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ARTICLE XXII.

~~RESERVED.~~~~SECS. 2-153 THRU 2-154. (Repealed by Ord. 25387)~~**OFFICE OF COMMUNITY POLICE OVERSIGHT.****SEC. 2-153. PURPOSE.**

The purpose of this office is to provide support and technical assistance to the community police oversight board. (Ord. 31192, eff. 10/1/19)

**SEC. 2-154. CREATED; DIRECTOR/
MONITOR OF OFFICE OF
COMMUNITY POLICE
OVERSIGHT.**

(a) There is hereby created a division of the city manager's office to be known as the office of community police oversight, the head of which shall be the director/monitor of community police oversight who shall be appointed by the city manager with input from the chair of the community police oversight board and who shall be a person professionally competent by experience and training to manage such office.

(b) The office of community police oversight will be composed of the director/monitor of community police oversight and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 31192, eff. 10/1/19)

**SEC. 2-154.1. DUTIES OF THE DIRECTOR/
MONITOR OF THE OFFICE OF
COMMUNITY POLICE
OVERSIGHT.**

The director/monitor of community police oversight shall perform the following duties:

(1) Provide functional support to the community police oversight board.

(2) Ensure that the community police

oversight board can fulfill its duties.

(3) Make such reports as may be required by the city manager and the community police oversight board.

(4) Perform such other duties as may be required by the city manager, by ordinance of the city council, or the community police oversight board in accordance with Article III of Chapter 37 of the Dallas City Code. (Ord. 31192, eff. 10/1/19)

ARTICLE XXIII.

DEPARTMENT OF DALLAS ANIMAL SERVICES.

**SEC. 2-155. CREATED; DIRECTOR OF DALLAS
ANIMAL SERVICES.**

There is hereby created the department of Dallas animal services, at the head of which shall be the director of Dallas animal services who shall be appointed by the city manager. The department will be composed of the director of Dallas animal services and other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 30483)

**SEC. 2-156. DUTIES OF THE DIRECTOR OF
DALLAS ANIMAL SERVICES.**

The director of Dallas animal services shall perform the following duties:

(1) supervise and administer the department of Dallas animal services; and

(2) perform such other duties as may be required by the city manager or the city council. (Ord. 30483)

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

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

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

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

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

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

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

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

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

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

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

(13) HEAVY DUTY WRECKER means a wrecker that:

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

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

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

(D) has a dual rear axle; and

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

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

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

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

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

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

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

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

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

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

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

(41) ZONE means a geographical area in which a licensee is licensed by the city to operate. (Ord. Nos. 13977; 14685; 15612; 17226; 21175; 24661; 27487; 31233)

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

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

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

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

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

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

SEC. 15D-18. SOLICITING BY ADVERTISING.

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

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

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

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

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

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

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

(b) Nothing in this article permits the operation of a wrecker as an authorized emergency vehicle. (Ord. Nos. 13977; 14685; 16554; 21175; 24661; 27487)

SEC. 15D-53. RAPID RESPONSE PROGRAM.

~~(a) The chief of police shall create a rapid response rotation list to assign licensed emergency wrecker companies to rapid response locations in a particular zone for each day of the week. The chief of police may modify the rotation list on a monthly basis~~

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

(a) The chief of police shall create a rapid response rotation list to assign licensed emergency wrecker companies to city-owned vehicles and rapid response locations in a particular zone for each day of the week. The chief of police may modify the rotation list on a monthly basis to prevent one emergency wrecker company from always working the same day of the week in rotation.

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

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

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

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

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

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

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

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

SEC. 15D-53.1 RAPID RESPONSE LOCATIONS.

The following are rapid response locations:

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

(9) S. M. Wright Freeway.

(10) South R. L. Thornton Freeway.

(11) Stemmons Freeway.

(12) Tom Landry Freeway.

(13) Walton Walker Boulevard.

(14) Woodall Rogers Freeway.

(15) All entrance and exit ramps and all adjacent service roads of the freeways named in Paragraphs (1) through (14) of this section.

(16) Any other area designated by the chief of police. (Ord. 27487)

SEC. 15D-54. DISPOSITION OF TOWED VEHICLES.

(a) Except as provided in Subsection (b) of this section, a vehicle towed under this article will be kept at a vehicle storage facility designated by the chief of police until application for the vehicle’s redemption is made by the vehicle owner, or the owner’s authorized agent, who will be entitled to possession of the vehicle upon payment of all costs of removal and storage that may have accrued. If the vehicle is not redeemed by the vehicle owner or the owner’s authorized agent, the vehicle will be disposed of in a manner prescribed by law.

(b) The owner or operator of a wrecked or disabled vehicle, or the owner or operator’s authorized agent, may request that an emergency wrecker remove the vehicle to a location other than one designated in Subsection (a). Removal of the vehicle to a location designated by the vehicle owner or operator, or the owner or operator’s authorized agent, must be authorized by the chief of police, or the chief’s authorized representative at the police scene, and be in

ARTICLE I.

COLLECTION AND DISPOSAL.

SEC. 18-1. SCOPE OF CHAPTER.

The provisions of this chapter apply to all territory within the city and are for the benefit and protection of the city, its citizens, and the city's solid waste collection and disposal utility. (Ord. Nos. 16367; 29881)

SEC. 18-2. DEFINITIONS.

~~For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:~~

~~(1) ALLEY. Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.~~

~~(2) APARTMENT HOUSE. Apartment house as defined by the building code.~~

~~(3) BRUSH. Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:~~

~~(A) OVERSIZE BRUSH. Brush of lengths exceeding five feet.~~

~~(B) SIZED BRUSH. Brush of lengths not exceeding five feet.~~

~~(C) BUNDLED BRUSH. Sized brush tied in bundles, not exceeding 50 pounds in weight.~~

~~(D) CONTAINERIZED BRUSH. Sized brush in containers not exceeding a combined weight of 50 pounds.~~

~~(4) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.~~

~~(5) BUILDING CODE. The Dallas Building Code, as amended.~~

~~(6) CITY. The city of Dallas, Texas.~~

~~(7) CODE. The Dallas City Code, as amended.~~

~~(8) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.~~

~~(9) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).~~

~~(10) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.~~

~~(11) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.~~

~~(12) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston Pacific extension.~~

~~(13) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.~~

~~(14) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.~~

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) ALLEY. Any public way, generally of less width than a street, used for public utility purposes

and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) **APARTMENT HOUSE.** Apartment house as defined by the building code.

(3) **BRUSH AND BULKY TRASH.** Brush and bulky trash originating from the dwelling unit (residence or duplex) being serviced by sanitation services.

(A) **BRUSH.** Cuttings or trimmings, individual pieces not exceeding eight inches in diameter or 10 feet in length, from trees, shrubs, or lawns and similar materials, which also may include yard trash consisting of bagged leaves, twigs, and other similar objects.

(B) **BULKY TRASH.** Furniture, appliances (freon removed, if applicable), mattresses, small household trash that is bagged or containerized, and other household objects too large for routine placement in normal compaction-type collection vehicles via the provided rollcart. This definition does not include household garbage (bagged or un-bagged), wet solid waste, construction debris, automotive parts, soil, rocks, stones, tires, electronics, household hazardous waste (e.g. chemicals, paints, fuel), or other items designated in writing by the director of sanitation.

(4) **BUILDING.** A structure used or intended for supporting or sheltering any use or occupancy.

(5) **BUILDING CODE.** The Dallas Building Code, as amended.

(6) **CITY.** The city of Dallas, Texas.

(7) **CODE.** The Dallas City Code, as amended.

(8) **COMMERCIAL ESTABLISHMENT.** Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9) **CONSTRUCTION DEBRIS.** Those materials resulting from the alteration, construction, destruction, rehabilitation, remodeling, or significant repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways. This includes but is not limited to brick, concrete, other masonry materials, stone, glass, drywall, framing and finishing lumber, roofing materials,

plumbing fixtures, HVAC equipment such as heating and air conditioning equipment and ductwork, insulation, and wall-to-wall carpeting. This definition does not include incidental waste from small home repairs (e.g. replacing a toilet, sink, small amounts of carpet or lumber, fence panels, or doors).

(10) **CONTAINER.** A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(11) **DESIGNATED ALLEY.** An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

(12) **DIRECTOR OF SANITATION.** The head of the department of sanitation services of the city or any authorized representative.

(13) **DOWNTOWN AREA.** The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(14) **DRIVE-IN SERVICE.** Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(15) **DRY SOLID WASTE.** Trash (or rubbish), as defined in this section.

~~———— (15) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.~~

~~———— (16) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended.~~

~~———— (17) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.~~

~~———— (18) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.~~

~~———— (19) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.~~

~~———— (20) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.~~

~~———— (21) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable or philanthropic undertaking, or any school.~~

~~———— (22) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.~~

~~———— (23) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.~~

~~———— (24) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:~~

~~———— (A) all located on one lot under single ownership; and~~

~~———— (B) only accessible by a private road.~~

~~———— (25) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.~~

~~———— (26) MULTIFAMILY SITE RECYCLING COLLECTION SERVICE. The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.~~

~~———— (27) MULTIFAMILY SITE. Multifamily site means eight or more dwelling units on a lot.~~

~~———— (28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.~~

~~———— (29) OCCUPANT. A person living on premises or in control of premises.~~

~~———— (30) OWNER. A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex.~~

~~———— (31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.~~

~~———— (32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.~~

(16) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.

(17) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended.

(18) **FOOD ESTABLISHMENT.** Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(19) **GARBAGE.** Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(20) **ILLEGALLY DUMPED SOLID WASTE.** Any solid waste placed on property with or without the consent of the owner or person in control.

(21) **INDUSTRIAL SOLID WASTE.** Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(22) **INSTITUTION OR INSTITUTIONAL.** Any church, church building, or structure housing any charitable or philanthropic undertaking, or any school.

(23) **MANAGER.** The person in charge of real estate used for apartment, institutional, or commercial purposes.

(24) **MANUAL COLLECTION.** The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(25) **MOBILE HOME PARK.** Six or more mobile home type dwelling units or mobile home parking spaces that are:

(A) all located on one lot under single ownership; and

(B) only accessible by a private road.

(26) **MULCH.** Cutting grass, weeds, and similar vegetation into fine particles.

(27) **MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.** The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(28) **MULTIFAMILY SITE.** Multifamily site means eight or more dwelling units on a lot.

(29) **MUNICIPAL SOLID WASTE.** Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(30) **OCCUPANT.** A person living on premises or in control of premises.

(31) **OWNER.** A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex.

(32) **OVERSIZED BRUSH AND BULKY TRASH COLLECTION.** A collection of brush and bulky trash greater in volume than the standard limit of 10 cubic yards.

(33) **PACKOUT SERVICE.** Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials. Brush and bulky trash collection will not be rendered as a pack out service.

(34) **PARKWAY.** The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

———— (33) ~~PERMITTEE~~. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

———— (34) ~~PERSON~~. Any individual, corporation, organization, partnership, association, or any other legal entity.

———— (35) ~~PROPERTY LINE~~. The peripheral boundary of real estate.

———— (36) ~~PUBLIC UTILITY EASEMENT~~. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

———— (37) ~~PUBLIC WAY~~. Any street, alley, easement, or other right-of-way.

———— (38) ~~RECYCLING~~. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

———— (39) ~~RECYCLABLE MATERIAL~~. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

———— (40) ~~RESIDENCE~~. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

———— (41) ~~ROLLCART~~. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

———— (A) has two wheels and a lid;

———— (B) is designed to be lifted and emptied mechanically;

———— (C) is too large for handling by manual means; and

———— (D) is from 48 to 96 gallons.

———— (42) ~~ROLLCART SERVICE~~. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

———— (43) ~~SANITARY LANDFILL~~. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

———— (44) ~~SANITATION SERVICES~~. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

———— (45) ~~STREET~~. Any public roadway for the passage of vehicular and pedestrian traffic.

———— (46) ~~TRASH (OR RUBBISH)~~. Municipal solid wastes other than garbage and further categorized as:

———— (A) ~~BULKY TRASH~~. Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

———— (B) ~~YARD TRASH~~. Leaves, grass, twigs, and other similar objects.

———— (C) ~~HOUSEHOLD TRASH~~. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

———— (D) ~~CONTAINERIZED TRASH~~. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

———— (47) ~~UNPAVED ALLEY~~. Any alley not paved with concrete or asphalt.

(35) **PERMITTEE**. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(36) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(37) PROPERTY LINE. The peripheral boundary of real estate.

(38) PUBLIC UTILITY EASEMENT. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(39) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(40) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(41) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(42) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(43) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

(A) has two wheels and a lid;

(B) is designed to be lifted and emptied mechanically;

(C) is too large for handling by manual means; and

(D) is from 48 to 96 gallons.

(44) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(45) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to

the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(46) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(47) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.

(48) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

(A) BRUSH AND BULKY TRASH. Has the meaning as defined in Section 18-2(3) of this chapter.

(B) YARD TRASH. Consisting of bagged leaves, grass, twigs, and other similar objects.

(C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(49) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

~~(48) VEGETATION. Any plant growth.~~

~~(49) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.~~

~~(50) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.~~

~~(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products.~~

(50) VEGETATION. Any plant growth.

(51) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(52) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(53) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697; 29879; 29881; 30879; eff. 1-1-19; 31231)

SEC. 18-3. REGULATING CONTAINERS FOR MUNICIPAL SOLID WASTE MATERIALS.

