

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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ARTICLE VIII.

~~RESERVED~~ SOCIALLY RESPONSIBLE BANKING.

SEC. 2-76. PURPOSE.

In return for the privilege of safeguarding and investing the community's wealth and doing business with the city, financial institutions have a continuing and affirmative obligation to serve the credit and other financial needs of all communities, including and especially minority and low- and moderate-income communities and older adults, consistent with applicable laws and safety and soundness. The city shall assess financial institutions' performance in meeting community needs and use this assessment as a factor in its decision to place municipal deposits in and conduct other business with financial institutions. (Ord. 32211)

SEC. 2-77. CITY BANKING CONTRACTS.

(a) Powers and duties of the city treasurer.

(1) In selecting and monitoring qualified depositories for city moneys in accordance with Dallas City Charter, Chapter III, Section 20, the city treasurer shall have the power and duty to:

(A) require that prospective bidders provide the city with data on their socially responsible banking practices;

(B) use socially responsible banking performance as a factor in determining the winning bid;

(C) accept bids for depository services only from financial institutions that have received a rating of "satisfactory" or "outstanding" in their most recent Community Reinvestment Act review by the Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, or the Federal Reserve Board;

(D) include in contracts for depository services a statement of work in accordance with Section 2-78(a) that provides a framework for socially responsible banking; and

(E) gather an annual report required to be submitted by city depositories by May 1 or the first business day following May 1 if May 1 falls on a non-business day in accordance with Section 2-78. The city treasurer may accept an annual Environmental, Social, and Governance (ESG) report (or other similar document) produced in the ordinary course of business by the financial institution, provided it substantially addresses the requirements set forth in this Section 2-78. If the financial institution does not produce an annual ESG report or the annual ESG report does not substantially address the requirements in this subparagraph, the city treasurer shall require delivery of an annual report in accordance with Section 2-78.

(2) With written notice to the city council, the city treasurer may waive the requirement in Section 2-77(a)(1)(C):

(A) if no qualified bidders apply;

(B) if the federal program is no longer applicable; or

(C) to satisfy a compelling city need.

(3) The city treasurer shall provide an annual briefing to the appropriate city council committee. The committee shall review the implementation, effectiveness, and enforcement of Section 2-77(a)(1)(E) and make recommendations to city council regarding the authorization of city depositories.

(4) The city treasurer may request a voluntary report, consistent with that required by Section 2-77(a)(1)(E), from other financial institutions with which the city does business.

(b) Disqualification from contracting. Any depository that fails to submit to the city the required reporting information in accordance with Section 2-77(a)(1)(E) may be prohibited from entering into any contract with the city as a qualified depository for city moneys for a period of five years. (Ord. 32211)

SEC. 2-78. STATEMENT OF WORK AND REPORTING.

(a) Statement of work. The statement of work for financial institutions in which the city places municipal deposits must include factors related to socially responsible banking that comply with this subsection. With written notice to the city council, the city treasurer may deviate from this subsection to make necessary updates to reflect new devices, products, or technology to this scope of work. The statement of work must include:

(1) a statement of the bank's commitment to implementing a long-term community reinvestment strategic plan to address disparities in its lending and investment activities in the City of Dallas, including how the depository will match or exceed peer lending performance in targeting capital access and credit needs, and a copy of the bank's existing long-term community reinvestment strategic plan, with appropriate redactions for proprietary information;

(2) a statement certifying that the depository institution has policies and procedures in place to prevent it and its affiliates from becoming a high-cost lender or a predatory lender consistent with Office of the Comptroller of the Currency regulations, the Consumer Financial Protection Bureau (CFPB) regulations, or, for state-chartered institutions, practices defined by the FDIC's Supervisory Policy on Predatory Lending; and

(3) a comprehensive analysis of community banking needs and the depository's community involvement and reinvestment, small business lending and community development, home ownership and consumer credit programs, distressed homeowners programs; products and services that are advantageous for the city and its residents, and other ESG practices in accordance with this paragraph.

(A) Community involvement and reinvestment.

