPLIANCE BY OPERATORS.

(a) A licensee shall establish policy and take action to discourage, prevent, or correct violations of this chapter by vehicle immobilization operators who are employed by the licensee.

(b) A licensee shall not permit a vehicle immobilization operator who is employed by the licensee to immobilize a vehicle if the licensee knows or has reasonable cause to suspect that the operator has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law. (Ord. 27629~~, eff. 10-1-09~~)

SEC. 48C-30. INSURANCE.

(a) A licensee shall procure and keep in full force and effect commercial general liability and business automobile liability insurance written by an insurance company that:

(1) is approved, licensed, or authorized by the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership/ operational control prohibition described in Subsection (i) of this section.

(b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city and its officers and employees as additional insureds. The coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a vehicle immobilization service by the licensee, including but not limited to damage to an immobilized vehicle caused directly or indirectly by improper installation or removal of a boot.

(c) The commercial general liability insurance must be on a broad form and must provide coverage for, but is not limited to, premises/operations and personal and advertising injury with minimum

combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and a general aggregate limit of not less than $1,000,000 for all occurrences for each policy year.

(d) The business automobile liability insurance must provide a combined single limit of liability for bodily injury (including death) and property damage of not less than $500,000 for each occurrence for each vehicle owned, hired, or otherwise used in the vehicle immobilization service by the licensee or the licensee's employees.

(e) Insurance required by this section may be obtained from an assigned risk pool if:

(1) all of the policies and coverages are managed by one agent; and

(2) one certificate of insurance is issued to the city.

(f) The insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;

(2) a provision to cover all boots and other immobilization equipment, whether owned or not owned by the licensee, that are operated under the license; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle immobilization service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated.~~

(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle immobilization service while a license is suspended under this section whether or not the action is appealed. A $52 fee must be paid before a license suspended under this section will be reinstated.

(i) No person with any direct or indirect ownership interest in the licensee's vehicle immobilization service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the vehicle immobilization service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 27629~~, eff. 10-1-09~~; 30215)

SEC. 48C-31. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

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

(1) A current consolidated list of vehicle immobilization equipment.

(2) A current financial statement that includes a balance sheet and income statement.

(3) Names of current officers, owners, and

(2) a wholesale service contract involving a governmental entity;

(3) a contract by which the city receives water or wastewater service; and

(4) any service contract otherwise required by state law, city charter, or other provisions of this chapter, to be approved by city council.

(b) Consideration. The consideration received by the city for a service contract must be based on the rates prescribed in this chapter. However, the city council may approve a special-rate contract for wholesale water or wastewater service where it determines rates in this chapter to be discriminatory or unreasonable under the circumstances. (Ord. 19201)

SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

(1) a customer charge; and

(2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

(1) Water Service Customer Charges.

~~METER SIZE~~	~~RATE PER METER~~
~~5/8-inch meter~~	~~$5.12~~
~~3/4-inch meter~~	~~7.07~~
~~1-inch meter~~	~~10.28~~
~~1-1/2-inch meter~~	~~19.14~~
~~2-inch meter~~	~~31.14~~
~~3-inch meter~~	~~72.93~~
~~4-inch meter~~	~~121.17~~
~~6-inch meter~~	~~240.61~~
~~8-inch meter~~	~~400.50~~
~~10-inch meter or larger~~	~~614.98~~

METER SIZE	RATE PER METER
5/8-inch meter	$5.25
3/4-inch meter	7.26
1-inch meter	10.56
1-1/2-inch meter	19.66
2-inch meter	31.98
3-inch meter	74.90
4-inch meter	124.44
6-inch meter	247.11
8-inch meter	411.31
10-inch meter or larger	631.58

(2) Usage Charge—Rate Per 1,000 Gallons.

	~~TYPE OF USAGE~~	
~~(A)~~	~~Residential:~~	
	~~(i) Up to 4,000 gallons~~	~~$1.87~~
	~~(ii) 4,001 to 10,000 gallons~~	~~4.13~~
	~~(iii) 10,001 to 15,000 gallons~~	~~5.81~~
	~~(iv) Above 15,000 gallons~~	~~8.20~~
~~(B)~~	~~General service:~~	
	~~(i) Up to 10,000 gallons~~	~~3.47~~
	~~(ii) Above 10,000 gallons~~	~~3.71~~
	~~(iii) Above 10,000 gallons and 1.4 times annual average monthly usage~~	~~5.63~~

		TYPE OF USAGE	
(A)	Residential:		
	(i)	Up to 4,000 gallons	$1.90
	(ii)	4,001 to 10,000 gallons	4.25
	(iii)	10,001 to 15,000 gallons	6.03
	(iv)	Above 15,000 gallons	8.55
(B)	General service:		
	(i)	Up to 10,000 gallons	3.65
	(ii)	Above 10,000 gallons	3.91
	(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	5.94

(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer's premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

~~(1) The customer must agree to pay each year:~~

~~(A) the monthly customer charge provided in Subsection (c);~~

~~(B) $2,135.27 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~(C) $2.95 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

(1) The customer must agree to pay each year:

(A) the monthly customer charge provided in Subsection (c);

(B) $2,192.92 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) $3.03 per 1,000 gallons used in excess of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer's maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer's usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

~~(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:~~

~~(1) an estimated amount of normal water usage for the period at the regular rate;~~

~~(2) the excess water usage caused by the hidden leak at the following applicable rate:~~

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

~~TYPE OF USAGE~~		~~RATE PER 1,000 GALLONS~~
~~(A)~~	~~Residential~~	~~$1.87~~
~~(B)~~	~~General service~~	~~3.47~~
~~(C)~~	~~Optional general service~~	~~2.95~~
~~(D)~~	~~Municipal service~~	~~2.38~~

	TYPE OF USAGE	RATE PER 1,000 GALLONS
(A)	Residential	$1.90
(B)	General service	3.65
(C)	Optional general service	3.03
(D)	Municipal service	2.42

and

~~(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.~~

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

~~(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.38 per 1,000 gallons of water used.~~

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.42 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 24744; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879~~, eff. 10/1/15~~; 30215)

SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

~~(a) Form of rate. The monthly rate for wastewater service to a customer consists of:~~

~~(1) a customer charge;~~

~~(2) a usage charge; and~~

~~(3) a surcharge for excessive concentration of wastes, if applicable.~~

~~(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.~~

~~(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:~~

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

(1) a customer charge;

(2) a usage charge; and

(3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

Wastewater Service Charges.

(1) Monthly customer charges

~~METER SIZE~~	~~RATE PER METER~~
~~5/8-inch meter~~	~~$4.58~~
~~3/4-inch meter~~	~~6.27~~
~~1-inch meter~~	~~9.10~~
~~1-1/2-inch meter~~	~~17.52~~
~~2-inch meter~~	~~27.60~~
~~3-inch meter~~	~~66.72~~
~~4-inch meter~~	~~106.68~~
~~6-inch meter~~	~~209.97~~
~~8-inch meter~~	~~350.51~~
~~10-inch meter or larger~~	~~550.72~~

METER SIZE	RATE PER METER
5/8-inch meter	$4.70
3/4-inch meter	6.44
1-inch meter	9.35
1-1/2-inch meter	17.99
2-inch meter	28.35
3-inch meter	68.52
4-inch meter	109.56
6-inch meter	215.64
8-inch meter	359.97
10-inch meter or larger	565.59

~~(2) Monthly residential usage charge: $5.20 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month~~

~~(3) Monthly general service usage charge: $3.95 per 1,000 gallons of water used~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: $3.56 per 1,000 gallons of water used~~

~~(5) Monthly general service usage charge for wastewater separately metered: $3.65 per 1,000 gallons of wastewater discharged~~

~~(6) Monthly surcharge for excessive concentrations of waste: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter~~

(2) Monthly residential usage charge: $5.31 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.

(3) Monthly general service usage charge: $4.08 per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: $3.65 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: $3.73 per 1,000 gallons of wastewater discharged.

(6) Monthly surcharge for excessive concentrations of waste: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

~~(7) Monthly surcharge for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter~~

(7) Monthly surcharge for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

~~(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).~~

~~(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of $10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.~~

~~(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.58 per 1,000 gallons of water used.~~

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of $10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.58 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879~~, eff. 10/1/15~~; 30215)

SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of $40.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

(c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. (Ord. Nos. 19201; 21430; 25385; 26961; 28795)

SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

(1) a volume charge and a demand charge; or

(2) a flat rate charge.

~~(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:~~

~~(1) The volume charge for treated water is $0.4305 per 1,000 gallons of water used, and the annual water year demand charge is $243,453 per each mgd, as established by the highest rate of flow controller setting.~~

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is $0.4416 per 1,000 gallons of water used, and the annual water year demand charge is $262,058 per each mgd, as established by the highest rate of flow controller setting.

~~(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is $1.9521 per 1,000 gallons of treated water used.~~

~~(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:~~

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is $2.0795 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

~~Size of Connection~~	~~Monthly Standby Fee~~
~~3-inch~~	~~$72.93~~
~~4-inch~~	~~121.17~~
~~6-inch~~	~~240.61~~
~~8-inch~~	~~400.50~~
~~10-inch or larger~~	~~614.98~~

Size of Connection	Monthly Standby Fee
3-inch	$74.90
4-inch	124.44
6-inch	247.11
8-inch	411.31
10-inch or larger	631.58

~~(4) The rate for regular untreated water service to a governmental entity is $0.8335 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4044 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is $0.9120 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4265 per 1,000 gallons of untreated water used.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

~~(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:~~

~~(1) The monthly rate for wholesale wastewater service is $2.2688 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.~~

~~(2) An infiltration and inflow adjustment factor of 11.3 percent will be added to the average~~

~~water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.~~

~~(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.~~

(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is $2.4647 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 11.4 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.

~~(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is $0.2994 per 1,000 gallons of water treated, and the annual water year demand charge is $43,640 per each mgd, as established by the maximum demand capacity set forth in the contract.~~

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is $0.3128 per 1,000 gallons of water treated, and the annual water year demand charge is $49,207 per each mgd, as established by the maximum demand capacity set forth in the contract. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20636; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879~~, eff. 10/1/15~~; 30215)

SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~(a) Regular rate. The charge for untreated water is $0.8335 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is $0.9120 per 1,000 gallons of water used.

~~(b) Interruptible rate. The charge for interruptible service is $0.4044 per 1,000 gallons of water used.~~

(b) Interruptible rate. The charge for interruptible service is $0.4265 per 1,000 gallons of water used.

(c) Reservoir supply permits. The director may authorize contracts with owners of property abutting

water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of $95.

(d) Commercial contracts for untreated water.

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

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of $385.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879~~, eff. 10/1/15~~; 30215)

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

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

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

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

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

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

(1)	For any backflow prevention device	$50.00 each
(2)	For each additional backflow prevention device inspected at the same site, same time	$45.00 each

(e) Exception. This section does not apply to a governmental entity that receives wholesale water or wastewater service. (Ord. Nos. 19201; 19300; 23289; 25049; 25385; 26135; 26479; 27355)

SEC. 49-18.7. SERVICE CONNECTION CHARGES.

~~(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:~~

(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:

(1) Water Service Installation Charges.

~~Connection Size~~	~~Fee~~
~~3/4 inch~~	~~$2,972.00~~
~~1 inch~~	~~$3,103.00~~
~~1 1/2 inch~~	~~$4,625.00~~
~~2 inch~~	~~$4,462.00~~

Connection Size	Fee
3/4-inch	$3,420.00
1-inch	$3,520.00
1 1/2-inch	$4,520.00
2-inch	$4,820.00

(2) Connecting Existing Water Service.

~~Connection Size~~	~~Fee~~
~~3/4 inch~~	~~$718.00~~
~~1 inch~~	~~$762.00~~
~~1 1/2 inch~~	~~$1,704.00~~
~~2 inch~~	~~$1,885.00~~
~~Up to 2-inch bullhead~~	~~$3,947.00~~

Connection Size	Fee
3/4-inch	$820.00
1-inch	$900.00
1 1/2-inch	$2,120.00
2-inch	$1,820.00
Up to 2-inch bullhead	$2,180.00

~~(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:~~

(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:

(1)	First wastewater service line installation and connection charge	~~$2,778.00~~ $3,000.00
(2)	For connecting existing wastewater service lines constructed by other persons	$475.00

(c) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial or other non-residential service establishment, the following rules apply:

(1) If the director does not require the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay the city an amount equal to the department's cost of constructing and installing the service connection. This amount is due prior to commencement of construction by the city.

(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of $275 and shall bear all

costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or wastewater service to the property connected.

(d) Special residential wastewater connections. The connection charge procedures described in Subsections (e) and (f) of this section will apply to a residential wastewater service application when:

(1) wastewater service to the premises requires a deep cut connection;

(2) the service will be connected to a wastewater main located in a specific purpose easement obtained by the city; or

(3) a customer requests an additional wastewater service line or relocation of an existing wastewater service line.

(e) Fees for special residential wastewater connections. The director will furnish an estimate of cost to an applicant for a special residential wastewater service connection as described in Subsection (d) of this section. The applicant must deposit the estimated amount before the director will issue a permit for the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge stated in Subsection (b). Should the final cost of the work exceed the amount deposited, the director will furnish the party or parties making the deposit a statement showing the amount of the excess. The statement will constitute notice that the excess amount is due. The director may refuse or discontinue service to the property until full payment has been made for the work performed. Upon completion of the work, if final cost is less than the amount of estimate or deposit, a refund of the amount of overpayment will be immediately made to the party or parties from whom the deposit was received.

(f) Alternatives to Subsection (e). As an alternative to the procedure of Subsection (e), an applicant for a special residential wastewater service connection may request, and the director may furnish, a price at which the city will install a connection at the premises where service is desired, without regard to the actual cost of the installation. The price will never be less than the flat charge stated in Subsection (b). If the applicant agrees to pay this price, then he shall make full payment of this price to the director before work is begun on the installation and no further adjustments will be made.

(g) What constitutes cost in Subsections (e) and (f). The flat rate charge and the estimate of cost of any special residential wastewater service connection shall include all costs incidental to making the installation of the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The department shall make the necessary pavement repairs.

(h) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879~~, eff. 10/1/15~~; 30215)

SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	$ 80.00
1-inch meter	$100.00
1 1/2-inch meter	$120.00
2-inch meter and larger	$160.00

(2) Standard deposit for other than residential service accounts. An amount is required sufficient to cover two times the average bill in the past 12 months for the location served. In the case of a new account, the deposit is two times the average estimated bill.

(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or $80, whichever is greater. This increase in deposit is in addition to other charges required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on bills to similar property for those months for which the information is unavailable or inapplicable.

(4) The director may require a higher security deposit, not to exceed three times the average bill at the location served or to be served, for any class of service, when the director determines that there is a substantial risk of financial loss to the department. (Ord. Nos. 19201; 25385)

SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

~~A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:~~

~~(1) a deposit of $1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;~~

~~(2) a monthly fire hydrant service charge of $72.93; and~~

~~(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).~~

A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of $1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of $74.90; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B). (Ord. Nos. 19201; 19300; 21430; 25385; 26135; 26961; 27698; 28025; 28426; 28795; 29150; 29479; 29879~~, eff. 10/1/15~~; 30215)

SEC. 49-18.10. SPECIAL ASSESSMENT RATES; LOT AND ACREAGE FEES.

(a) Special assessment rate. When a person owning benefited property is charged in accordance with Section 49-56(b), the following front foot rates will be applied:

(1) $6.00 per front foot of the lot or tract of land to which water service connections are made available, where the lot or tract benefits by the enhanced value due to an extension; and

(2) $6.00 per front foot of the lot or tract of land to which wastewater service connections are made available, where the lot or tract benefits by the enhanced value due to an extension.

must be protected in order to prevent access of insects, birds or other animals. The overflow pipe must be at least two inches in diameter larger than the supply line from the water system.