(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcarts and must meet the requirements of this subsection.

(1) At a residence or duplex, a person shall use only city owned and provided rollcarts as solid waste containers, except that blue rollcarts may be used as solid waste containers for recyclable materials.

(2) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

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

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

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

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

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

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

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

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

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

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

(f) Placement of bundled or containerized brush and yard or household containerized trash. Bundled or containerized brush and yard or household containerized trash must be placed adjacent to the normal place for collection of garbage or as designated by the director of sanitation, but must not be placed in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where the quantity of brush set out for collection is excessive, the director of sanitation shall determine the amount of brush to be collected at any one time, the day of its collection, and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.

(2) Rubbish or trash consisting of small, loose items must be placed in an approved container as

specified in Section 18-3(a).

(3) Bulky trash and oversized brush may not be placed out for collection in an alley, whether paved or unpaved, but must be placed at the street as specified in this section.

(4) All boxes and cartons must be broken down and bundled where specified by the director of sanitation, and no bundle may exceed 50 pounds in weight for collection by sanitation services crews of the city.

(5) Brush or trash collection service may not be rendered as a packout collection service. [eff. through 6/30/20]

(f) Allowable quantity of brush and bulky trash.

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

(2) Limits may be temporarily lifted at the discretion of the director of sanitation for matters concerning public health and safety. [eff. 7/1/20]

(g) Oversized brush and bulky trash collection.

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

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

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

(4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed

on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance. [eff. 7/1/20]

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

(1) Excessive brush and bulky trash service fees.

Where the quantity of brush and bulky trash set out for collection exceeds 10 cubic yards and a request for an oversized brush and bulky trash collection was not submitted, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance.

(2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance.

(3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section. [eff. 7/1/20] (Ord. Nos. 16367; 19172; 19991; 21058; 21632; 22295; 24000; 24142; 24299; 26960; 28019; 31231)

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

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

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

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

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

(e) If an apartment, institution, commercial establishment, or mobile home park has contracted with a solid waste collection service to perform solid waste collection, the solid waste collection service shall collect solid waste that contains putrescible material at least twice every seven days.

(f) If not regulated by this chapter, the placement of any container for collection from an apartment, institution, commercial establishment, or mobile home park must be approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058)

TABLE OF MONTHLY CHARGES

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

NUMBER OF 96-GALLON RECYCLING ROLL CARTS									
1	2	3	4	5	6	7	8	9	10
\$19.83	\$39.66	\$59.49	\$79.32	\$99.15	\$118.98	\$138.81	\$158.64	\$178.47	\$198.30

(5) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8, as amended.

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

(A) Public housing may be charged as apartments.

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

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

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

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

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

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

(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$100 per animal.

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

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

CHAPTER 19**HEALTH AND SANITATION****ARTICLE I.****IN GENERAL.**

Sec. 19-1.	City health officer, city environmental health officer, and director.
Sec. 19-1.1.	Reserved.
Sec. 19-2.	Power of city council to control unsanitary conditions by resolution - Generally.
Sec. 19-3.	Same - Notice required - Generally.
Sec. 19-4.	Same - Same - Council may require personal service.
Sec. 19-5.	Same - Owner to comply with notice within 10 days.
Sec. 19-6.	Same - Penalty for failure to comply with notice.
Sec. 19-7.	Same - City to perform work upon default of owner - Generally.
Sec. 19-8.	Same - Same - Assessment of cost against property or owner.
Sec. 19-9.	Same - Same - Notice of assessment; objections; hearing.
Sec. 19-10.	Same - Same - Assessment to be made by ordinance; recording lien; assessment to equal benefit to property or owner.
Sec. 19-11.	Same - Same - Ordinance to fix lien and time of payment; interest rate.
Sec. 19-12.	Same - Same - Priority of assessment lien; enforcement.
Sec. 19-13.	Same - Same - Contest of assessment; bar.
Sec. 19-14.	Trash, etc., not to be thrown from houses.
Sec. 19-15.	Throwing trash upon public places prohibited.

Sec. 19-16.	Departing tenants required to leave building and premises clean and sanitary.
Sec. 19-17.	Unwholesome premises - Generally.
Sec. 19-18.	Same - Inspection of premises; report of offenses.
Sec. 19-19.	Slaughter of animals in the city.
Sec. 19-20.	Depositing filth on premises prohibited; owner to remove animal carcasses.
Sec. 19-21.	Green or decayed hides.
Sec. 19-22.	Causing offensive substance to be discharged on adjacent premises.
Sec. 19-23.	Drinking cups for common use.
Sec. 19-24.	Towels for common use.
Sec. 19-25.	Bringing infected person or property into city.
Sec. 19-26.	Businesses or substances injurious to health.
Sec. 19-27.	Vital statistics - Records to be kept.
Sec. 19-28.	Fees for vital statistics records.
Sec. 19-29.	Same - Record of certified copies issued to be kept; disposition of fees.
Sec. 19-30.	Mosquito-breeding waters - Generally.
Sec. 19-31.	Same - Defined.
Sec. 19-32.	Same - Method of treatment.
Sec. 19-33.	Same - Penalty.
Sec. 19-34.	Cisterns, etc., to be screened.
Sec. 19-34.1.	Accumulation of tires.
Sec. 19-35.	Polluting wells.
Sec. 19-36.	Gill well - Generally.
Sec. 19-37.	Same - Trespassing upon.
Sec. 19-37.1.	Reserved.
Sec. 19-38.	Diaper changing accommodations in restrooms.

ARTICLE II.**CITY HEALTH OFFICER.**

Sec. 19-38.	Reserved.
Sec. 19-39.	Reserved.
Sec. 19-40.	Authority to issue warrants.

person owning, managing, operating, leasing, or renting the premises.

(c) Inspections, investigations, and enforcement.

The director, the city health officer, the city environmental health officer, and their authorized agents or representatives, and police officers, code enforcement officers, and any other persons designated by the city council or the city manager, have the authority and responsibility to conduct inspections, investigations, and enforcement activities on all premises within the city to ensure compliance with this section.

(d) Penalty.

(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 of not less than \$500 or more than \$2,000.

(2) A culpable mental state is not required for the commission of an offense under this section.

(3) Prosecution for an offense under Paragraph (1) of this subsection does not prevent the use of other enforcement remedies or procedures applicable to the person charged with, or the conduct involved in, the offense. (Ord. Nos. 25635; 27697)

SEC. 19-35. POLLUTING WELLS.

Whoever shall throw, cast or deposit any filth, substance or thing in any public or private well or cistern is guilty of an offense. (Code 1941, Art. 86-30; Ord. 19963)

SEC. 19-36. GILL WELL - GENERALLY.

It shall be unlawful for any person to traffic in or sell any of the mineral water known as Gill Well water save and except such person as may exercise such right under a contract with the city.

The term "traffic in" Gill Well water shall mean any person deriving a compensation from the business of delivering or soliciting orders for or selling Gill Well water, or who may make a livelihood out of delivery or soliciting orders, or the sale of same. (Code 1941, Arts. 156-1, 156-2)

SEC. 19-37. SAME - TRESPASSING UPON.

It shall be unlawful for any person to willfully interfere with, trespass upon, deface or abuse any of the property, pipes, faucets or connections connected with Gill Well or the water flowing from such pipes, without first obtaining the permission of the city council. (Code 1941, Art. 156-3)

SEC. 19-37.1. RESERVED.

(Repealed by Ord. 18961)

SEC. 19-38. DIAPER CHANGING ACCOMMODATIONS IN RESTROOMS.

(a) In general. Except as provided in Subsection (d), it shall be unlawful to operate a use listed in Subsection (c) or a city-owned building that is not equipped with a minimum of one safe, sanitary, and convenient diaper changing accommodation in each publicly available and accessible restroom.

(b) Definitions. In this section,

(1) DIAPERCHANGING ACCOMMODATION means a table or other device suitable for changing the diaper of a child age three or under.

(2) MAJOR RENOVATION means reconstruction, alteration, or renovation of a main structure that involves reconfiguration of a publicly available and accessible restroom.

(3) NEW CONSTRUCTION means construction of a main structure that did not exist as of May 8, 2019 and requires public restrooms.

(c) Applicability. This section only applies to new construction and major renovations of:

(1) city-owned buildings;

(2) structures containing the following land uses as defined in Chapter 51, "Dallas Development Code":

(A) clothing store;

(B) drive-in restaurant;

(C) drug store;

(D) hardware or sporting goods store;

(E) home improvement center;

(F) restaurant without drive-in service;

(G) retail food store;

(H) theatre; and

(3) structures containing the following land uses as defined in Chapter 51A, "Dallas Development Code":

(A) general merchandise or food store 3,500 square feet or less;

(B) general merchandise or food store greater than 3,500 square feet;

(C) general merchandise or food store 100,000 square feet or more;

(D) restaurant without drive-in or drive-through service;

(F) restaurant with drive-in or drive-through service; and

(G) theater.

(d) Exception. The requirement in Subsection (a) does not apply to a restroom that contains clear and conspicuous signage indicating where an alternative restroom with a diaper changing accommodation is

located. The alternative restroom must be one that is assigned to individuals of the gender of the original restroom or one that is available to all individuals. (Ord. 31193)

ARTICLE II.

CITY HEALTH OFFICER.

~~SEC. 19-38. RESERVED.~~

~~—(Repealed by Ord. 17226)—~~

SEC. 19-39. RESERVED.

(Repealed by Ord. 17226)

CHAPTER 20

RESERVED

(Repealed by Ord. 22842)

CHAPTER 20**EARNED PAID SICK TIME****ARTICLE I.****GENERAL PROVISIONS.**

- Sec. 20-1. Purpose.
- Sec. 20-2. Definitions.
- Sec. 20-3. General authority and duty of the director.

ARTICLE II.**EARNED PAID SICK TIME REQUIREMENTS.**

- Sec. 20-4. Accrual requirements and yearly cap.
- Sec. 20-5. Usage requirements.
- Sec. 20-6. No change to more generous leave policies.
- Sec. 20-7. Notice and other requirements.
- Sec. 20-8. Retaliation prohibited.

ARTICLE III.**ENFORCEMENT.**

- Sec. 20-9. Procedures for filing complaints.
- Sec. 20-10. Investigation.
- Sec. 20-11. Voluntary compliance; violations; penalties; appeals.
- Sec. 20-12. Annual report.

ARTICLE I.**GENERAL PROVISIONS.****SEC. 20-1. PURPOSE.**

(a) The purpose of this chapter is to protect the health, safety, and welfare of the people of the City of Dallas by providing employees with the ability to accrue and use earned paid sick time when they need to be absent from work because the employee or the employee's family member suffers illness, injury, stalking, domestic abuse, sexual assault, or otherwise requires medical or health care, including preventative

care and mental health care.

(b) The denial or deprivation of earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of Dallas and is within the power and responsibility of the city to prevent. (Ord. 31181)

SEC. 20-2. DEFINITIONS.

In this chapter:

- (1) CITY means the City of Dallas, Texas.
- (2) DEPARTMENT means the department designated by the city manager to implement, administer, and enforce this chapter.
- (3) DIRECTOR means the director of the department designated by the city manager to implement, administer, and enforce this chapter and includes representatives, agents, or department employees designated by the director.
- (4) EARNED PAID SICK TIME means a period of paid leave from work accrued by an employee in accord with this chapter.
- (5) EMPLOYEE means an individual who performs at least 80 hours of work for pay within the City of Dallas, Texas in a year for an employer, including work performed through the services of a temporary or employment agency. Employee does not mean an individual who is an independent contractor according to Title 40, Section 821.5 of the Texas Administrative Code. Employee does not mean an unpaid intern.

(6) EMPLOYER means any person, company, corporation, firm, partnership, labor organization, non-profit organization, or association that pays an employee to perform work for an employer and exercise control over the employee's wages, hours, and working conditions. The term does not include:

(A) the United States government, any of its departments or agencies, or any corporation wholly owned by it;

(B) the government of the State of Texas or any of its departments, agencies, or political subdivisions;

(C) the City of Dallas, Texas; or

(D) any other agency that cannot be regulated by city ordinance.

(7) FAMILY MEMBER means a spouse, child, parent, any other individual related by blood, or any other individual whose close association to an employee is the equivalent of a family relationship.

(8) MEDIUM OR LARGE EMPLOYER means an employer with more than 15 employees at any time in the preceding 12 months, excluding the employer's family members.

(9) PREDECESSOR means an employer that employs at least one individual covered in this chapter, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor.

(10) RELEVANT INFORMATION AND TESTIMONY means only materials, documents, testimony or information necessary to determine whether a violation of this chapter has occurred.

(11) SMALL EMPLOYER means any employer that is not a medium or large employer.

(12) SUBPOENA means a subpoena or a subpoena duces tecum.

(13) SUCCESSOR means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor. (Ord. 31181)

SEC. 20-3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.

The director shall implement, administer, and enforce the provisions of this chapter. The director has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the director deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter. (Ord. 31181)

ARTICLE II.

EARNED PAID SICK TIME REQUIREMENTS.

SEC. 20-4. ACCRUAL REQUIREMENTS AND YEARLY CAP.