(i) The bank shall report to the city on its efforts to invest in low and moderate income areas and minority census tracts.

(ii) The bank shall report if it is collaborating with and supporting any non-profit organizations focused on providing financial services, education, and asset building for low-income people in the city.

(iii) The bank shall report if it is collaborating with and supporting any organization

that provides free tax preparation services in the city that target lower-income workers to help them take advantage of the Earned Income Tax Credit and other tax credits.

(iv) The bank shall report on its community development activities (such as investments, lending, and services) to demonstrate the bank's response to the credit, financial, and banking needs of low to moderate income individuals in the city, based on census tracts or zip codes provided by the city.

(B) Community banking needs.

(i) The bank shall support and participate in programs that strive to reach traditionally underserved populations as described in the Community Reinvestment Act. These may include unbanked, under banked, and low-income populations.

(ii) The bank shall provide easy-to-understand fee schedules and make a reasonable effort to offer fair, responsible, and affordable small-dollar loans.

(C) Home ownership and consumer credit.

(i) The bank shall participate in outreach and educational opportunities aimed at providing information on loan modifications and alternatives to foreclosures for borrowers experiencing financial hardship; and

(ii) The bank shall collaborate with HUD-certified housing counseling services.

(D) ESG practices. The bank shall participate in community-based causes and activities established to create responsible lending and reinvestment in moderate- to low-income neighborhoods and communities of color.

(b) Reporting. Any banking contract must include a requirement that the bank provide information to the city in accordance with this subsection.

(1) Residential lending information.

(A) The bank shall provide the total number and the total dollar amount of residential

loans for one- to four-family dwellings applied for and originated during the previous calendar year in each of the following categories:

(i) Home purchase loans, both federally insured and conventional loans.

(ii) Refinancings of home loans.

(iii) Home improvement loans.

(iv) Home equity loans.

(v) Loans for second residences and investment properties.

(B) The bank shall report the number and percentage of loans to low- and moderate-income borrowers and by race and ethnicity.

(C) The bank shall provide peer comparisons for the percent of all loans made by all lenders to borrowers.

(D) The data gathered in accordance with this paragraph must be for the entire city by census tract or zip code. The city shall provide the census tract or zip code data. For home loans, fixed-rate loans must be reported separately from adjustable-rate loans.

(2) Small business lending information.

(A) The city shall assess a bank's small business lending practices based upon data published by the Consumer Financial Protection Bureau (CFPB). The bank shall provide the city a copy of the most recently available Dallas data published by the CFPB.

(B) The bank shall provide the number and dollar amount of small business loans originated during the previous calendar year for the entire city by zip code or census tract and for minority- and women-owned business enterprises in the entire city. Loans to small businesses with annual revenues above \$1 million must be reported separately from loans to small businesses with annual revenues under \$1 million consistent with CFPB reporting requirements. The bank may use data reporting procedures mandated by the federal Community Reinvestment Act for reporting small business loans with peer comparisons.

(3) Community development loans and investments. The bank shall provide the number and

dollar amount of community development loans and investments including loans and investments for affordable housing, small business development, economic development, and community facilities for the entire city by census tract or zip code. The bank may use definitions of community development found in federal Community Reinvestment Act regulations. For each loan and investment, the bank shall indicate if the loan or investment was for affordable housing, small business development, economic development, community facilities, and other such categories requested by the city treasurer.

(4) Checking, savings, and loan products. Information on selected checking, savings, prepaid card, small dollar loan, and other products marketed to Dallas residents, including information on fees, interest, and features.

(5) Branch closures. The bank shall provide the city with at least 30 days advance written notice of branch closures within the city or at the same time as the notice to customers consistent with Section 42, "Notice of Branch Closure," of the Federal Deposit Insurance Act (FDIC).

(6) The bank shall provide an update to the information it submitted as part of its proposal in accordance with Section 2-78(a), focused on the results of its efforts since the prior submission, and any changes of note to its partnerships, participation, or activities. (Ord. 32211)

SECS. 2-76-79 THRU 2-80. RESERVED.

(Repealed by Ord. Nos. 17226; 17393; 31049)

ARTICLE VIII-a.