(5) A storage facility must be provided with a drain pipe and valve for easy discharge purposes. The drain pipe must not be connected to the wastewater system.

(h) Nonconforming systems. Any person modifying, changing or adding to his premises or his existing fire protection system must at that time come into compliance with the requirements of this section, if his fire protection system did not previously conform to the requirements of this section. (Ord. Nos. 19201; 19622; 20215)

SEC. 49-27. FIRE HYDRANTS.

~~(a) Permission to use. Fire hydrants are used in extinguishing fires and are to be opened only by authorized employees of the department and the city's fire department, department of street services, and department of sanitation services. Any other person who wishes to use a fire hydrant must seek written permission from the director under the following conditions:~~

~~(1) A person requesting use of a fire hydrant must make written application for a permit and must pay charges in accordance with Section 49-18.9.~~

~~(2) The permittee must:~~

~~(A) use a water meter furnished by the department;~~

~~(B) connect the meter directly to the fire hydrant and include in the connection an approved reduced pressure zone backflow prevention device provided by the department;~~

~~(C) make the meter readily available for reading by the department each month it is used; and~~

~~(D) return the meter immediately after finishing use of the hydrant or upon request of the director.~~

~~(3) If water is to be hauled from the hydrant, the permittee must display a decal issued by the department on each vehicle used in hauling water from the hydrant.~~

~~(4) A permittee authorized to open a fire hydrant must only use an approved spanner wrench and must replace the caps on the outlets when not in use.~~

(a) Permission to use. Fire hydrants are used in extinguishing fires and are to be opened only by authorized employees of the department and the city's fire department, department of mobility and street services, and department of sanitation services. Any other person who wishes to use a fire hydrant must seek written permission from the director under the following conditions:

(1) A person requesting use of a fire hydrant must make written application for a permit and must pay charges in accordance with Section 49-18.9.

(2) The permittee must:

(A) use a water meter furnished by the department;

(B) connect the meter directly to the fire hydrant and include in the connection an approved reduced pressure zone backflow prevention device provided by the department;

(C) make the meter readily available for reading by the department each month it is used; and

(D) return the meter immediately after finishing use of the hydrant or upon request of the director.

(3) If water is to be hauled from the hydrant, the permittee must display a decal issued by the department on each vehicle used in hauling water from the hydrant.

(4) A permittee authorized to open a fire

hydrant must only use an approved spanner wrench and must replace the caps on the outlets when not in use.

(b) Improper use. Failure to abide by the conditions of Subsection (a) is sufficient cause to prohibit further use of the fire hydrant and to refuse to grant subsequent permits for use of a fire hydrant. A person commits an offense if he knowingly:

(1) uses water from a fire hydrant without a permit from the director;

(2) violates Subsection (a)(2), (a)(3), or (a)(4) of this section or any of the terms and conditions of a permit granted under this section.

(c) Exceptions. This section does not apply to:

(1) a city employee engaged in work in an official capacity; or

(2) a person using water from a fire hydrant without charge for department construction work under Section 49-35. (Ord. Nos. 19201; 22026; 23694; 26479; 30239)

SEC. 49-28. WATER STORAGE TANKS AND PUMPING EQUIPMENT.

(a) Tanks supplied by water system. A water storage tank supplied solely by the water system must be satisfactorily built and covered to prevent the entrance of contamination. Every storage tank supplied solely by the water system must have an

Code Comparative Table

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
			27	Amends 17-9.2
			28	Amends 17-10.1
			29	Amends 17-10.2(i)(2)
			30	Deletes 17-10.2(c)(8)
			31	Amends 17-10.2(k)
			32	Amends 17-10.2(s)
			33	Amends 17-11.2
			34	Amends 17-12.1
			35	Amends 17-13.1
			36	Adds Ch. 17, Art. XIV, 17-14.1 thru 17-14.2
30135	6-22-16	10-1-16	1	Amends Ch. 16
30136	6-22-16		1	Adds 7A-2(14.1)
			2	Adds 7A-3.1
			3	Amends 31-40
30162	8-17-16	1-1-17	1	Amends Ch. 40A, 40A-1 thru 40A-35
30180	9-14-16		1	Amends 47A-1.4
			2	Amends 47A-1.6
			3	Amends 47A-2.1.2
			4	Amends 47A-2.1.8
			5	Amends 47A-2.2.1
			6	Amends 47A-2.3.2
			7	Amends 47A-2.3.3
			8	Amends 47A-2.3.5
			9	Amends 47A-2.4.8
			10	Amends 47A-2.5.1(c)
			11	Amends 47A-2.5.2(b)
30215	9-21-16	10-1-16	1	Retitles Ch. 2, Art. XXVIII
			2	Amends Ch. 2, Art. XXVIII, 2-167 thru 2-169
			3	Amends 15D-5(b)(1)
			4	Amends 15D-9(a)(13)
			5	Amends 15D-9.2(c)
			6	Amends 15D-9.10
			7	Amends 15D-9.16
			8	Amends 15D-9.31(c)
			9	Amends 15D-21(a)
			10	Amends 15D-23(c)
			11	Amends 15D-30
			12	Amends 15D-36
			13	Amends 15D-58(b)
			14 - 17	Amends Ch. 16
			18	Amends 18-9(c)

			19	Amends 18-11(b)(2)
			20	Amends 18-11(c)(5)
			21	Amends 48A-6(b)(9)
			22	Amends 48A-8(c)
			23	Amends 48A-14
			24	Amends 48A-20
			25	Amends 48A-29(i)
			26	Amends 48C-6(b)(9)
			27	Amends 48C-8(c)
			28	Amends 48C-15
			29	Amends 48C-21
			30	Amends 48C-30(h)
			31	Amends 49-18.1(c)
			32	Amends 49-18.1(f)(1)
			33	Amends 49-18.1(g)
			34	Amends 49-18.1(i)
			35	Amends 49-18.2
			36	Amends 49-18.4(b)
			37	Amends 49-18.4(e)
			38	Amends 49-18.4(f)
			39	Amends 49-18.5(a)
			40	Amends 49-18.5(b)
			41	Amends 49-18.7(a)
			42	Amends 49-18.7(b)
			43	Amends 49-18.9
30216	9-28-16		1	Amends 34-4(21)
			2	Retitles 34-17
			3	Retitles 34-19
			4	Amends 34-45(c)
30217	9-28-16		1	Amends 28-44
			2	Amends 28-50(c)
			3	Amends 28-60(b)
30236	9-28-16	1-1-17	1	Retitles Ch. 27
			2	Amends 27-3
			3	Amends 27-3.1
			4	Amends 27-4
			5	Amends 27-5
			6	Amends 27-11
			7	Amends 27-12
			8	Amends 27-15
			9	Amends 27-15.1
			10	Amends 27-16
		sec. 11: 9-28-16	11	Amends 27-16.3(b)
		sec. 12: 9-28-16	12	Amends 27-16.4(c)
		sec. 13: 9-28-16	13	Amends 27-16.8(d)
		sec. 14: 9-28-16	14	Amends 27-16.8(e)(4)
			15	Amends 27-16.13(a)
			16	Amends 27-16.14
			17	Amends 27-16.15
			18	Amends 27-16.16
			19	Amends 27-16.17(a)

			20	Amends 27-16.18
			21	Amends 27-16.19(e)
			22	Amends 27-16.19(f)
			23	Amends 27-16.20
			24	Amends 27-16.22
			25	Amends 27-16.23
			26	Amends 27-24
			27	Adds 27-27(e)
			28	Amends Ch. 27, Art. VII, 27-29 thru 27-44.1
			29	Repeals Ch. 27, Art. VIII, 27-45 thru 27-58
			30	Repeals Ch. 27, Art. IX, 27-59 thru 27-72
30239	9-28-16		1	Amends 2-44
			2	Amends Ch. 2, Art. V-c, 2-48 thru 2-49
			3	Amends 2-53
			4	Amends 2-139.1
			5	Amends 2-139.2
			6	Amends 28-24
			7	Amends 28-29
			8	Amends 28-194
			9	Amends 28-201(c)
			10	Amends 28-203(4)
			11	Amends 28-130.7(e)
			12	Amends 28-130.12(a)
			13	Amends 29A-5(c)
			14	Amends 30-2(8)
			15	Amends 36-45
			16	Amends 39-4(a)
			17	Amends 42A-7(c)
			18	Amends 43-63
			19	Amends 43-121(c)
			20	Amends 43-126.5(d)
			21	Amends 43-135(7)
			22	Amends 49-27(a)
30240	9-28-16		1	Amends 2-72
			2	Adds 5-3(d)
			3	Amends 47A-3.2(c)
30246	10-26-16		1	Amends 20A-2
			2	Amends 20A-3
			3	Amends 20A-4
			4	Adds 20A-4.1
			5	Amends 20A-5
			6	Amends 20A-7(c)
			7	Amends 20A-10(d)
30258	11-9-16	3-1-17	1	Amends 41-1
			2	Amends 41-2(a)
			3	Adds 41-2(f)

30391	3-22-17	7-1-17	1	Amends 2-37.9
			2	Amends 12A-1
			3	Adds 12A-1.1
			4	Adds 12A-1.2
			5	Amends 12A-2(12)
			6	Adds 12A-2(15.1)
			7	Adds 12A-2(16.1)
			8	Amends 12A-2(20)
			9	Amends 12A-2(22)
			10	Amends 12A-2(24)
			11	Amends 12A-3
			12	Retitles 12A-4
			13	Amends 12A-4(b)(4)(A)
			14	Amends 12A-4(c)
			15	Amends 12A-4(d)
			16	Amends 12A-5
			17	Adds 12A-5.1
			19	Amends 12A-7
			20	Amends 12A-9
			21	Amends 12A-10(a)
			22	Amends 12A-10(g)
			23	Amends 12A-11
			24	Amends 12A-12(b)
			25	Adds 12A-12(d)
			26	Adds 12A-12.1
			27	Amends 12A-13
			28	Amends 12A-15.1
			29	Amends 12A-15.3
			30	Amends 12A-15.4
			31	Amends 12A-15.8(g)
			32	Adds 12A-15.8(h)
			33	Amends 12A-15.9(b)
			34	Amends 12A-18
			35	Amends 12A-19(a)(1)
			36	Amends 12A-21(d)
			37	Repeals 12A-22
			38	Amends 12A-25(a)
			39	Amends 12A-25(c)(6)
			40	Adds 12A-25(d)
			41	Amends 12A-26
			42	Amends 12A-27(a)
			43	Amends 12A-28(a)
			44	Adds 12A-30(a)(5)
			45	Amends 12A-30(b)
			46	Adds 12A-35.1
			47	Amends 12A-37
			48	Adds 12A-37.1
			49	Adds 12A-38.1
			50	Adds 12A-41(c)
			51	Amends 12A-42(a)
			52	Adds 12A-42.1
			53	Adds 12A-44
			54	Adds 12A-45
			55	Amends 15A-1

56	Retitles Ch. 15A, Art. I-a
57	Amends 15A-7.1
58	Amends 15A-7.2
59	Adds Ch. 15A, Art. I-b, 15A-7.3 thru 15A-7.5

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~7/16~~ 4/17 Supplement current through
Ordinance ~~30043~~ 30257, passed ~~3-23-16~~ 10-26-16

AMERICAN LEGAL PUBLISHING CORPORATION

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

(4) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Designation of an existing sign as an extraordinarily significant sign	$600.00	200 feet

(e) Fees for creating or amending a voluntary deed restriction.

(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) The controller shall refund 35 percent of the filing fee to the applicant if the application is not forwarded to council after a public hearing by the commission.

(4) If a deed restriction amendment is submitted as part of an application for a change in a zoning district classification or boundary, the fee outlined in this subsection is not required.

(5) Fee schedule.

Type of Application	Application Fee
Creation of a voluntary deed restriction where the city is a party	$350.00
Amendment to a voluntary deed restriction where the city is a party	$900.00

(f) Fees for notification signs.

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

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

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

(4) There is no fee for a sign required under Section 51A-1.106(a)(4). The fee for all other notification signs required under Section 51A-1.106 is $10 for each sign.

(g) Fees for inspection of infrastructure improvements constructed under private development contracts.

(1) An inspection of infrastructure improvements constructed under a private development contract, as required under Section 51A-8.612, will not be performed until the fee has been paid.

(2) The owner of the property to be platted under a private development contract shall pay the inspection 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.

(3) Fee schedule.

Type of Inspection	Inspection Fee
~~The value of the proposed improvement is $12,500 or less~~	~~$600.00~~
~~The value of the proposed improvement is from $12,501 to $25,000~~	~~$1,000.00~~
~~The value of the proposed improvement is from $25,001 to $100,000~~	~~$1,000.00, plus $0.035 multiplied by the value of the improvement in excess of $25,001~~
The value of the proposed improvement is $25,000 or less	$500.00
The value of the proposed improvement is from $25,001 to $100,000	$500.00, plus $0.02 multiplied by the value of the improvement in excess of $25,001
The value of the proposed improvement is 100,001 or more	$2,000.00, plus $0.01 multiplied by the value of the improvements in excess of $100,001
~~The value of the proposed improvement is from $100,001 to $500,000~~	~~$3,625.00, plus $0.03 multiplied by the value of the improvements in excess of $100,001~~

~~The value of the proposed improvement is $500,001 to $1,000,000~~	~~$15,625.00, plus $0.025 multiplied by the value of the improvements in excess of $500,001~~
~~The value of the proposed improvement is $1,000,001 or more~~	~~$28,125.00, plus $0.02 multiplied by the value of the improvements in excess of $1,000,001~~

(h) Fees for letters of zoning verification.

(1) A letter of zoning verification will not be processed until the fee for the letter has been paid.

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

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

(4) The standard fee for a letter of zoning verification is $90 per letter. A minimum processing time of seven days is required after payment of the standard fee. If expedited processing is requested, a surcharge must be paid in accordance with the following schedule:

Processing Time	Surcharge
1 day	$25.00
2-3 days	$20.00
4-5 days	$15.00
6 days	$10.00

(5) A request for a letter of zoning verification must be made in writing. The maximum area for which a letter of zoning verification may be requested is one city block. If the area for which zoning verification is requested cannot be clearly defined by lot and block number, the applicant must furnish a plat with the request.

~~(i) Fees for development impact review.~~

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

~~(2) The applicant 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.~~

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

~~(4) The fee for a site plan review required under Section 51A-4.803 is $50.00.~~

(i) Fees for development impact review.

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

(2) The applicant 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.

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

(4) The fee for a site plan review required under Section 51A-4.803 is $50.00.

(5) An applicant shall pay a fee of $300.00 for an appeal to the city plan commission of a decision of the director denying a development impact review or residential adjacency review application, as described in this chapter.

(j) Fees for thoroughfare plan amendments.

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

(2) The applicant shall pay the filing fee to the director of sustainable development and construction. The director of sustainable development and construction 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 for thoroughfare plan amendment:

(3) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Minor plan amendment	$825.00	~~[200 feet. See also note below.]~~
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	$300.00	
Request for a letter from the department explaining the availability of water services for a development site	$~~150.00~~ 200.00	
Request for a letter from the department explaining the availability of wastewater services for a development site.	$~~150.00~~ 200.00	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	$~~800.00~~ 2,500.00	
Appeal of an apportionment determination to the city plan commission	$600.00	
~~Appeal an apportionment determination to the city council~~	~~$600.00~~	
Appeal an apportionment determination decision of the city plan commission to the city council	$600.00	
Appeal a decision of the landmark $300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	$300.00	
Appeal a decision of the landmark commission on a	$700.00	

| Type of Application | Application Fee | Area of Notification for |

(4) Fee schedule.

