

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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(5) Confirming the time to take medications.

(6) Reading labels.

(c) Elements of personal care to be assessed by the licensee include but are not limited to the resident's ability to do the following:

(1) Eat independently.

(2) Bathe without assistance.

(3) Dress without assistance.

(4) Move and transfer independently.

(d) As a result of an assessment, if a licensee finds that a resident is in a state of possible self-neglect due to no longer being able to perform basic elements of personal care as listed in Subsection (c) and believes that a higher level of care is needed, the owner or operator shall:

(1) contact the Texas Department of Family and Protective Services by phoning the state-wide intake division at 1-800-252-5400;

(2) notify the resident's guardian or legally authorized representative;

(3) notify a family member designated by the resident, the legal guardian, or the legally authorized representative; and

(4) contact the appropriate health or human services authority to advise that the resident requires services beyond what can be provided by the boarding home facility.

(e) A state of self-neglect does not exist if the resident receives outside professional services that meet the resident's need for personal care or self-administration of medication. In these cases, the resident can remain in the boarding home facility provided that all needs for personal care and self-administration of medication are met. (Ord. Nos. 28706; 29753)

ARTICLE V.

ENFORCEMENT.

SEC. 8A-40. VIOLATIONS; PENALTY.

(a) Regardless of a boarding home facility's licensing status, a person who violates any provision of this chapter, or who fails to perform a duty required by this chapter, commits an offense.

(b) A licensee, owner, operator, employee, or other person in control of a licensed or unlicensed boarding home facility commits an offense if he or she knowingly operates an unsafe facility that represents an immediate threat to the health or safety of a resident, including a situation that has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(c) A licensee, owner, operator, employee, or volunteer shall not operate a boarding home facility in a manner that results in illegal or nuisance activities including, but not limited to, disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention or arrests.

~~(d) An offense under this chapter is punishable by a fine not to exceed:~~

~~(1) \$2,000 if the provision violated governs fire safety, public health, or sanitation; or~~

~~(2) \$500 for all other offenses.~~

(d) An offense under this chapter is punishable by a fine not to exceed:

(1) \$2,000 and/or up to 180 days in jail in accordance with Section 260.0051 of the Texas Health and Safety Code, as amended, if a person operates a boarding home facility in the city without a valid license in violation of Section 8A-4;

(2) \$2,000 if the provision violated governs fire safety, public health, or sanitation; or

(3) \$500 for all other offenses.

within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) A separate offense occurs each day or part of a day the violation is committed, continued, or permitted.

(h) Emergency closing order.

(1) If the director finds a licensed or unlicensed boarding home facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the director may order the immediate closing of all or part of the facility.

(2) The order of immediate closure under Paragraph (1) is effective immediately on providing written notice of the order to the owner or operator by facsimile, e-mail, or hand-delivery.

(3) The order of closure of all or part of a boarding home facility is valid for 10 days after its effective date.

(4) If the licensee, owner, or operator does not promptly relocate the residents of the boarding home facility upon receiving the order of closure for that facility, the city shall provide for the relocation of those residents. If possible, the city will relocate those residents to a boarding home facility in the city for which there is a current valid license. The relocation may not be to a facility with a more restrictive environment unless all other reasonable alternatives are exhausted. The director is authorized to seek to recover the cost of relocating the residents from the owner and operator of the closed facility.

(5) An emergency closing order may be appealed to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The director and the permit and license appeal board shall expedite any hearing or decision involving an emergency closing order issued under this section. An

appeal to the permit and license appeal board does not stay enforcement of an emergency closing order.

(i) The city attorney may petition a district court or a county court at law for civil penalties and for injunctive relief to restrain a continuing violation of the standards or licensing requirements for a boarding home facility under this chapter if the violation creates an immediate threat to the health or safety of the facility residents.

(j) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law. (Ord. Nos. 28706; 29753; 32168)

(4) The annual inspection fee for a new food establishment will be prorated from the calendar month in which operations begin to the end of the calendar year.

(5) Exceptions. Section 17-10.2(h) does not apply to:

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

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

(i) Temporary food service fee.

(1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$217, plus \$28 for each day of operation for each facility from which the establishment is operated.

(2) A temporary food service establishment that offers only prepackaged foods from the manufacturer that are non-time and temperature controlled and with minimum handling and preparation may request a limited service food permit. The applicant for the food permit shall pay the city a nonrefundable permit fee of \$204, plus \$28 for each day of operation for each facility from which the establishment is operated.

~~(3) A maximum nonrefundable annual fee of \$356 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$388 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$270 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.~~

(3) A maximum nonrefundable annual fee of \$356 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$388 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$100 for each booth or stall valid at a single market location

or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.

(4) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:

(i) A description of the raw poultry, raw seafood, and non-fast-cooked food items and how they will be prepared, cooked, and served.

(ii) Details of how the raw poultry, raw seafood, and non-fast-cooked food items will be stored on the vehicle.

(iii) Any other information or documentation the director deems necessary to determine whether or not a health hazard or nuisance will result from granting the variance.

(B) The food establishment must not have committed more than a total of three violations of this chapter or the Texas Food Establishment Rules within the preceding 12-month period that involved any mobile food preparation vehicle or fixed food facility operated by the food establishment, regardless of whether such violations were committed by an owner, officer, operator, manager, other person in charge, or employee of the food establishment.

(C) The food establishment must not have had any confirmed foodborne illnesses at any of its locations within the preceding 24 months.

(D) The food establishment must not have scored less than 80 on two separate graded food inspections within the preceding 24 months.

(E) Cutting of raw poultry or raw seafood is prohibited on a mobile food preparation vehicle, except for seafood intended to be consumed raw.

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

ARTICLE XI.

HEIMLICH MANEUVER POSTER.

SEC. 17-11.1. ADOPTION OF SECTION 229.173, TEXAS FOOD ESTABLISHMENT RULES.

Section 229.173 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

(a) General. All food establishments that provide dining areas shall post the Heimlich maneuver sign in a place conspicuous to employees and customers.

(b) Specifications: The sign shall:

(1) be no smaller than 11 inches wide by 17 inches long;

(2) be printed in English and Spanish and in at least two conspicuous contrasting colors on a white background;

(3) provide major title and figure blocks in contrasting color to remaining copy blocks;

(4) provide major headings with a minimum bold 72 point font;

(5) provide initial subheadings with a minimum bold italic 60 point font;

(6) provide secondary subheadings with a minimum bold 24 point font; and

(7) provide a body copy in bold 14 point font. (Ord. 30134)

CHAPTER 20A**FAIR HOUSING AND MIXED INCOME HOUSING****ARTICLE I.****FAIR HOUSING**

- Sec. 20A-1. Short title.
- Sec. 20A-2. Declaration of policy.
- Sec. 20A-3. Definitions.
- Sec. 20A-4. Discriminatory housing practices.
- Sec. 20A-4.1. Housing voucher incentives.
- Sec. 20A-5. Defenses to criminal prosecution and civil action.
- Sec. 20A-6. Fair housing administrator.
- Sec. 20A-7. Complaint and answer.
- Sec. 20A-8. Investigation.
- Sec. 20A-9. Temporary or preliminary relief.
- Sec. 20A-10. Conciliation.
- Sec. 20A-11. Violation of conciliation agreement.
- Sec. 20A-12. Reasonable cause determination and charge.
- Sec. 20A-13. Dismissal of complaint.
- Sec. 20A-14. Civil action in state district court.
- Sec. 20A-15. Enforcement by private persons.
- Sec. 20A-16. Effect of civil action on certain contracts.
- Sec. 20A-17. Service of notice and computation of time.
- Sec. 20A-18. Additional remedies.
- Sec. 20A-19. Education and public information.
- Sec. 20A-20. Effect on other law.
- Sec. 20A-21. Criminal penalties for violation.

ARTICLE II.**MIXED-INCOME HOUSING**

- Sec. 20A-22. Purpose.
- Sec. 20A-23. Applicability.
- Sec. 20A-24. Definitions and interpretations.
- Sec. 20A-25. Market value analysis category and reserved dwelling unit verifications.

- Sec. 20A-26. Mixed-income restrictive covenant.
- Sec. 20A-27. Administration of the mixed-income housing program.
- Sec. 20A-28. Tenant selection and other written policies.
- Sec. 20A-29. Applicant and eligible household responsibilities.
- Sec. 20A-30. Non-discrimination.
- Sec. 20A-31. Compliance, reporting, and recordkeeping.
- Sec. 20A-32. Violations, corrective action period, and penalty.
- Sec. 20A-33. Fees.

ARTICLE I.**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, 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.~~

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain and maintain habitable 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 habitable housing of the person's own

choice, and to maintain the same free from the denial of this right because of race, color, sex, religion, handicap, familial status, national origin, or source of income, which denial 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; 32157)

(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) 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.

(21.1) SEX means a person's biological gender as well as a person's sexual orientation and gender identity.

(22) SUBSIDY means a 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 city council. (Ord. Nos. 13456; 14809; 20652; 20780; 30246; 30489; 32157)

SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(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;

(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 this subsection is punishable by the same fines and penalties for contempt as are authorized before the county court.~~

(c) The administrator, in consultation with the city attorney, may, at the administrator's discretion or at the request of the respondent, the complainant, or the aggrieved person if different from the complainant, issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents in accordance with Section 2-8 of Chapter 2 of the city code. Violation of a subpoena issued under this subsection is punishable by the same fines and penalties for contempt as are authorized before the county court.

(d) An investigation shall remain open until a reasonable cause determination is made under Section 20A-12, a conciliation agreement is executed and approved under Section 20A-10, or the complaint is dismissed under Section 20A-13. Unless impracticable to do so, the administrator shall complete the investigation within 100 days after the date of filing of the complaint. If the administrator is unable to complete the investigation within the 100-day period, the administrator shall notify the complainant, the aggrieved party if different from the complainant, and the respondent, in writing, of the reasons for the delay.