CLAIMS AGAINST THE CITY.

Division 1. Tort Claims.

SEC. 2-81. FILING CLAIMS AGAINST THE CITY.

Any person wishing to file a claim against the city shall file the claim with the office of risk management in compliance with the form requirements and six-

(1) name, address, and telephone number of the owner;

(2) animal identification, including species, sex, age, size (pounds), predominant breed, and color;

(3) vaccine used (including whether it is a one-year or three-year rabies vaccine), producer, expiration date, and serial number;

(4) date vaccinated and expiration date of the certificate of vaccination;

(5) rabies tag number; and

(6) veterinarian's signature and license number. (Ord. Nos. 26024; 30483)

SEC. 7-4.2. MICROCHIPPING OF DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip.

~~—(b) It is a defense to prosecution under Subsection (a) that:~~

~~—(1) the dog or cat was under four months of age;~~

~~—(2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;~~

~~—(3) the owner of the dog or cat has resided in the city for fewer than 30 days;~~

~~—(4) the dog or cat qualifies for a medical exception from a licensed veterinarian;~~

~~—(5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or~~

~~—(6) the person charged produces to the court proof of a registered microchip showing the dog or cat~~

~~was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.~~

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

(1) the dog or cat was under four months of age;

(2) the dog or cat was being held for adoption by animal services or an animal welfare organization;

(3) the owner of the dog or cat has resided in the city for fewer than 30 days;

(4) the dog or cat qualifies for a medical exception from a licensed veterinarian;

(5) the dog or cat owner is not a resident of the city and is staying in the city for fewer than 60 days; or

(6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.

(c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company.

(1) If the owner's contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.

(2) If the ownership of a dog or cat changes, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.

(3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued or the contact information was corrected and made current not later than 20 days after the citation was issued. (Ord. Nos. 26024; 27250; 30483; 32194, eff. 11-11-22)

SEC. 7-4.5. SALE OF DOGS AND CATS.

~~—(a) A person commits an offense if he sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:~~

~~—(1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and~~

~~—(2) the person has a current registration receipt and registration tag for the dog or cat.~~

~~—(b) It is a defense to prosecution under Subsection (a) if the person is:~~

~~—(1) animal services;~~

~~—(2) an animal welfare organization; or~~

~~—(3) an animal adoption agency.~~

(a) A person commits an offense if the person sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:

(1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and

(2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is a defense to prosecution under Subsection (a) if the person is:

(1) animal services;

(2) an animal welfare organization; or

(3) an animal adoption agency.

(c) Except as provided in this subsection, a retail pet store commits an offense if the retail pet store sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat, regardless of age.

(1) A retail pet store may provide space for the display of dogs or cats available for adoption by an animal shelter, animal welfare organization, or animal adoption agency, if the retail pet store does not have an ownership interest in any of the displayed dogs or cats and the retail pet store does not receive any fees or compensation associated with the display of the dogs or cats.

(2) It is a defense to prosecution under this subsection, if the individual only sells, gives, or otherwise transfers dogs or cats bred by that individual. (Ord. Nos. 26024; 32194, eff. 11-11-22)

SEC. 7-4.6. LIMITATION ON THE NUMBER OF DOGS AND CATS IN DWELLING UNITS.

(a) In this section, DWELLING UNIT has the meaning given it in Section 51A-2.102 of the Dallas Development Code, as amended.

(b) A person commits an offense if he harbors more than four dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares a common wall with another dwelling unit.

(c) A person commits an offense if he harbors more than:

(1) six dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit and that is located on not more than one-half acre of land; or

(1) at least 150 square feet for each dog six months of age or older;

(2) designed, constructed, and composed of material sufficient to prevent the dog's escape; and

(3) designed in a manner that provides the dog access to the inside of a doghouse, building, or shelter that meets all requirements of Subsection (b) of this section.