Type of Application	Application Fee
Preliminary plat, amending plat (major), or final plat containing 20 lots or fewer	$1,548 plus: (a) $17 per lot if no lot exceeds 3 acres; or (b) $70 per acre if any lot exceeds 3 acres
Preliminary plat, amending plat (major), or final plat containing more than 20 lots	$2,193 plus: (a) $17 per lot if no lot exceeds 3 acres; or (b) $70 per acre if any lot exceeds 3 acres; no fee for a final minor plat
Minor plat submitted as a final plat	$2,664 plus (a) $26 per lot if no lot exceeds 3 acres; or (b) $140 per acre if any lot exceeds 3 acres
Amending plat (minor), vacation of plat, or certificate of correction	$323; no fee for a final amending plat (minor)
Each revised submission of a preliminary plat, amending plat (major or minor), minor plat, or final plat that has not been recorded	one half of the original fee schedule in effect at the time revision is submitted
Maximum charge, not including fees charged under Subsection (6), for a preliminary plat, amending plat (major or minor), minor plat, or a final plat, and all revised submissions	$19,350 each type of plat

(5) The subdivision administrator may waive the fee required if it is determined that a subsequent plat submission is necessary due to an error or omission by the city in the review of an earlier plat submission.

~~(6) An applicant who submits engineering plans shall pay to the director:~~

~~(A) $1,050 for the initial submission of engineering plans;~~

~~(B) no fee for the applicant's submission of the first modification of the initial submission of engineering plans if it includes only those modifications required in response to comments and requirements made by the department after reviewing the initial submission; and~~

~~(C) $300 for each subsequent submission.~~

~~The fees required in this paragraph must be paid to the director at the time of each submission. After the department has approved all engineering plans and received payment of all required fees, the director shall notify the commission of such approval and payment.~~

(6) An applicant who submits engineering plans shall pay to the director of development services:

(A) $1,500 for the initial submission of engineering plans;

(B) no fee for the applicant's submission of the first modification of the initial submission of engineering plans if it includes only those modifications required in response to comments and requirements made by the department of development services after reviewing the initial submission; and

(C) $500 for each subsequent submission.

The fees required in this paragraph must be paid to the director of development services at the time of each submission. After the department of development services has approved all engineering plans and received payment of all required fees, the director of development services shall notify the commission of such approval and payment.

(7) The city controller shall refund 35 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being posted for hearing. After the case is posted, the applicant may withdraw the plat but the city controller will not refund any part of the filing fee. If the applicant withdraws the application in writing prior to the hearing date, the applicant may request that the filing fee be credited to a subsequent application for the same property if it is submitted within one year of the withdrawal date.

(o) Fee for amendment to Article VII, "Sign Regulations."

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

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

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

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

(4) The fee for an application to amend, supplement, or change the Dallas Development Code, other than Article VII, "Sign Regulations," is $6,700.

(q) Fees for sign review in special provision sign districts.

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

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

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

(4) Fee schedule.

Type of Application	Application Fee
Certificate of appropriateness for a sign in a special provision sign district when review by the city plan commission is required under Section 51A-7.505.	$345
Appeal of the decision of the director to city plan commission for a sign permit in a special provision sign district	$300
Appeal of the decision of the city plan commission to the city council for a sign permit in a special provision sign district	$300
Sign location permit under Section 51A-7.930.	$5,000
Copy change fee under Section 51A-7.930.	10 cents per square foot of effective area

(r) Fee for an escarpment permit.

(1) An application for an escarpment permit under Section 51A-5.204 of this chapter will not be processed until the fee has been paid.

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

(5) Fee schedule.

Type of Application	Application Fee
All applications relating to annexation, disannexation, boundary adjustment agreements, and waiver of extraterritorial jurisdiction	$3,825.00

(x) Fee and permit for accessory occasional sales (garage sales).

(1) An application for an occasional sale permit will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director of code compliance. The director of code compliance 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) There is no fee for the first occasional sale permit in each 12 month period. The fee for the second occasional sale permit in a 12 month period is $25.00.

(5) A person may not operate an occasional sale without a valid permit issued by the director of code compliance. Only the owner or lessee of the property where the occasional sale is being conducted may obtain a permit. The applicant shall provide proof (driver's license, utility bills, or other proof) that the applicant is the owner or lessee of the property.

(6) The application for an occasional sale permit must be on a form provided by the director and must contain the dates, location, hours of operation of the occasional sale, and any other information that 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.

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

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

(3) A fee is required for each review.

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

(5) Fee schedule:

Type of Property Description	Application Fee
Platted	$12.50
Metes and bounds less than four pages	$25.00
Metes and bounds four pages and more	$50.00

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

(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

(10) BLOCK means:

(A) an area bounded by streets on all sides; and

(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.")

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official's authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) "CA-1" DISTRICT means the CA-1 district established under Chapter 51.

(17) "CA-1(A)" DISTRICT means the CA-1(A) district established under this chapter.

(18) "CA-2" DISTRICT means the CA-2 district established under Chapter 51.

(19) "CA-2(A)" DISTRICT means the CA-2(A) district established under this chapter.

~~(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of public works.~~

(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of mobility and street services.

(21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) CITY COUNCIL means the governing body of the city.

(23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.

(23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(23.3) COLLECTOR means a street designated as either a community or residential collector in the city's thoroughfare plan.

(24) COMMERCIAL AND BUSINESS SERVICE USES means those uses defined in Section 51A-4.202.

(25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning commission.

(26) COVERAGE means the percentage of lot area covered by a roof, floor, or other structure, except that roof eaves up to 24 inches and other ordinary building projections up to 12 inches are excluded.

Off-street parking does not include bicycle parking spaces.

(100) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

(A) the overhang or outermost projection of a structure; or

(B) the outer edge of the roof of a structure without walls; or

(C) two feet inside the eave line of a structure with roof eaves.

(101) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(102) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(103) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(104) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(105) "P" DISTRICT means the parking district established under Chapter 51.

(106) "P(A)" DISTRICT means the parking district established under this chapter.

(107) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(108) PARKING DISTRICT means the "P(A)" district established under this chapter.

(109) PARKING BAY WIDTH means the width of one or two rows of parking stalls and the access aisle between them.

(110) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(111) PERSON means any individual, firm, partnership, corporation, association, or political subdivision.

(111.1) PRINCIPAL ARTERIAL means a street designated as a principal arterial in the city's thoroughfare plan.

(112) PRIVATE STREET means a street or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

(112.1) PUBLIC WORKS AND TRANSPORTATION means mobility and street services. Any reference to public works and transportation is a reference to mobility and street services.

(113) QUASI-PUBLIC AGENCY means an institution obtaining more than 51 percent of its funds from tax revenue.

(114) RAR means "residential adjacency review" (See Division 51A-4.800).

(115) "R" DISTRICTS means the R-1ac, R-1/2ac, R-16, R-13, R-10, R-7.5, and R-5 districts established under Chapter 51.

(116) "R(A)" DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called "single family districts").

(117) REAR YARD means that portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

(118) RECREATION USES means those uses defined in Section 51A-4.208.

(118.1) REFUSE means waste principally

semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

(i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

(ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

(iii) Waste materials resulting from activities associated with the exploration, development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) SPECIAL WASTE means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

(132) STACKING SPACE means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) STORY means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(133.1) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street; if the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.

(134) STREET means a right-of-way which provides primary access to adjacent property.

(134.1) STREET SERVICES means mobility and street services. Any reference to street services is a reference to mobility and street services.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means "specific use permit" (See Section 51A-4.219).

(137) "TH" DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) "TH(A)" DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city's thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called "TH(A)" districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer of the city, or the traffic engineer's authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) "UC" DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "urban corridor districts").

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "UC" districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A–2.102 (141.2), providing a definition for the term "street level." Section 4 of Ordinance No. 24718 adds 51A–2.102(141.2), providing a definition for the term "urban corridor districts."]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called "walkable urban mixed use districts").

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called "walkable urban residential districts").

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239)

ARTICLE IV.

ZONING REGULATIONS.

Division 51A-4.100. Establishment of Zoning Districts.

SEC. 51A-4.101. NEW ZONING DISTRICTS ESTABLISHED.

(1) Residential districts.

(A)	A(A)	Agricultural district.
(B)	R-1ac(A)	Single family district 1 acre.
(C)	R-1/2ac(A)	Single family district 1/2 acre.
(D)	R-16(A)	Single family district 16,000 square feet.
(E)	R-13(A)	Single family district 13,000 square feet.
(F)	R-10(A)	Single family district 10,000 square feet.
(G)	R-7.5(A)	Single family district 7,500 square feet.
(H)	R-5(A)	Single family district 5,000 square feet.
(I)	D(A)	Duplex district.
(J)	TH-1(A)	Townhouse district 1.
(K)	TH-2(A)	Townhouse district 2.
(L)	TH-3(A)	Townhouse district 3.
(M)	CH	Clustered housing district.
(N)	MF-1(A)	Multifamily district 1.
(O)	MF-1(SAH)	Multifamily district 1 affordable.
(P)	MF-2(A)	Multifamily district 2.
(Q)	MF-2(SAH)	Multifamily district 2 affordable.
(R)	MF-3(A)	Multifamily district 3.
(S)	MF-4(A)	Multifamily district 4.
(T)	MH(A)	Manufactured home district.

(2) Office districts.

(A)	NO(A)	Neighborhood office district.
(B)	LO-1	Limited office district 1.
(C)	LO-2	Limited office district 2.
(D)	LO-3	Limited office district 3.
(E)	MO-1	Mid-range office district 1.
(F)	MO-2	Mid-range office district 2.
(G)	GO(A)	General office district.

(3) Retail districts.

(A)	NS(A)	Neighborhood service district.
(B)	CR	Community retail district.
(C)	RR	Regional retail district.

(4) Commercial service and industrial districts.

(A) CS Commercial service district.

(B) LI Light industrial district.

(C) IR Industrial / research district.

(D) IM Industrial/ manufacturing district.

(5) Central area districts.

(A) CA-1(A) Central area district 1.

(B) CA-2(A) Central area district 2.

(6) Mixed use districts.

(A) MU-1 Mixed use district 1.

(B) MU-1(SAH) Mixed use district 1 affordable.

(C) MU-2 Mixed use district 2.

(D) MU-2(SAH) Mixed use district 2 affordable.

(E) MU-3 Mixed use district 3.

(F) MU-3(SAH) Mixed use district 3 affordable.

(7) Multiple commercial districts.

(A) MC-1 Multiple commercial district 1.

(B) MC-2 Multiple commercial district 2.

(C) MC-3 Multiple commercial district 3.

(D) MC-4 Multiple commercial district 4.

(8) Special purpose districts.

(A) C Conservation district.

(B) PD Planned development district.

(C) P(A) Parking district.

(9) Overlay districts.

(A) AF suffix Airport flight path overlay district.

(B) CP suffix Core pedestrian precinct overlay district.

(C) H suffix Historic overlay district.

(D) ID suffix Institutional overlay district.

(E) D suffix D liquor control overlay district.

(F) D-1 suffix D-1 liquor control overlay district.

(G) SP suffix Secondary pedestrian precinct overlay district.

(H) MD suffix Modified delta overlay district.

(I) NSO suffix Neighborhood stabilization overlay district.

(J) TC suffix Turtle Creek environmental corridor overlay district.

(K) SH suffix Shopfront overlay. *[See Article XIII.]*

(L) HM suffix — Height map overlay. *[See Article XIII.]*

(M) PM suffix — Parking management overlay.

(10) Urban corridor districts.

(A) UC-1 — Urban corridor district 1.

(B) UC-2 — Urban corridor district 2.

(C) UC-3 — Urban corridor district 3.

(11) Form districts.

(A) WMU — Walkable urban mixed use. *[See Article XIII.]*

(B) WR — Walkable urban residential. *[See Article XIII.]*

(C) RTN — Residential transition. *[See Article XIII.]*

(Ord. Nos. 19455; 19786; 20360; 21663; 24718; 27404; 27495)

SEC. 51A-4.102. RESERVED. (Ord. 19455)

SEC. 51A-4.103. ZONING DISTRICT MAP.

(a) The boundaries of zoning districts are recorded on the Geographic Information System (GIS) maintained by the department which is the official zoning district map of the city. The official zoning district map is made a part of and incorporated into this chapter.

(b) The director shall maintain the zoning district map in the department. The director shall revise the map to reflect any subsequent zoning district amendment.

(c) In case of any question involving a district designation within the city, the updated copy of the official zoning district map on file in the office of the director is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the official zoning map, together with the ordinances amending the map, to prove the inaccuracy of the updated copy. (Ord. 19455; 20729; 28072)

SEC. 51A-4.104. ZONING DISTRICT BOUNDARIES.

(a) When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys are construed to follow those center lines.

(2) Boundaries indicated as approximately following platted lot lines are construed as following those lot lines.

(3) Boundaries indicated as approximately following city limits are construed as following city limits.

(4) Boundaries indicated as following railroad lines are construed as following the established center line of a railroad right-of-way. If no center line is established, the boundary is midway between the railroad right-of-way lines.

(5) Boundaries indicated as following shore lines are construed to follow shore lines. If the shore line changes, the boundaries are construed as moving with the actual shore line.

(6) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water are construed to follow those center lines. The center line is interpreted as being midway between the shore lines of the body of water. If the center line changes, the boundaries are construed as moving with the center line.

(7) Boundaries indicated as parallel to or extensions of the features described in Subsections (a)(1) through (a)(6) are construed as being parallel to or extensions of the features.

(8) Boundaries indicated as dividing a lot or tract are construed to be located as shown on the zoning district map.

(b) Distances not specifically indicated on a zoning district map are determined by the scale of the map.

(c) Whenever a street, alley, or other public way is vacated by official action of the city council, the zoning district line adjoining each side of the street, alley, or other public way automatically extends to the center line of the vacated street, alley, or public way.

(d) When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (a) through (c), the board of adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.

(e) When there is a question as to whether or how a tract is zoned and that question cannot be resolved by the application of this section, the tract is temporarily classified as an agricultural district, and the tract is subject to the same regulations as provided for annexed territory temporarily zoned. (Ord. 19455)

SEC. 51A-4.105. INTERPRETATION OF DISTRICT REGULATIONS.

(a) The following rules apply in interpreting the district regulations:

(1) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbols *[L]* and *[SUP]* appearing together after a listed use mean that the use is permitted by right as a limited use; otherwise it is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(b) If there is a conflict between the text of the district regulations and the charts or any other graphic display in this chapter, the text of the district regulations controls.

(c) If there is a conflict between the text of the district regulations and the text of the use regulations (Division 51A-4.100, et seq.), the text of the use regulations controls. (Ord. Nos. 19455; 19786)

SECS. 51A-4.106 THRU 51A-4.109. RESERVED. (Ord. 19455)

Division 51A-4.110. Residential District Regulations.

SEC. 51A-4.111. AGRICULTURAL [A(A)] DISTRICT.

(1) Purpose. There exists in certain fringe areas of the city, land which is presently used for agricultural purposes and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. The uses permitted in the A(A) district are intended to accommodate normal farming, ranching, and gardening activities. It is anticipated that all of the A(A) district area will be changed to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed. Newly annexed territory will be temporarily zoned as an A(A) district until permanent zoning is established.

(2) Main uses permitted.

(A) Agricultural uses.

-- Animal production.
-- Commercial stable.
-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. *[SUP]*
-- Mining. *[SUP]*
-- Organic compost recycling facility. *[SUP]*
-- Temporary concrete or asphalt batching plant.

(D) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Cemetery or mausoleum. *[SUP]*
-- Child-care facility. *[SUP]*
-- Church.
-- College, university or seminary.
-- Community service center. *[SUP]*
-- Convalescent and nursing homes, hospice care, and related institutions. *[SUP*]
-- Convent or monastery.
-- Foster home. *[SUP]*
-- Hospital. *[SUP]*
-- Library, art gallery, or museum. *[SUP]*
-- Open-enrollmentcharter school or private school. *[SUP]*
-- Public school other than an open-enrollmentcharter school. *[RAR]*

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. *[SUP]*
-- Private recreation center, club or area. *[SUP]*
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Handicapped group dwelling unit. *[See Section 51A-4.209(3.1).]*
-- Single family.