(e) This section does not limit the authority of the administrator to conduct such other investigations or to use such other enforcement procedures, otherwise lawful, as the administrator considers necessary to enforce this chapter.

(f) The administrator shall prepare a final investigative report showing:

- (1) the names of and dates of contact with witnesses;
- (2) a summary, including dates, of correspondence and other contacts with the aggrieved

(5) answers to interrogatories. (Ord. Nos. 13456; 14809; 20652; 20780; 32157)

SEC. 20A-9. TEMPORARY OR PRELIMINARY RELIEF.

(a) If at any time following the filing of a complaint the administrator concludes that prompt judicial action is necessary to carry out the purposes of this chapter, the administrator may request the city attorney to initiate a civil action in the state district court of Dallas County, Texas for appropriate temporary or preliminary relief pending final disposition of the complaint.

(b) On receipt of the administrator’s request, the city attorney shall promptly file the action in the state district court. Venue is in Dallas County, Texas.

(c) A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Texas Rules of Civil Procedure. (Ord. 20780)

SEC. 20A-10. CONCILIATION.

(a) During the period beginning with the filing of a complaint and ending with the issuance of a charge under Section 20A-12, the dismissal of the complaint under Section 20A-13, or the dismissal of the criminal action in municipal court, the administrator shall try to conciliate the complaint. In conciliating a complaint, the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the aggrieved person’s rights and take action to assure the elimination of both present and future discriminatory housing practices.

(b) If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court, nor may the administrator issue a charge against a party, for the discriminatory housing practice specified in the

agreement under Subsection (d)(1) unless the 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

person has brought a civil action under local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action has begun. If a charge may not be issued by the administrator or a civil action may not be brought or maintained by the city attorney because of the trial of a civil action brought by the aggrieved party, the administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent, in writing. (Ord. Nos. 13456; 14809; 20652; 20780; 21055)

SEC. 20A-13. DISMISSAL OF COMPLAINT.

(a) A complaint may be dismissed by the administrator:

(1) during the investigation and prior to referral to the city attorney when the administrator determines that:

(A) the complaint was not filed within the required time period;

(B) the location of the alleged discriminatory housing practice is not within the city’s jurisdiction;

(C) the alleged discriminatory housing practice is not a violation of this chapter;

(D) the complainant or aggrieved person refuses to cooperate with the administrator in the investigation of the complaint or enforcement of the executed conciliation agreement;

(E) the complainant, or the aggrieved person if different from the complainant, cannot be located after the administrator has performed a reasonable search; or

(F) a conciliation agreement has been executed by the respondent, complainant, and aggrieved person if different from the complainant; or

(2) within 10 days after receipt of a statement of no reasonable cause from the city attorney.

(b) A criminal action may be dismissed by a municipal judge upon motion of the city attorney, if after the city attorney files the action charging a respondent with a discriminatory housing practice, a conciliation agreement is executed under Section 20A-10 before the trial begins in municipal court.

(c) The administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent of the dismissal of the complaint, including a written statement of facts, and make public disclosure of the dismissal by issuing a press release, unless the respondent requests that no public disclosure be made. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-14. CIVIL ACTION IN STATE DISTRICT COURT.

~~—(a) If a respondent has been found by the administrator and the city attorney to have breached an executed conciliation agreement or if the administrator has issued a charge under Section 20A-12, the city attorney, upon the request of the administrator, shall initiate and maintain a civil action on behalf of the aggrieved person in the state district court seeking relief under this chapter. Venue is in Dallas County, Texas.~~

(a) If a respondent has been found by the administrator and the city attorney to have breached an executed conciliation agreement or if the administrator has issued a charge under Section 20A-12, the city attorney, upon the request of the administrator, shall initiate and maintain a civil action on behalf of the aggrieved person in the state district court seeking relief under this chapter.

(b) An aggrieved person may intervene in the action.

(c) If the court finds in the civil action that the conciliation agreement has been violated or a discriminatory housing practice has occurred, the court may award to the plaintiff:

(1) actual and punitive damages;

(2) civil penalties payable to the city for vindication of the public interest in an amount that does not exceed:

(A) \$10,000 if the respondent has not been adjudged by order of a court to have committed a prior discriminatory housing practice;

(B) except as provided by Subparagraph (D) of this paragraph, \$25,000 if the respondent has been adjudged by order of a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and

(C) except as provided by Subparagraph (D) of this paragraph, \$50,000 if the respondent has been adjudged by order of a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.

(D) If the acts constituting the discriminatory housing practice that is the subject of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in Subparagraphs (B) and (C) of this paragraph may be imposed without regard to the period of time within which any other discriminatory housing practice occurred;

(3) reasonable attorney’s fees;

(4) costs of court; and

(5) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering appropriate affirmative action.

(d) If actual damages are sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the actual damages if

the aggrieved person has not complied with discovery orders entered by the court.

(e) The city shall not be subject to orders for sanctions for the failure of the complainant, if other than the administrator, or aggrieved person to comply with discovery requests of the defendant or discovery orders of the court.

(f) Any resolution of a charge before a final order is signed by the state district court under this section requires the consent of the aggrieved person on whose behalf the charge is issued. (Ord. Nos. 20780; 21055; 32157)

SEC. 20A-15. ENFORCEMENT BY PRIVATE PERSONS.

~~—(a) An aggrieved person may file a civil action in state district court not later than two years after the occurrence or termination of an alleged discriminatory housing practice or after the breach of a conciliation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or the breach of the conciliation agreement.~~

(a) An aggrieved person may file a civil action in state district court not later than two years after the occurrence or termination of an alleged discriminatory housing practice or after the breach of a conciliation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or the breach of the conciliation agreement. Except for civil actions due to the breach of a conciliation agreement, computation of the two-year period does not include any time during which an administrative proceeding under this article was pending with respect to a complaint or charge under this article based upon a discriminatory housing practice.

(b) An aggrieved person may file an action under this section whether or not a complaint has been filed under Section 20A-7 of this chapter and without regard to the status of any complaint filed under Section 20A-7 of this chapter.

(c) An aggrieved person may not file an action under this section for an alleged discriminatory housing practice that forms the basis of a charge issued

(d) In an action under this section, if the court finds that a discriminatory housing practice has occurred, the court may award to the plaintiff:

- (1) actual and punitive damages;
- (2) reasonable attorney’s fees;
- (3) court costs; and

(4) subject to Section 20(A)-16 of this chapter, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering appropriate affirmative action.

(e) A court in a civil action brought under this section may award reasonable attorney’s fees to the prevailing party and assess court costs against the non-prevailing party. (Ord. Nos. 20780; 32157)

SEC. 20A-16. EFFECT OF CIVIL ACTION ON CERTAIN CONTRACTS.

Relief granted under Section 20A-14 or 20A-15 does not affect a contract, sale, encumbrance, or lease that:

- (1) was consummated before the granting of the relief; and
- (2) involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under Section 20A-17. (Ord. 20780)

SEC. 20A-17. SERVICE OF NOTICE AND COMPUTATION OF TIME.

(a) For purposes of this chapter, any notice, paper, or document required to be served on any person under this chapter may be served in person or by United States mail to the person’s last known address.

(b) When service is by mail, three days will be added to the prescribed time period allowed under this chapter for timely filing.

(c) Service is complete and time periods begin to run at the time the required notice, paper, or document is delivered in person or deposited in a United States postal receptacle. (Ord. 20780)

SEC. 20A-18. ADDITIONAL REMEDIES.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available to the city or to an aggrieved person under federal or state law. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-19. EDUCATION AND PUBLIC INFORMATION.

The administrator may conduct educational and public information activities that are designed to promote the policy of this chapter. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-20. EFFECT ON OTHER LAW.

This ordinance does not affect any local, state, or federal restriction:

- (1) on the maximum number of occupants permitted to occupy a dwelling unit; or
- (2) relating to health or safety standards. (Ord. 20780)

SEC. 20A-21. CRIMINAL PENALTIES FOR VIOLATION.

(a) A person who violates a provision of Section 20A-4 or 20A-11 of this chapter commits a criminal offense. A person is guilty of a separate criminal

(iv) any compound, salt, derivative, mixture, or preparation of the plant, its seeds, or its extracts, including Salvinorin A;

(B) 2-[(1R,3S)-3-hydroxycyclo-hexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47, 497) and homologues;

(C) [(6aS,10aS)-9-(hydroxy-methyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c]chromen-1-ol] (also known as HU-211 or Dexanabinol);

(D) 1-pentyl-3-(1-napthoyl)indole (also known as JWH-018);

(E) 1-butyl-3-(1-napthoyl)indole (also known as JWH-073); or

(F) 1-pentyl-3-(4-methoxynaphtholy)indole (also known as JWH-081).

(b) A person commits an offense if, in the city, he:

(1) possesses, buys, sells, offers for sale, delivers, or transfers any illegal smoking product;

(2) causes any illegal smoking product to be sold, delivered, or transferred to another person;

(3) uses, inhales, ingests, or otherwise introduces into his body any illegal smoking product; or

(4) uses or possesses with the intent to use any illegal smoking paraphernalia to inhale, ingest, or otherwise introduce into his body any illegal smoking product.

(c) It is a defense to prosecution under this section that an illegal smoking product or illegal smoking paraphernalia was:

(1) in the possession of a peace officer, or a person acting under the authority of a peace officer, acting in the performance of official duties;

(2) in the possession of or being used by a governmental entity for a health, research, education, or similar program;

(3) in the possession of or being used by a medical, educational, or research institute operating in compliance with all applicable city ordinances and state and federal laws;

(4) possessed or used by a person under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances in the State of Texas; or

(5) possessed or used by a person as part of a bona fide religious ritual or ceremony.