(a) An employer shall grant an employee one hour of earned paid sick time for every 30 hours worked for the employer in the City of Dallas. Earned paid sick time shall accrue in one hour unit increments, unless an employer's written policies establish the accrual of earned paid sick time to be in fraction of an hour increments.

(b) Earned paid sick time shall accrue starting at the commencement of employment or either August 1, 2019, for an employer with more than five employees, or August 1, 2021, for an employer with not more than five employees at any time in the preceding 12 months, whichever is later.

(c) This chapter does not require an employer to provide an employee with more earned paid sick time in a year than the yearly cap provided in this section. This chapter does not require an employer to allow an employee to accrue more than the yearly cap of earned paid sick time in a year. An employer may inform an employee that leave requested in excess of the employee's available earned paid sick time will not be paid. The yearly cap for earned paid sick time under this chapter is:

(1) Sixty-four hours per employee per year for medium or large employers, unless the employer chooses a higher limit; and

(2) Forty-eight hours per employee per year for small employers, unless the employer chooses a higher limit;

(d) All available earned paid sick time up to the yearly cap provided in this section shall be carried over to the following year. Provided, that an employer that makes at least the yearly cap of earned paid sick time available to employees at the beginning of the year under the purpose and usage requirements of this chapter is not required to carry over earned paid sick time for that year.

(e) A written contract made pursuant to Title 29, Section 158(d) of the United States Code between an

employer and a labor organization representing employees may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract.

(f) A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition. (Ord. 31181)

SEC. 20-5. USAGE REQUIREMENTS.

(a) An employer shall provide an employee with earned paid sick time that meets the requirements of this chapter in an amount up to the employee's available earned paid sick time. The employer shall pay earned paid sick time in an amount equal to what the employee would have earned if the employee had worked the scheduled work time, exclusive of any overtime premium, tips, or commissions, but no less than the state minimum wage.

(b) Earned paid sick time shall be available for an employee to use in accord with this chapter as soon as it is accrued, provided, that an employer may restrict an employee from using earned paid sick time during the employee's first 60 days of employment if the employer establishes that the employee's term of employment is at least one year.

(c) An employee may request earned paid sick time from an employer for an absence from the employee's scheduled work time caused by:

(1) The employee's physical or mental illness, physical injury, preventative medical or health care, or health condition; or

(2) The employee's need to care for their family member's physical or mental illness, physical injury, preventative medical or health care, or health condition; or

(3) The employee's or their family member's need to seek medical attention, seek relocation, obtain services of a victim services organization, or participate in legal or court ordered action related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or the employee's family member.

(d) An employer may adopt reasonable verification procedures to establish that an employee's request for earned paid sick time meets the requirements of this section if an employee requests to use earned paid sick time for more than three consecutive work days. An employer may not adopt verification procedures that would require an employee to explain the nature of the domestic abuse, sexual assault, stalking, illness, injury, health condition, or other health need when making a request for earned paid sick time under this section.

(e) An employer shall provide earned paid sick time for an employee's absence from the employee's scheduled work time if the employee has available earned paid sick time and makes a timely request for the use of earned paid sick time before their scheduled work time. An employer may not prevent an employee from using earned paid sick time for an unforeseen qualified absence that meets the requirements of this section.

(f) This section does not require any employer to allow an employee to use earned paid sick time on more than eight days in a year.

(g) An employee who is rehired by an employer within six months following separation from employment from that employer may use any earned paid sick time available to the employee at the time of the separation.

(h) An employer shall not require an employee to find a replacement to cover the hours of earned paid sick time as a condition of using earned paid sick time. This chapter does not prohibit an employer from allowing an employee to voluntarily exchange hours or voluntarily trade shifts with another employee, or prohibit an employer from establishing incentives for employees to voluntarily exchange hours or voluntarily trade shifts. This chapter does not prohibit an employer from permitting an employee to donate available earned paid sick time to another employee.

(i) Neither the amount of available earned paid sick time nor the right to use earned paid sick time shall be affected by an employee's transfer to a different facility, location, division or job position with the same employer. (Ord. 31181)

SEC. 20-6.

NO CHANGE TO MORE GENEROUS LEAVE POLICIES.

(a) An employer may provide paid leave benefits to its employees that exceed the requirements of this chapter. This chapter does not require an employer who makes paid time off available to an employee under conditions that meet the purpose, accrual, yearly cap, and usage requirements of this chapter to provide additional earned paid sick time to that employee. This chapter does not require an employer to provide additional earned paid sick time to an employee if the employee has used paid time off that meets the requirements of this chapter for a purpose not specified in Section 20-5.

(b) This chapter does not prohibit an employer from granting earned paid sick time to an employee prior to accrual by the employee. (Ord. 31181)

SEC. 20-7. NOTICE AND OTHER REQUIREMENTS.

(a) On no less than a monthly basis, an employer shall provide electronically or in writing to each employee a statement showing the amount of the employee's available earned paid sick time. This section does not create a new requirement for certified payroll.

(b) An employer who provides an employee handbook to its employees must include a notice of an employee's rights and remedies under this chapter in that handbook.

(c) An employer who, as a matter of company policy, uses a 12-consecutive-month period other than a calendar year for the purpose of determining an employee's eligibility for and accrual of earned paid sick time shall provide its employees with written notice of such policy at the commencement of employment or by either August 1, 2019, for an employer with more than five employees, or August 1, 2021, for an employer with not more than five employees at any time in the preceding 12 months, whichever is later.

(d) For the period required for maintenance of records under Title 29, Section 516(a) of the Code of Federal Regulations, an employer shall maintain records establishing the amount of earned paid sick time accrued by, used by, and available to each employee.

(e) An employer shall display a sign describing the requirements of this chapter in a conspicuous place or places where notices to employees are customarily

posted. The director shall prescribe the size, content, and posting location of signs required under this section. The signs displayed under this section shall be in English and other languages, as determined by the director. An employer is not required to post such signage until the director makes such signage publicly available on the city's website. (Ord. 31181)

SEC. 20-8. RETALIATION PROHIBITED.

An employer may not transfer, demote, discharge, suspend, reduce hours, or directly threaten such actions against an employee because that employee requests or uses earned paid sick time, reports or attempts to report a violation of this chapter, participates or attempts to participate in an investigation or proceeding under this chapter, or otherwise exercises any rights afforded by this chapter. (Ord. 31181)

ARTICLE III.

ENFORCEMENT.

SEC. 20-9. PROCEDURES FOR FILING COMPLAINTS.

Any employee alleging a violation of this chapter or their representative may file a complaint with the director. The director shall receive and investigate complaints, including anonymous complaints, alleging a violation of this chapter. A complaint alleging a violation of this chapter must be filed with the director by or on behalf of an aggrieved employee within two years from the date of the violation. (Ord. 31181)

SEC. 20-10. INVESTIGATION.

(a) Upon filing of a complaint, the director shall commence a prompt and full investigation to determine the facts behind the complaint and whether there is sufficient cause to believe that a violation of this chapter has occurred, except that no investigation may commence if, after reviewing the allegations of the aggrieved employee, the director determines that the complaint does not come within the scope of this chapter. Unless the complaint is filed anonymously, within 15 days after determining that a particular complaint does not come within the scope of this chapter, the director shall give an employee or their

representative a clear and concise explanation of the reasons why it does not and take no further action on the complaint.

(b) The director may issue subpoenas to compel the attendance of a witness or the production of materials or documents in order to obtain relevant information and testimony. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter and subject to sanctions as described in Section 2-9 of the Dallas City Code. Before issuing a subpoena, the director shall seek the voluntary cooperation of any employer to timely obtain relevant information and testimony in connection with any investigation of a complaint filed under this chapter.

(c) The director may inform employees at a worksite of any investigation of a complaint at that worksite alleging a violation of this chapter. (Ord. 31181)

SEC. 20-11. VOLUNTARY COMPLIANCE; VIOLATIONS; PENALTIES; APPEALS.

(a) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a civil fine not to exceed \$500. Each violation of a particular section or subsection of this chapter constitutes a separate offense. If the director finds after investigation of a timely complaint that a violation of this chapter has occurred, an employer shall receive written notice of the violation and the civil penalty assessed.

(b) The director shall seek voluntary compliance from the employer to remedy any violation of this chapter before any civil penalty is collected. If voluntary compliance is not achieved within 10 business days following the employer's receipt of the written violation notice, the employer shall be liable to the city for the amount of the civil penalty assessed.

(c) No penalties shall be assessed under this chapter until April 1, 2020, except that civil penalties for a violation of Section 20-8, "Retaliation Prohibited," may be assessed at any time after either August 1, 2019, for an employer with more than five employees, or August 1, 2021, for an employer with not more than five employees at any time in the preceding 12 months. For a violation of this chapter that occurs before April

1, 2020, the director may issue a notice to the employer that a civil penalty may be assessed for a violation that occurs after April 1, 2020.

(d) Employers may appeal any civil penalty assessed under this chapter. The director shall establish and enforce additional rules and regulations and adopt necessary procedures regarding the filing and adjudication of appeals submitted under this section.

(e) This section does not create a criminal offense. (Ord. 31181)

SEC. 20-12. ANNUAL REPORT.

The director may publish an annual report regarding implementation and enforcement of this chapter. (Ord. 31181)

CHAPTER 24**LIBRARY****ARTICLE I.****IN GENERAL.**

- Sec. 24-1. "Public library" defined.
- Sec. 24-2. ~~Public library fines.~~
- ~~Sec. 24-3.~~ Failure to return library property.
- Sec. 24-4.3. Public library fees and charges.
- Sec. 24-4. Library fee amnesty periods.
- Sec. 24-5. Books from houses where there is contagious ~~diseases~~ disease - Generally.
- Sec. 24-6. Same - Notice to be given by director of public health.
- Sec. 24-6.1. Penalty.

ARTICLE II.**MUNICIPAL LIBRARY BOARD.**

- Sec. 24-7. Created.
- Sec. 24-8. Powers and duties.

ARTICLE III.**THE MUNICIPAL LIBRARY DEPARTMENT.**

- Sec. 24-9. Created.
- Sec. 24-10. Library director - Office created; appointment.
- Sec. 24-11. Same - Powers and duties.

ARTICLE I.**IN GENERAL.****SEC. 24-1. "PUBLIC LIBRARY" DEFINED.**

~~For the purpose of this chapter, the words "public library" shall mean the public library of the city.~~

For the purpose of this chapter, the words "public library" shall mean the public library of the city. (Ord. 31215)

SEC. 24-2. PUBLIC LIBRARY FINES.

~~(a) In addition to any other fee, charge, or penalty assessed under this chapter, a person shall pay a civil fine in accordance with the following schedule for each day, including holidays and weekends, that the person fails to return an item of property that the person has borrowed from the public library after the property is due:~~

<u>Item</u>	<u>Fine</u>
(1) Books and all other library materials except those listed in Paragraphs (2) and (3) of this subsection	\$0.30
(2) Record albums, cassette tapes, and microforms	\$0.50
(3) Special reference materials, vertical file material, compact disks, digital video disks, and video cassettes	\$1.00

~~(b) No fine assessed under Subsection (a) of this section for any item of overdue library property shall exceed \$20 for an item described in Subsection (a)(2) or (a)(3) or \$12.50 for any other item, or the replacement value of the item, whichever is less. (Ord. Nos. 20612; 21431; 25048; 25754)~~

SEC. 24-3.2. FAILURE TO RETURN LIBRARY PROPERTY.

~~— A person commits an offense if he takes or borrows from the public library any property, including, but not limited to, books, pamphlets, periodicals, papers, and works of art, and fails to return the property to the public library within 30 days after the date the property is due.~~

A person commits an offense if he takes or borrows from the public library any property, including, but not limited to, books, pamphlets, periodicals, papers, and works of art, and fails to return the property to the public library within 30 days after the date the property is due. (Code 1941, Art. Nos. 72-2; Ord. Nos. 18093; 31215)

SEC. 24-4.3. PUBLIC LIBRARY FEES AND CHARGES.

~~— (a) A person who damages an item of library property shall reimburse the public library the costs of repairing or rebinding the item.~~

~~— (b) A person who loses or damages beyond repair an item of library property shall pay an amount equal to the retail cost of replacing the item, plus a reprocessing fee of \$28.~~

~~— (c) A person, other than an employee or active volunteer in the city of Dallas public library system, who has been issued a library card but fails to present it when borrowing library materials from the public library shall pay \$1 and submit other identification.~~

~~— (d) A person, other than an employee or active volunteer in the city of Dallas public library system, shall pay a replacement fee of \$4 for a library card that has been lost, destroyed, or mutilated.~~

(a) A person who damages an item of library property shall reimburse the public library the costs of repairing or rebinding the item.

(b) A person who loses or damages beyond repair an item of library property shall pay an amount equal to the retail cost of replacing the item, plus a reprocessing fee of \$28. The retail cost and reprocessing fee for replacement of a lost or damaged item may be waived if a person replaces the lost or damaged item with a comparable item of equal or greater value.