(J) Retail and personal service uses.

-- Animal shelter or clinic without outside run.
-- Animal shelter or clinic with outside run. *[SUP]*
-- Commercial amusement (outside). *[SUP]*
-- Drive-in theater. *[SUP]*
-- Nursery, garden shop, or plant sales.

(K) Transportation uses.

-- Helistop. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[SUP]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. *[SUP]*
-- Electrical substation. *[SUP]*
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station. *[SUP]*
-- Radio, television, or microwave tower. *[SUP]*
-- Refuse transfer station. *[SUP]*
-- Sanitary landfill. *[SUP]*
-- Sewage treatment plant. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212 (10.1).]*
-- Utility or government installation other than listed. *[SUP]*
-- Water treatment plant. *[SUP]*

(M) Wholesale, distribution, and storage uses.

-- Livestock auction pens or sheds. *[SUP]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Sand, gravel, or earth sales and storage. *[SUP]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217(3.1).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 50 feet.

(B) Side and rear yard.

(i) Minimum side yard is 20 feet.

(ii) Minimum rear yard is:

(aa) 50 feet for single family structures; and

(bb) 10 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 24 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 10 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot area for residential use is three acres.

(ii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 20384; 20441; 20625; 20950; 21002; 21314; 22255; 24271; 24543; 26920)

SEC. 51A-4.112. SINGLE FAMILY DISTRICTS.

(a) R-1ac(A) district.

(1) Purpose. There exists in certain parts of the city large areas of single family residential development on estate type lots of one acre or more in

area. This development has been supplied with utilities and other public services based upon an estate type density. To conserve the character and value of buildings and building sites existing in these areas and to provide for the gradual expansion of this residential development in accordance with the need and a comprehensive plan for various types of residential districts, the R-1ac(A) district is provided. This district is intended to be composed of single family dwellings together with public and private schools, churches, and public park areas to serve the area. The sections designated in the R-1ac(A) districts are limited in area and are not intended to be subject to major alteration by future amendment except at the fringe of the districts where minor adjustments may become appropriate to permit the reasonable development of vacant tracts or gradual transition from other districts.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. *[SUP]*
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Cemetery or mausoleum. *[SUP]*
-- Child-care facility. *[SUP]*
-- Church.
-- College, university or seminary. *[SUP]*
-- Community service center. *[SUP]*
-- Convent or monastery. *[SUP]*
-- Foster home. *[SUP]*
-- Library, art gallery, or museum. *[SUP]*
-- Public or private school. *[SUP]*

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. *[SUP]*
-- Private recreation center, club, or area. *[SUP]*
-- Public park, playground, or golf course.

(I) Residential uses.

-- Handicapped group dwelling unit *[See Section 51A-4.209(3.1).]*
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. *[SUP]*
-- Transit passenger shelter. *[See Section 51A-4.211.]*
-- Transit passenger station or transfer center. *[SUP]*

(L) Utility and public service uses.

-- Electrical substation. *[SUP]*
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station. *[SUP]*
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 40 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 10 feet for single family structures; and

(ii) 20 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 36 feet.

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[RAR]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

~~-- Auto auction. *[SUP]*~~
~~-- Building mover's temporary storage yard. *[SUP]*~~
~~-- Contractor's maintenance yard. *[RAR]*~~
~~-- Freight terminal. *[RAR]*~~
~~-- Manufactured building sales lot. *[RAR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening). *[RAR]*~~
~~-- Petroleum product storage and wholesale. *[SUP]*~~
~~-- Recycling buy-back center. *[See Section 51A-4.213(11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213(11.1)]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*~~
~~-- Sand, gravel, or earth sales and storage. *[SUP]*~~
~~-- Trade center.~~
~~-- Vehicle storage lot. *[SUP]*~~
~~-- Warehouse. *[RAR]*~~

-- Auto auction. *[SUP]*
-- Building mover's temporary storage yard. *[SUP]*
-- Contractor's maintenance yard. *[RAR]*
-- Freight terminal. *[RAR]*
-- Manufactured building sales lot. *[RAR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[RAR]*
-- Petroleum product storage and wholesale. *[SUP]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Sand, gravel, or earth sales and storage. *[SUP]*
-- Trade center.
-- Vehicle storage lot. *[SUP]*
-- Warehouse. *[RAR]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

(B) In this district, the following

(K) Transportation uses.

-- Commercial bus station and terminal. *[RAR]*
-- Heliport. *[SUP]*
-- Helistop. *[SUP]*
-- Railroad passenger station. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. *[SUP]*
-- Electrical substation.
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. *[RAR]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

~~-- Freight terminal. *[RAR]*~~
~~-- Manufactured building sales lot. *[RAR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening). *[RAR]*~~
~~-- Recycling buy-back center. *[See Section 51A-4.213(11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213(11.1).]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*~~
~~-- Trade center.~~
~~-- Warehouse. *[RAR]*~~
-- Freight terminal. *[RAR]*
-- Manufactured building sales lot. *[RAR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[RAR]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse. *[RAR]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory helistop.

-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*

(K) Transportation uses.

-- Airport or landing field. *[SUP]*.
-- Commercial bus station and terminal. *[RAR]*.
-- Heliport. *[RAR]*
-- Helistop. *[RAR]*
-- Railroad passenger station. *[SUP]*
-- STOL (short take off or landing) port. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[RAR]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*
-- Water treatment plant. *[SUP]*

(M) Wholesale, distribution, and storage uses.

~~-- Freight terminal. *[RAR]*~~
~~-- Manufactured building sales lot. *[RAR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening). *[RAR]*~~
~~-- Recycling buy-back center *[See Section 51A-4.213 (11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213 (11.1).]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*~~
~~-- Trade center.~~
~~-- Warehouse. *[RAR]*~~
-- Freight terminal. *[RAR]*
-- Manufactured building sales lot. *[RAR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[RAR]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse. *[RAR]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

(A) The following accessory uses are not permitted in this district:

-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
-- Motor vehicle fueling station.
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*

(K) Transportation uses.

-- Airport or landing field. *[SUP]*
-- Commercial bus station and terminal. *[RAR]*
-- Heliport. *[RAR]*
-- Helistop. *[RAR]*
-- Railroad passenger station. *[SUP]*
-- Railroad yard, roundhouse, or shops. *[RAR]*
-- STOL (short take off or landing) port. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical generating plant. *[SUP]*
-- Electrical substation.
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[RAR]*
-- Refuse transfer station. *[SUP]*
-- Sanitary landfill. *[SUP]*
-- Sewage treatment plant. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[SUP]*
-- Water treatment plant. *[RAR]*

(M) Wholesale, distribution, and storage uses.

~~-- Auto auction. *[SUP]*~~
~~-- Building mover's temporary storage yard. *[SUP]*~~
~~-- Contractor's maintenance yard. *[RAR]*~~
~~-- Freight terminal. *[RAR]*~~
~~-- Livestock auction pens or sheds. *[SUP]*~~
~~-- Manufactured building sales lot. *[RAR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening). *[RAR]*~~
~~-- Outside storage (without visual screening). *[RAR]*~~

~~-- Petroleum product storage and wholesale. *[RAR]*~~
~~-- Recycling buy-back center *[See Section 51A-4.213(11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213(11.1).]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*~~
~~-- Sand, gravel, or earth sales and storage. *[RAR]*~~
~~-- Trade center.~~
~~-- Vehicle storage lot.~~
~~-- Warehouse. *[RAR]*~~
-- Auto auction. *[SUP]*
-- Building mover's temporary storage yard. *[SUP]*
-- Contractor's maintenance yard. *[RAR]*
-- Freight terminal. *[RAR]*
-- Livestock auction pens or sheds. *[SUP]*
-- Manufactured building sales lot. *[RAR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[RAR]*
-- Petroleum product storage and wholesale. *[RAR]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Sand, gravel, or earth sales and storage. *[RAR]*
-- Trade center.
-- Vehicle storage lot.
-- Warehouse. *[RAR]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is:

(i) 15 feet where adjacent to an expressway or a thoroughfare; and

(ii) no minimum in all other cases.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 0.5 for retail and personal service uses;

(ii) 0.75 for any combination of lodging, office, and retail and personal service uses; and

(iii) 2.0 for all uses combined.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope,

whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 110 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is eight. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19873; 19931; 20242; 20273; 20363; 20382; 20425; 20478; 20625; 20806; 20895; 20902; 20920; 20950; 21002; 21044; 21186; 21259; 21314; 21399; 21442; 21456; 21663; 21735; 22204; 22255; 22392; 22531; 22782; 23735; 24232; 24271; 24543; 24759; 24857; 25056; 25785; 25815; 26269; 26920; 27563; 28079; 28214; 28700; 28737; 28803; 29228; 29917)

SEC. 51A-4.124. CENTRAL AREA DISTRICTS.

(a) CA-1(A) district.

(1) Purpose. This district is provided to accommodate existing development in the central area of the city, to encourage the most appropriate future use of land, and to prevent the increase of street congestion. This district is hereby designated as an area of historical, cultural, and architectural importance and significance.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business services uses.

-- Building repair and maintenance shop.
-- Bus or rail transit vehicle maintenance or storage facility.
-- Catering service.

-- Post office.
-- Radio, television, or microwave tower.
-- Sewage treatment plant. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed. *[See Section 51A-4.212 (11)]*
-- Water treatment plant. *[SUP]*

(M) Wholesale, distribution, and storage uses.

~~-- Freight terminal. *[DIR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening).~~
~~-- Recycling buy-back center. *[See Section 51A-4.213(11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213 (11.1).]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*~~
~~-- Trade center.~~
~~-- Warehouse.~~
-- Freight terminal. *[DIR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[SUP]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. In this district, the following accessory use is permitted by SUP only:

(A) Reserved.

(B) In this district, the following accessory use is permitted by SUP only:

-- Railroad yard, roundhouse, or shops.
-- STOL (short takeoff or landing) port. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center.

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower.
-- Sewage treatment plant. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
-- Utility or government installation other than listed.
-- Water treatment plant. *[SUP]*

(M) Wholesale, distribution, and storage uses.

~~-- Freight terminal. *[DIR]*~~
~~-- Mini-warehouse.~~
~~-- Office showroom/warehouse.~~
~~-- Outside storage (with visual screening).~~
~~-- Recycling buy-back center *[See Section 51A-4.213(11).]*~~
~~-- Recycling collection center. *[See Section 51A-4.213 (11.1).]*~~
~~-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*~~
~~-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*~~
~~-- Trade center.~~
~~-- Warehouse.~~
-- Freight terminal. *[DIR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. *[SUP]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. In this district, the following accessory use is permitted by SUP only:

(A) Reserved.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. There is no minimum

(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 20.0.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	1000 sq. ft.
Duplex	2500 sq. ft.
Multifamily:	
No separate bedroom	50 sq. ft.
One bedroom	65 sq. ft.
Two bedrooms	75 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	10 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. In this district, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat. (Ord. Nos. 19455; 19786; 19806; 19912; 20242; 20273; 20361; 20625; 20731; 20752; 20895; 20902; 20920; 20950; 21001; 21002; 21044; 21259; 21314; 21735; 21960; 22097; 22139; 22204; 22531; 22799; 24232; 24271; 24543; 24857; 25047; 25133; 25487; 25785; 26920; 28073; 28125; 28214; 28272; 28700; 29128; 29917)

SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as "mixed use projects" as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a "base" dwelling unit density and floor area ratio.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and IR districts.

(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(5) Outside salvage or reclamation.

(A) Definition: A facility which stores, keeps, dismantles, or salvages scrap or discarded material or equipment outside. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.

(iv) The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties. (Ord. Nos. 19455; 19786; 20411; 20478; 20493; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; 29917)

SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.

(1) Adult day care facility.

(A) Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF–4(A) districts.]*

(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.

(ii) This use must comply with statutory licensing requirements.

(iii) The persons being cared for or supervised under this use may not use the facility as a residence.

(2) Cemetery or mausoleum.

(A) Definition:

(i) A cemetery is a place designated for burial of the dead.

(ii) A mausoleum is a building with places for the entombment of the dead.

(B) Districts permitted: By SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a "convalescent and nursing homes, hospice care, and related institutions" use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35
CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Except for the foundation, a dwelling unit must be physically separable from

contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(iv) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vi) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

~~(vii) Except in the agricultural district, accessory structures are subject to the following regulations:~~

~~(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.~~

~~(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.~~

~~(cc) The height of an accessory structure may not exceed the height of the main building.~~

~~(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.~~

~~(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.~~

~~(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less.~~

(vii) Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; 30184)

SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.

(a) General provisions. Except as otherwise provided in this article, the following general provisions apply to all uses listed in this section:

(7) Mini-warehouse.

(A) Definition: A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds 500 square feet in floor area.

(B) Districts permitted: By right in CS, industrial, and central area districts. By SUP only in CR, RR, mixed use, and multiple commercial districts.

(C) Required off-street parking: A minimum of six spaces required. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Caretaker's quarters are permitted as an accessory use. One parking space must be provided per 500 square feet of floor area of caretaker's quarters; however, no more than two spaces are required for each caretaker's quarters.

(8) Office showroom/warehouse.

(A) Definitions. In this paragraph:

(i) OFFICE SHOWROOM/ WAREHOUSE means a facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.

(ii) OFFICE SHOWROOM COMPONENT means the portion of this use which provides area for the regular transaction of business and for the display of uncontainerized merchandise in a finished building setting.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, and MU-3(SAH) districts.

(C) Off-street parking.

Required off-street parking:

(i) Office: One space per 333 square feet of floor area.

(ii) Showroom/warehouse: One space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. One space per 4,000 square feet of floor area in excess of 20,000 square feet.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
1 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of products which are sold at wholesale on the premises are permitted as a part of this use.

(ii) In the MU-3 and MU-3(SAH) districts, the office showroom component of this use must comprise at least 25 percent of the total floor area of the use.

(9) Outside storage.

~~(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.~~

~~(B) Districts permitted: By right in CS, industrial, and central area districts. Screening~~

~~required in CS, LI, IR, and central area districts. RAR required in CS and industrial districts.~~

~~(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.~~

~~(D) Required off-street loading:~~

(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(B) Districts permitted: By right in CS and industrial districts. By SUP only in central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

~~(E) Additional provisions:~~

~~(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item which is not:~~

~~(aa) customarily used or stored outside; or~~

~~(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.~~

~~(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.~~

~~(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.~~

(E) Landscaping.

(i) A landscape buffer must be provided between any required screening fence and an adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening.

(i) In CS, LI, and IR districts, outside storage must be screened.

(ii) In the IM district, outside storage must be screened on any side that is within 200 feet of and visible from a thoroughfare, expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an IM district. For purposes of this provision, adjacent means across the street or sharing a common lot line.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM district. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height.

(ii) Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), "Outside Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

(10) Petroleum product storage and wholesale.

(A) Definition: A facility for the storage and wholesale trade and distribution of petroleum products.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in the CS district.

(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(11) Recycling buy-back center.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensors, guard rails, automotive parts, bulky appliances, and similar

park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(12) Sand, gravel, or earth sales and storage.

(A) Definition: A facility for storing and selling sand, gravel, and earth.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and CS districts.

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) No mining is permitted under this use.

(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.

(13) Trade center.

(A) Definition: A facility for exhibitions, trade shows, and conventions.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, MU-3(SAH), and MC-4 districts.

occasional warehouse sale must be limited in duration to no more than three consecutive calendar days.