(b) A doghouse or other building or shelter for a dog must:

(1) have a weatherproof top, bottom, and sides;

(2) have an opening on no more than one side that allows the dog to remain dry and provides adequate shade during daylight hours to prevent overheating or discomfort to the dog;

(3) have a floor that is level and dry;

(4) be free from cracks, depressions, and rough areas that might be conducive to insects, parasites, and other pests;

(5) be of adequate size to allow the dog to stand erect with the dog's head up, to turn around easily, and to sit and lie down in a comfortable and normal position;

(6) have sufficient clean and dry bedding material or other means of protection from the weather that will allow the dog to retain body heat when the weather is colder than what a dog of that breed and condition can comfortably tolerate;

(7) provide a suitable means for the prompt elimination of excess liquid;

(8) be structurally sound, maintained in good repair, and constructed with material that protects the dog from injury; and

(9) allow the dog easy access in and out.
(Ord. 27250)

SEC. 7-4.10. RESTRICTIONS ON UNSTERILIZED DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.

~~(b) It is a defense to prosecution under Subsection (a) that:~~

~~(1) the animal is under six months of age;~~

~~(2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;~~

~~(3) the animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;~~

~~(4) the animal is certified annually as a competition cat or competition dog;~~

~~(5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued; or~~

~~(6) the owner holds a valid breeding permit issued under Section 7-4.11 of this chapter for the animal.~~

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

(1) the animal is under six months of age;

(2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(3) the animal is being held for adoption by animal services or an animal welfare organization;

(4) the animal is certified annually as a competition cat or competition dog;

(5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued; or

(6) the owner holds a valid breeding permit issued under Section 7-4.11 of this chapter for the animal. (Ord. Nos. 27250; 30483; 32194, eff. 11-11-22)

SEC. 7-4.11. BREEDING PERMIT.

(a) A person commits an offense if he breeds or allows the breeding of a dog or cat without a valid breeding permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

(b) A breeding permit may only be issued for a dog or cat:

(1) that is currently in compliance with the vaccination requirements of Section 7-4.1 of this chapter;

sell, exchange, raffle, auction, or give away any live animal as:

- (1) a prize;
- (2) an inducement to enter a place of amusement or a business establishment; or
- (3) an inducement to participate in a charitable fund-raising event. (Ord. 27250)

ARTICLE VIII.

VIOLATIONS, PENALTIES, AND ENFORCEMENT.

SEC. 7-8.1. VIOLATIONS; CRIMINAL AND CIVIL PENALTIES.

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

(b) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

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

(d) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed:

- (1) \$2,000 if the provision violated governs public health or sanitation;
- (2) the amount fixed by state law if the violation is one for which the state has fixed a fine; or
- (3) \$500 for all other offenses.

~~— (e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:~~

~~— (1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);~~

~~— (2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and~~

~~— (3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.~~

(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5(a), 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);

(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and

(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.

(f) The minimum fines established in Subsection (e) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) Prosecution for an offense under Subsection (a) does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(h) In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) and (10) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code

Chapter 27 of this code for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed in Subsections (d) and (e). The provisions of Article IV-b of Chapter 27 of this code pertaining to financial inability to comply with an administrative order do not apply to violations of this chapter. (Ord. Nos. 26024; 27250; 29403; 30901; 32194, eff. 11-11-22)

SEC. 7-8.2. ADDITIONAL ENFORCEMENT PROVISIONS.

(a) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

(1) require the person, at the person's expense, to attend a responsible pet ownership program approved by the director;

(2) revoke any permit issued to the person under this chapter;

(3) require the person to have any animal owned by the person spayed or neutered within a time period specified by the court; or

(4) impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, 7-4.11, or 7-4.14 of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person's right to own an animal in the city for a period of time as specified by the court. (Ord. Nos. 26024; 30483; 30901)

SEC. 7-8.3. RESERVED.

(Repealed by Ord. 30483)

SEC. 7-8.4. DALLAS ANIMAL WELFARE FUND.

(a) The Dallas Animal Welfare Fund is composed of:

(1) All Dallas Animal Welfare Fund administrative penalties collected under Sections 27-16.16(b), 27-16.18(g), and 27-16.21(b) of Chapter 27 of this code;

(2) 30 percent of all civil fines collected by the city for lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code; and

(3) Any funds donated by an individual or entity, any of which may be refused by a majority vote of the city council.