~~— (e) Nonresident user fees.~~

~~— (1) Nonresidents of the city who use the public library shall pay a fee of:~~

~~— (A) \$25 to borrow five items of library property;~~

~~————— (B) \$60 to borrow 15 items of library property; and~~

~~————— (C) \$250 to borrow unlimited items of library property during a 12-consecutive-month period.~~

~~————— (2) The following nonresidents are exempt from the fees established by this subsection:~~

~~————— (A) a city of Dallas employee;~~

~~————— (B) an active volunteer for the city of Dallas public library system;~~

~~————— (C) a student or teacher in a public elementary or secondary school located in the city of Dallas;~~

~~————— (D) a person participating in the TexShare Card program, but only for items and services covered by that program; and~~

~~————— (E) any other person exempted by city council resolution.~~

~~————— (f) Photograph reproduction fees:~~

~~————— (1) The fee for a digital reproduction of a photograph is \$25 per image for a one-time publication or website use in a single language in one country. This fee does not include charges for broadcast or publishing copyright permission.~~

~~————— (2) In addition to the fee required in Subsection (f)(1), the following fees will be charged for for-profit broadcast or publishing copyright permission based on usage:~~

~~————— (A) \$50 per image for commercial exhibition:~~

~~————— (B) \$200 per image for commercial reproduction or re-sale:~~

~~(c) Nonresident user fees.~~

~~(1) Nonresidents of the city who use the public library shall pay a fee of:~~

~~(A) \$25 to borrow five items of library property;~~

~~(B) \$60 to borrow 15 items of library property; and~~

(C) \$250 to borrow unlimited items of library property during a 12-consecutive-month period.

(2) The following nonresidents are exempt from the fees established by this subsection:

(A) a city of Dallas employee;

(B) an active volunteer for the city of Dallas public library system;

(C) a student or teacher in a public elementary or secondary school located in the city of Dallas;

(D) a person participating in the TexShare Card program, but only for items and services covered by that program; and

(E) any other person exempted by city council resolution.

(d) Photograph reproduction fees.

(1) The fee for a digital reproduction of a photograph is \$25 per image for a one-time publication or website use in a single language in one country. This fee does not include charges for broadcast or publishing copyright permission.

(2) In addition to the fee required in Subsection (d)(1), the following fees will be charged for for-profit broadcast or publishing copyright permission based on usage:

~~————— (C) \$50 per image for a one-time print use in a single language worldwide.~~

~~————— (D) \$100 per image for a one-time print or electronic (e-book) use in all languages worldwide.~~

~~————— (E) \$100 per image for a one-country broadcast use in a single language only.~~

~~————— (F) \$150 per image for a world broadcast use in a single language only.~~

~~————— (G) \$300 per image for a world broadcast use in all languages.~~

~~————— (3) In addition to the fee required in Subsection (f)(1), the following fees will be charged for non-profit broadcast or publishing copyright permission based on usage:~~

~~————— (A) \$25 per image for commercial exhibition.~~

~~————— (B) \$100 per image for commercial reproduction or re-sale.~~

~~————— (C) \$25 per image for a one-time print use in a single language worldwide.~~

~~————— (D) \$50 per image for a one-time print or electronic (ebook) use in all languages worldwide.~~

~~————— (E) \$50 per image for a one-country broadcast use in a single language only.~~

~~————— (F) \$75 per image for a world broadcast use in a single language only.~~

~~————— (G) \$150 per image for a world broadcast use in all languages.~~

~~————— (4) The total fee calculated under Subsections (f)(1), (f)(2), and (f)(3) will be increased by:~~

~~————— (A) 100 percent if a one- to five-day turn-around time is requested; and~~

~~————— (B) 50 percent if a six- to 10-day turn-around time is requested.~~

~~————— (5) The following additional fees for delivery and media will be charged if required for an order:~~

~~————— (A) \$3 for postage and handling.~~

~~————— (B) \$3 for CD authoring.~~

~~————— (g) A person requesting research by a staff member of the public library shall pay a fee of \$17.50 per half hour, which fee will include up to four photocopies. Additional photocopies may be purchased for \$0.25 per page. Each person making a request under this subsection will be limited to one hour of research and fifty photocopies per month. The director may waive up to 25 percent of the charges for research requested by a corporate member of the Friends of the Dallas Public Library.~~

~~————— (h) The fee for a printout from an electronic database is \$0.25 per page for a black and white printout and \$0.75 a page for a color printout.~~

~~————— (i) A fee of \$20 will be charged for each public library account turned over to a collection agency for the purpose of recovering any money or property owed to the public library.~~

~~————— (j) A person making an interlibrary loan request shall pay a fee of \$3 for each item received from a library outside of the city of Dallas public library system pursuant to the request.~~

(A) \$50 per image for commercial exhibition.

(B) \$200 per image for commercial reproduction or re-sale.

(C) \$50 per image for a one-time print use in a single language worldwide.

(D) \$100 per image for a one-time print or electronic (e-book) use in all languages worldwide.

(E) \$100 per image for a one-country

broadcast use in a single language only.

(F) \$150 per image for a world broadcast use in a single language only.

(G) \$300 per image for a world broadcast use in all languages.

(3) In addition to the fee required in Subsection (d)(1), the following fees will be charged for non-profit broadcast or publishing copyright permission based on usage:

(A) \$25 per image for commercial exhibition.

(B) \$100 per image for commercial reproduction or re-sale.

(C) \$25 per image for a one-time print use in a single language worldwide.

(D) \$50 per image for a one-time print or electronic (ebook) use in all languages worldwide.

(E) \$50 per image for a one-country broadcast use in a single language only.

(F) \$75 per image for a world broadcast use in a single language only.

(G) \$150 per image for a world broadcast use in all languages.

(4) The total fee calculated under Subsections (d)(1), (d)(2), and (d)(3) will be increased by:

(A) 100 percent if a one- to five-day turn-around time is requested; and

(B) 50 percent if a six- to 10-day turn-around time is requested.

(5) The following additional fees for delivery and media will be charged if required for an order:

(A) \$3 for postage and handling.

(B) \$3 for CD authoring.

(e) A person requesting research by a staff member of the public library shall pay a fee of \$17.50

per half hour, which fee will include up to four photocopies. Additional photocopies may be purchased for \$0.25 per page. Each person making a request under this subsection will be limited to one hour of research and 50 photocopies per month. The director may waive up to 25 percent of the charges for research requested by a corporate member of the Friends of the Dallas Public Library.

(f) The fee for a printout from an electronic database is \$0.25 per page for a black and white printout and \$0.75 a page for a color printout.

(g) A fee of \$20 will be charged for each public library account turned over to a collection agency for the purpose of recovering any money or property owed to the public library.

(h) A person making an interlibrary loan request shall pay a fee of \$3 for each item received from a library outside of the city of Dallas public library system pursuant to the request. (Ord. Nos. 20612; 21431; 22206; 24411; 24929; 25048; 25754; 26598; 27353; 28792; 29149; 31215)

SEC. 24-4. LIBRARY FEE AMNESTY PERIODS.

(a) The library director is authorized to administer two annual amnesty periods during which the library, at the request of a library card holder, may forgive some or all fees and charges accrued in accordance with Sections 24-3(a) and 24-3(b).

(b) The amnesty periods may not occur for longer than one month in duration, and the library director shall not administer more than two amnesty periods in any fiscal year. (Ord. 31215)

**SEC. 24-5. BOOKS FROM HOUSES WHERE
THERE IS CONTAGIOUS DISEASE
- GENERALLY.**

~~— Every person in any house where there is a contagious or infectious disease shall deliver to the director of public health, at such house, any book, periodical or publication that he may have which belongs to the public library. The director of public health shall at once cause such book, periodical or publication to be disinfected and returned to the public library.~~

Every person in any house where there is a contagious or infectious disease shall deliver to the director of public health, at such house, any book, periodical or publication that he may have which belongs to the public library. The director of public health shall at once cause such book, periodical or publication to be disinfected and returned to the public library. (Code 1941, Art. 72-5; Ord. 31215)

**SEC. 24-6. SAME - NOTICE TO BE GIVEN BY
DIRECTOR OF PUBLIC HEALTH.**

~~— It is hereby made the duty of the director of public health of the city, whenever he finds that there is any contagious or infectious disease in any house in the city, to at once give written notice of this fact to the librarian of the public library.~~

It is hereby made the duty of the director of public health of the city, whenever he finds that there is any contagious or infectious disease in any house in the city, to at once give written notice of this fact to the librarian of the public library. (Code 1941, Art. 72-4; Ord. 31215)

SEC. 24-6.1. PENALTY.

~~— A person violating a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$50.~~

A person violating a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$50. (Ord. Nos. 18093; 31215)

ARTICLE II.

**MUNICIPAL LIBRARY
BOARD.**

SEC. 24-7. CREATED.

(a) There is hereby created the municipal library board, which shall be an advisory body to the library

CHAPTER 37**POLICE****ARTICLE I.****IN GENERAL.**

- Sec. 37-1. Composition of police force.
- Sec. 37-2. Duties and powers of policemen.
- Sec. 37-3. Certificate of appointment; oath.
- Sec. 37-4. Assignment of men to beats; reports by chief; other duties of chief.
- Sec. 37-5. Arrest without warrant - Authority.
- Sec. 37-6. Same - When offense committed in officer's presence.
- Sec. 37-7. Same - Person arrested to be brought before court.
- Sec. 37-8. Impersonation of police; blowing whistles, etc.
- Sec. 37-9. Moral character of policemen; references; bond.
- Sec. 37-10. Courtesy to city officers, etc.
- Sec. 37-11. Grounds for dismissal.
- Sec. 37-12. Restoration to prior rank upon dismissal from certain offices.
- Sec. 37-13. Beating or striking prisoner or other person.
- Sec. 37-14. Badges - Required to be worn.
- Sec. 37-15. Same - Description - Breast badge.
- Sec. 37-16. Same - Same - Cap badge.
- Sec. 37-17. Same - Additional colors and attachments.
- Sec. 37-18. Reserved.
- Sec. 37-19. Same - Loss or destruction; return of badges upon leaving department.

ARTICLE II.**CHIEF OF POLICE.**

- Sec. 37-20. Qualifications; appointment; term.
- Sec. 37-21. Member of police department.
- Sec. 37-22. Oath and bond.

- Sec. 37-23. Powers and duties generally.
- Sec. 37-24. May close barrooms, etc.
- Sec. 37-25. Reports of breaches of the peace, etc.; abatement of nuisances.
- Sec. 37-26. Attendance at meetings of city council; summoning members, etc., to same.
- Sec. 37-27. Deposit of moneys collected.
- Sec. 37-28. Keeper of the city prison.
- Sec. 37-29. Execution of processes; assistance to city attorney.
- Sec. 37-30. Release of prisoners without bond or before payment of fine.

ARTICLE III.

~~DALLAS CITIZENS POLICE REVIEW~~
COMMUNITY POLICE OVERSIGHT
BOARD.

- Sec. 37-31. Board created; appointment; term; meetings.
- Sec. 37-31.1. Definitions.
- Sec. 37-31.2. Duties.
- Sec. 37-31.3. Community engagement.
- Sec. 37-32. Functions.
- Sec. 37-32.1. Division referrals.
- Sec. 37-32.2. Mediation procedures.
- Sec. 37-32.3. Procedures for external administrative complaint review.
- Sec. 37-33. Procedures for critical incident review.
- Sec. 37-34. Confidentiality.
- Sec. 37-35. Witnesses.
- Sec. 37-36. Technical ~~advisory committee~~ resource panel.
- Sec. 37-37. Administrative assistance.
- Sec. 37-38. Funding.
- Sec. 37-38.1. Transparency.
- Sec. 37-38.2. Chief of police.

ARTICLE IV.**RESERVED.**

- Secs. 37-39 thru 37-42. Reserved.

ARTICLE V.**RESERVED.**

guard all prisoners sentenced to hard labor on the streets and public works of the city while at work. When, by their labor, such prisoners have paid their fines and costs, he shall discharge them. For the keeping of such persons safely he may use the city jail. (Code 1941, Art. 107-8)

**SEC. 37-29. EXECUTION OF PROCESSES;
ASSISTANCE TO CITY ATTORNEY.**

The chief of police shall execute all processes issued out of the municipal court, attend all sessions of such court and assist the city attorney, when so required, in the discovery of testimony in all cases in which the city is interested. (Code 1941, Art. 107-9)

**SEC. 37-30. RELEASE OF PRISONERS
WITHOUT BOND OR BEFORE
PAYMENT OF FINE.**

The chief of police shall have no right to release any prisoner before conviction without bond, nor after conviction until the fine and costs against him are paid. He shall be subject to dismissal from office if he allows parties after conviction to go without satisfaction of the judgment against them, as provided therein, and every dollar of fine and costs that by his negligence or connivance is lost to the city or to any officer shall be deducted from his salary. (Code 1941, Art. 107-10)

ARTICLE III.

~~—DALLAS CITIZENS POLICE REVIEW BOARD.~~
COMMUNITY POLICE OVERSIGHT BOARD.

**SEC. 37-31. BOARD CREATED;
APPOINTMENT; TERM;
MEETINGS.**

~~—(a) There is hereby created the Dallas citizens police review board (the "board") to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council~~

~~that the membership of the board be representative of the ethnic diversity of the city.~~

~~—(b) The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.~~

~~—(c) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. Members shall serve until their successors are appointed and qualified.~~

~~—(d) The following persons shall be disqualified for appointment to and service on the board:~~

~~—(1) persons who are in violation of Article XII, "Code of Ethics" of Chapter 2 of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code; and~~

~~—(2) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual's office or employment).~~

~~—(e) Any board member who is disqualified for appointment to and service on the board under Subsection (d) shall forfeit membership on the board. Upon determination by the board chair that a board member is so disqualified, the chair will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.~~

~~—(f) Under no circumstances may the city council or the board chair be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).~~

(a) There is hereby created the community police oversight board (the "board") to be composed of 15 members. Each city council member shall appoint one member to the board. It is the intent of the city council that the membership of the board be representative of the diversity of the city.