(d) A person violating a provision of this section is, upon conviction, punishable by a fine not to exceed \$2,000. A person commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(e) The culpable mental state required for the commission of an offense under this section is governed by Section 1-5.1 of this code. (Ord. 27960)

SEC. 31-33. CURFEW HOURS FOR MINORS.

~~(a) Definitions. In this section:~~

~~(1) CURFEW HOURS means:~~

~~(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;~~

~~(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and~~

~~(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.~~

~~(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but~~

is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

~~(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.~~

~~(4) GUARDIAN means:~~

~~(A) a person who, under court order, is the guardian of the person of a minor; or~~

~~(B) a public or private agency with whom a minor has been placed by a court.~~

~~(5) INSESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.~~

~~(6) MINOR means any person under 17 years of age.~~

~~(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.~~

~~(8) PARENT means a person who is:~~

~~(A) a natural parent, adoptive parent, or step-parent of another person; or~~

~~(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.~~

~~(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets,~~

~~highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.~~

~~(10) REMAIN means to:~~

~~(A) linger or stay; or~~

~~(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.~~

~~(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.~~

~~(b) Offenses.~~

~~(1) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.~~

~~(2) A parent or guardian of a minor commits an offense if the parent or guardian knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.~~

~~(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee knowingly allows a minor to remain upon the premises of the establishment during curfew hours.~~

~~(c) Defenses.~~

~~(1) It is a defense to prosecution under Subsection (b) that the minor was:~~

~~(A) accompanied by the minor's parent or guardian;~~

~~_____ (B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;~~

~~_____ (C) in a motor vehicle involved in interstate travel;~~

~~_____ (D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;~~

~~_____ (E) involved in an emergency;~~

~~_____ (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;~~

~~_____ (G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;~~

~~_____ (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or~~

~~_____ (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.~~

~~_____ (2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.~~

~~_____ (3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:~~

~~_____ (A) the school in which the minor was enrolled or otherwise required to attend was not in session;~~

~~_____ (B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;~~

~~_____ (C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the work study program without any detour or stop;~~

~~_____ (D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;~~

~~_____ (E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or~~

~~_____ (F) the minor was a high school graduate or had received a high school equivalency certificate.~~

~~_____ (d) Enforcement.~~

~~_____ (1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide two verbal warnings in advisement of the juvenile curfew upon the first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian. The officer then may transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an~~

appearance in community court. The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to a parent or guardian of a minor for a violation of Subsection (b)(2) of this section, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3). In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties:

(1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$50.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court

shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on March 4, 2022, unless sooner modified, terminated, or extended by city council ordinance.

(a) Definitions. In this section:

(1) CURFEW HOURS means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

(G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused

to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

(A) the school in which the minor was enrolled or otherwise required to attend was not in session;

(B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the workstudy program without any detour or stop;

(D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide two verbal warnings in advisement of the juvenile curfew upon first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian. The officer then may transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an appearance in community court. The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to a parent or guardian of a minor for a violation of Subsection (b)(2) of this section, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3). In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$50.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on March 4, 2025, unless sooner modified, terminated, or extended by city council ordinance.

(Ord. Nos. 20966; 21309; 23079; 24235; 25231; 26336; 27527; 27538; 28639; 29985; 31135; 32154)

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

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

ARTICLE II.**COMPENSATION.**

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

ARTICLE III.**LEAVE POLICIES.**

- Sec. 34-21.1. General.
- Sec. 34-22. Sick leave.
- Sec. 34-22.1. Medical testing.
- Sec. 34-22.2. Quarantine leave.
- Sec. 34-22.3. Mental health leave for peace officers.
- Sec. 34-22.4. Compassionate leave.
- Sec. 34-23. Vacation leave.

- Sec. 34-24. Compensatory leave.
- Sec. 34-24.1. Family and medical leave.
- Sec. 34-24.2. Paid parental leave.
- Sec. 34-25. Holidays.
- Sec. 34-26. Court leave.
- Sec. 34-27. Death-in-family leave.
- Sec. 34-28. Leave without pay.
- Sec. 34-29. Leave with pay (excused absence).
- Sec. 34-30. Military service/military leave.
- Sec. 34-31. Injury leave.
- Sec. 34-31.1. Mandatory city leave.

ARTICLE IV.**BENEFITS.**

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

ARTICLE V.**RULES OF CONDUCT.**

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

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

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

ARTICLE VII.**WAGE SUPPLEMENTATION.**

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

(d) Effect on leave balances. The city will not reduce an eligible employee's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this section.

(e) Reimbursements. An employee may be required to provide receipts or proof of payment with a request for reimbursement of expenses and may be denied reimbursement for any expenses that the city deems unreasonable or unrelated to quarantine. (Ord. 32035)

SEC. 34-22.3. MENTAL HEALTH LEAVE FOR PEACE OFFICERS.

~~—(a) Eligibility. An employee of the police department, fire department, or marshal's office, who holds an active peace officer license with the Texas Commission on Law Enforcement, shall be allowed up to five days of paid mental health leave per fiscal year, if they experience a traumatic event while on duty, and if the need for leave is verified by a licensed psychiatrist or psychologist. Each department of the city that employs licensed peace officers may develop additional departmental rules to carry out the provisions of this policy.~~

~~—(b) Confidentiality. The city will keep requests for mental health leave and any medical information related to mental health leave in accordance with this section confidential to the extent allowed by law and separate from the employee's personnel or departmental file. The city cannot guarantee confidentiality of information that is otherwise public or necessary to carry out the city's obligations under the law.~~

~~—(c) Effect on leave balances. The city will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken in accordance with this section. (Ord. 32035)~~

~~SEC. 34-22.4. COMPASSIONATE LEAVE:~~

~~—(a) Purpose. Compassionate leave is intended for employees with a serious medical condition or injury that prevents the employee from performing any type of work and, due to the employee's medical condition, it is anticipated that the employee will not be able to return to work.~~

~~—(b) Eligibility. An employee who has exhausted all accrued leave balances, has completed a minimum of one year of city employment, and accumulated a minimum of 40 hours of sick leave at any time prior to the occurrence of the condition for which the compassionate leave is requested.~~

~~—(c) Maximum leave allowed. For employees who are approved for compassionate leave, the maximum amount of compassionate leave that may be awarded is 348 hours for a sworn employee in the emergency response bureau of the fire department, and 232 hours for any other employee. An employee may only be awarded compassionate leave once.~~

~~—(d) Required approval. An employee's request for compassionate leave must be approved by the employee's department director and the director of human resources. Specific procedures and requirements for the administration of compassionate leave are outlined in the administrative directives of the city.~~

(a) Eligibility.

(1) An employee who experiences a traumatic event while on duty is eligible to receive paid mental health leave if the need for mental health leave is verified by a licensed psychiatrist or psychologist. Paid mental health leave is allowed as follows:

(A) up to 60 hours for sworn employees in the emergency response bureau of the fire department; and

(B) up to 40 hours for all other employees.

(2) In this section, TRAUMATIC EVENT means actual or threatened death, serious injury, or physical abuse, either of one's self or of another,

during the employee's scope of employment that is outside the typical experiences of the employee's routine work environment and causes the employee to experience unusually strong emotional reactions or feelings that have the potential to cause lasting adverse effects on their functioning and mental, physical, social, or emotional well-being. A traumatic event does not include routine work-related events or incidents, personality conflicts, or disagreements between or among supervisors or co-workers.

(3) City departments may develop additional departmental rules to carry out the provisions of this policy, subject to the approval of the director of the human resources department and the city attorney's office.

(b) Confidentiality. The city will keep requests for mental health leave and any medical information related to mental health leave in accordance with this section confidential to the extent allowed by law and separate from the employee's personnel or departmental file. The city cannot guarantee confidentiality of information that is otherwise public or necessary to carry out the city's obligations under the law.

(c) Effect on leave balances. The city will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken in accordance with this section. (Ord. Nos. 32035; 32158)

SEC. 34-23. VACATION LEAVE.

(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment. Except for a newly hired third-tier executive and above who has been granted discretionary vacation leave pursuant to Subsection (r) of this section, vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months of employment.

CHAPTER 41A

SEXUALLY ORIENTED BUSINESSES

- Sec. 41A-1. Purpose and intent.
- Sec. 41A-2. Definitions.
- Sec. 41A-3. Classification.
- Sec. 41A-4. License and designated operator required.
- Sec. 41A-5. Issuance of license.
- Sec. 41A-6. Fees.
- Sec. 41A-7. Inspection.
- Sec. 41A-7.1. Identification records.
- Sec. 41A-8. Expiration of license.
- Sec. 41A-9. Suspension.
- Sec. 41A-10. Revocation.
- Sec. 41A-10.1. Denial, suspension, revocation, or denial of renewal of a license for criminal convictions.
- Sec. 41A-10.2. Notice of denial of issuance or renewal of license or suspension or revocation of license; surrender of license.
- Sec. 41A-11. Appeal.
- Sec. 41A-12. Transfer of license.
- Sec. 41A-13. Location of sexually oriented businesses.
- Sec. 41A-14. Exemption from location restrictions.
- Sec. 41A-14.1. Exterior portions of sexually oriented businesses.
- Sec. 41A-14.2. Sign requirements.
- Sec. 41A-14.3. Hours of operation.
- Sec. 41A-15. Additional regulations for escort agencies.
- Sec. 41A-16. Additional regulations for nude model studios.
- Sec. 41A-17. Additional regulations for adult motion picture theaters.
- Sec. 41A-18. Additional regulations for adult motels.
- Sec. 41A-18.1. Additional regulations for adult cabarets.
- Sec. 41A-19. Regulations pertaining to exhibition of sexually explicit films or videos.
- Sec. 41A-20. Display of sexually explicit material to minors.
- Sec. 41A-20.1. Prohibitions against minors in sexually oriented businesses.