(b) The director shall adopt rules and procedures consistent with this article for the administration of the Dallas Animal Welfare Fund.

(c) To be eligible to receive funds from the Dallas Animal Welfare Fund, a person must:

(1) establish to the satisfaction of the director that the person's income does not exceed the Dallas area median family income as determined by the U.S. Department of Housing and Urban Development; and

(2) not have received funds from the Dallas Animal Welfare Fund within the preceding 24 months.

(d) The director may not make an award from the Dallas Animal Welfare Fund in excess of \$1,000. The director may not make an award unless the award is for less than or equal to the amount in the Dallas Animal Welfare Fund at any one time. If the fund is

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- Sec. 17-6.2. Additional requirements.

ARTICLE VII.**POISONOUS OR TOXIC MATERIALS.**

- Sec. 17-7.1. Adoption of Subchapter G, Texas Food Establishment Rules.
- Sec. 17-7.2. Additional requirements.

ARTICLE VIII.**MOBILE FOOD ESTABLISHMENTS UNITS.**

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

ARTICLE IX.**TEMPORARY FOOD ESTABLISHMENTS AND
CATERING SERVICES.**

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

not prevent enforcement of another city ordinance that regulates an area covered by this chapter and is otherwise applicable. (Ord. 26023)

SEC. 17-1.5. DEFINITIONS.

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

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

~~(1) ADULTERATED means the condition of food that:~~

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

~~(B) contains an added poisonous or deleterious substance:~~

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

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

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

~~(D) is unsafe for human consumption; or~~

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

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

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

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

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

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

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

~~(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:~~

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

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

~~(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.~~

~~(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.~~

~~(6) EXTENSIVELY REMODELED means the expenditure of at least \$25,000 or an amount equal~~

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

(1) ADULTERATED means the condition of food that:

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

(B) contains an added poisonous or deleterious substance:

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

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

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

(D) is unsafe for human consumption; or

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

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

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

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

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

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

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

(3) COMMERCIALLY-MANUFACTURED means the vehicle or trailer was manufactured, converted, or retrofitted for use as a mobile food

preparation vehicle or trailer by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles or trailers as mobile food preparation vehicles or trailers for sale or compensation.

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

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

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

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

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

to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

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

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

_____ (7) **FOOD ESTABLISHMENT:**

_____ (A) The term means an operation that:

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

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

_____ (B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

_____ (C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only

prepackaged foods that are not time/temperature control for safety, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

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

_____ (8) **MOBILE FOOD ESTABLISHMENT** means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

_____ (9) **NON-FOOD CONTACT SURFACE** means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.

_____ (10) **PERMIT** means the document issued by the department that authorizes a person to operate a food establishment.

_____ (11) **PERSON IN CHARGE** means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

_____ (12) **PREMISES** means:

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

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

(7) **EXTENSIVELY REMODELED** means the expenditure of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the

facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

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

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

(8) FOOD ESTABLISHMENT:

(A) The term means an operation that:

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

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

(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

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

(D) The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a

public park by an individual younger than 18 years of age.

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

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

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

(A) Mobile food unit classifications:

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

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

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

(iv) Class IV units are units that are fully enclosed that meet all the safety equipment

and standards as a brick and mortar unit. This class includes a restaurant on wheels or a mobile food preparation vehicle.

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

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

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

~~———— (13) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.~~

~~———— (14) REGULATORY AUTHORITY means the director.~~

~~———— (15) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.~~

~~———— (16) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.~~

~~———— (17) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.~~

~~———— (18) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.~~

~~———— (19) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.~~

~~———— (20) TEMPORARY FOOD SERVICE ESTABLISHMENT means:~~

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

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

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

~~———— (iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "Neighborhood Farmers Market" as defined in Section 29A-2(6) of this code;~~

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

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

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

~~———— (vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or~~

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

~~———— (21) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended.~~

(15) PREMISES means:

(A) the physical facility, its contents,

and the contiguous land or property under the control of the permit holder; or

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

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

(17) REGULATORY AUTHORITY means the director.