(bb) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed 10 percent of the total warehouse floor area. (Ord. Nos. 19455; 19786; 20363; 20380; 20493; 20806; 20928; 20950; 21001; 21289; 21663; 21697; 24792; 27314; 28803; 29208; 29917)

SECS. 51A-4.214 THRU 51A-4.216. RESERVED. (Ord. 19455)

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.

(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.

(D) Required off-street loading: None.

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

~~(C) Required off-street parking: None.~~

~~(D) Required off-street loading: None.~~

~~(E) Additional provisions:~~

~~(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:~~

~~(aa) customarily used or stored outside; or~~

~~(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.~~

~~(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.~~

~~(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the front yard or on a front porch of a residential building. For purposes of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.~~

~~(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:~~

~~(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;~~

~~(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the front yard;~~

~~(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the front yard or on the front porch for landscaping purposes;~~

~~(dd) lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;~~

~~(ee) located on a front porch and not visible from the street; or~~

~~(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.~~

~~(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.~~

~~(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the front yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.~~

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the

property.

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

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary yard or on a front porch of a residential building. In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary yard or on the front porch for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(6.1) Accessory pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian sky-bridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian sky-bridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian sky-bridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(xviv) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian sky-bridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian sky-bridges should penetrate the adjoining structures as close as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the special exception will not adversely affect neighboring property; and

(iii) the special exception will not be contrary to the public interest.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411, eff. 10/8/89; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257)

SEC. 51A-4.218. LIMITED USES.

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

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

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

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

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

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

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

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

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

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

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

(D) a site plan fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) City plan commission review. The commission shall review the application for site plan approval and render its decision within 21 days from the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

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

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

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

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

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

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

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

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

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

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

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

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

(2) In a "D" liquor control overlay district, a person shall not sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

(3) In a "D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

(4) It is a defense to prosecution under Paragraphs (2) and (3) of this section that the alcoholic beverage or setup for alcoholic beverage is served, but not sold, at a private residence for consumption at the residence. For purposes of this subsection, a private residence must be a permitted residential or lodging use listed in the use regulations of this article. If the use is a lodging use, the term "private residence" means the guest room only. (Ord. Nos. 19455; 21735)

~~**SEC. 51A-4.504. RESERVED. (Ord. 28072)**~~

SEC. 51A-4.504. DEMOLITION DELAY OVERLAY DISTRICT.

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, "Zoning Amendments."

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

(C) the building is designated as a State Archeological Landmark;

(D) the building is designated as a National Historic Landmark;

(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting with the building's owner and appropriate city officials to discuss alternatives to demolition, such as historic designation under Section 51A-4.501; historic preservation tax exemptions and economic development incentives for historic properties under Article XI; loans or grants from public or private resources; acquisition of the building; and variances.

(B) The historic preservation officer shall post notice of the meeting with the building's owner on the city's website.

(C) Within two working days after the historic preservation officer determines the building within the demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition. (Ord. 29893)

SEC. 51A-4.505. CONSERVATION DISTRICTS.

(a) Definitions. In this section:

(1) AREA means the land within the boundaries of a proposed CD that may include subdistricts, land within the boundaries proposed to be added to an established CD that may include subdistricts, or land within the boundaries of a proposed subdistrict.

(2) BLOCKFACE means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead ends, the terminus of the dead end will be treated as an intersecting street.

(3) CD means conservation district.

(4) CD ORDINANCE means the ordinance establishing or amending a particular conservation district.

(5) DEMOLITION means the intentional destruction of an entire building.

(6) NEIGHBORHOOD COMMITTEE means the property owners of at least 10 properties within a proposed CD, proposed area to be added to an established CD, or an established CD; or, if less than 10 properties, 50 percent of the property owners within the proposed CD, proposed area to be added to an established CD, or an established CD.

(7) PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; massing; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.

(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

(b) Findings and purpose.

(1) State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance."

(2) Conservation districts are intended to provide a means of conserving an area's distinctive character by protecting or enhancing its physical attributes.

(3) Conservation districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; neighborhood

requirements will be determined by property lines or lease lines.

(4) Any area in a CA-1(A) district that is bound on all sides by public streets or alleys constitutes a legal building site.

(5) A parcel upon which a building permit was authorized for development of a single family or duplex use before August 1, 1984, provided the single family or duplex use is not changed to a different use than that approved before August 1, 1984. The authorized single family or duplex use need not exist at the time of application for a certificate of occupancy or building permit under this paragraph, but evidence must be provided showing that the single family or duplex use was authorized on the property before August 1, 1984, did in fact exist, and no other use has been made of the property since the single family or duplex use was authorized by the city. A building site must be established under another paragraph of this section if a change of use has been made or is proposed for the property.

(6) A parcel upon which a building permit was authorized for development of other than a single family or duplex use and:

(A) the building permit authorizing an existing structure was issued before August 1, 1984;

(B) the proposed work does not increase the floor area of the structure by more than 35 percent; and

(C) the proposed addition does not exceed 10,000 square feet of floor area. Evidence must be provided showing that the use was authorized on the property before August 1, 1984.

(7) A parcel with less lot area, depth, or width than required in this chapter provided:

(A) the parcel has an area, depth, or width that is not more than 10 percent smaller or is greater than the average lot area, depth, or width of other platted lots or recognized building sites capable of development with single family or duplex uses within the same platted block (for purposes of this subsection, "platted block" means the legal block as shown on the plat map);

(B) the platted lots or recognized building sites contiguous to the parcel are developed with single family or duplex uses;

(C) the majority of the platted lots and recognizable building sites within the same platted block as the parcel have been platted or have been recognizable building sites for at least 20 years; and

(D) the parcel complies with all other zoning regulations other than lot area, depth, or width regulations.

(b) Land used in meeting the requirements of this article for a particular use or building may not be used to meet the requirements for any other use or building.

(c) Except as provided in the regulations for the single family and duplex uses, more than one main building may be erected on a building site when there is compliance with all applicable regulations in this chapter.

(d) A lot with less lot area than required in this chapter that was lawfully established under the regulations in force at the time of the creation of the building site may be used for a single family use if permitted by all zoning regulations applicable to the property other than lot area regulations. (Ord. Nos. 19455; 23383; 24731; 25809)

SEC. 51A-4.602. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS.

~~(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.~~

~~(1) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard, except when~~

~~the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.~~

~~(2) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:~~

~~(A) No lot in the blockface may be zoned as a single family or duplex district.~~

~~(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.~~

~~(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. For purposes of this subsection, fence panels are the portions of the fence located between the posts or columns.~~

~~(3) If a fence panel setback is required under Paragraph (2)(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.~~

~~(4) Unless all of the conditions in Paragraphs (2) and (3) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.~~

~~(5) Fence heights shall be measured from:~~

~~(A) In single family and duplex districts:~~

~~(i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and~~

~~(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.~~

~~(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.~~

~~(6) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.~~

~~(7) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.~~

~~(8) A person shall not use barbed wire for fencing unless:~~

~~(A) the barbed wire is six feet or more above grade; and~~

~~(B) the barbed wire does not project beyond the property line.~~

~~(9) All fences must provide firefighting access to the side and rear yard.~~

(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.

(1) In this subsection:

(A) FENCE PANEL means the portion of a fence located between the posts or columns.

(B) RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(2) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade

when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(3) In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.

(4) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

(A) No lot in the blockface may be zoned as a single family or duplex district.

(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

(5) If a fence panel setback is required under Paragraph (4)(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.

(6) Unless all of the conditions in Paragraphs (4) and (5) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(7) Fence heights shall be measured from:

(A) In single family and duplex districts:

(i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

(8) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.

(9) Except as provided in this subsection, the following fence materials are prohibited:

(A) Sheet metal;

(B) Corrugated metal;

(C) Fiberglass panels;

(D) Plywood;

(E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and

(G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

(10) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

~~(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance with the following regulations.~~

~~(1) Screening required in this article must be not less than six feet in height.~~

~~(2) The board may grant a special exception to the height requirement for screening when, in the~~

~~opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.~~

~~(3) Required screening must be constructed of:~~

~~(A) brick, stone, or concrete masonry, stucco, concrete, or wood;~~

~~(B) earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width;~~

~~(C) evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or~~

~~(D) any combination of the above.~~

~~(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years of their initial planting.~~

~~(5) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must remain closed:~~

~~(A) between the hours of 10 p.m. and 7 a.m.; and~~

~~(B) at all other times except when in actual use.~~

~~(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, stucco, concrete, or wood wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open. Screening must be properly maintained so that:~~

~~(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and~~

~~(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced.~~

~~(7) An owner shall provide screening in accordance with this section for the rear or service side of a nonresidential building if:~~

~~(A) the nonresidential building is in a residential district and is exposed to a residential use; or~~

~~(B) the nonresidential building is in an office, retail, CS, LI, IR, or IM district and is exposed to and closer than 150 feet to the boundary line of an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, MH(A), or RTN district.~~

~~(8) When all service, storage, and loading facilities are contained within a nonresidential building, the screening requirement in Subsection (b)(7) does not apply.~~

~~(9) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within 90 days after notification by the city.~~

~~(10) All required screening with plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.~~

(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance

with the following regulations.

(1) Screening required in this article must be not less than six feet in height.

(2) The board may grant a special exception to the height requirement for screening when, in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.

(3) Required screening must be constructed of:

(A) brick, stone, concrete masonry, concrete, or wood;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(C) evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above.

(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years after their initial planting.

(5) Access through required screening may be provided only by a solid gate equalling the height of the screening. The gate must remain closed:

(A) between the hours of 10 p.m. and 7 a.m.; and

(B) at all other times except when in actual use.

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, concrete, or wood wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open.

(7) An owner shall provide screening in accordance with this section for the rear or service side of a nonresidential building if:

(A) the nonresidential building is in a residential district and is exposed to a residential use; or

(B) the nonresidential building is in an office, retail, CS, IL, IR, or IM district and is exposed to and closer than 150 feet to the boundary line of an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(8) When all service, storage, and loading facilities are contained within a nonresidential building, the screening requirement in Subsection (b)(7) does not apply.

(9) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within 90 days after notification by the city.

(10) All required screening with plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(11) Fences that are painted or stained must be uniformly painted or stained across the entire length of the fence. This provision prohibits different colored patches of paint or stain on portions of a fence. For example, if a fence is painted white, graffiti should be covered with the same color of white paint, not with blue or red paint.

(c) Special screening and visual intrusion provisions.

(1) In an office district, if a building or a parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(2) through (5) Reserved.

(6) In all nonresidential districts except central area districts, no portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may be located above a residential proximity slope originating in that district.

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two-and-one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard.

(4) It is a defense to prosecution under this subsection that a structure becomes nonconforming with respect to the visibility triangle unless the nonconforming rights attendant to the structure have been lost or terminated under Section 51A-4.704. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663; 22994; 25831; 26288; 27495; 29917; 30198)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at

development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the director of parks and recreation approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000)

SEC. 51A-5.209. ESCARPMENT AREA REVIEW COMMITTEE.

~~(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design, and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.~~

(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design, and mobility and street services. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the city council, and these persons and public bodies may decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478; 29882~~, eff. 10/1/15~~; 30239)

to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

~~(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of public works, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.~~

(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of mobility and street services, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting must include:

(i) the date, time, and location of the public meeting;

(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance that the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239)

(5) Ornamental cupola or dome.

(6) Skylight.

(7) Clerestory.

(8) Visual screens which surround roof mounted mechanical equipment.

(9) Chimney and vent stacks.

(10) Amateur communications tower.

(11) Parapet wall over four feet.

(12) Storage facility.

(b) A sign may be attached to a structure located on a building if the sign refers exclusively to:

(1) the identification of the premise; or

(2) a tenant that occupies in excess of 50 percent of the floor area of the premise. (Ord. 20343)

SEC. 51A-7.212. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

~~(2) DIRECTOR means the director of street services of the city or the director's designated representative, including but not limited to the city's traffic engineer.~~

(2) DIRECTOR means the director of mobility and street services of the city or the director's designated representative, including but not limited to the city's traffic engineer.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(b) Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) Authority to erect. In addition to any other signs permitted under this chapter, up to two detached premise signs may be erected on a premise if:

(1) the premise contains at least one main use other than a single family or duplex use;

(2) the premise has frontage along that portion of a street under construction as defined in Subsection (a); and

(3) the director has given written notice in accordance with Subsection (d).

(d) Notice required to be given by the director. Whenever the director determines that construction of a street, as defined in this section, is imminent, the

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the City shall not be liable for failure to remove a sign. (Ord. Nos. 20728; 20927; 25047; 28424; 30239)

SEC. 51A-7.213. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs, provided that a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for the limited purpose of allowing the erection of detached signs, and that actual lines of property ownership are not affected;

(5) state that it constitutes a covenant running with the land with respect to all properties sharing the common boundary line(s);

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) state that it shall be governed by the laws of the state of Texas;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located;

(9) be approved by the building official and be approved as to form by the city attorney;

(10) be signed by all owners of the properties sharing the common boundary line(s);

(11) be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary line(s) or an improvement on those properties; and

(12) be filed and made a part of the deed records of the county or counties in which the properties are located.

(2) No detached sign may exceed two feet in height.

(3) No letter may exceed four inches in height.

(b) The protective signs authorized in the preceding subsection are in addition to all other signs permitted in this ordinance. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1719. VEHICULAR SIGNS.

(a) In addition to all other signs permitted in this ordinance, vehicular signs are permitted subject to the following restrictions:

(1) No sign may contain flashing or moving elements.

(2) No sign may have an element with a luminance greater than 200 footlamberts.

(3) No sign may project beyond the surface of a vehicle in excess of eight inches.

(4) No sign may be attached to a vehicle so that the driver's vision is obstructed from any angle.

(5) Signs, lights, and signals used by authorized emergency vehicles are not restricted.

(b) A vehicular sign must comply with all regulations for detached signs if:

(1) it is placed so as to constitute a "sign" as defined in Section 51A-7.1704; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(c) The owner of the vehicle upon which a vehicular sign is placed is responsible for ensuring that the provisions of this section are adhered to and commits an offense if any vehicular sign on his vehicle violates this section. If such a vehicle is found unattended or unoccupied, the registered owner of the vehicle shall be presumed to be the actual owner. The records of the state highway department or the county highway license department showing the name of the registered owner of the vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1720. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

~~(2) DIRECTOR means the director of public works of the city or his or her designated representative.~~

(2) DIRECTOR means the director of mobility and street services of the city or his or her designated representative.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a three-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the city shall not be liable for failure to remove a sign. (Ord. Nos. 24348; 25047; 25918; 30239)

SEC. 51A-7.1721. ATTACHED SIGNS ON MACHINERY OR EQUIPMENT.

Words may be attached to machinery or equipment which is necessary or customary to a business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that the words so attached refer exclusively to products or services dispensed by the device, consist of characters no more than four inches in height, and project no more than one inch from the surface of the device. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1722. DISTRICT IDENTIFICATION SIGNS.

(a) District identification signs may only identify the name or logo of this district.

(b) No sign may exceed three words or be a changeable message sign.

(c) These signs are in addition to all other signs permitted on a premise and are subject to the following regulations:

(1) In Subdistrict A, district identification signs are not permitted in addition to the other signs authorized on a premise. Any sign in Subdistrict A that identifies the name or logo of this district must meet the regulations for attached or detached signs in Subdistrict A, and the sign will be included in the calculation of the number of permitted signs on a premise.

(2) In Subdistricts B and D, district identification signs must be flat attached signs, monument signs, banners attached to pole supports, or enhanced banner signs.

(A) Attached and detached signs.

(i) In Subdistrict B, a maximum of three flat attached signs or monument signs are permitted.

(ii) In Subdistrict D, a maximum of two monument signs are permitted.

(iii) The maximum effective area for a flat attached sign is 900 square feet.

(28) FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

(29) INFRASTRUCTURE means all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development.