- Sec. 41A-21. Enforcement.
- Sec. 41A-22. Injunction.
- Sec. 41A-23. Amendment of this chapter.

SEC. 41A-1. PURPOSE AND INTENT.

(a) It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city; to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the city; and to minimize the deleterious secondary effects of sexually oriented businesses both inside such businesses and outside in the surrounding communities. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials or performances, including sexually oriented materials and performances. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials and performances protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(b) It is the intent of the city council that this chapter is promulgated pursuant to Chapter 243 of the Texas Local Government Code, as amended.

(c) A license, permit, or decal granted under this chapter or under any other city ordinance does not authorize or legalize any conduct, activity, or business that is illegal under state or federal law. (Ord. Nos. 19196; 24440; 24699; 25296; 27139)

SEC. 41A-2. DEFINITIONS.

In this chapter:

(1) ACHROMATIC means colorless or lacking in saturation or hue. The term includes, but is not limited to, grays, tans, and light earth tones. The

(5) Hair color, eye color, height, and weight.

(6) Current residence address and telephone number, and, for designated operators and adult cabaret entertainers, all residence addresses during the 12-month period preceding commencement of an employment or contractual relationship with the sexually oriented business.

(7) Legible copy of a valid driver's license or other government-issued personal identification card containing the employee's photograph and date of birth.

(8) Date of commencement of employment or contractual relationship with the sexually oriented business.

(9) Original color photograph with a full face view that accurately depicts the employee's appearance at the time the employee commenced an employment or contractual relationship with the sexually oriented business.

(c) The licensee shall maintain a separate file on each designated operator (other than the licensee or the licensee's spouse) and on each adult cabaret entertainer, which contains, in addition to the information and documentation required in Subsection (b), the person's current official Texas criminal history report with a fingerprint card issued within the preceding 12 months.

(d) Not later than 90 days after employing or contracting with a designated operator or an adult cabaret entertainer, the licensee shall include in the file a current official criminal history report from any state other than Texas in which the designated operator or adult cabaret entertainer resided during the 12-month period preceding commencement of the employment or contractual relationship with the sexually oriented business.

(e) A licensee commits an offense if he allows a designated operator to operate a sexually oriented business without having on file, and available for

inspection by representatives of the police department, all records and information required by this section for the designated operator.

(f) A licensee or an operator commits an offense if he allows an adult cabaret entertainer to perform adult cabaret entertainment at a sexually oriented business without having on file, and available for inspection by representatives of the police department, all records and information required by this section for the adult cabaret entertainer.

(g) All records maintained on an employee in compliance with this section must be retained at the sexually oriented business for at least 90 days following the date of any voluntary or involuntary termination of the employee's employment or contract with the sexually oriented business.

(h) A person who operates a sexually oriented business or the person's agent or employee shall allow immediate access to these records by representatives of the police department. (Ord. Nos. 24440; 24699; 27139)

SEC. 41A-8. EXPIRATION OF LICENSE.

Each license expires one year from the date of issuance, except that a license issued pursuant to an exemption to a locational restriction expires on the date the exemption expires. A license may be renewed only by making application as provided in Section 41A-4. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application. (Ord. Nos. 19196; 20552; 21838; 24440; 24699; 27139)

SEC. 41A-9. SUSPENSION.

~~—The chief of police shall suspend a license for a period not to exceed 30 days if the chief of police~~

determines that a licensee, an operator, or an employee has:

~~———— (1) violated or is not in compliance with Section 41A-4(h), 41A-7, 41A-7.1, 41A-13, 41A-14.1, 41A-14.2, 41A-15, 41A-16, 41A-17, 41A-18, 41A-18.1, 41A-19, or 41A-20 of this chapter;~~

~~———— (2) refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or~~

~~———— (3) knowingly permitted gambling by any person on the sexually oriented business premises.—~~

The chief of police shall suspend a license for a period not to exceed 30 days if the chief of police determines that a licensee, an operator, or an employee has:

(1) violated or is not in compliance with Section 41A-4(h), 41A-7, 41A-7.1, 41A-13, 41A-14.1, 41A-14.2, 41A-14.3, 41A-15, 41A-16, 41A-17, 41A-18, 41A-18.1, 41A-19, or 41A-20 of this chapter;

(2) refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or

(3) knowingly permitted gambling by any person on the sexually oriented business premises.
(Ord. Nos. 19196; 24440; 24699; 27139; 32125)

SEC. 41A-10. REVOCATION.

(a) The chief of police shall revoke a license if a cause of suspension in Section 41A-9 occurs and the license has been suspended within the preceding 12 months.

(b) The chief of police shall revoke a license if the chief of police determines that one or more of the following is true:

(1) A licensee gave false or misleading information in the material submitted to the chief of police during the application process.

(2) A licensee or an operator has knowingly allowed possession, use, or sale of controlled substances on the premises.

(3) A licensee or an operator has knowingly allowed prostitution on the premises.

(4) A licensee or an operator knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.

oriented business or abandoned by the owner or operator of the sexually oriented business; or

(2) the city requires removal, relocation, or reconstruction of the sign in accordance with applicable state law. (Ord. Nos. 23137; 24440; 24699; 25296)

SEC. 41A-14.3. HOURS OF OPERATION.

(a) A sexually oriented business must be closed for business each day between the hours of 2:00 a.m. and 6:00 a.m.

(b) This section shall be reviewed by the appropriate city council committee on or before January 26, 2024, and by the January of every even numbered year thereafter. (Ord. 32125)

SEC. 41A-15. ADDITIONAL REGULATIONS FORESCORT AGENCIES.

A person commits an offense if the person acts as an escort or agrees to act as an escort for a minor. (Ord. Nos. 19196; 24440; 24699; 27139)

SEC. 41A-16. ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS.

(a) ~~Reserved.~~ A person commits an offense if he knowingly allows a person under 21 years of age to appear in a state of nudity in or on the premises of a nude model studio.

(b) A minor commits an offense if the minor appears in a state of nudity in or on the premises of a nude model studio.

(c) A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises that can be viewed from the public right-of-way.

(d) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(e) An employee of a nude model studio, while exposing any specified anatomical areas, commits an offense if the employee touches a customer or the clothing of a customer.

(f) A customer at a nude model studio commits an offense if the customer touches an employee who is exposing any specified anatomical areas or touches the clothing of the employee.

(g) A licensee, an operator, or an employee of a nude model studio commits an offense if he permits any customer access to an area of the premises not visible from the manager's station or not visible by a walk through of the premises without entering a closed area, excluding a restroom. (Ord. Nos. 19196; 23137; 24440; 24699; 27139; 32125)

SEC. 41A-17. ADDITIONAL REGULATIONS FOR ADULT MOTION PICTURE THEATERS.

~~—(a) A person commits an offense if he knowingly allows a minor to appear in a state of nudity in or on the premises of an adult motion picture theater.~~

(a) A person commits an offense if he knowingly allows a person under 21 years of age to appear in a state of nudity in or on the premises of an adult motion picture theater.

(b) A minor commits an offense if the minor knowingly appears in a state of nudity in or on the premises of an adult motion picture theater. (Ord. Nos. 19196; 21838; 24440; 24699; 27139; 32125)

SEC. 41A-18. ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(a) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(b) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of Subsection (b) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration. (Ord. Nos. 19196; 24440; 24699)

commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

- (1) human sexual intercourse, masturbation, or sodomy;
- (2) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
- (3) less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; or
- (4) human male genitals in a discernibly turgid state, whether covered or uncovered.

(b) In this section "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:

- (1) it is available to the general public for handling and inspection; or
- (2) the cover or outside packaging on the item is visible to members of the general public. (Ord. Nos. 19196; 24440; 24699; 27139)

SEC. 41A-20.1. PROHIBITIONS AGAINST MINORS IN SEXUALLY ORIENTED BUSINESSES.

~~— (a) A licensee or an operator commits an offense if he knowingly:~~

- ~~— (1) allows a minor to enter the interior premises of a sexually oriented business;~~
- ~~— (2) employs, contracts with, or otherwise engages or allows a minor to perform adult cabaret entertainment; or~~
- ~~— (3) employs a minor in a sexually oriented business.~~

~~— (b) Knowledge on the part of the licensee or operator is presumed under Paragraph (2) or (3) of Subsection (a) if identification records were not kept in accordance with the requirements of Section 41A-7.1, and properly kept records would have informed the licensee or operator of the minor's age.~~

~~— (c) An employee commits an offense if the employee knowingly:~~

- ~~— (1) allows a minor to enter the interior premises of a sexually oriented business;~~
- ~~— (2) employs, contracts with, or otherwise engages or allows a minor to perform adult cabaret entertainment; or~~
- ~~— (3) employs a minor in a sexually oriented business.~~

~~— (d) A minor commits an offense if the minor knowingly enters the interior premises of a sexually oriented business.~~

(a) A licensee or operator commits an offense if he knowingly:

- (1) allows a minor to enter the interior premises of a sexually oriented business;**
- (2) employs, contracts with, or otherwise engages or allows a person under 21 years of age to perform adult cabaret entertainment; or**
- (3) employs a person under 21 years of age in a sexually oriented business.**

(b) Knowledge on the part of the licensee or operator is presumed under Paragraph (2) or (3) of Subsection (a) if identification records were not kept in accordance with the requirements of Section 41A-7.1, and properly kept records would have informed the licensee or operator of the person's age.

(c) An employee commits an offense if the employee knowingly:

- (1) allows a minor to enter the interior premises of a sexually oriented business;**
- (2) employs, contracts with, or otherwise engages or allows a person under 21 years of age to**

perform adult cabaret entertainment; or

(3) employs a person under 21 years of age in a sexually oriented business.