(b) The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(c) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. Members shall serve until their successors are appointed and qualified.

(d) The following persons shall be disqualified for appointment to and service on the board:

(1) persons who are in violation of Chapter 12A, "Code of Ethics" of the city code and persons disqualified from appointment pursuant to Section 8-1.4 of the city code;

(2) persons who are currently employed by the department, or have an immediate family member, as defined in Section 34-4(26) of the Dallas City Code, who is an employee of the Dallas Police Department; and

(3) persons who are employees or business associates of either an adversary party or a representative of an adversary party, and persons who have a pecuniary interest, in any pending litigation or claim against the city relating to the board or the police department or against any individual officer or employee of the police department (unless unrelated to such individual's office or employment).

(e) Any board member who is disqualified for appointment to and service on the board under Subsection (d) shall forfeit membership on the board. Upon determination by the board chair that a board member is so disqualified, the chair will notify that board member and the city secretary. The city secretary will then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter.

(f) Under no circumstances may the city council or the board chair be authorized to waive the requirements for appointment to and service on the board referenced in Subsection (d).

~~—(g) Each board member must attend a training session to become familiar with police procedures.~~

~~—(h) The board must meet at least once each month in city hall and at other times at the call of the chair.~~

~~—(i) For purposes of Sections 2-122(a)(10)(B) and 8-1.4(a)(4) of this code, the police department is deemed a department providing support services to the board.~~

(g) Each board member must attend training necessary to execute the board's duties including training on police procedures.

(h) The board must meet at least once each month and at other times at the call of the chair.

(i) The office of community police oversight provides support services to the board.

(j) For purposes of Section 8-1.4(a)(4) of this code, the police department is deemed a department providing support services to the board. (Ord. Nos. 19818; 19983; 21153; 21514; 22259; 29645; 31192, eff. 10/1/19)

SEC. 37-31.1. DEFINITIONS.

In this article:

(1) BOARD means the community police oversight board.

(2) CHIEF means the chief of police, as described in Section 37-20, or the chief's representative.

(3) CONFIDENTIAL INFORMATION means any information that may not be obtained by the public under the Texas Public Information Act. When submitting information to the board, the police department shall place identifying marks on any confidential information.

(4) CRITICAL INCIDENT means an officer-involved shooting or a use of force incident that results in serious bodily injury or death.

(5) DEPARTMENT means the Dallas police department.

(6) DIRECTOR means the director/monitor of the office of community police oversight or the director/monitor's representative, unless otherwise stated.

(7) DIVISION REFERRAL means an investigation into an external administrative complaint that is conducted by the supervisor of an officer.

(8) EXTERNAL ADMINISTRATIVE COMPLAINT means a written complaint submitted to either the office of community police oversight, the board, or the department by a person, who is not a city employee, that alleges a complaint of police procedures, treatment of residents, abuse, harassment, or violation of civil rights against a city police officer that results in mediation, a division referral, or an investigation conducted by the internal affairs division of the department.

(9) INTERNAL AFFAIRS DIVISION means a staff unit of the department.

(10) MEDIATION means a voluntary, informal process of communication and conciliation of minor external administrative complaints of police misconduct, conducted by an independent, certified mediator.

(11) OFFICE means the office of community police oversight.

(12) SERIOUS BODILY INJURY means bodily injury that creates a risk of death or that causes serious permanent or temporary disfigurement or loss or impairment of the function of any bodily member or organ, including, but not limited to, a broken long bone, rib, or fracture of the skull; mechanical injury of the neck and upper airways; multiple severe bruises wherever located; a sharp or blunt injury requiring sutures or clips; or a wound leading to blood loss requiring volume replacement. (Ord. 31192, eff. 10/1/19)

SEC. 37-31.2. DUTIES.

The board shall perform the following duties to provide residents fair and thorough oversight of the department:

(1) provide an accessible process that ensures fair acceptance and processing of external administrative complaints;

(2) direct the director to initiate an independent administrative investigation into a complaint by a member of the public investigated by the internal affairs division, as set forth in Sections 37-32.3 and 37-33;

(3) provide a report at least annually to the appropriate council committee in addition to any reports required under Chapter 8; and

(4) engage in community outreach. (Ord. 31192, eff. 10/1/19)

SEC. 37-31.3. COMMUNITY ENGAGEMENT.

The board shall conduct community outreach to create awareness about the board, the office, and the complaint process. The board may also provide outreach to promote transparency and accountability and to foster community relationships with the police department. (Ord. 31192, eff. 10/1/19)

SEC. 37-32. FUNCTIONS.

~~— (a) Subject to the procedural requirements set forth in Section 37-33, the board shall have authority to:~~

~~— (1) review the facts and evidence pertaining to an incident or complaint against a city police officer following:~~

~~— (A) completion of all findings and recommendations of the internal affairs division of the police department;~~

~~— (B) the final decision within the police department determining what, if any, disciplinary action will be taken; and~~

~~— (C) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint;~~

~~— (2) accept from citizens written complaints, signed by the person making the complaint, of police procedures, treatment of citizens, abuse, harassment, violation of civil rights, serious injury, or fatality and~~

~~refer the complaints to the internal affairs division of the police department for investigation;~~

~~— (3) present to the chief of police inquiries and suggestions for further investigation concerning an incident or a complaint that comes before the board;~~

~~— (4) when the board is not satisfied with the police department internal affairs division's investigation of an incident or a complaint which is properly before the board pursuant to Section 37-33, conduct an additional investigation into the incident or complaint;~~

~~— (5) when the board is not satisfied with the police department internal affairs division's investigation of an incident or a complaint involving a fatality or serious bodily injury which is properly before the board pursuant to Section 37-33, contract, at its discretion and on a case-by-case basis, with an independent investigator with experience in the type of incident or complaint being investigated to assist and advise the board in its review of the incident or complaint;~~

~~— (6) take sworn testimony from citizens about an incident or a complaint which is properly before the board pursuant to Section 37-33;~~

~~— (7) subpoena witnesses in accordance with Section 37-35;~~

~~— (8) request the city manager to review disciplinary action by the chief of police in a case when the board considers it appropriate; and~~

~~— (9) recommend to the city manager improvements in police department policies and procedures.~~

~~— (b) Retention of an independent investigator under Subsection (a)(5) must be in accordance with city contracting procedures. If the contract does not require city council approval, the city manager will notify the city council before the contract is executed.~~

~~— (c) The board shall act as an advisory board to the chief of police, the city manager, and the city council.~~

~~— (d) Notwithstanding any provision of this article to the contrary, the board shall not:~~

~~(a) Subject to the procedural requirements set forth in Sections 37-32.3 and 37-33, the board shall have authority to:~~

~~(1) Review the facts and evidence pertaining to a critical incident or external administrative complaint against a city police officer following:~~

(A) completion of all findings and recommendations of the internal affairs division of the department;

(B) the final decision within the department determining what, if any, disciplinary action will be taken; and

(C) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.

(2) Accept from members of the public written complaints, on a paper or online form provided by the director with input by the department, of police procedures, treatment of members of the public, abuse, harassment, violation of civil rights, serious injury, or fatality and refer the complaints to the office and the internal affairs division of the department for investigation.

(3) When the board is not satisfied with the findings of the police department internal affairs division's investigation of a critical incident or external administrative complaint which is properly before the board, the board may direct the director to initiate an independent investigation into the internal affairs division investigation of a critical incident or an external administrative complaint.

(4) Take sworn testimony from witnesses relating to the internal affairs division investigation of a critical incident or external administrative complaint pursuant to Section 37-35.

(5) Subpoena witnesses in accordance with Section 37-35.

(6) Request the city manager to review disciplinary action by the chief in a case when the board considers it appropriate.

(7) Recommend to the chief and the city manager improvements in department procedures, practices, training, and the early warning system.

(b) The board shall act as an advisory board to the chief, the city manager, and the city council.

(c) Notwithstanding any provision of this article to the contrary, the board shall not:

~~— (1) take any action, nor recommend to or request the city council or any other city authority to take any action, which interferes in any manner with the appointment, removal or discipline of any person by the city manager or any of his subordinates;~~

~~— (2) review the facts and evidence of a complaint nor accept a complaint from a police officer which pertains to another police officer for which the city personnel rules or police general orders provide a grievance or appeal procedure.~~

~~— (3) review the facts and evidence of a complaint nor accept a complaint from a person concerning a matter which is the subject of pending civil litigation to which the city or a city employee is a party.~~

~~— (e) For the purposes of this article SERIOUS BODILY INJURY means bodily injury that creates a risk of death or that causes serious permanent or temporary disfigurement or loss or impairment of the function of any bodily member or organ, including, but not limited to, a broken long bone, rib, or fracture of the skull; mechanical injury of the neck and upper airways; multiple severe bruises wherever located; a sharp or blunt injury requiring sutures or clips; or a wound leading to blood loss requiring volume replacement.~~

(1) take any action, nor recommend to or request the city council or any other city authority to take any action, which interferes in any manner with the appointment, removal, or discipline of any person by the city manager or any of his subordinates;

(2) review the facts and evidence of a complaint nor accept a complaint from a police officer which pertains to another police officer for which the city personnel rules or police general orders provide a grievance or appeal procedure.

(3) review the facts and evidence of a complaint nor accept a complaint from a person concerning a matter which is the subject of pending civil litigation to which the city or a city employee is a party. (Ord. Nos. 19818; 19983; 21131; 31192, eff. 10/1/19)

SEC. 37-32.1. DIVISION REFERRALS.

The department shall take appropriate action on

division referrals, provide the director with confirmation that the matter has been addressed, and provide the director access to relevant information. (Ord. 31192, eff. 10/1/19)

SEC. 37-32.2. MEDIATION PROCEDURES.

(a) In general. Except as provided in this section, a complainant may request to mediate an external administrative complaint for minor allegations of misconduct at any time during the external administrative complaint process. Mediation does not include negotiation of demands for monetary or equitable relief.

(b) Notice. The director shall inform a complainant that mediation may be available as an alternative to the review processes upon receiving notice of a complaint.

(c) Eligibility. For an external administrative complaint to be eligible for mediation, the following requirements must be met:

(1) Both the complainant and officer must agree to participate;

(2) The officer has not resolved a prior complaint through mediation in the last six months;

(3) The director must determine that mediation is appropriate for the alleged complaint;

(4) The officer must be deemed eligible for mediation by the internal affairs division or the chief; and

(5) There must not be any pending claims, civil litigation, or criminal investigations involving the alleged incident.

(d) Form. The director shall provide an eligible complainant a form to request mediation.

(e) Administration. The director will oversee administration of the mediation process including:

(1) providing a forum for the mediation; and

(2) scheduling the mediation within a reasonable time.

(f) Procedure.

(1) After confirmation that the complaint and the parties are eligible for mediation the director shall contact the internal affairs division to advise the city police officer's chain of command of the complaint and the complainant's decision to pursue mediation.

(2) After receiving notification from the city police officer's chain of command, the officer shall contact the internal affairs division to accept or decline the opportunity to mediate the complaint.

(3) If the officer declines the mediation, the complainant may choose to pursue the complaint through the external administrative process.

(g) Informational requests. The director and the department must comply with the mediator's requests for information during the mediation process.

(h) Final administrative remedy. Mediation constitutes the final administrative remedy.

(i) Confidentiality required. Participants in the mediation process shall sign a confidentiality agreement that provides:

(1) That participation in mediation and any statements made during mediation are not admissible in court.

(2) That documents or information created or retained pursuant to mediation cannot be subpoenaed.

(3) That the mediator and participating staff may not be called as witnesses regarding incidents discussed during mediation. (Ord. 31192, eff. 10/1/19)

SEC. 37-32.3. PROCEDURES FOR EXTERNAL ADMINISTRATIVE COMPLAINT REVIEW.

(a) Internal affairs division investigation.

(1) Monitoring. During the pendency of an internal affairs division investigation into an external administrative complaint, the director may monitor the investigation including observing witness interviews,

submitting recommendations of interview inquiries, and issuing evidentiary retention requests. Additionally, the internal affairs division must provide the director with timely and free access to investigative evidence and relevant police data. At any time during the internal affairs division investigation, the director may discuss the investigation with the chief or ask questions regarding the investigation.

(2) Notification. When the internal affairs division notifies a complainant of its findings, it shall:

(A) provide a form to the complainant which can be submitted to the board or the director if the complainant desires to request review of the findings; and

(B) notify the board and director of those findings and any recommendations.

(3) Director-initiated independent investigations. At the close of the internal affairs division investigation, if the director disagrees with the findings of the investigation, the director may initiate an independent investigation.

(A) When the independent investigation is complete, the director shall present the findings of the investigation to the board.

(B) The board shall forward those findings and any recommendations to the chief.

(C) The chief shall provide the board written acknowledgement of receipt of the recommendations.

(D) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations.

(b) Complainant requests for review process.

(1) Within 30 days after notification of the results of the internal affairs division investigation, a complainant may request a review of the internal affairs division findings to the office on a form provided by the office.