(30) MEDIAN OPENING means a gap in a median allowing vehicular passage through the median.

(31) MINOR PLAT means a plat that meets both of the following requirements:

(A) The area proposed for platting must not exceed five acres in size for residential zoning districts (single family, duplex, and townhouse) and three acres in size for all other zoning districts; and

(B) The proposed plat must not require any public infrastructure. For example: the plat may not contain any new streets or alleys; it must abut an approved public or private street of adequate width as specified in Section 51A-8.604(c) or the Thoroughfare Plan for the city of Dallas; adequate water, wastewater, paving, and drainage improvements must already exist to serve the proposed plat; and any existing improvements which are to remain must meet all setback requirements and must not be divided by a proposed lot line or setback line.

(32) MONUMENT means a permanent structure set on a line to define the location of property lines, important horizontal plat control points, and other important features on a plat.

~~(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.~~

(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of mobility and street services or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.

(43) PRIVATE DEVELOPMENT CONTRACT means a contract between a developer and a contractor for the construction of infrastructure that is to be dedicated to the public.

(44) PRIVATE STREET means a privately owned street that is required by this article to meet the same standards as a street dedicated to public use.

(45) REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

(46) RESIDENTIAL REPLAT means a replat without vacation of the preceding plat for property: (a) any part of which was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or (b) that contains a lot in the preceding plat that was limited by deed restrictions to residential use for not more than two residential units per lot.

(47) SIDEWALK means a paved area dedicated to the public for pedestrian use.

(48) SINGLE FAMILY LOT means a lot in a single family zoning district, or a lot in an identifiable single family component of a planned development district.

(49) STREET CENTERLINE OFFSET means the distance between the centerlines of two more or less parallel streets measured along the centerline of an intersecting street.

(50) SUBDIVISION means land included within the boundaries of an original plat, or any of the following for the purpose of creating a building site for land development or transfer of ownership:

(A) The division of property into two or more parts.

(B) The combination of lots or tracts into one or more parts.

(C) The redivision or recombination of lots or tracts.

(51) SUBDIVISION ADMINISTRATOR means the city staff employee designated by the city manager to supervise the platting and subdivision process.

(52) TEMPORARY DEAD-END STREET means a street that is planned to or can feasibly be extended in the foreseeable future to another street.

(53) TOWNHOUSE LOT means a lot in a townhouse TH(A) zoning district, or a lot in an identifiable townhouse component of a planned development district.

(54) TRAFFIC BARRIER means a physical barrier that prevents the indiscriminate and unauthorized crossing of traffic between a street or alley and a thoroughfare. Examples of traffic barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, or a New Jersey barrier-type wall on an engineered foundation.

(55) VACATION means the legal process by which unimproved, platted land, no part of which the city has accepted as a dedication for public use, may be returned to the legal status of being a parcel of unplatted land.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to property.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from property. (Ord. Nos. 20092; 21186; 23384; 24843; 26529; 28424; 30239)

right-of-way along pavement which is all within dedicated public right-of-way.

(6) Alleys adjoining and parallel to divided thoroughfares must be separated from the thoroughfare by a traffic barrier in accordance with Section 51A-8.618 of this article.

(7) Dedications for an alley are required as provided in Section 51A-8.604(c). Where an alley intersects a street, a 15-foot visibility triangle (alley sight easement) is required. Measurements are taken along the property line.

~~(8) Alleys must be designed and constructed according to the requirements of the Paving Design Manual and the Standard Details for Public Works Construction of the department of public works.~~

(8) Alleys must be designed and constructed according to the requirements of the Paving Design Manual and the Standard Details for Public Works Construction of the department of mobility and street services.

(c) Private alleys. If a private alley is indicated, it must be designed and constructed in accordance with all of the requirements in this section, and must be labeled as a private alley on the proposed plat. Easements for utilities and franchises must be dedicated in private alleys under the same circumstances and in the same manner as required for private streets pursuant to Section 51A-8.610. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 29478~~, eff. 10/1/14~~; 30239)

SEC. 51A-8.508. PARKS AND COMMON AREAS.

(a) Generally. If any portion of property subject to a plat application qualifies as a prospective park site pursuant to the standards and guidelines contained in the Long Range Physical Plan for Park and Recreational Facilities, the director of parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property by the city before a final plat is approved. If the applicant elects to make a commitment to sell that portion of the property to the city, he may designate the portion as a reservation for park use if the following requirements are met:

(1) The portion is of a suitable size, dimension, topography, and general character for its intended purpose.

(2) Adequate access to the portion is provided.

(3) The dimensions of the portion are clearly identified on the plat.

(4) Any development shown on the portion complies with the standards of the park and recreation department.

~~(b) Proper access. Land reserved for recreation sites and parks is considered to have proper access and visibility if:~~

~~(1) the property has frontage of at least 100 feet on an improved public street; or~~

~~(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of public works.~~

(b) Proper access. Land reserved for recreation sites and parks is considered to have proper access and visibility if:

(1) the property has frontage of at least 100 feet on an improved public street; or

(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of mobility and street services.

(c) Utilities. Water, wastewater, and electrical facilities must be provided to the perimeter of the site.

(d) Common areas. Areas retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as common areas on the plat. A permanent maintenance plan must be approved for the area before release of the final plat. (Ord. Nos. 20092; 23384; 28424; 30239)

SEC. 51A-8.511. CONSERVATION EASEMENT.

(a) The owner of the property to be platted may provide an easement on all or part of the property to conserve trees and other natural features, subject to acceptance by the city, to the city or jointly to the city and a nonprofit association dedicated to the conservation of land. Before the city may consider accepting the easement, or consider approving the acceptance of an easement with a nonprofit association as the joint grantee of a conservation easement, the owner shall provide the building official with a list of the protected trees by name (both common and scientific) and caliper or an estimate thereof calculated and documented in a manner approved by the city arborist, written consent by any lienholder of the property to subordination of the lienholder's interest to the conservation easement area, and a preservation strategy for the easement. The grantee of a conservation easement, if not the city, should be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area. The conservation easement area should be accessible to the public for walking, upon trails if the area exceeds 30 acres, unless this activity poses a risk to endangered species.

(b) The easement must be approved by the building official and approved as to form by the city attorney.

(c) The owner may offer a conservation easement to the city through the city arborist, or to a nonprofit association approved by the city (a list of such associations may be obtained from the city arborist). (Ord. Nos. 22053; 23384; 24843)

SEC. 51A-8.512. SHARED ACCESS DEVELOPMENT.

See Section 51A-4.411 for regulations concerning shared access developments. (Ord. 26333)

Division 51A-8.600. Infrastructure Design and Construction.

SEC. 51A-8.601. GENERAL STANDARDS.

(a) Infrastructure design and construction for water and wastewater mains must comply with Chapter 49 of the Dallas City Code, as amended, and all other applicable requirements of the water utilities department. All other infrastructure design and construction must comply with this section.

~~(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.~~

~~(1) The Thoroughfare Plan for the city of Dallas.~~

~~(2) The Central Business District Streets and Vehicular Circulation Plan.~~

~~(3) The Long Range Physical Plan for Parks and Recreational Facilities.~~

~~(4) The Paving Design Manual of the department of public works.~~

~~(5) The storm drainage policy of the city of Dallas.~~

~~(6) The Drainage Design Manual of the department of public works.~~

~~(7) The Plan Development Checklist of the department.~~

~~(8) The Standard Construction Details of the department of public works.~~

(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except

that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.

(1) The Thoroughfare Plan for the city of Dallas.

(2) The Central Business District Streets and Vehicular Circulation Plan.

(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Paving Design Manual of the department of mobility and street services.

(5) The storm drainage policy of the city of Dallas.

(6) The Drainage Design Manual of the department of mobility and street services.

(7) The Plan Development Checklist of the department.

(8) The Standard Construction Details of the department of mobility and street services.

~~(9) The Texas Uniform Traffic Control Device Manual.~~

~~(10) The Dallas Central Business District Pedestrian Facilities Plan.~~

~~(11) The 1985 Dallas Bike Plan.~~

~~(12) The City of Dallas Planning Policies.~~

~~(13) All other codes and ordinances of the city of Dallas.~~

(9) The Texas Uniform Traffic Control Device Manual.

(10) The Dallas Central Business District Pedestrian Facilities Plan.

(11) The 1985 Dallas Bike Plan.

(12) The City of Dallas Planning Policies.

(13) All other codes and ordinances of the city of Dallas.

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 30239)

SEC. 51A-8.602. DEDICATIONS.

(a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city council, by acceptance of the improvements in the dedicated areas for the purposes intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details, and specifications, and the final plat is filed for record in the office of the county clerk of the county in which the property is located.

(b) Apportionment of exactions. See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

contained within the boundaries of the proposed plat, the full right-of-way width must be dedicated.

(2) The amount of right-of-way, pavement width, and minimum centerline radius for all minor streets must be provided in accordance with the chart in Section 51A-8.604.

(3) When property has been previously platted and improvements have been constructed, accepted, and used, the commission may waive the requirements for additional right-of-way for existing streets if:

(A) no realignment of any minor street is proposed;

(B) no change in zoning classification is proposed;

(C) the street has been improved with the required number of lanes, and the full right-of-way standard is not warranted by expected traffic volumes, property access requirements, truck, bus, and taxi loading, or pedestrian use;

(D) the director and the chief planning officer recommend the waiver; and

(E) the commission finds that the area is a redeveloping area.

(d) Corner clips and sight easements.

(1) Corner clips must be dedicated at all intersections by means of a street easement. The minimum size for the corner clip is that of a triangle with the legs along the edges of the street rights-of-way equaling 10 feet. A larger or smaller corner clip may be required where conditions exist that restrict the ability of the city to provide an adequate turning radius, or to maintain public appurtenances within the area of the corner clip.

~~(2) Sight easements must be provided if required by the Public Works Paving Design Manual.~~

(2) Sight easements must be provided if required by the Paving Design Manual of the department of mobility and street services.

(e) Alley sight easements. Alley sight easements must be granted at the intersection of any alley with a street. The size of the sight easement is that of a triangle with legs along the property lines equaling 15 feet.

(f) Utilities and drainage easements. Easements necessary for poles, wires, conduits, wastewater, gas, water, telephone, electric power, storm drainage, and any other utilities needed to serve the property being platted must be granted. All easements must comply with the following standards:

(1) Unless the grantee of an easement gives express written approval, no structures, fences, trees, shrubs or any other improvement may be placed in, on, above, over, or across the easement. An exception to this rule is that paving for parking, walkways, and driveways may be constructed over or across utility or drainage easements unless such construction is specifically prohibited by the plat or easement instrument.

(2) Any structures, fences, trees, shrubs, or other improvements, including paving, exist at the pleasure of the grantee. The owner of the subservient estate is liable for the full cost for any adjustments, relocations, restorations, replacements, or reconstruction to any item placed within the easement other than the utilities. The grantee has no responsibility for any destruction or damage to items other than utilities placed within the easement. Grantees of easements have the right of ingress and egress to their respective easements for the purposes of constructing, inspecting, and maintaining their improvements.

(3) If alleys are not provided, rear lot drainage easements and facilities may be required to prevent cross-lot drainage.

(g) Floodways. Floodway management areas and floodway easements must be dedicated or granted in accordance with Section 51A-8.611. (Ord. Nos. 20092; 21186; 23384; 24843; 24859; 25047; 26530; 28073; 28424; 29478~~, eff. 10/1/14~~ ; 30239)

SEC. 51A-8.603. CONSTRUCTION REQUIRED.

(a) All public and private streets and alleys within or along the perimeter of the proposed plat must be improved to the standards of this article.

(b) Storm drainage improvements, bridges, and culverts must be provided as needed to serve the subdivision in accordance with this article.

(c) Sidewalks must be provided in accordance with Section 51A-8.606 of this article.

(d) Median openings, extra lanes, and driveways must be provided in accordance with Section 51A-8.607 of this article.

(e) Street appurtenances must be provided in accordance with Section 51A-8.608 of this article.

(f) Railroad crossing facilities must be provided in accordance with Section 51A-8.609 of this article.

(g) Utility facilities must be provided in accordance with Section 51A-8.610 of this article.

(h) Monumentation must be provided in accordance with Section 51A-8.617 of this article. (Ord. Nos. 20092; 23384)

SEC. 51A-8.604. STREET ENGINEERING DESIGN AND CONSTRUCTION.

~~(a) Generally. Streets, whether dedicated to the public use or privately owned, must be designed in accordance with the Paving Design Manual of the department of public works. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles.~~

(a) Generally. Streets, whether dedicated to the public use or privately owned, must be designed in accordance with the Paving Design Manual of the department of mobility and street services. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles.

(b) Street construction required.

(1) Within the boundaries of the proposed plat, the owner must construct all thoroughfares, minor streets, and alleys shown on the proposed plat.

(2) When a minor street is along the perimeter of the proposed plat and the street is not improved with an approved all weather paving material to a width of 20 feet, the owner must improve the street to that standard along the length of the proposed plat.

(3) When a thoroughfare is along the perimeter of the proposed plat for 1000 feet or more, the owner must construct thoroughfare, sidewalk, and storm drainage improvements to complete one-half of the thoroughfare requirements along the entire length of the plat, adjusted for any participation in the construction under Section 51A-8.614.

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602(c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of sustainable development and construction. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet the following criteria.

(iii) a minimum of 24 by 24 inches; and

(iv) installed pursuant to city traffic standards.

(11) Private streets and the area they serve must be platted.

(12) A guard house may be constructed at any entrance to a private street. All guard houses must be at least 30 feet from a public right-of-way.

(13) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(14) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(15) A private street system serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(16) A private street system may serve no more than 300 dwelling units.

(17) The city has no obligation to maintain a private street. (Ord. Nos. 20092; 21186; 22392; 23384; 23535; 25047; 27495; 28073; 28424; 29478~~, eff. 10/1/14~~; 30239)

SEC. 51A-8.605. SANITATION COLLECTION ACCESS REQUIRED.

(a) Access required. The owner or homeowners' association must provide access for city sanitation collection. If unmanned gates are used, the gates must remain open during routine collection hours (Monday through Saturday between 7 a.m. and 7 p.m.) A notation must be placed on a plat for single family or duplex lots indicating that it is the responsibility of the owner or homeowners' association to provide adequate access for city sanitation collection.

(b) Indemnity agreement. If sanitation collection occurs on a private access easement, the owner or homeowners' association must execute an agreement with the city department of street, sanitation, and code enforcement services indemnifying the city against damages to any private streets in the development caused by the city's provision of routine sanitation collection. The agreement must be approved as to form by the city attorney's office. (Ord. Nos. 20092; 23384)

SEC. 51A-8.606. SIDEWALKS.

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the director and the chief planning officer.

(b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and, in the central business district, the Dallas Central Business District Pedestrian Facilities Plan, as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk. All sidewalks must be constructed of Portland cement concrete having a minimum compressive strength of 3000 pounds per square inch.

(c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

(d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director and the chief planning officer. The director and the chief planning officer shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other population intensive areas when considering the request for sidewalk waivers. Should the director and the chief planning officer waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:

(1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.

(2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.

(3) A permanent line and grade cannot be set within the public street right-of-way.

(4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property. (Ord. Nos. 20092; 23384; 25047; 28073; 29478~~, eff. 10/1/14~~)

SEC. 51A-8.607. MEDIAN OPENINGS, EXTRA LANES, AND DRIVEWAYS.

~~(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of public works.~~

(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of mobility and street services.

approving the change, and the document is approved by the city attorney's office; and

(4) the proposed relocation is shown on engineering plans approved by the director.