(d) A minor commits an offense if the minor knowingly enters the interior premises of a sexually oriented business. (Ord. Nos. 27139; 32125)

SEC. 41A-21. ENFORCEMENT.

(a) Whenever a person does an act that is forbidden, fails to perform an act that is required, or commits an act that is made an offense by any provision of this chapter, the violation is punishable as provided by Section 243.010(b) of the Texas Local Government Code, as amended. A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b) Except where otherwise specified, a culpable mental state is not required for the commission of an offense under this chapter.

(c) It is a defense to prosecution under Section 41A-4(a), 41A-13, or 41A-16(d) that a person appearing in a state of nudity did so in a modeling class operated:

CHAPTER 48B

VACANT BUILDINGS AND LOTS

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ARTICLE I.

GENERAL PROVISIONS.

SEC. 48B-1. PURPOSE OF CHAPTER.

~~—(a) There exists in the central business district of the city of Dallas, Texas, many vacant buildings that, if left unoccupied and unmonitored, may fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area. The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing a registration program for vacant buildings in the central business district in order to monitor the vacant buildings and ensure that they are maintained in compliance with this code and other applicable laws and to encourage their demolition or return to occupancy in a timely manner.~~

There exists in the city of Dallas, Texas, many vacant properties that, if left unoccupied and unmonitored, may fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area. The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing a registration program for vacant buildings and lots in the city in order to monitor the vacant buildings and lots and ensure that they are maintained in compliance with this code and other applicable laws and to encourage their demolition, building development, or return to occupancy in a timely manner. (Ord. Nos. 27248, eff. 9-1-08; 32145)

SEC. 48B-2. DEFINITIONS.

~~—In this chapter:~~

~~—(1) BUILDING means a structure for the support or shelter of any use or occupancy.~~

~~—(2) CENTRAL BUSINESS DISTRICT means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.~~

~~—(3) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this chapter to the owner or operator of a vacant building.~~

~~(4) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes any representatives, agents, or department employees designated by the director.~~

~~(5) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.~~

~~(6) OCCUPIED means that one or more persons conduct business in or reside in at least 50 percent of the total area of a building (excluding stairwells, elevator shafts, and mechanical rooms) as the legal or equitable owner, operator, lessee, or invitee on a permanent, nontransient basis pursuant to and within the scope of a valid certificate of occupancy.~~

~~(7) 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;~~

~~(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.~~

~~(8) PERSON means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.~~

~~(9) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.~~

~~(10) REGISTRANT means a person issued a certificate of registration for a vacant building under this chapter.~~

~~(11) 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.~~

~~(12) VACANT BUILDING means a building located in the city's central business district that, regardless of its structural condition, is not occupied.~~

In this chapter:

(1) BASIC PROPERTY means a vacant building or vacant lot which has two non-complied property maintenance violations within any six-month period.

(2) BUILDING means a structure for the support or shelter of any use or occupancy.

(3) CENTRAL BUSINESS DISTRICT means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.

(4) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this chapter to the owner or operator of a vacant building.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes any representatives, agents, or department employees designated by the director.

(6) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more

kitchens, one or more bathrooms, and one or more bedrooms.

(7) OCCUPIED means that one or more persons conduct business in or reside in at least 50 percent of the total area of a building (excluding stairwells, elevator shafts, and mechanical rooms) as the legal or equitable owner, operator, lessee, or invitee on a permanent, nontransient basis pursuant to and within the scope of a valid certificate of occupancy.

(8) 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;

(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.

(9) PERSON means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.

(10) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(11) PROBLEM PROPERTY means a vacant building or vacant lot which has three or more non-complied property maintenance violations within any six-month period.

(12) PROPERTY MAINTENANCE VIOLATION means any violation of the city code involving high weeds; litter; obstructions of alleys, sidewalks, or streets; signs on a public right of way; bulky trash; substandard structures; junk motor

vehicles; illegal dumping; illegal outside storage; and graffiti.

(13) REGISTRANT means a person issued a certificate of registration for a vacant building or vacant lot under this chapter.

(14) 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.

(15) VACANT BUILDING means a building that, regardless of its structural condition, is not occupied.

(16) VACANT LOT means any parcel of real property that is not improved with a permitted structure. (Ord. Nos. 27248, ~~eff. 9-1-08~~; 32145)

SEC. 48B-3. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter. (Ord. 27248, ~~eff. 9-1-08~~)

SEC. 48B-4. DELIVERY OF NOTICES.

Any written notice that the director is required to give an applicant or registrant under this chapter is deemed to be delivered:

(1) on the date the notice is hand delivered to the applicant or registrant; or

(2) three days after the date the notice is placed in the United States mail with proper postage

and properly addressed to the applicant or registrant at the address provided for the applicant or registrant in the most recent registration application. (Ord. 27248; eff. 9-1-08)

SEC. 48B-5. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of the person 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.

(2) An offense under this chapter is punishable by a fine of not less than \$500 for a first conviction of a violation of Section 48B-6.

(3) The minimum fine 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) 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 Chapter 27 of this code, 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).

(e) The penalties provided for in Subsections (b) and (d) are in addition to any other enforcement remedies that the city may have under city ordinances and state law. (Ord. 27248; eff. 9-1-08)

ARTICLE II.

REGISTRATION AND INSPECTION OF VACANT BUILDINGS IN THE CENTRAL BUSINESS DISTRICT.

SEC. 48B-6. REGISTRATION REQUIRED; DEFENSES.

~~—(a) A person commits an offense if the person owns or operates a vacant building without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, only one certificate of registration is required for all of the vacant buildings. Also, only one certificate of registration is required for a single vacant building that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building.~~

(a) A person commits an offense if the person owns or operates a vacant building in the central business district without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located in the central business district, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building in the central business district is located at the same street address, only one certificate of registration is required for all of the vacant buildings. Also, only one certificate of registration is required for a single vacant building in the central business district that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building.

(b) It is a defense to prosecution under this section that:

(3) at the time of the alleged offense, the building was in the process of being actively marketed and advertised for lease or sale and had been occupied within the 90-day period preceding the date of the alleged offense;

(4) within the 90-day period preceding the date of the alleged offense, the building suffered damage or destruction from a fire, flood, storm, or similar event that rendered the building incapable of being occupied, except that this defense does not apply if the building was rendered incapable of being occupied by the intentional act of the owner, operator, lessee, or other invitee or an agent of the owner, operator, lessee, or other invitee; or

(5) the building was owned by the city of Dallas, the State of Texas, or the United States government. (Ord. Nos. 27248, eff. 9-1-08; 32145)

SEC. 48B-7. REGISTRATION APPLICATION.

~~(a) To obtain a certificate of registration for a vacant building, 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 vacant building. The application must contain all of the following information:~~

~~(1) The name, street address, mailing address, and telephone number of the applicant or the applicant's authorized agent.~~

~~(2) The name, all street addresses, and the main telephone number, if any, of the vacant building and a description of the type of property it is (such as, but not limited to, a commercial building, a warehouse, an office, a hotel, an apartment complex, a boarding home, a group home, a loft, a townhome, a condominium, or a single-family residence).~~

~~(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the vacant building and any lien holders and other persons with a financial interest in the vacant building.~~

~~(4) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 48B-15 of this chapter.~~

~~(5) The form of business of the applicant (and owner, if different from 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.~~

~~(6) Proof of insurance required by Section 48B-16 of this chapter.~~

~~(7) The number of buildings (including vacant and occupied buildings), dwelling units, swimming pools, and spas located in or on the premises of the vacant building.~~

~~(8) Documentary evidence of payment of ad valorem taxes owed in connection with the vacant building and the premises on which it is located.~~

~~(9) The total area in square feet of the vacant building, the number of stories contained in the vacant building, the area in square feet of each story, and whether each story is above or below ground level.~~

~~(10) The date on which the vacant building was last occupied, a description of the last use of the vacant building, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant building.~~

~~(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) To obtain a certificate of registration for a vacant building in the central business district, 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 vacant building in the central business district. The application must contain all of the following information:

(1) The name, street address, mailing address, and telephone number of the applicant or the applicant's authorized agent.

(2) The name, all street addresses, and the main telephone number, if any, of the vacant building and a description of the type of property it is (such as, but not limited to, a commercial building, a warehouse, an office, a hotel, an apartment complex, a boarding home, a group home, a loft, a townhome, a condominium, or a single-family residence).

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the vacant building and any lien holders and other persons with a financial interest in the vacant building.

(4) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 48B-15 of this chapter.

(5) The form of business of the applicant (and owner, if different from 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.

(6) Proof of insurance required by Section 48B-16 of this chapter.

(7) The number of buildings (including vacant and occupied buildings), dwelling units, swimming pools, and spas located in or on the premises of the vacant building.

(8) Documentary evidence of payment of ad valorem taxes owed in connection with the vacant building and the premises on which it is located.

(9) The total area in square feet of the vacant building, the number of stories contained in the vacant building, the area in square feet of each story, and

whether each story is above or below ground level.

(10) The date on which the vacant building was last occupied, a description of the last use of the vacant building, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant building.

(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.

(b) If the application for a certificate of registration is being made for multiple vacant buildings located at the same address, then the information required in Subsection (a) must be provided for each vacant building located at that address.

(c) A registrant shall notify the director within 10 days after any material change in the information contained in the application for a certificate of registration for a vacant building, including any changes in ownership of the property. (Ord. Nos. 27248; 32145)

SEC. 48B-8. REGISTRATION FEE AND INSPECTION CHARGE.

~~—(a) The fee for a certificate of registration for a vacant building is \$79, plus an inspection charge in an amount equal to $\$185.64 + (\$0.009282 \times \text{total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms}$.~~

(a) The fee for a certificate of registration for a vacant building in the central business district is \$79, plus an inspection charge in an amount equal to $\$185.64 + (\$0.009282 \times \text{total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms}$.