(2) For requests for review filed by a complainant, the director shall review the internal affairs division investigation and present those findings to the board.

(3) After the director presents the review of the internal affairs division investigation to the board, the board may, by majority vote, direct the director to initiate an independent investigation or may choose to take no further action.

(A) When the independent investigation is complete, the director shall present the findings of the investigation to the board and make recommendations to the board for further action, if any.

(B) The board shall review the director's findings and make recommendations as the board deems appropriate.

(C) When requested, the director shall forward the results of the investigation and the recommendations of the board to the chief, the city manager, or the appropriate city council committee.

(D) The chief shall provide the board written acknowledgement of receipt of the recommendations.

(E) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations.

(4) Complainant request for review to the board constitutes the final administrative remedy.

(c) Postponement. Board review or independent investigation of any incident, complaint, or request for review, whether received by the board or director, shall be postponed pending:

(1) completion of all findings and recommendations of the internal affairs division;

(2) the final decision within the department regarding disciplinary action, if any;

(3) the conclusion of any claim or civil litigation involving the incident or complaint; and

(4) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.

(d) Department monitoring. The department may monitor investigations conducted by the office subject to the same restrictions and requirements

imposed on the director when monitoring internal affairs division investigations. (Ord. 31192, eff. 10/1/19)

SEC. 37-33. PROCEDURES FOR **CRITICAL INCIDENT** REVIEW.

—(a) The chief of police shall submit to the board a list briefly describing all citizen complaints filed with the internal affairs division of the police department.

—(b) Complaints received by the board directly from citizens shall be forwarded to the internal affairs division of the police department for review and disposition.

—(c) The board may only review an incident or complaint:

—(1) if the incident or complaint involves a fatality or serious bodily injury to a citizen; or

~~— (2) if a citizen who submitted a written complaint to the police department or the board submits to the board a written request for review of the findings of the internal affairs division of the police department with respect to the subject matter of that complaint and at least seven members of the board determine that the findings of the internal affairs division merit board review.~~

~~— (d) When the internal affairs division of the police department notifies a complainant of its findings and recommendations, it shall provide a form to the complainant which can be submitted to the board if the complainant desires to request review of the findings.~~

~~— (e) Board review of any incident, complaint or request for review, whether received by the board from the chief of police, directly from a citizen, or otherwise, shall be postponed pending:~~

~~— (1) completion of all findings and recommendations of the internal affairs division of the police department;~~

~~— (2) the final decision within the police department determining what, if any, disciplinary action will be taken; and~~

~~— (3) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to a city police officer's conduct in the incident or complaint.~~

(a) The chief shall provide the board and the director with timely notification of all critical incidents. The director may participate in preliminary briefings related to the critical incident.

(b) The director may monitor the investigation of all critical incidents. The purpose of monitoring critical incidents is to ensure that the investigation is comprehensive, objective, impartial, and consistent with appropriate investigative protocols.

(1) If the director is unavailable, a person approved by the city manager may serve in this capacity during the director's absence.

(2) In this subsection DIRECTOR does not include the director's representative.

(c) Board review or independent investigation of any incident, complaint, or request for review, whether received by the board or director, shall be postponed

pending:

(1) completion of all findings and recommendations of the internal affairs division;

(2) the final decision within the department determining what, if any, disciplinary action will be taken;

(3) the conclusion of any claim or civil litigation involving the incident or complaint; and

(4) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to the incident or complaint.

(d) The director may monitor the investigation including observing witness interviews, submitting recommendations of interview inquiries, reviewing documentary and physical evidence, and accessing relevant police data. The director may meet with the chief throughout the investigation to ask questions and discuss any areas of concern identified while monitoring.

(e) Before the conclusion of the criminal investigation, the director may meet with the chief to hear preliminary findings and provide feedback about the investigatory process. The director may provide the chief with a recommendation on the outcome of the investigation.

(f) The chief shall review all information and determine what actions, if any, are warranted.

(g) Throughout the investigation, per confidentiality requirements, the director shall not update the board or anyone else on the status of the investigation. The director may provide a report to the board at the conclusion of both the criminal and the administrative investigations to attest whether the criminal investigation was comprehensive, objective, impartial, and consistent with appropriate investigative protocols.

(h) The director shall provide a report to the board, after the internal affairs division investigation of the critical incident is complete, regarding department compliance with Subsection (b) above.

(i) The board and the director may engage in community outreach as needed after the occurrence of a critical incident.

(j) The chief retains final decision-making authority regarding disciplinary matters and the disposition of administrative and criminal investigations. (Ord. Nos. 19818; 19983; 31192, eff. 10/1/19)

SEC. 37-34. CONFIDENTIALITY.

~~—(a) In this section, CONFIDENTIAL INFORMATION means any information that could not be obtained by the public under the Texas Open Records Act. When submitting information to the board, the police department shall place identifying marks on any confidential information.~~

~~—(b) The board in reviewing a personnel matter shall hold closed meetings in compliance with the~~

~~Texas Open Meetings Act, acting in a nonjudicial capacity. The confidentiality of any file, record, or other data received by the board in its review of an incident or a complaint shall be strictly maintained by every member of the board.~~

~~— (c) A board member commits an offense if he discloses to another person confidential information obtained in the course of his board duties.~~

~~— (d) It is a defense to prosecution under Subsection (c) that the disclosure was made:~~

~~— (1) to another board member or to city staff assigned to the board; or~~

~~— (2) as compelled testimony in a court proceeding.~~

~~— (e) An offense under this section is punishable by a fine not to exceed \$500.~~

~~— (f) Any board member who discloses confidential information to anyone other than another board member or city staff member assigned to the board or as compelled testimony in a court proceeding shall forfeit membership on the board. Upon determination by the chairman of the board that a board member has disclosed confidential information, the chairman shall notify that board member and the city secretary. The city secretary shall then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership under this section will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter. If requested by the board member, the city council will immediately schedule a hearing to be held at the next regularly scheduled city council meeting. The board member may designate either a public or closed hearing.~~

(a) Community police oversight board. The board in reviewing a personnel matter shall hold closed meetings in compliance with the Texas Open Meetings Act, acting in a nonjudicial capacity. The confidentiality of any file, record, or other data received by the board in its review of an incident or a complaint shall be strictly maintained by every member of the board.

(1) Board members commit an offense if they disclose to another person confidential information obtained in the course of their board

duties.

(2) It is a defense to prosecution under Paragraph (1) that the disclosure was made:

(A) to another board member or to city staff assigned to the board; or

(B) as compelled testimony in a court proceeding.

(3) An offense under this section is punishable by a fine not to exceed \$500.

(4) Any board member who discloses confidential information to anyone other than another board member or city staff member assigned to the board or as compelled testimony in a court proceeding shall forfeit membership on the board. Upon determination by the chairman of the board that a board member has disclosed confidential information, the chairman shall notify that board member and the city secretary. The city secretary shall then notify the city council that there is a vacancy on the board. A board member required to forfeit board membership under this section will be entitled to a public hearing in accordance with Section 17, Chapter XXIV of the city charter. If requested by the board member, the city council will immediately schedule a hearing to be held at the next regularly scheduled city council meeting. The board member may designate either a public or closed hearing.

(b) Office of community police oversight. The confidentiality of any investigative file, record, or other data received by the director or the director's staff during the briefing, review, or monitoring of an incident or a complaint shall be strictly maintained. The director shall not share any confidential information with the board that is obtained during the monitoring of a critical incident. Any staff member of the office who discloses confidential information to another person may be subjected to disciplinary action, up to and including termination of employment.

(1) The director or any member of the office commits an offense if they disclose to another person confidential information obtained in the course or performance of his duties.

(2) An offense under this section is

punishable by a fine not to exceed \$500.

(3) It is a defense to prosecution under Paragraph (1) that the disclosure was made:

(A) to the city manager, an assistant city manager, the director or a staff member of the office, the chief, or employees of the department authorized to receive the information;

(B) as compelled testimony in a court proceeding; or

(C) pursuant to a valid request from the district attorney's office. (Ord. Nos. 19818; 19903; 19983; 31192, eff. 10/1/19)

SEC. 37-35. WITNESSES.

~~(a) The board shall have authority to issue subpoenas in accordance with the following:~~

~~(1) No subpoena may be issued without a favorable vote of at least seven members of the board.~~

~~(2) If the issuance of a subpoena is approved by a favorable vote of at least seven members of the board, and at least two members of the technical advisory committee created pursuant to Section 37-36 concur in writing in the need for a subpoena, the board will be authorized to issue the subpoena. In this case, no action by the city council will be required for issuance of a subpoena.~~

~~(3) If the issuance of a subpoena is approved by a favorable vote of at least seven members of the board, and at least two members of the technical advisory committee created pursuant to Section 37-36 do not concur in writing in the need for a subpoena, the board will be authorized to issue the subpoena only upon approval by a favorable vote of at least six members of the city council. The city manager shall place the request for approval on the agenda for the next regularly scheduled city council meeting following receipt of the request. A city council member shall not use the deferral privilege under Section 7.12 of the City Council Rules of Procedure to postpone action on the request beyond 30 days from the date the city manager receives the request.~~

~~(b) The board may, in accordance with the procedure described in Subsection (a), subpoena a city police officer to appear before the board if that officer is a witness to the incident giving rise to the board's investigation, but in no event shall the board have authority to subpoena a city police officer to appear or testify before the board or to provide information to any investigator of the board if that officer's actions are the subject of the incident or complaint giving rise to the board's investigation.~~

~~(c) Every person appearing before the board to testify concerning an incident or a complaint being reviewed shall have the right to counsel. All statements and testimony before the board must be given under oath. Nothing in this article shall be construed to deprive any individual of rights given under constitutional, statutory or common law.~~

(a) Except as provided in this section, the board shall have authority to issue subpoenas upon a majority vote of the board.

(b) The board may not subpoena a city employee or police officer.

(c) The board may request statements from city

employees or police officers through the office. These statements must be provided to the office in a non-public setting.

(d) Before a city employee or police officer is required to make a statement to the office a *Garrity* warning must be issued to the employee. The *Garrity* protections available to a city employee or police officer during an administrative investigation apply to testimony or a statement made in connection with an investigation of the director.

(e) Every person appearing before the board to testify concerning an incident or a complaint being reviewed shall have the right to counsel. All statements and testimony before the board must be given under oath. Nothing in this article shall be construed to deprive any individual of rights given under constitutional, statutory or common law.

(f) If a city police officer appears before the board, pursuant to a board request, the officer shall be entitled to:

(1) payment by the city of reasonable fees for private legal counsel of the city police officer's choice as provided for in Chapter 12A and Chapter 31A; and

(2) all rights afforded an individual under constitutional, statutory, or common law to the full extent as would be afforded to that officer as a defendant in a criminal proceeding.

(g) A city police officer shall not be subjected to departmental or other administrative disciplinary action:

(1) for refusing to appear voluntarily before the board;

(2) for refusing to answer any question on constitutional grounds or otherwise upon recommendation of legal counsel; or

(3) based upon the subject matter of that officer's testimony provided to the board or to any investigator of the board.

~~— (d) If a city police officer appears before the board, whether pursuant to a board request or subpoena, the officer shall be entitled to:~~

~~— (1) payment by the city of reasonable fees for private legal counsel of the city police officer's choice; and~~

~~— (2) all rights afforded an individual under constitutional, statutory or common law to the full extent as would be afforded to that officer as a defendant in a criminal proceeding.~~

~~— (e) A city police officer shall not be subjected to departmental or other administrative disciplinary action:~~

~~— (1) for refusing to appear voluntarily before the board;~~

~~— (2) for refusing to answer any question on constitutional grounds or otherwise upon recommendation of legal counsel; or~~

~~— (3) based upon the subject matter of that officer's testimony provided to the board or to any investigator of the board. (Ord. Nos. 19818; 19903; 19983; 31192, eff. 10/1/19)~~

SEC. 37-36. TECHNICAL ADVISORY COMMITTEE.

~~— (a) There is hereby created the technical advisory committee to be composed of three members appointed by the city manager. The technical advisory committee is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.~~

~~— (b) Each member of the technical advisory committee shall be an individual with at least 10 years of law enforcement experience in a recognized local, county, state or federal law enforcement agency and, to the extent possible, appointments to the technical advisory committee will be representative of the ethnic diversity of the city and will include individuals with substantial patrol officer experience.~~

~~— (c) Active law enforcement professionals employed in Dallas County by the state, the county, or any local government may not be members of the technical advisory committee. In addition, former city of Dallas police officers may not be members of the technical advisory committee. Members of the technical advisory committee are not required to be residents of the city nor qualified voters in the city.~~

~~— (d) Members of the technical advisory committee shall serve three year terms, shall be subject to the same conflict of interest and confidentiality restrictions as are applicable to members of the board, and shall be subject to forfeiture of membership on the same basis as members of the board.~~

~~— (e) Members of the technical advisory committee shall attend and participate fully in all meetings and deliberations of the board including closed sessions, but shall not be entitled to vote as members of the board.~~

~~— (f) The technical advisory committee shall use its expertise and experience in law enforcement matters and procedures to assist the board to the fullest extent possible in the review and investigation of all incidents and complaints coming before the board.~~

~~— (g) Prior to the issuance of a subpoena by the board, the technical advisory committee shall make a separate determination as to the need for the subpoena and each member of the technical advisory committee shall submit to the board a written statement either concurring in or dissenting to the need for the subpoena. This separate determination shall be based on the information otherwise available to the board and the technical advisory committee's collective experience and expertise in comparable investigative efforts.~~

~~— (h) The technical advisory committee is an advisory committee and shall not have any oversight responsibility or oversight authority with respect to the board.~~

SEC. 37-36. TECHNICAL RESOURCE PANEL.