(e) Driveways and driveway approaches. Driveways must be designed and constructed to provide proper site drainage and to maintain the conveyance of existing drainage in public and private streets. A separate street cut permit is required for each driveway approach accessing a thoroughfare. Driveways may be constructed concurrently with street construction, or with building construction, but must be completed before the issuance of a certificate of occupancy, or final inspection of the buildings or improvements on the property. (Ord. Nos. 20092; 21186; 22026; 23384; 25047; 28073; 28424; 29478~~, eff. 10/1/14~~ ; 30239)

SEC. 51A-8.608. STREET APPURTENANCES.

(a) Generally. Installation of the following items is required at the time the municipal infrastructure additions or improvements are constructed:

(1) Street lights.

(2) Traffic signals.

(3) Traffic signs and street name blades.

(4) Pavement markings.

(5) Temporary traffic control devices for use during construction.

~~(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of street services.~~

(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of mobility and street services.

(c) Traffic signals. When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development. The engineering, material, and construction of the upgrade to the existing signal must be provided.

~~(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of street services and may be obtained from the department of street services or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the traffic engineer. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.~~

(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of mobility and street services and may be obtained from the department of mobility and street services or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the traffic engineer. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.

(e) Pavement markings. Pavement markings must be provided as necessary to serve the property being platted in accordance with the approved plans.

~~(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of street services. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings.~~

(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of mobility and street services. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings. (Ord. Nos. 20092; 22026; 23384; 26530; 28424; 30239)

SEC. 51A-8.609. RAILROAD CROSSINGS.

(a) Generally. All engineering plans and construction of infrastructure in the railroad right-of-way must be approved by the department and the railroad.

must comply with Chapter 49 of the Dallas City Code. Private development contracts for other infrastructure improvements must comply with this section. In addition, to ensure that the city will not incur claims or liabilities as a result of the developer's failure to make payment in accordance with the terms of a private development contract, the director may require the developer, as a precondition of approval or release of a final plat or approval of a zoning district classification or boundary change requiring an exaction, to provide sufficient surety guaranteeing satisfaction of claims against the development in the event such default occurs. The surety shall be in the amount of the private development contract. The surety shall also be in the form of a bond, escrow account, cash deposit or unconditional letter of credit drawn on a state or federally chartered lending institution. The form of surety shall be reviewed and approved by the city attorney. If a bond is furnished, the bond shall be on a form provided by the director and approved by the city attorney. The bond shall be executed by the developer and at least one corporate surety authorized to do business and licensed to issue surety bonds in the State of Texas and otherwise acceptable to the city. If a cash deposit is provided, the deposit shall be placed in a special account and shall not be used for any other purpose. Interest accruing on the special account shall be credited to the developer. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrowing institution shall provide for a retainage of not less than ten percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities.

(b) Cost. The cost of infrastructure construction is the responsibility of the developer of the property to be platted except as provided in Sections 51A-1.109 and 51A-8.614.

(c) Form. The private development contract must be on a form provided by the director and approved by the city attorney.

(d) Bonds. The private development contract must include performance and payment bonds equivalent to those the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(e) Duplicate plans. As part of the contract submission, duplicate sets of approved plans must be submitted to the director in sufficient number to meet the current contract plan distribution requirements of the city.

(f) Construction inspection. Before the approval of a private development contract, the owner shall submit to the director the name of the engineer licensed to practice in the State of Texas with whom he has contracted to provide the required construction inspection. The engineer performing the construction inspection shall attest to the director that the engineer, or a qualified member of the engineer's firm, made periodic visits to the worksite, as dictated by recognized and customary practice, to inspect the construction of the storm drainage, street paving, bridge, culvert, and traffic signal improvements, and to assure that the improvements were constructed according to the approved plans, profiles, details, and specifications for the project. The engineer shall submit copies of the construction inspection reports along with his declaration.

~~(g) Material testing. Before the approval of a private development contract, the name of a local materials testing company that is:~~

~~(1) competent in the field of testing pertinent to the contract; and~~

~~(2) under contract with the owner; must be submitted to and approved by the director. Materials testing and certification must comply with the standard specifications for public works construction.~~

(g) Material testing. Before the approval of a private development contract, the name of a local materials testing company that is:

(1) competent in the field of testing pertinent to the contract; and

(2) under contract with the owner; must be submitted to and approved by the director. Materials

testing and certification must comply with the standard specifications for mobility and street services construction.

(h) Authorization to begin. No construction of infrastructure improvements may begin until a letter authorizing the construction has been issued by the director.

conclusive on the determination as to needed maintenance or defective materials or workmanship. The director's determination shall be based upon applicable guidelines. (Ord. Nos. 20092; 21045; 21491; 22022; 23384; 25047; 25048; 26530; 28073; 30239)

SEC. 51A-8.613. COVENANT PROCEDURES.

(a) An owner who desires to plat more property than he is willing to construct or design paving, storm drainage, water, or wastewater facilities to serve may plat the property if he executes a covenant for the benefit of the city in accordance with this section. The covenant must run with the land. As part of the covenant, the owner shall agree to, at his cost: submit any needed additional plans; construct the required infrastructure; and secure or dedicate easements and rights-of-way necessary to serve the development at the owner's cost. Covenants involving water or wastewater facilities must be approved in accordance with Chapter 49 of the Dallas City Code, as amended.

(b) Upon approval of the terms of the paving and storm drainage covenant by the director, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the department for processing.

(c) All covenants must be approved in accordance with the procedure set out in Section 2-11.2 of this code.

(d) If a covenant is not fulfilled, no building permit or certificate of occupancy may be issued for any property included within the boundaries of the plat which the covenant was executed to serve.

(e) Upon determination by the director that all conditions of a covenant have been fulfilled, the city manager may execute, and cause to be filed of record, a release of the covenant without the necessity of city council approval. In the event of a conflict between this subsection and other provisions in the Dallas City Code, this subsection controls. (Ord. Nos. 20092; 22026; 23384; 23694; 25047; 28073)

SEC. 51A-8.614. COST SHARING CONTRACT.

(a) Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer's apportioned share of any exaction pursuant to Section 51A-1.109 is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

SEC. 51A-8.615. NONSTANDARD MATERIALS.

~~(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.~~

~~(b) Plans. Plans indicating the nonstandard materials must be approved by the director of public works.~~

~~(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of public works.~~

~~(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of public works.~~

~~(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.~~

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of mobility and street services.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of mobility and street services.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Mobility and Street Services Construction of the department of mobility and street services.

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.

~~(f) Landscaping. Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of public works, and must not interfere with utilities or any authorized use of the public right-of-way.~~

~~(g) Central business district. If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.~~

~~(h) Written approval. Written approval must be obtained from the director of public works before any work is done.~~

~~(i) Liability. The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43-34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.~~

~~(j) Agreements required. A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, a sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.~~

~~(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials.~~

(f) Landscaping. Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of mobility and street services, and must not interfere with utilities or any authorized use of the public right-of-way.

(g) Central business district. If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.

(h) Written approval. Written approval must be obtained from the director of mobility and street services before any work is done.

(i) Liability. The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43-34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.

(j) Agreements required. A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, a sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the

property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.

(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials. (Ord. Nos. 20092; 23384; 28424; 30239)

SEC. 51A-8.616. RESERVED. (Ord. 23384)

SEC. 51A-8.617. MONUMENTATION.

(a) Minimum monumentation standards.

(1) At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(2) At all block corners, a minimum two inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(3) At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that

SEC. 51A-8.618. TRAFFIC BARRIERS.

(a) When required. For all property being platted with identifiable single family, duplex, or townhouse components that front on both an arterial and a public or private street or alley, traffic barriers must be constructed that separate the property from the arterial. See Section 51A-8.507(b)(6) for alley requirements.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare depending on who will maintain the barrier. Barrier easements must have a minimum width of three feet. If a screening wall serves as a traffic barrier, maintenance of the wall is the responsibility of each individual owner abutting the easement or the homeowners' association.

(c) Design. The design and construction of traffic barriers must be approved by the director. If concrete is used for traffic barriers, it must be reinforced and have a minimum compressive strength of 3000 pounds per square inch at 28 days test. The traffic barrier must be at least 24 inches in height. All traffic barriers must be maintained by the property owner or a homeowners association.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining street or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, before the issuance of a certificate of occupancy or utility connection for any structure within the boundaries of the plat.

(e) Acceptance of construction. All traffic barriers must be constructed under a private development contract in accordance with Section 51A-8.612. If a screening wall serves as a traffic barrier, it must be designed by an engineer and approved by the director.

(f) Maintenance and repair. Each adjacent property owner is responsible for simple routine maintenance and cleaning of all barriers to which his property is adjacent. The city of Dallas is responsible for any major maintenance and repair work necessary for the traffic barrier if the city has accepted it for maintenance. Any other type of traffic barriers is the responsibility of the homeowners' association or the owner. (Ord. Nos. 20092; 21186; 23384; 25047; 28073)

SEC. 51A-8.619. SCREENING WALLS.

If the screening wall serves as a traffic barrier, it must meet the standards of Section 51A-8.618. (Ord. Nos. 20092; 23384)

SEC. 51A-8.620. RETAINING WALLS.

~~All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by director of public works to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations.~~

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by director of mobility and street services to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations. (Ord. Nos. 23384; 25047; 28073; 28424; 30239)

(f) Guidelines.

(1) A street name may be based upon physical, political, or historic features of the area.

(2) The name of a subdivision and names thematically related to the name of a subdivision may be given to a street within the subdivision.

(g) Waiver. The city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare. (Ord. Nos. 19832; 23407)

SEC. 51A-9.305. REVIEW OF APPLICATION.

~~(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities:~~

~~(1) Department of street services.~~

~~(2) Office of financial services.~~

~~(3) Fire-rescue department.~~

~~(4) Department of sustainable development and construction.~~

~~(5) Police department.~~

~~(6) Public works department.~~

~~(7) Water utilities department.~~

~~(8) Department of sanitation services.~~

~~(9) Department of code compliance.~~

~~(10) Contiguous municipalities if any property abutting the street is within the contiguous municipality.~~

~~(11) Dallas County Historical Commission.~~

~~(12) TXU Electric, or its successor.~~

~~(13) TXU Gas, or its successor.~~

~~(14) Southwestern Bell Telephone Company, or its successor.~~

~~(15) U.S. Postal Service.~~

(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities:

(1) Department of mobility and street services.

(2) Office of financial services.

(3) Fire-rescue department.

(4) Department of sustainable development and construction.

(5) Police department.

(6) Water utilities department.

(7) Department of sanitation services.

(8) Department of code compliance.

(9) Contiguous municipalities if any property abutting the street is within the contiguous municipality.

(10) Dallas County Historical Commission.

(11) TXU Electric, or its successor.

(12) TXU Gas, or its successor.

(13) Southwestern Bell Telephone Company,

or its successor.

(14) U.S. Postal Service.

(b) The subdivision administrator shall formulate a recommendation on the proposed street name change based upon his own review of the application, the standards in Section 51A-9.304, and the comments received from those listed in Subsection (a). The subdivision administrator shall set a date for review of the application before the subdivision review committee of the city plan commission.

(c) Notice of the public hearing before the subdivision review committee must be advertised in the official newspaper of the city no fewer than 15 days before the date of the hearing. The subdivision administrator must also send written notice of the public hearing to abutting property owners as ownership appears on the last approved ad valorem tax roll no fewer than 15 days before the date of the hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.

(d) The subdivision review committee shall formulate a recommendation based upon their review of the application, the standards contained in Section 51A-9.304, and the recommendation of the subdivision administrator. (Ord. Nos. 19832; 22026; 23694; 24410; 24843; 25047; 27204; 28073; 28424; 30239)

(B) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.

(C) The screening required under Subparagraphs (A) and (B) must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3).

(3) Site trees.

(A) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided, except for industrial uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) Existing trees that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

CALIPER OF RETAINED TREE	NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE
Less than 2 inches	0
2 inches or more but less than 8 inches	1
8 inches or more but less than 14 inches	2
14 inches or more but less than 20 inches	4
20 inches or more but less than 26 inches	8
26 inches or more and less than 32 inches	10
32 inches or more but less than 38 inches	18
38 inches or more	20

~~(4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The trees may be located in the public right-of-way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works.~~

(4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The trees may be located in the public right-of-way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of mobility and street services.

(5) Parking lot trees.

(A) No required parking space may be located more than 120 feet from the trunk of a large canopy tree. No parking space in excess of required parking may be located more than 100 feet from the trunk of a large canopy tree, and the tree must be located in a landscape area of a minimum of 120 square feet. Each tree required by this subparagraph must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot.

(B) An industrial use in an IM or IR district need not comply with Subparagraph (A) if it provides at least one tree meeting the requirements for street trees in Paragraph (4) for each 25 feet of frontage.

(6) Minimum sizes. Except as provided in Subsections (a), (b)(3), and (b)(5) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:

(A) Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.

(B) Small trees must have a minimum height of six feet.

(7) Buffer plant materials.

(A) If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.

(B) In all other cases, a landscape buffer strip provided to comply with this section or Section 51A-10.126 must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:

(i) One large canopy tree and one large non-canopy tree.

(ii) One large canopy tree and three small trees.

(iii) One large canopy tree and three large evergreen shrubs.

(iv) One large canopy tree, two small trees, and one large evergreen shrub.

(v) One large canopy tree, one small tree, and two large evergreen shrubs.

(iv) Two large non-canopy trees. (Ord. Nos. 19455; 19786; 20496; 22053; 24731; 25155; 26333; 28424; 28803; 30239)

SEC. 51A-10.126. DESIGN STANDARDS.

An applicant shall comply with at least two of the following design standards:

(a) Enhanced perimeter buffers. An applicant may enhance the perimeter landscape buffer strip to a minimum average width equal to or greater than 15 feet.

(b) Street buffers. An applicant may provide a landscape buffer strip along public street frontage. The landscape buffer strip must:

(1) be provided along the entire adjacent public street frontage, exclusive of driveways and accessways at points of ingress and egress to the lot; and

(2) have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less.

(c) Screening of off-street parking. An applicant may provide screening for all parking lots on the building site or artificial lot, whichever is applicable, from all adjacent public streets in accordance with the following paragraphs.

(1) The screening must be voluntary (not required by ordinance).

(2) The screening must extend along the entire street frontage of the parking lot, exclusive of:

(A) driveways and accessways at points of ingress and egress to and from the lot; and

(B) visibility triangles.

(3) The screening must be at least three feet in height.

(4) Underground parking is considered to be screened for purposes of this subsection.

(d) Enhanced vehicular pavement. An applicant may provide enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement area on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)

(e) Permeable vehicular pavement. An applicant may provide permeable enhanced pavement. This pavement must be at least 25 percent of all

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or

(2) owns part or all of the land where the violation occurs.

~~(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. No approval of a tree removal application is required if the tree:~~

~~(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;~~

~~(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;~~

~~(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;~~

~~(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;~~

~~(5) interfered with service provided by a public utility within a public right-of-way;~~

~~(6) threatened public health or safety, as determined by one of the following city officials:~~

~~(A) the chief of the police department;~~

~~(B) the chief of the fire-rescue department;~~

~~(C) the director of public works;~~

~~(D) the director of street services;~~

~~(E) the director of sanitation services;~~

~~(F) the director of code compliance;~~

~~(G) the director of park and recreation; or~~

~~(H) the director of sustainable development and construction;~~

~~(7) was designated for removal in a landscape plan approved by the city council, city plan commission, or board of adjustment;~~

~~(8) interfered with construction or maintenance of a public utility;~~

~~(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or Section 51A-8.404; or~~

~~(10) was removed or seriously injured to allow construction of improvements in accordance with a building permit.~~

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. No approval of a tree removal application is required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) the director of mobility and street services;

(D) the director of sanitation services;

(E) the director of code compliance;

(F) the director of park and recreation; or

(G) the director of sustainable development and construction;

(7) was designated for removal in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility;

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or Section 51A-8.404; or

(10) was removed or seriously injured to allow construction of improvements in accordance with a building permit. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239)

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 Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in 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 at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least $50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to $10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this article and the conditions of the SUP, and the gas inspector determines that a $10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator's performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of $250,000 per well.