(b) If one certificate of registration is issued for multiple vacant structures located at the same address, the inspection charge will be calculated using the aggregate area in square feet of all the vacant buildings.

(c) If a certificate of registration expires under Section 48B-12 and the registration term was less than six months, then the registration fee (minus the inspection charge) may be prorated on the basis of whole months and partially refunded to the registrant,

if the director receives a written request for the refund from the registrant within 90 days after expiration of the certificate of registration. If a certificate of registration expires under Section 48B-12 and no inspection was conducted by the city during the registration term, then the full inspection charge may be refunded, if the director receives a written request for the refund from the registrant within 90 days after

expiration of the certificate of registration. Otherwise, no refund of a registration fee or inspection charge will be made. (Ord. Nos. 27248; 29879; 31332, eff. 10/1/19 ; 32145)

SEC. 48B-9. 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 vacant building 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 chapter.~~

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a vacant building in the central business district 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 chapter.

(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 deliver written notice to the applicant 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. 27248; 32145](#))

SEC. 48B-10. REVOCATION OF REGISTRATION.

~~— (a) The director shall revoke a certificate of registration for a vacant building if the director determines that:~~

~~— (1) the registrant failed to comply with any provision of this chapter or any other city ordinance or state or federal law applicable to the building;~~

~~— (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 chapter at the time it was due.~~

(a) The director shall revoke a certificate of registration for a vacant building in the central business district if the director determines that:

(1) the registrant failed to comply with any provision of this chapter or any other city ordinance or state or federal law applicable to the building;

(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 chapter at the time it was due.

(b) Before revoking a certificate of registration under Subsection (a), the director shall deliver written notice to the registrant 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 after the date of delivery to comply with the notice.

(c) If, after 10 days from the date the notice required in Subsection (b) is delivered, the registrant has not complied with the notice, the director shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. 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. 27248; 32145)

SEC. 48B-11. APPEALS.

If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration, 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. 27248)

SEC. 48B-12. EXPIRATION AND RENEWAL OF REGISTRATION.

~~— (a) A certificate of registration for a vacant building expires the earlier of:~~

- ~~— (1) one year after the date of issuance;~~
- ~~— (2) the date the vacant building changes controlling ownership, as determined by the director;~~
- ~~— (3) the date the vacant building becomes occupied, as determined by the director; or~~
- ~~— (4) the date the vacant building is demolished, as determined by the director.~~

(a) A certificate of registration for a vacant building in the central business district expires the earlier of:

- (1) one year after the date of issuance;
- (2) the date the vacant building changes controlling ownership, as determined by the director;
- (3) the date the vacant building becomes occupied, as determined by the director; or
- (4) the date the vacant building is demolished, as determined by the director.

(b) A certificate of registration may be renewed by making application in accordance with Section 48B-7 and paying the registration fee and inspection charge required by Section 48B-8. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration. (Ord. Nos. 27248; 32145)

SEC. 48B-13. NONTRANSFERABILITY.

~~A certificate of registration for a vacant building is not transferable.~~ A certificate of registration for a vacant building in the central business district is not transferable. (Ord. Nos. 27248; 32145)

SEC. 48B-14. PROPERTY INSPECTIONS.

(a) For the purpose of ascertaining whether violations of this chapter or any other city ordinance or state or federal law applicable to the building exist, the director is authorized at a reasonable time to inspect:

- (1) the exterior of a vacant building; and
 - (2) the interior of a vacant building, if the permission of the owner, operator, or other person in control is given or a search warrant is obtained.
- (b) The director shall inspect a vacant building at least once during each 12-month period that the building is not occupied.

(c) An applicant or registrant shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the interior and exterior of a vacant building, for the purpose of ensuring compliance with the law, at reasonable times upon request. The applicant or registrant commits an offense if he, either personally or through an agent or employee, refuses to permit a lawful inspection of the vacant building as required by this subsection.

(d) Whenever a vacant building is inspected by the director and a violation of this chapter or any other city ordinance or state or federal law applicable to the building 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. (Ord. 27248; 27697)

ARTICLE III.

MISCELLANEOUS REQUIREMENTS FOR VACANT BUILDINGS LOCATED IN THE CENTRAL BUSINESS DISTRICT.

SEC. 48B-15. EMERGENCY RESPONSE INFORMATION.

~~—(a) An owner, operator, or other person in control of a vacant building 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 in or on the premises of the vacant building. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, serious police incident, or other condition that requires an immediate response to prevent harm to property or the public.~~

(a) An owner, operator, or other person in control of a vacant building in the central business district 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 in or on the premises of the vacant building. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, serious police

incident, or other condition that requires an immediate response to prevent harm to property or the public.

(b) The owner, operator, or other person in control of the vacant building shall notify the director within five days after any change in the emergency response information.

(B) complying with this chapter or a rule or regulation promulgated under this chapter; or

(C) removing the sign when registration of the vacant building is no longer required under this chapter.

(g) A minor variation of a required or minimum height or width of a sign or lettering is not a violation of this section. (Ord. Nos. 27248, eff. 9-1-08; 32145)

SEC. 48B-16. INSURANCE.

(a) The registrant shall procure, prior to the issuance of a certificate of registration, and keep in full force and effect at all times during the registration term, commercial general liability insurance coverage (including, but not limited to, premises/operations and personal and advertising injury) protecting the city of Dallas against any and all claims for damages to persons or property as a result of, or arising out of, the registrant's operation, maintenance, or use of the vacant building, with minimum combined bodily injury (including death) and property damage limits of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.

(b) The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to the city and must name the city and its officers and employees as additional insureds and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.

(c) A registrant shall provide to the director an updated certificate of insurance for the vacant building every six months that the building is required to be registered under this chapter. (Ord. 27248, eff. 9-1-08)

SEC. 48B-17. VACANT BUILDING PLAN.

~~—(a) Within 30 days after the date a certificate of registration is issued for a vacant building, the registrant shall submit to the director a vacant building plan complying with this section.~~

(a) Within 30 days after the date a certificate of registration is issued for a vacant building in the central business district, the registrant shall submit to the director a vacant building plan complying with this section.

(b) The vacant building plan must contain the following:

(1) A plan of action and a time schedule for correcting all existing violations of this chapter or any other city ordinance or state or federal law applicable to the building or its premises.

(2) A plan of action for maintaining the building and its premises in compliance with this chapter and all applicable city ordinances and state and federal laws.

(3) A plan of action for maintaining the building and its premises in a safe and secure manner, including but not limited to any provisions for lighting, security patrols, alarm systems, fire suppression systems, and securing the building from unauthorized entry.

(4) A plan of action for occupying or selling the building, including but not limited to a time schedule for renovating or repairing the building and a time schedule for marketing, advertising, or offering the building for sale or lease.

(5) A plan of action and time schedule for any demolition of the building.

(c) A registrant may update the vacant building plan at any time, but shall provide the director with an updated vacant building plan at least once every six months that the building is required to be registered under this chapter. (Ord. Nos. 27248, eff. 9-1-08; 32145)

ARTICLE IV.

REGISTRATION AND INSPECTION OF VACANT LOTS AND BUILDINGS LOCATED OUTSIDE THE CENTRAL BUSINESS DISTRICT.

SEC. 48B-18. SCOPE.

The provisions of this article apply to all vacant lots and buildings located outside of the central business district. (Ord. 32145)

SEC. 48B-19. REGISTRATION REQUIRED; DEFENSES.

(a) A person commits an offense if the person owns or operates a vacant building or vacant lot located outside the central business district without a valid certificate of registration and has at least two non-complied property maintenance violations during any six-month period. A separate certificate of registration is required for each street address at which any vacant building or vacant lot is located, regardless of any separate occupied buildings or vacant lots that may also be located at the same street address. If more than one vacant building is located at the same street address, a certificate of registration is required for each separate vacant building. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building or lot.

(b) It is a defense to prosecution under this section that:

(1) the building was occupied within the 45-day period preceding the date of the alleged offense;

(2) at the time of the alleged offense, the building was in the process of being renovated, rehabilitated, repaired, or demolished (pursuant to appropriate and valid permits issued by the building official, if required) and had been occupied within the 90-day period preceding the date of the alleged offense;

(3) at the time of the alleged offense, the vacant building or vacant lot was in the process of being actively marketed and advertised for lease or sale and had been occupied within the 90-day period preceding the date of the alleged offense;

(4) within the 90-day period preceding the date of the alleged offense, the building suffered

damage or destruction from a fire, flood, storm, or similar event that rendered the building incapable of being occupied, except that this defense does not apply if the building was rendered incapable of being occupied by the intentional act of the owner, operator, lessee, or other invitee or an agent of the owner, operator, lessee, or other invitee; or

(5) the vacant building or vacant lot is owned by the city of Dallas, the State of Texas, or the United States government or is a site primarily utilized as farm or agricultural land. (Ord. 32145)

SEC. 48B-20. REGISTRATION APPLICATION.

(a) To obtain a certification of registration for a vacant building or vacant lot under this article, 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 vacant building or vacant lot. The application must contain all of the following information:

(1) The name, street address, mailing address, email address, and telephone number of the applicant and the applicant's authorized agent, if applicable.

(2) The name, street address, email address, and telephone number of a person or person to contact in an emergency as required by Section 48B-28 of this chapter.

(3) The number of buildings (including vacant and occupied buildings, dwelling units, swimming pools, and spas located in or on the premises of the vacant building). (Ord. 32145)

SEC. 48B-21. REGISTRATION FEE AND INSPECTION CHARGE.