(a) There is hereby created the technical resource panel to be composed of three members appointed by the city manager.

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

(2) The director shall assist the city manager in the recruitment of qualified members.

(b) Each member of the technical resource panel shall be an individual with at least 10 years of law enforcement experience in a recognized local, county, state, or federal law enforcement agency and, to the extent possible, appointments to the technical resource panel will be representative of the ethnic diversity of the city and will include individuals with substantial patrol officer experience.

(c) Active law enforcement professionals employed in Dallas County by the state, the county, or any local government may not be members of the technical resource panel. In addition, former city of Dallas police officers may not be members of the technical resource panel. Members of the technical resource panel are not required to be residents of the city nor qualified voters in the city.

(d) Members of the technical resource panel shall serve three-year terms, shall be subject to the same conflict of interest and confidentiality restrictions as are applicable to members of the board, and shall be subject to forfeiture of membership on the same basis as members of the board.

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

(f) The technical resource panel shall use its expertise and experience in law enforcement matters and procedures to assist the board to the fullest extent possible in the review and investigation of all incidents and complaints coming before the board.

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

(h) Nothing in this section prohibits the director or the board acting through the director from seeking additional outside technical expertise and advice as necessary. (Ord. Nos. 19818; 19983; 31192, eff. 10/1/19)

SEC. 37-37. ADMINISTRATIVE ASSISTANCE.

~~—The city manager shall designate an administrative assistant from his staff to receive citizen complaints for referral to the police department and to aid the board and the technical advisory committee in their work.~~

The director shall designate staff to receive and log complaints for referral to the office or the department. The log of complaints must be centrally located and accessible by the office and the department. Staff shall monitor external administrative investigations conducted by the internal affairs division; oversee mediations; independently investigate administrative investigations upon the conclusion of an internal affairs investigation (case disposition and discipline); monitor critical incidents investigated by the department, and further aid the board and the technical resource panel in their work. Additionally, the director shall assist the board with preparing the annual report required under Section 8-1.1 and any other reports as necessary. (Ord. Nos. 19983; 31192, eff. 10/1/19)

SEC. 37-38. FUNDING.

~~—No funding for the board or the technical advisory committee, including expenses of the board and the committee and of persons appearing before the board, shall be included in the budget for the police department, all such funding to be provided by the city from separate sources.~~

No funding for the board, the office, or the technical resource panel, including expenses of the board, the office, and the committee and of persons appearing before the board, shall be included in the budget for the department, all such funding to be provided by the city from separate sources. (Ord. Nos. 19983; 31192, eff. 10/1/19)

SEC. 37-38.1. TRANSPARENCY.

The board shall work with the office and the chief to establish metrics for transparency related to the board's activities and performance, including providing an annual report and an engagement calendar. (Ord. 31192, eff. 10/1/19)

SEC. 37-38.2. CHIEF OF POLICE.

(a) The chief shall provide a report to the board briefly describing all complaints filed by members of the public with the internal affairs division when requested to do so by the board.

(b) The chief shall promulgate general orders and standard operating procedures in compliance with this article. The chief has discretion in how and whether to implement changes recommended by the board.

(c) Nothing in this article should be construed as removing or limiting the chief's authority to issue final disciplinary actions or to oversee the administration of the department in accordance with the city charter. (Ord. 31192, eff. 10/1/19)

ARTICLE IV.**RESERVED.**

SECS. 37-39 THRU 37-42. (Repealed by Ord. 17226)

ARTICLE V.**RESERVED.**

SECS. 37-43 THRU 37-59. (Repealed by Ord. 14940)

ARTICLE VI.**RESERVED.**

SECS. 37-60 THRU 37-73. (Repealed by Ord. 15519)

(A) obtain and have at the construction site recent plans from the city's water utilities department, and, where available, plans from owners of all other underground facilities, showing the horizontal and vertical placement of the underground facilities, if the permittee's proposed facilities will:

(i) cross other existing facilities; or

(ii) be located within five feet of existing facilities at any point;

(B) locate all water main lines by potholing, if the permittee's proposed facilities will:

(i) cross other existing facilities; or

(ii) be located within five feet of existing facilities at any point; and

(C) be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the director upon request.

(16) The permittee shall maintain the construction area in a public right-of-way in a manner that avoids dust, other health hazards, and hazards to vehicular and pedestrian traffic until the public right-of-way is permanently repaired.

(17) When making a pavement cut or excavation, or placing spoils or excavated material in or along a public right-of-way, the permittee shall place barricades, warning signs, and warning lights at the location sufficient to warn the public of the hazard of the cut, excavation, spoils, or excavated material in compliance with the latest Edition of the Texas Manual on Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and City of Dallas requirements. Excavated material and debris must be removed from the right-of-way on a daily basis.

(18) The director may require the permittee to share trench space to minimize the disruption of

vehicular and pedestrian traffic or to provide space for needed city facility installations if such sharing is:

(A) technically, commercially, and economically feasible; and

(B) not in violation of state or federal regulations or industry safety standards.

~~————— (19) A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must be approved by the City of Dallas before commencing work.~~

(19) A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must show necessary pedestrian sidewalk detours, crosswalk closures, temporary covered walkways, or scaffolding for the safety of pedestrians that comply with the requirements of the latest edition of the *Texas Manual of Uniform Traffic Control Devices*, as amended, published by the Texas Department of Transportation and City of Dallas requirements. Traffic control plans must be approved by the City of Dallas before commencing work.

(20) The permittee must affirm on the permit application that the permittee has complied with the pre-construction notice requirements in this article.

(21) The director may prohibit street excavation when a permittee seeks to install facilities in a design district or in an area that is part of a major project, unless the permittee can show that existing facilities are unavailable to serve the current needs of the permittee or the permittee's existing customers, whether through facilities owned by the permittee or are otherwise available.

(d) The following additional procedures apply if it is necessary to close, in whole or in part, a public right-of-way for purposes of making a pavement cut or an excavation:

(B) the name of the person performing the construction on behalf of the permittee, if any; and

(C) a local 24-hour contact number that can be used in case of emergency or to answer any questions.

(3) The requirements of Paragraphs (1) and (2) of this subsection are in addition to any other signage, barricades, or warning devices required by law or ordinance. The sign information required by Paragraph (2) of this subsection may be included on barricades or warning devices.

(4) When permitted construction will last longer than two weeks, the permittee shall give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the director determines that an emergency exists.

(5) If a street or alley must be totally closed for any duration, the permittee shall provide for reasonable alternative access to the adjacent property by the property's occupants and invitees, which access must include but is not limited to deliveries to the property.

(6) If construction on a partially closed thoroughfare stops for the day, all thoroughfare lanes must be reopened to traffic, unless an extended time of closure is expressly granted by the permit.

(7) If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic.

~~———— (8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic. Asphalt transitions must be placed as required to provide a reasonably smooth riding surface.~~

(8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic or cause any loud and disturbing noises and vibrations through the use of materials such as asphalt, flexible plastic gaskets, wedges, or other non-asphaltic devices. Transitions must be placed as required with a minimum 2:1 slope to provide a reasonably smooth riding surface.

(9) Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an

emergency, unless a sign complying with Paragraph (2) of this subsection is posted at or in close proximity to the worksite.

~~—(e) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare during the hours of 6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m., Monday through Friday.~~

(e) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare, arterial, or a community collector during the hours of 6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m., Monday through Friday.

(f) A temporary repair may not remain on public right-of-way for more than 14 calendar days after the completion of the repair or installation of the underground structure or facility, unless a time extension has been granted by the director. The city may, at the expense of the permittee or other responsible person, remove any temporary repair remaining in the public right-of-way beyond the 14-day time limit and make permanent repairs. Any exception to the 14-day time limit, other than a relocation of a facility in advance of a city construction project in the public right-of-way, must be approved by the director prior to expiration of the time limit.

~~—(g) If no construction has commenced under a permit within 120 calendar days after issuance of the permit, the permit becomes null and void, and a new permit is required before construction may be performed in the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way. An extension to a permit may be granted by the director only before the permit expires.~~

(g) If no construction has commenced under a permit within 60 calendar days after issuance of the permit, the permit becomes null and void, and a new permit is required before construction may be performed in the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way. An extension to a permit may be granted by the director only before the permit expires.

(h) The director may refuse to issue a permit if:

(1) the proposed construction will substantially interfere with vehicles or pedestrians and no procedures, or procedures inconsistent with this article, have been implemented to minimize the interference;

(2) the proposed construction will substantially interfere with another activity for which a permit has been issued, or will conflict or interfere with existing facilities already in the public right-of-way;

(e) Upon determining that a person is in violation of this article, the director may deny any request for a waiver and may terminate any existing waiver that had been granted under this section. A person whose waiver is terminated may not reapply for another waiver until two years have elapsed since the date of termination.

(f) If a waiver is denied or terminated by the director, the person shall immediately take all necessary steps to temporarily restore the right-of-way and then cease all work in the right-of-way until the person has provided a bond, letter of credit, or cash deposit that has been approved by the director. (Ord. Nos. 25693; 26263; 29993)

**SEC. 43-141. MISCELLANEOUS
REQUIREMENTS FOR STREET
EXCAVATION AND
INSTALLATIONS, TRENCH
SAFETY, AND ABOVE GROUND
UTILITY STRUCTURES.**

(a) In addition to the other requirements of this article, a pavement cut, excavation, or repair, or the placement of an above ground utility structure, necessitated by or as a result of construction inside or outside of the public right-of-way must comply with all of the requirements contained in this section.

~~—— (b) General:~~

~~—— (1) A pavement cut in the public right-of-way, or the placement of an above ground utility structure either in or outside of a public right-of-way, may be made prior to obtaining a permit only if a valid need to perform emergency activity exists. Immediate notice, including the reasons for the emergency activity, must be given to the director. An application for a permit must be made not later than the second business day following commencement of the emergency activity.~~

~~—— (2) A pavement cut that is made in a newly constructed, reconstructed, or resurfaced asphalt street that is not more than 60 months old will require that, in~~

~~addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces. No surface treatment is required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made to the entire block of the street in which a cut is made. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The *City of Dallas Slurry Seal and Micro-surfacing Specifications*, as amended, will govern design, material, testing, and construction of surface treatments.~~

~~—— (3) The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that~~

~~traffic and adjacent property owners experience a minimum of inconvenience.~~

(b) General.

(1) A pavement cut in the public right-of-way, or the placement of an above ground utility structure either in or outside of a public right-of-way, may be made prior to obtaining a permit only if a valid need to perform emergency activity exists. Immediate notice, including reasons for the emergency activity, must be given to the director. An application for a permit must be made not later than the second business day following commencement of the emergency activity.

(2) A pavement cut that is made in a concrete street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, replacement of the entire concrete panel from joint to joint.

(3) A pavement cut that is made in an asphalt street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces. No surface treatment is required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made to the entire block of the street in which a cut is made. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The *City of Dallas Slurry Seal and Micro-surfacing Specifications*, as amended, will govern design, material, testing, and construction of surface treatments.

(4) The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure,

drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that traffic and adjacent property owners experience a minimum of inconvenience.

(c) Five-year maintenance period.

(1) All construction must be done in a good and workmanlike manner and in faithful and strict compliance with the permit, this article, other city ordinances, and regulations promulgated by the director relating to construction within the public right-of-way.

(2) All construction performed under any permit granted to a permittee by the city under this article must be maintained to the satisfaction of the director for five years after the date of completion of the construction or repair.

owner requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director's action is received.

(C) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing under this subsection. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this subsection, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.

(D) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies.

(h) Signage and other display materials.

~~———— (1) A copy of the approved permit must be displayed by the permittee at the worksite at all times during construction in the public right-of-way.~~

(1) A copy of the approved permit with verification that all public and private utilities/facilities were properly located must be displayed by the permittee at the worksite at all times during construction in the public right-of-way.

(2) The permittee must display at least two signs in the permitted area of construction in the right-of-way no smaller than 30" x 24", one facing each direction of traffic. The sign must provide the business name and primary contact information of the permittee and contractor. The sign letters and numbers must be a minimum 2" in height.

(3) Each vehicle and piece of equipment located in the permitted area of construction in the right-of-way must display a sign identifying the business name and primary contact information of the permittee or contractor. The sign letters and numbers must be legible and at least one inch in height.

(4) A copy of the approved traffic control plan required in Section 43-139 must be available at the permitted area of construction at all times when barriers are erected to divert or alter the flow of traffic.

(5) At least one sign labeled "Temporary

Paving Repairs" must be displayed in accordance with

the *Dallas Pavement Cut and Repair Standards Manual*, as amended, in any location that has temporary paving repairs. If temporary paving repairs exceed 50 feet in length, one "Temporary Paving Repairs" sign must be provided every 50 feet on the perimeter of the permitted area of public right-of-way under construction. Alternatively, a "Temporary Paving Repairs" sign may be stenciled on the temporary paving repairs in accordance with this paragraph. The lettering of the written sign on the temporary paving repairs must be a minimum of three inches using only white paint. If temporary paving repairs exceed 40 feet in length, one painted "Temporary Paving Repairs" sign must be painted on the temporary paving repairs every 30 feet on the perimeter on the perimeter of the permitted area of public right-of-way under construction.