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

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

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

(21) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

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

(23) TEMPORARY FOOD SERVICE

ESTABLISHMENT means:

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

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

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

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

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

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

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

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

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

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

(25) VARIANCE means a written document issued by the department that authorizes a modification or waiver of one or more requirements of the code if, in the opinion of the department, a health

hazard or nuisance will not result from the
modification or waiver. (Ord. Nos. 26023; 26556; 28046;
30134; 30938; 31375; 32181)

(b) Preventing contamination by employees.(1) Preventing contamination from hands.

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

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

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

(2) Preventing contamination when tasting.

A food employee may not use a utensil more than once to taste food that is to be sold or served.

(c) Preventing contamination from the premises.(1) Food storage.

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

(i) in a clean, dry location;

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

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

(B) Food in packages and working containers may be stored less than 15 centimeters (6 inches) above the floor on case lot handling equipment as specified under Section 228.106(v) of the Texas Food Establishment Rules.

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

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

(A) in locker rooms;

(B) in toilet rooms;

(C) in dressing rooms;

(D) in garbage rooms;

(E) in mechanical rooms;

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

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

(H) under open stairwells; or

(I) under other sources of contamination.

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

(e) Outdoor bars.

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

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

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

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

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

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

~~_____ (ii) meets the requirements of this chapter pertaining to a general service mobile food establishment; and~~

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

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

(B) the outdoor bar is either:

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

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

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

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

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

(i) completely covers the food preparation area;

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

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

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

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

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

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

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

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

(C) it is impracticable to enclose or wrap the food (as illustrated by, but not limited to, a serving of ice cream). (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~; [32181](#))

ARTICLE IV.

EQUIPMENT, UTENSILS, AND LINENS.

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

Subchapter D [including Figure 1: 25 TAC § 228.101(c)(1) and Figure 2: 25 TAC § 228.111(n)(1)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.109(c) is not adopted. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

SEC. 17-4.2. ADDITIONAL REQUIREMENTS.

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

(b) Clothes washer and dryer location requirements. If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and

linens; and unwrapped single-service and single-use articles. Laundry facilities may not be located in food handling areas.

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

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

(2) enables the equipment to perform the function for which it is used, intended, or designed. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

ARTICLE V.

WATER, PLUMBING, AND WASTE.

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

Subchapter E of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Paragraphs 228.143(a)(1) through (3) and Subsections 228.146(b) and Subsection 228.147(e) are not adopted. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

SEC. 17-5.2. ADDITIONAL REQUIREMENTS.

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

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

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

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

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

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

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

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

(e) Grease traps/interceptors. For extensively remodeled food establishments, and unless otherwise approved by the director, a food establishment must locate grease traps/interceptors outside the food establishment so that they are easily accessible for cleaning. Grease traps/interceptors located inside the food establishment with the director's approval must have a liquid-tight lid flush attached to the floor that prevents contamination of food or equipment. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

ARTICLE VI.

PHYSICAL FACILITIES.

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

Subchapter F of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Sections 228.172 and 228.173 are not adopted. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

SEC. 17-6.2. ADDITIONAL REQUIREMENTS.

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

(b) Outdoor areas, surface characteristics.

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

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

(B) graded to prevent pooling.

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

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

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

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

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

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

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

(e) Auxiliary equipment for extensively remodeled food establishments.

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

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

(3) If a food establishment uses mechanical laundry equipment, the food establishment must locate the equipment in a separate room with self-closing, solid doors that fit tightly at each entrance. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~; 32181)

ARTICLE VII.

POISONOUS OR TOXIC MATERIALS.

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

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

SEC. 17-7.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

ARTICLE VIII.

MOBILE FOOD ESTABLISHMENTS UNITS.

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

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

Section 228.221 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Subsections 228.221(a), (b), and (c)(2), are not adopted. (Ord. Nos. 26023; 28488; 30134, ~~eff. 7-1-16~~; 32181)

SEC. 17-8.2. ADDITIONAL REQUIREMENTS.