(a) The fee for a certificate of registration for a vacant building or vacant lot is as follows:

(1) Basic property registration is \$51.00

(2) Problem property registration is \$149.00

(b) When a vacant lot or vacant building is classified as a problem property, the owner of the property may be subject to monthly monitoring and inspections for the purpose of enforcing and ensuring

compliance with this section and other applicable regulations. A separate fee of \$171 will be assessed each time the property is inspected and a property maintenance violation is present. The inspection fee will be assessed when:

(1) responding to a complaint received by code compliance and a property maintenance violation is present;

(2) performing a 30-day monitoring inspection and a property maintenance violation is present; or

(3) performing a reinspection of the property and the property maintenance violation has not been corrected. (Ord. 32145)

SEC. 48B-22. 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 vacant building or vacant lot 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 of a certification of registration; and

(3) the applicant has no outstanding fees under this chapter.

(b) 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 by the director or to a peace officer for examination. (Ord. 32145)

SEC. 48B-23. REVOCATION OF REGISTRATION.

(a) The director shall revoke a certificate of registration for a vacant building or vacant lot issued under this article if the director determines that:

(1) the registrant failed to comply with any

provision of this chapter or any other city ordinance or state or federal law applicable to the building;

(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 chapter at the time it was due.

(b) Before revoking a certificate of registration under Subsection (a), the director shall deliver written notice to the registrant 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 after the date of delivery to comply with the notice.

(c) If, after 10 days from the date the notice required in Subsection (b) is delivered, the registrant has not complied with the notice, the director shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. 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. 32145)

SEC. 48B-24. APPEALS.

If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration, this action is final unless the applicant or registrant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 32145)

SEC. 48B-25. EXPIRATION AND RENEWAL OF REGISTRATION.

(a) A certificate of registration for a vacant building or vacant lot expires the earlier of:

(1) one year after the date of issuance;

(2) the date the vacant building or vacant lot changes controlling ownership, as determined by the director;

(3) the date the vacant building becomes occupied, as determined by the director;

(4) the date the vacant building is demolished, as determined by the director; or

(5) the date the owner of a vacant lot receives an approved building permit from the city's building official to build, construct, or erect an edifice or building that is intended to be legally occupied.

(b) A certificate of registration may be renewed by making an application in accordance with Section 48B-20 and paying the registration fee and inspection charge required by Section 48B-21. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration. (Ord. 32145)

SEC. 48B-26. NONTRANSFERABILITY.

A certificate of registration for a vacant building or vacant lot is not transferable. (Ord. 32145)

SEC. 48B-27. PROPERTY INSPECTIONS.

(a) For the purpose of ascertaining whether violations of this chapter or any other city ordinance or state or federal law applicable to the vacant building or vacant lot exist, the director is authorized at a reasonable time to inspect:

(1) the vacant lot;

(2) the exterior of a vacant building; and

(3) the interior of a vacant building, if the permission of the owner, operator, or other person in control is given or a search warrant is obtained.

(b) The director shall inspect a vacant building located outside the central business district or a vacant lot at least once during each 12-month period that the building is not occupied or lot that does not have a permitted structure.

(c) An applicant or registrant shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the interior and exterior of a vacant building, or vacant lot for the purpose of ensuring compliance with the law, at reasonable times upon request. The applicant or registrant commits an

offense if he, either personally or through an agent or employee, refuses to permit a lawful inspection of the vacant building or vacant lot as required by this subsection.

(d) When a vacant building or vacant lot is inspected by the director and a violation of this chapter or any other city ordinance or state or federal law applicable to the building or lot 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. (Ord. 32145)

SEC. 48B-28. EMERGENCY RESPONSE INFORMATION FOR PROBLEM PROPERTIES.

(a) An owner, operator, or other person in control of a vacant building or vacant lot that is required to register as a problem property shall provide the director with the name, street address, mailing address, email 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 in or on the premises of the vacant building or vacant lot. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, serious police incident, or other condition that requires an immediate response to prevent harm to property or the public.

(b) The owner, operator, or other person in control of the vacant building or vacant lot shall notify the director within five days after any change in the emergency response information.

(c) The owner, operator, or other person in control of a vacant building or vacant lot, or an authorized agent, must arrive at the premises 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 premises.

(d) A sign containing the emergency contact information required in Subsection (a) of this section must be attached in a conspicuous location on the exterior of each facade of the vacant building or vacant lot that faces a public right-of-way.

(e) The sign required by Subsection (d) must:

- (1) comply with the city's sign regulations;
- (2) be a minimum of four feet tall and four feet wide, not to exceed 20 square feet;
- (3) be less than eight feet in height;
- (4) have lettering not less than six inches high and six inches wide in black font on a yellow background;
- (5) be constructed of rigid weather-resistant material;
- (6) be readable day and night; and
- (7) be clearly visible from the public right-of-way.

(f) A person commits an offense if he removes or obstructs or allows the removal or obstruction of a sign required to be posted on a vacant building or vacant lot under this section. It is a defense to prosecution under this subsection that the removal or obstruction was caused by:

(1) a city employee in the performance of official duties; or

(2) the owner, operator, or lessee of the vacant building for the purpose of:

(A) repairing or maintaining the sign;

(B) complying with this chapter or a rule or regulation promulgated under this chapter; or

(C) removing the sign when registration of the vacant building or vacant lot is no longer required under this chapter.

(g) A minor variation of a required or minimum height or width of a sign or lettering is not a violation of this section. (Ord. 32145)

Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32017	10-13-21		1	Amends 42A-12(j)
			2	Amends 42A-12(l)
32020	10-13-21		1	Amends 24-3(c)(2)
32035	10-27-21		1	Amends 34-4(35)
			2	Adds 34-22.2
			3	Adds 34-22.3
			4	Adds 34-22.4
			5	Adds 34-24.2
32057	12-8-21		1	Amends ch. 27, art. VIII, 27-45 thru 27-58
32058	12-8-21		1	Amends 27-30(d)
			2	Amends 27-30(f)
			3	Amends 27-30(g)
			4	Amends 27-31
			5	Amends 27-32
			6	Amends 27-38(a)
			7	Amends 27-42
32069	12-8-21		1	Amends 28-50(c)
32070	12-8-21		1	Amends ch. 2, art. XXI-a, 2-152.1 thru 2-152.4
32072	12-8-21		1	Amends ch. 12A, 12A-1 thru 12A-62
32125	1-26-22		1	Amends 41A-9
			2	Adds 41A-14.3
			3	Amends 41A-16(a)
			4	Amends 41A-17(a)
			5	Amends 41A-20.1
32145	2-23-22		1	Amends ch. 48B (title)
			2	Amends 48B-1
			3	Amends 48B-2
			4	Amends ch. 48B, art. II (title)
			5	Amends 48B-6(a)
			6	Amends 48B-7(a)
			7	Amends 48B-8(a)
			8	Amends 48B-9(a)
			9	Amends 48B-10(a)
			10	Amends 48B-12(a)
			11	Amends 48B-13
			12	Amends ch. 48B, art. III (title)
			13	Amends 48B-15
			14	Amends 48B-17(a)
			15	Adds ch. 48B, art. IV, 48B-18 thru 48B-28
32148	2-23-22		1	Corrects 17-10.2(i)(3)
32154	2-23-22	3-5-22	1	Re-adopts and amends 31-33
32157	3-9-22		1	Amends 20A-2

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32168

3-9-22
4-13-22

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Adds 20A-3(21.1)
Amends 20A-8(c)
Amends 20A-14(a)
Amends 20A-15(a)
Amends 34-22.3
Amends 8A-40(d)

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~1/22~~ ~~4/22~~ Supplement current through
Ordinance ~~32039~~ ~~32170~~, passed ~~10-27-21~~ ~~4-13-22~~

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decide a matter contrary to the recommendations or actions of the commission. (Ord. Nos. 19455; 21153; 24843; 27892)

SEC. 51A-3.102. BOARD OF ADJUSTMENT.

(a) Creation; membership; appointment. There is hereby created the board of adjustment which shall consist of 15 members who are residents of the city. Each city council member shall appoint one member to the board. The chair and two vice-chairs shall be appointed by the mayor from among the board members. The city secretary shall divide the board into panels of five members each. A board member may serve only on the panel to which he or she is assigned. To the greatest extent practicable, the panels must reflect the geographic and ethnic diversity of the city. The chair and vice-chairs shall act as presiding officers of the panels. Members serve for two-year terms beginning on October 1 of odd-numbered years and shall serve until their successors are appointed and qualified. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made. The city council may appoint six alternate members to the board who serve in the absence of one or more regular members when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(b) Case assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.

(c) Quorum and voting. Cases must be heard by a minimum of 75 percent of the members of a board panel. The concurring vote of 75 percent of the members of a panel is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

(2) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or

(3) grant a variance.

~~(d) Powers and duties. The board has the following powers and duties, which must be exercised in accordance with this chapter:~~

~~(1) To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.~~

~~(2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.~~

~~(3) To hear and decide special exceptions that are expressly provided for in this chapter.~~

~~(4) To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period.~~

~~(5) To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.~~

~~(6) To hear and decide requests for the enlargement of a nonconforming use.~~

~~(7) To hear and decide requests for reconstruction of a nonconforming structure on the~~

land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.

~~————— (8) To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.~~

~~————— (9) To consider on its own motion or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of its noncompliance with the environmental performance standards set forth in this chapter, and to specify the conditions and standards which must be complied with for continuance of the nonconforming use.~~

~~————— (10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:~~

~~————— (A) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;~~

~~————— (B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and~~

~~————— (C) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.~~

(d) Powers and duties. The board has the following powers and duties, which must be exercised in accordance with this chapter:

(1) To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final

decision-making authority within the department relative to the zoning enforcement issue.

(2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.

(3) To hear and decide special exceptions that are expressly provided for in this chapter.

(4) To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period.