(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, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector 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, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.203(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in 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 at least six months after the department of public works completes the final inspection of the right-of-way.~~

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of mobility and street services completes the final inspection of the right-of-way.

~~(4) The department of public works shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.~~

(4) The department of mobility and street services shall determine the amount of the performance bond or irrevocable letter of credit based

upon, among other factors, the estimated cost to the city of restoring the right-of-way.

(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, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector 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 related to the damage of the right-of-way covered by Section 51A-12.204(p).

(i) Well plugging bond. Before issuance of a gas well permit, the operator shall give the gas inspector a well plugging bond.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the well plugging bond.

(2) The well plugging bond must list the operator as principal and be payable to the city.

(3) The well plugging bond must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided in this subsection, the amount of the well plugging bond must be at least $50,000 per well.

(5) Cancellation of the well plugging bond does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the well plugging bond is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement well plugging bond that meets the requirements of this subsection.

(6) The city may draw against the well plugging bond 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, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well. (Ord. Nos. 26920; 28424; 29228; 30239)

SEC. 51A-12.204. OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(3) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(4) Only freshwater-based mud systems are permitted.

(5) No person may add any type of metal additive into drilling fluids.

(6) Salt-water or produced-water disposal wells, also known as injection wells, are prohibited.

(7) Unless otherwise directed by the Texas Railroad Commission, the operator shall remove waste materials from the operation site and transport them to an off-site disposal or recycling facility at least once every 30 days.

(8) No air, gas, or pneumatic drilling is permitted.

(C) The fresh-water fracture pond must permanently hold sufficient water to prevent a nuisance or vector control problem.

~~(D) The fresh-water fracture pond must comply with the Drainage Design Manual of the Department of Public Works and all other city, state, and federal rules and regulations.~~

(D) The fresh-water fracture pond must comply with the Drainage Design Manual of the Department of Mobility and Street Services and all other city, state, and federal rules and regulations.

(E) Artificial liners are not permitted.

(F) Fresh-water fracture ponds must be maintained in a manner using best management practices to ensure the integrity of the fresh-water fracture pond. For purposes of this subparagraph, "best management practices" means structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to control water storage in open pits in an urban or suburban setting.

(2) Removal and restoration.

(A) Removal.

(i) The operator shall remove the fresh-water fracture pond from the operation site within five years after the date the first gas well permit is issued. The operator may apply for a one-time, two-year extension from the gas inspector.

(ii) The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(iii) The gas inspector must approve or deny the extension within 45 days after receiving the extension request.

(iv) As a condition of approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of continued use of the fresh-water fracture pond, associated with the drilling activities, upon neighboring properties.

(v) The gas inspector must approve the extension if the fresh-water fracture pond will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(vi) If the gas inspector denies the request for a one-time two-year extension, the gas inspector must provide the operator with a written explanation of the reasons for denial within 30 days.

(vii) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code.

(B) Restoration. The operator is responsible for:

(i) removing the fresh-water fracture pond;

(ii) grading, leveling, and restoring the area to the same surface condition, as nearly as practicable, that existed before the fresh-water fracture pond was constructed; and

(iii) restoring the vegetation in accordance with the landscape design provided in the fresh-water fracture pond design plan.

(h) Fracturing.

(1) Notice.

(A) The operator shall send written notice to the gas inspector of the operator's intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing. The written notice to the gas inspector must be provided at least 15 days before fracturing begins.

(B) If the operation site is located within 1,500 feet of a protected use, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to

(ii) Additional methods of noise mitigation must be approved by the gas inspector.

(iii) All soundproofing must comply with accepted industry standards and is subject to approval by the fire marshal.

(n) Periodic updates and reports.

(1) Required updates.

(A) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing of any changes to the following information within seven days after the changes are made:

(i) the name, address, or phone number of the operator; and

(ii) the name, address, or phone number of the person designated to receive notices from the city.

(B) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing within one business day of any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

(C) Except as otherwise provided in this division, other city ordinances, or an SUP, if the conditions on the operator site or the operations of the gas drilling and product use change or any other updates or changes are made that are not reflected on a required plan, the operator shall provide an update to each affected plan to the gas inspector within 30 days of the change.

(D) The operator shall submit a yearly written report to the gas inspector identifying any other changes to the information provided in the gas well permit application not previously reported to the city.

(E) The operator shall notify the gas inspector in writing that a well has been completed within 72 hours after completion.

(2) Reports.

(A) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

(B) On a monthly basis, the operator shall give the gas inspector a copy of any new or amended permits, disclosures, and reports required by the Texas Railroad Commission and Texas Commission on Environmental Quality.

(o) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator shall pay the reworking fee before the operator begins reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

~~(p) Rights-of-way. For purposes of this subsection, rights-of-way means those rights-of-way located along the truck routes shown on the operator's approved transportation plan and incorporated by reference into the gas well permit.~~

~~(1) Periodic inspections. The operator shall periodically inspect the rights-of-way to determine if damage has occurred.~~

~~(2) City notifying operator. If the department of public works determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.~~

(p) Rights-of-way. For purposes of this subsection, rights-of-way means those rights-of-way located along the truck routes shown on the operator's approved transportation plan and incorporated by reference into the gas well permit.

(1) Periodic inspections. The operator shall

periodically inspect the rights-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of mobility and street services determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.

~~(3) Repairs. The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of public works. At least two days before making the repairs, the operator shall notify the department of public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.~~

~~(4) City making repairs and invoicing operator.~~

~~(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of public works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.~~

~~(B) If the director of public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works may make the repairs without first requesting that the operator make the repairs. The director of public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.~~

~~(C) If required by state law, the director of public works shall employ a competitive bidding process before making the repairs to the rights-of-way.~~

~~(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and request an inspection of the rights-of-way. After inspection, the director of public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.~~

(3) Repairs. The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of mobility and street services. At least two days before making the repairs, the operator shall notify the department of mobility and street services of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.

(4) City making repairs and invoicing operator.

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of mobility and street services may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of mobility and street services determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of mobility and street services may make the repairs without first requesting that the operator make the repairs. The director of mobility and street services shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of mobility and street services shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of mobility and street services and request an inspection of the rights-of-way. After inspection, the director of mobility and street services shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.

(q) Security.

(1) Personnel.

(A) During drilling, fracturing, or reworking of a well, at least one person designated by

(D) The operator is responsible for the cost and fees associated with pre-drilling and post-drilling soil sampling collection and analysis.

(2) Baseline.

(A) The licensed third-party contractor retained by the city must collect and analyze a minimum of five soil samples at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

(B) If permission to access private property and conduct the baseline study is granted, a minimum of five soil samples must be collected at locations across each property located within 2,000 feet of the boundary of the operation site and analyzed in accordance with this subsection. If permission to access private property and conduct the baseline study is not granted, a baseline study of soil conditions is not required for that property.

(C) The soil sample baseline study analyses must include:

(i) a description of the point samples and GPS coordinates of each location;

(ii) planned equipment above the sampled area, if applicable;

(iii) methodology of sample collection;

(iv) description of field condition;

(v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;

(vi) copies of all laboratory data sheets;

(vii) drawings of sample points; and

(viii) analysis of the following: TPH, VOCs, SVOCs, chloride, barium, chromium, and ethylene glycol.

(3) Post-drilling.

(A) After the drilling of each well, the licensed third-party contractor retained by the city must collect and analyze soil samples across the operation site and analyzed in accordance with this subsection.

(B) Additionally, the city, using its licensed third-party contractor, may conduct soil sampling during inspections to document soil quality at the operation site.

(4) Abandonment. When the operation site is abandoned in accordance with the Texas Railroad Commission requirements and Section 51A-12.205 and after the equipment for that well is removed from the operation site, the operator shall collect soil samples of the abandoned operation site to document that the final conditions are within regulatory requirements.

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, the city, using its licensed third-party contractor, must collect and analyze soil samples at locations on the operation site as are necessary to determine compliance.

(u) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department shall determine what constitutes a fire hazard.

(v) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all city ordinances, rules, and regulations regarding mosquito larvae within a fresh-water fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557; 30239)

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
			6	Amends 51-4.207(3)(C)
			7	Amends 51-4.207(4)(C)
			8	Amends 51-4.207(8)(C)
			9	Amends 51-4.208(6)(C)
			10	Amends 51-4.210(16)(C)
			11	Amends 51-4.211(14)(C)
			12	Amends 51-4.211(18)(C)
			13	Amends 51-4.212(11)(C)
			14	Amends 51-4.214(4)(C)
			15	Amends 51-4.214(5)(C)
			16	Amends 51-4.214(11)(C)
			17	Amends 51-4.214(12)(C)
			18	Amends 51-4.217(b)(6)(C)
29024	6-12-13	10-1-13	1	Amends 51-4.217(b)(5)(E)
29128	9-11-13		1	Adds 51-2.102(8.1)
			2	Adds 51-2.102(23.1)
			3	Adds 51-2.102(23.2)
			4	Adds 51-2.102(86.1)
			5	Adds Ch. 51, Art. IV, Div. 51-4.330
			6	Adds Ch. 51, Art. IV, Div. 51-4.340
29228	12-11-13		1	Amends 51-4.213(19)
			2	Adds 51-4.213(28)
29424	8-13-14		1	Adds 51-6.101(7.1)
			2	Amends 51-6.102(a)(5)
29589	12-10-14		1	Amends 51-4.210(3)(A)
			2	Amends 51-4.210(25)(A)(i)
			3	Amends 51-4.210(25)(A)(iii)
			4	Deletes 51-4.210(25)(A)(iv)
			5	Amends 51-4.210(25)(E)(iii)
			6	Deletes 51-4.210(25)(E)(iv)
29687	3-25-15		1	Amends 51-4.215(1)(A)
			2	Amends 51-4.215(1)(C)(i)
			3	Amends 51-4.215(1)(E)
29893	9-22-15		1	Retitles and amends 51-4.504
29917	10-28-15		1	Adds 51-4.213(10)(E)(ii)
			2	Adds 51-4.213(13)(E)(iii)
			3	Amends 51-4.214(4)
29984	1-13-16		1	Amends 51-4.202(12)
30239	9-28-16		23	Adds 51-2.102(99.1)
			24	Adds 51-2.102(116.1)
30257	10-26-16		1	Amends 51-4.217(b)(9)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
29589	12-10-14		7	Amends 51A-4.207(1)(A)(i)
			8	Amends 51A-4.207(1)(A)(iii)
			9	Amends 51A-4.207(1)(A)(iv)
			10	Amends 51A-4.207(1)(E)(iii)
			11	Deletes 51A-4.207(1)(E)(iv)
			12	Amends 51A-4.207(2)(A)
			13	Amends 51A-4.207(3)(A)
			14	Amends 51A-13.201(6)
			15	Amends 51A-13.306(d)(5)(C)(iii)
29611	1-14-15		2	Amends 51A-7.404(a)(5)
29626	1-28-15		1	Amends 51A-1.106
29645	2-25-15		22	Amends 51A-3.103(a)(3)
29687	3-25-15		4	Amends 51A-4.201(1)(B)
			5	Amends 51A-4.201(1)(E)(i)
			6	Amends 51A-4.201(3)(A)
			7	Amends 51A-4.201(3)(C)
			8	Amends 51A-4.201(3)(E)
29702	4-8-15		1	Amends 51A-4.505
29827	8-12-15		1	Amends 51A-13.102
			2	Amends 51A-13.201
			3	Adds 51A-13.303(d)
			4	Amends 51A-13.501(a)(4)
			5	Amends 51A-13.502(a)
			6	Amends 51A-13.502(b)(7)
			7	Replaces 51A-13.502(b)(7) graphic
29839	8-26-15		1	Adds 51A-7.216
29882	9-22-15	10-1-15	4	Amends 51A-3.103(a)(4)
			5	Amends 51A-5.209(a)
			6	Amends 51A-9.102(a)(2)
29893	9-22-15		2	Retitles and amends 51A-4.504
29917	10-28-15		4	Amends 51A-4.123(a)(2)(M)
			5	Amends 51A-4.123(b)(2)(M)
			6	Amends 51A-4.123(c)(2)(M)
			7	Amends 51A-4.123(d)(2)(M)
			8	Amends 51A-4.124(a)(2)(M)
			9	Amends 51A-4.124(b)(2)(M)
			10	Adds 51A-4.203(b)(4.1)(E)
			11	Amends 51A-4.213(9)
			12	Adds 51A-4.213(10)(E)
			13	Adds 51A-4.213(12)(E)(ii)
			14	Amends 51A-4.602(b)
29953	12-9-15		1	Amends 51A-11.102
			2	Amends 51A-11.205
			3	Amends 51A-11.206 (title)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
30043	3-23-16		1	Amends 51A-7.1701(c)
			2	Amends 51A-7.1702
			3	Amends 51A-7.1704(a)(17)
			4	Adds 51A-7.1704(a)(17.1)
			5	Amends 51A-7.1704(a)(23)
			6	Adds 51A-7.1704(a)(23.1)
			7	Adds 51A-7.1704(a)(31.1)
			8	Adds 51A-7.1704(a)(38.1)
			9	Adds 51A-7.1704(a)(60.1)
			10	Amends 51A-7.1716
			11	Amends 51A-7.1717
			12	Amends 51A-7.1722
			13	Adds 51A-7.1725(9)
			14	Amends 51A-7.1727(b)(1)
			15	Amends 51A-7.1727(c)(2)(B)
			16	Amends 51A-7.1727(c)(3)
			17	Amends 51A-7.1727(c)(4)(G)
			18	Amends 51A-7.1727(c)(6)
			19	Adds 51A-7.1727(c)(7)
			20	Retitles and amends 51A-7.1727(d)
			21	Amends 51A-7.1727(e)(4)(B)
			22	Amends 51A-7.1727(e)(5)
			23	Amends 51A-7.1729(a)
			24	Amends 51A-7.1729(b)(3)(B)
			25	Adds 51A-7.1729(f)
30184	9-14-16		1	Corrects 51A-4.209(b)(6)(E)(vii)
30198	9-14-16		1	Amends 51A-4.602(a)
30215	9-21-16	10-1-16	44	Amends 51A-1.105(g)(3)
			45	Amends 51A-1.105(i)
			46	Amends 51A-1.105(k)(3)
			47	Amends 51A-1.105(n)(6)
			48	Amends 51A-1.105(q)(4)
			49	Adds 51A-1.105(y)
30239	9-28-16		25	Amends 51A-2.102(20)
			26	Adds 51A-2.102(112.1)
			27	Adds 51A-2.102(134.1)
			28	Amends 51A-4.502(e)(6)
			29	Amends 51A-5.209(a)
			30	Amends 51A-6.108(e)(1)
			31	Amends 51A-7.212(a)(2)
			32	Amends 51A-7.1720(a)(2)
			33	Amends 51A-8.201(33)
			34	Amends 51A-8.507(b)(8)

		35	Amends 51A-8.508(b)
		36	Amends 51A-8.601(b)
		37	Amends 51A-8.602(d)(2)
		38	Amends 51A-8.604(a)
		39	Amends 51A-8.607(a)
		40	Amends 51A-8.608(b)
		41	Amends 51A-8.608(d)
		42	Amends 51A-8.608(f)
		43	Amends 51A-8.612(g)
		44	Amends 51A-8.615
		45	Amends 51A-8.620
		46	Amends 51A-9.305(a)
		47	Amends 51A-10.125(b)(4)
		48	Amends 51A-10.140(b)
		49	Amends 51A-12.203(h)(3)
		50	Amends 51A-12.203(h)(4)
		51	Amends 51A-12.204(g)(1)(D)
		52	Amends 51A-12.204(p)
30257	10-26-16	2	Amends 51A-4.217(b)(6)