(i) Notice requirements.

(1) Notice to the director. After issuance of a permit under this article, the permittee shall provide written notice to the director:

(A) at least one business day before any material or equipment is placed in the permitted area or the commencement of any temporary construction;

(B) within one business day after completing the temporary construction; and

(C) at least one business day before any permanent construction begins.

~~————— (2) Notice to the public.~~

~~————— (A) If construction in the public right-of-way will last less than 24 hours, individual notice to property within 500 feet of the construction area is not required.~~

~~————— (B) If construction in the public right-of-way will last at least 24 hours, but less than 72 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice.~~

(2) Notice to the public.

(A) If construction in the public right-of-way without excavation or a lane closure will last less than 24 hours, individual notice to property within 500 feet of the construction area is not required.

(B) If construction in the public right-of-way without excavation or a lane closure will last more than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification of multi-family properties may be given to the property management teams of those properties.

~~_____ (C) If construction in the public right-of-way will last more than 72 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 72 hours before commencing construction by placing a door hanger or other similar notice. —~~

~~_____ (D) The individual notice must include the following:~~

~~_____ (i) — permittee name and contractor name, if different;~~

~~_____ (ii) — primary contact information for the permittee and contractor, if different.~~

~~_____ (iii) — location of the construction area; and~~

~~_____ (iv) — estimated time of construction as authorized by the permit. —~~

(C) If construction in the public right-of-way with excavation or a lane closure will last less than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification to multi-family properties may be given to the property management teams of those properties.

(D) If construction in the public right-of-way with excavation or a lane closure will last more than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area with two separate notifications by placing a door hanger or other similar notice. The first notification must be placed at least 10 days before commencing construction and the second notification must be placed 72 hours before commencing construction. Notification to multi-family properties may be given to the property management teams of those properties.

(E) If construction on a thoroughfare, arterial, or a community collector in the public right-of-way will involve complete street closures or extended traffic delays, at least two portable changeable message signs (CMS) that comply with the requirements of the latest edition of the *Texas Manual of Uniform Traffic Control Devices*, as amended, published by the Texas Department of Transportation and the City of Dallas

requirements, are required to be installed facing each direction of traffic at least one week prior to commencing construction.

(F) The individual notice must include the following:

(i) permittee name and contractor name, if different;

(ii) primary contact information for the permittee and contractor, if different;

(iii) location of the construction area; and

(iv) estimated time of construction as authorized by the permit. (Ord. Nos. 24495; 25409; 26263; 29993; 31209)

SEC. 43-142. RESTORATION REQUIREMENTS.

(a) The *Pavement Cut and Repair Standards Manual* and the requirements of this section govern the restoration of public right-of-way surfaces within the city. For those restoration activities not covered by the *Pavement Cut and Repair Standards Manual* or this section, the applicable provisions of the *Standard Specifications for Public Works Construction - North Central Texas* will govern.

(b) A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed by the most recent version of the *Pavement Cut and Repair Standards Manual* or other applicable city design and construction standards.

(c) Restoration work must be performed to the satisfaction of the director. Restoration work must include, but is not limited to, the following:

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>
31143	3-27-19		1	Amends 6-4(f)
31144	3-27-19	6-1-19	1	Repeals and reserves Ch. 29A
			2	Amends Ch. 42A, 42A-1 thru 42A-41
31181	4-24-19	8-1-19, 8-1-21	1	Amends Ch. 20, 20-1 thru 20-12
31192	4-24-19	10-1-19	1	Amends Ch. 2, Art. XXII, 2-153 thru 2-154.1
			2	Amends Ch. 37, Art. III, 37-31 thru 37-38.2
31193	5-8-19		1	Adds 19-38
			2	Deletes 19-38
31209	5-22-19		1	Amends 43-139(c)(19)
			2	Amends 43-139(d)(8)
			3	Amends 43-139(e)
			4	Amends 43-139(g)
			5	Amends 43-141(b)
			6	Amends 43-141(h)(1)
			7	Amends 43-141(i)(2)
31215	5-22-19		1	Amends Ch. 24, Art. I, 24-1 thru 24-6.1
31231	6-12-19		1	Amends 18-2
			2	Amends 18-4(e)
		7-1-20	3	Amends 18-4(f)
		7-1-20	4	Adds 18-4(g)
		7-1-20	5	Adds 18-4(h)
			6	Adds 18-9(c)(11)
31233	6-12-19		1	Amends 15D-15(12)
			2	Amends 15D-53(a)

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Ordinance ~~31152~~ **31174**, passed ~~3-27-19~~ **4-10-19**

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(C) Floor area.

(i) Detached accessory dwelling unit.

(aa) Minimum floor area is 200 square feet.

(bb) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

(ii) Attached accessory dwelling unit. Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) Height.

(i) General. Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the main dwelling unit.

(ii) Accessory dwelling units located above detached garages. For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning overlay.

(E) Location.

(i) An accessory dwelling unit may not be located in front of a main structure.

(ii) The board may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) Off-street parking.

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(iii) Off-street parking may be reduced if 75 percent of the property owners within the proposed overlay sign the petition agreeing to the reduction.

(iv) City council may also reduce the off-street parking requirement if a reduction is recommended by the neighborhood steering committee during the authorized hearing process.

(G) Stories. Maximum number of stories for an accessory dwelling unit is one.

(3) Utility meters. A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(4) Owner occupancy.

(A) Except as provided in this paragraph, if one dwelling unit is used as rental accommodations, the property owner must reside in the main structure or the accessory dwelling unit during the tenancy.

(B) The owner may be absent for one year with director approval.

(5) Single family rental program. The rental unit must be registered in the city single family rental program. (Ord. 30931)

SEC. 51A-4.511.**NEIGHBORHOOD
FOREST OVERLAY.****(a) Findings and purpose.**

(1) The city council intends to provide a means of conserving and maintaining the existing urban forest within the boundaries of neighborhood forest overlays.

(2) The neighborhood forest overlay is

provided for the purpose of promoting the health, safety, and the general welfare of present and future inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community. It is intended to help promote or restore the character of established communities as recognized by its inhabitants; to stabilize and protect the air quality near homes; to conserve the city's tree canopy; to retain the living green infrastructure for reducing flood and stormwater effects; to protect property against depreciation; to encourage sustainable construction methods and design in redevelopment; and to assure the sustained stability of neighborhoods for the future.

(3) A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Division 51A-10.130, "Urban Forest Conservation," to the properties within the overlay area that contain single-family and duplex uses in residential districts on lots smaller than two acres in size.

(b) Interpretations. Except as otherwise provided in this subsection, the regulations in Article X apply in neighborhood forest overlay districts. Sections 51A-10.135(c), 51A-10.135(d), 51A-10.135(e), and 51A-10.135(f) do not apply. If there is a conflict between this section and Article X, this section applies. If there is a conflict between a neighborhood forest overlay ordinance and Article X, the neighborhood forest overlay ordinance controls.

(c) Definitions. In this section:

(1) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(2) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.

(3) STRUCTURE PROXIMITY AREA means the five-foot area around a dwelling unit.

(4) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.

(d) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood forest overlay may only be placed on an area:

(A) containing lots that are primarily smaller than two acres in size;

(B) developed primarily with single family or duplex structures; and

(C) that is zoned either:

(i) as a residential district; or

(ii) as a planned development district, conservation district, or form district (or portion thereof) that is restricted to single family or duplex uses.

(3) The boundary lines of a neighborhood forest overlay should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface. An overlay:

(A) must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family or duplex structures; or

(B) may contain less than 50 lots, but no less than 10 lots, if the lots are located alongside a primary natural area or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.

(4) A neighborhood forest overlay may contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations. Vacant lots within the boundaries of a neighborhood forest overlay, however, are not subject to the unrestricted zone exception in Section 51A-10.134(b).

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed

district must comply with the requirements of this section.

(6) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(7) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.

(8) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(iii) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(i) or (ii), 60 percent of property owner signatures are required for staff to accept the petition.

(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(iii) or (iv), 70 percent of property owner signatures are required for staff to accept the petition.

(B) The application fee, if applicable.

(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by

property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of the names and addresses of the neighborhood committee members.

(E) Any other information the director determines is necessary.

(9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(10) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood forest overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.

(12) Upon passage of a neighborhood forest overlay ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(e) Neighborhood forest overlay.

(1) In general.

(A) A neighborhood forest overlay establishes regulations that must be selected from the

options described in this subsection.

(B) The regulations of the neighborhood forest overlay must reflect the existing forest conditions within the neighborhood.

(C) Except as provided in the neighborhood forest overlay, all regulations of the underlying zoning remain in effect.

(2) Tree conservation area.

(A) The neighborhood committee will select their tree conservation area from the following options:

(i) Front yard setback.

(ii) Front yard to structure.

(iii) Front, side, and rear yard setbacks.

(iv) Entire lot.

(B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.

(3) Additional options.

(A) Tree canopy cover goal option. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a tree conservation area must be preserved.

(i) The tree canopy cover goal is determined by the neighborhood during the petition process. The minimum percentage is to be determined by the median of the tree canopy coverage in the tree conservation area on each lot within the proposed overlay.

(ii) Healthy large and medium trees preserved in the tree conservation area, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(iii) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the required front yard.

(iv) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection shown on the site assessment plan.

(v) The tree canopy cover for the tree conservation area on the lot may be measured by the property owner, and verified and approved by the building official.

(B) Minimum front yard tree option.

Lots must maintain a minimum number of trees in the front yard, as designated by the neighborhood forest overlay ordinance. Replacement is not required in the case that a property falls below the minimum number of large or medium trees due to a reason enumerated in the defense to prosecution section of Section 51A-10.140(b).

(4) Structure proximity area. More than 50 percent of the tree trunk at grade must be within the structure proximity area to qualify for an exception from mitigation. An approved tree removal application is required prior to tree removal.

(5) Site assessment plan. Prior to any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area, a tree removal application, or permits for construction or grading, a site assessment plan must be submitted to the building official. The overlay regulations do not prohibit the removal or alteration of unprotected trees, or landscape ornamental and small trees, or other landscape shrubs, grasses, or other materials, that do not qualify as a protected tree. Any work or disturbance which includes significant soil compaction, trenching, tilling, excavation, paving, grading, chemical mixing, or pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the site assessment plan review. The site assessment plan must show the following:

(A) Structures.

(B) Paving.

(C) Proposed development, construction or disturbance.

(D) Location, diameter, and species of all trees (including boundary trees) in the tree conservation area, and 10 feet beyond.

(E) Tree protection, as applicable.

(F) Replacement trees, as applicable.

(6) Tree mitigation. Upon approval of tree removal within the tree conservation area, or an unauthorized removal of a protected tree, tree mitigation or replacement is required in accordance with Section 51A-10.134(c). The applicable methods are:

(A) Replacement on the site of removal.

(B) Replacement with a legacy tree on the site of removal.

(C) If replacement is not possible on the lot of removal, then replacement on other property within boundaries of the neighborhood forest overlay.

(D) If replacement is not possible within the neighborhood forest overlay, the tree must be replaced within five miles of the neighborhood forest overlay.

(E) Payment into reforestation fund. This option is only available if the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property or comply with one or more of the mitigation methods in this section.

(f) Criminal responsibility and defenses to prosecution.

(1) The criminal liability and defenses to prosecution provisions in Section 51A-10.140 apply to properties subject to a neighborhood forest overlay.

(2) A tree removal application or tree replacement is not required if the tree is determined by a certified arborist to be diseased or dead or poses an imminent threat to people or property and such determination was not caused by an intentional act of the owner or an agent of the owner. (Ord. 31174)

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>
30994 (Cont'd)			30	Amends 51A-8.611(c)(6)
			31	Amends 51A-8.611(d)(1)
			32	Amends 51A-8.611(d)(2)(D)
			33	Amends 51A-8.611(d)(2)(F)
			34	Amends 51A-8.611(d)(3)(B)
31040	11-14-18		2	Amends 51A-1.105(l)
			3	Adds Div. 51A-9.500, 51A-9.501 thru 51A-9.507
31041	11-14-18		2	Adds 51A-4.217(8.1)
31079	12-12-18		1	Amends 51A-7.1201
			2	Amends 51A-7.1203(a)(23)
			3	Amends 51A-7.1203(a)(33)
			4	Amends 51A-7.1205(c)
			5	Amends 51A-7.1207(a)(1)
			6	Amends 51A-7.1208(b)(1)
			7	Adds 51A-7.1214.3
31109	1-23-19		1	Amends 51A-5.102(a)(3)
31152	3-27-19		7	Amends 51A-4.116(a)(4)
			8	Amends 51A-4.116(b)(4)
			9	Amends 51A-4.116(c)(4)
			10	Amends 51A-4.125(d)(4)
			11	Amends 51A-4.125(e)(4)
			12	Amends 51A-4.125(f)(4)
			13	Adds Div. 51A-4.1110
31174	4-10-19		1	Adds 51A-4.511

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