(5) To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.

(6) To hear and decide requests for the enlargement of a nonconforming use.

(7) To hear and decide requests for reconstruction of a nonconforming structure on the land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.

(8) To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.

(9) To consider on its own motion or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of its noncompliance with the environmental performance standards set forth in this chapter, and to specify the conditions and standards which must be complied with for continuance of the nonconforming use.

(10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:

(A) In general.

(i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

(ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

(B) Structures. In exercising its authority under Subsection (A)(ii), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code;

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(v) the municipality considers the structure to be a nonconforming structure.

(e) Meetings, records and rules.

(1) All meetings and hearings of the board must be open to the public in accordance with the Texas

Open Meetings Act, Chapter 551 of the Texas Government Code.

(2) All records of the board are public records open to inspection at reasonable times and upon reasonable notice in accordance with the Texas Public Information Act, Chapter 552 of the Texas Government Code.

(3) The board shall adopt, subject to approval of city council, rules, not inconsistent with state law or city ordinances, governing its proceedings.

(f) Effect of decisions. The board's decision is final unless appealed to the district court within 10 days in accordance with Chapter 211 of the Texas Local Government Code. (Ord. Nos. 19455; 20926; 22259; 22605; 24068; 26596; 27335; 27892; 30891; 32170)

SEC. 51A-3.103. LANDMARK COMMISSION.

(a) Creation; membership; appointment.

(1) There is hereby created a landmark commission to be composed of 15 members. Each city council member shall appoint one member to the landmark commission. The city council may appoint three alternate members to the landmark commission who serve in the absence of one or more regular members when requested to do so by the chair or by the city manager. The membership (including alternate members) must include at least: one real estate developer with experience in redevelopment of commercial historic properties, one architect, one historian, one urban planner, one landscape architect, and one real estate appraiser. All members must have demonstrated experience in historic preservation and outstanding interest in the historic traditions of the city and have knowledge and demonstrated experience in the fields of history, art, architecture, architectural history, urban history, city planning, urban design, historic real estate development, or historic preservation.

SEC. 51A-9.309. EFFECTIVE DATE OF NAME CHANGE.

Providing that all required fees have been paid by the applicant, a name change approved by the city council takes effect 60 days after the date of its approval unless city council sets a later effective date. (Ord. Nos. 19832; 27204)

Division 51A-9.400. Four-Way/All-Way Stop Controls at Residential Intersections.

SEC. 51A-9.401. APPLICATION.

~~—(a) Prerequisites for accepting an application. An application for installation or removal of four-way/all-way stop controls at residential intersections must be filed with the traffic engineer. The traffic engineer shall not accept an application unless it has the support of at least two-thirds of the owners or tenants residing within 900 feet of the intersection at issue.~~

~~—(b) Calculation of votes. The following rules apply for purposes of calculating the extent to which an application has the support of owners or tenants:~~

~~————(1) Lots containing no more than four dwelling units receive one application vote per unit.~~

~~————(2) Lots containing more than four dwelling units receive no votes unless the application is signed by the owner or property manager, in which case the lot is allocated a number of application votes based on the following formula:~~

~~Number of votes = Length of street frontage of the lot containing the dwelling units (in feet) divided by the average single family lot width (in feet) in the area within 900 feet of the intersection at issue.~~

~~—(c) Owner or manager of a residential building may sign application. The owner or manager of a residential building may sign the application on behalf of the tenants.~~

(a) Prerequisites for accepting an application. An application for installation or removal of four-way/all-way stop controls at residential intersections must be filed with the traffic engineer. The traffic engineer shall not accept an application unless it has the support of at least two-thirds of the owners or tenants residing within 600 feet of the intersection at issue.

(b) Calculation of votes. The following rules apply for purposes of calculating the extent to which an application has the support of owners or tenants:

(1) Lots containing no more than four

dwelling units receive one application vote per unit.

(2) Lots containing more than four dwelling units receive no votes unless the application is signed by the owner or property manager, in which case the lot is allocated a number of application votes based on the following formula:

Number of votes = Length of street frontage of the lot containing the dwelling units (in feet) divided by the average single family lot width (in feet) in the area within 600 feet of the intersection at issue.

(c) Owner or manager of a residential building may sign application. The owner or manager of a residential building may sign the application on behalf of the tenants.

(d) Public meeting. The traffic engineer may supplement the petition process with a public meeting, as needed. If a public meeting is held, the traffic engineer shall post the notice of the meeting on the city or department's website not less than 10 calendar days before the meeting. (Ord. Nos. 24177; 28424; 32093)

SEC. 51A-9.402. STANDARDS OF REVIEW.

(a) Standards for installation. The traffic engineer shall grant applications to install four-way/all-way stop controls at the intersection of two or more streets if an applicant shows that:

- (1) the intersecting streets are residential;

- (2) the intersecting streets are local;
- (3) the subject street is not a fire-rescue department emergency response route;
- (4) the subject street is used by less than 6,000 vehicles per day; and
- (5) it is in the public interest to grant the application.

(b) Standard for removal. The traffic engineer shall grant applications to remove four-way/all-way stop controls installed pursuant to this section if an applicant shows that it is in the public interest to grant the application.

(c) Notice required. The traffic engineer shall send written notice of his or her decision approving or denying the application to the applicant within 10 days of the date of the decision. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. (Ord. Nos. 24177; 28424)

SEC. 51A-9.403. APPEALS.

~~—(a) Appeal to the city plan commission. An applicant who is dissatisfied with the decision of the traffic engineer may appeal that decision to the city plan commission. A written notice of appeal must be signed by the applicant or its legal representative and filed with the traffic engineer within 30 days of the date that notice of the traffic engineer’s decision is given.~~

~~—(b) Public hearing before the commission; notice requirements. The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer 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 traffic engineer shall send written notice of the hearing to all owners of real property lying within 900 feet of the intersection at issue. 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.~~

~~—(c) Decision of the commission. The city plan commission may reverse or affirm, in whole or in part, or modify the decision of the traffic engineer based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this division. The decision of the commission shall be final unless the applicant files a notice of appeal to the city council in accordance with this section.~~

~~—(d) Appeal to the city council. An applicant who is dissatisfied with the decision of the city plan commission may appeal that decision to the city council. A written notice of appeal must be signed by the applicant or its legal representative and filed with the traffic engineer within 30 days of the commission’s decision.~~

~~—(e) Public hearing before the city council; notice requirements. The city council shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer shall give notice of the public hearing in a newspaper of general circulation in the city at least 15 days before the hearing. In addition, the traffic engineer shall send written notice of the hearing to all owners of real property lying within 900 feet of the intersection at issue. 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.~~

~~—(f) Decision of the city council. The city council may reverse or affirm, in whole or in part, or modify the decision of the city plan commission based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this division. The favorable vote of two-thirds of all members of the city council is required to grant an application that has been recommended for denial by the commission.~~

(a) Appeal to the city plan commission. An applicant who is dissatisfied with the decision of the traffic engineer may appeal that decision to the city plan commission. A written notice of appeal must be

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(b) Public hearing before the commission; notice requirements. The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer shall give notice of the public hearing in a newspaper of general circulation in the city at least 15 calendar days before the hearing. In addition, the traffic engineer shall send written notice of the hearing to all owners of real property lying within 600 feet of the intersection at issue. The notice must be given not less than 10 calendar 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.

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(d) Appeal to the city council. An applicant who is dissatisfied with the decision of the city plan commission may appeal that decision to the city council. A written notice of appeal must be signed by the applicant or its legal representative and filed with the traffic engineer within 30 calendar days of the commission's decision.

(e) Public hearing before the city council; notice requirements. The city council shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer shall give notice of the public hearing in a newspaper of general circulation in the city at least 15 calendar days before the hearing. In addition, the traffic engineer shall send written notice of the hearing to all owners of real property lying within 600 feet of the intersection at issue. The notice must be given not less than 10 calendar 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.

(f) Decision of the city council. The city council may reverse or affirm, in whole or in part, or modify the decision of the city plan commission based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this division. The favorable vote of two-thirds of all members of the city council is required to grant an application that has been recommended for denial by the commission. (Ord. Nos. 24177; 28424; 32093)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
32002 (Cont'd)			25	Amends 51A-4.502(e)(6)
			26	Amends 51A-4.803(e)(1)
			27	Amends 51A-5.102(e)
			28	Amends 51A-5.105(e)
			29	Amends 51A-5.209(a)
			30	Amends 51A-6.108(e)(1)
			31	Amends 51A-7.932(i)(6)
			32	Amends 51A-8.201(23)
			33	Amends 51A-8.402
			34	Amends 51A-8.403(a)(1)(A)(ii)
			35	Amends 51A-8.403(a)(1)(A)(xi)
			36	Amends 51A-8.403(a)(1)(A)(xv)
			37	Amends 51A-8.403(a)(6)(D)
			38	Amends 51A-8.403(a)(6)(G)
			39	Amends 51A-8.404(i)
			40	Amends 51A-8.506(e)
			41	Amends 51A-8.604(c)
			42	Amends 51A-8.611(b)
			43	Amends 51A-8.611(c)(7)
			44	Amends 51A-8.611(d)(2)(D)
			45	Amends 51A-8.611(d)(3)(B)
			46	Amends 51A-8.611(e)
			47	Amends 51A-8.612(a)
			48	Amends 51A-9.305(a)
			49	Amends 51A-10.140(b)
32003	9-22-21	10-1-21	45	Adds 51A-1.105(aa)
32039	10-27-21		1	Amends ch. 51A, art. V, title
			2	Amends art. V, Div. 51A-5.100, 51A-5.101 thru 51A-5.107
32093	1-12-22		1	Amends 51A-9.401
			2	Amends 51A-9.403
32170	4-13-22		1	Amends 51A-3.102(d)