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

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

~~_____ (1) Limited service. A limited service mobile food establishment is a mobile food establishment from which only the following foods and beverages are served, sold, or distributed:~~

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

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

~~_____ (2) Vegetable and fruit vendor. A vegetable and fruit vendor is a mobile food establishment from which only raw vegetables and fruits are served, sold, or distributed.~~

~~_____ (3) Mobile food preparation vehicle. A mobile food preparation vehicle is a commercially-manufactured, motorized mobile food establishment in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution. "Commercially-manufactured" means the vehicle was manufactured, converted, or retrofitted for use as a mobile food preparation vehicle by a person regularly in the business of manufacturing, converting, or retrofitting motorized vehicles as mobile food preparation vehicles for sale or compensation. An enclosed food trailer that complies with the construction and operation standards for operating a mobile food preparation vehicle may be permitted as a mobile food preparation vehicle for the purpose of participating in an approved temporary event only. The event must be approved by the appropriate person or entity, as determined by the director.~~

~~_____ (4) General service. Any mobile food establishment that is not a limited service mobile food establishment, a vegetable and fruit vendor, or a mobile food preparation vehicle is a general service mobile food establishment.~~

~~_____ (c) Vehicles.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

food units.

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

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

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

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

(C) Raw, uncut vegetables and fruits.

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

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

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

(c) Vehicles.

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

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

(i) the name of the food establishment;

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

(iii) the permit number of the vehicle;

(B) secure an inspection of the vehicle

by the director on the date designated by the director;

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

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

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

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

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

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

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

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

~~(3) In addition to other vehicle requirements of Section 17-8.2(c), a general service mobile food establishment must:~~

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

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

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

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

~~(E) not contain a grill.~~

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

~~(d) Site of operation of general service pushcarts:~~

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

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

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

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

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

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

~~(f) Ice:~~

~~(1) Ice used in a beverage served by either a limited service mobile food establishment, a mobile food preparation vehicle, or a general service mobile food establishment must be:~~

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

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

~~(i) is covered;~~

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

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

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

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

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

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

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

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

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

(E) not contain a grill or fryer.

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

(d) Site of operation of Class II units.

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

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

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

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

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

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

(f) Ice.

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

(A) from an approved source;

(B) stored in a stainless steel container that:

(i) is covered;

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

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

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

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

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

~~—— (1) Supplies, cleaning, and servicing operations.~~ A mobile food establishment must operate from a central preparation area, commissary, or other fixed food establishment and must report to the location for supplies and for cleaning and servicing operations at the end of each day. Pushcarts must be stored at the commissary location when not in operation.

~~—— (2) Construction.~~ The central preparation facility, commissary, or other fixed food service establishment, used as a base of operation for a mobile food establishment, must be constructed and operated in compliance with this chapter.

~~—— (h) Operating requirements for mobile food establishments.~~

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

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

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

~~—— (2) Mobile food preparation vehicles.~~ In addition to other operating requirements of Section 17-8.2(h), a food establishment that serves, sells, or distributes any food or beverage from a mobile food

preparation vehicle must comply with the following requirements:

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

~~—— (B)~~ Before a permit is issued or renewed to a mobile food preparation vehicle under this chapter, an itinerary for the mobile food preparation vehicle must be filed with the director. The director must be given written notice at least two business days before implementation of any changes to the filed itinerary. The itinerary must include:

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

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

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

~~—— (C)~~ Only fast-cooked food items may be prepared on a mobile food preparation vehicle. No raw poultry or seafood may be prepared on the

(g) Central preparation facility or commissary.

(1) Supplies, cleaning, and servicing

operations.

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

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

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

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

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

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

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

(vi) the commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the director. The permit holder, person in charge, employee, or representative of any

commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the director, whichever comes first. Servicing records maintained at the commissary must be made immediately available to the director or a peace officer upon request for inspection and copying during normal business hours;

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

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

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

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

(h) Operating requirements for mobile food units.

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

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

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

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

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

(B) Before a permit is issued or renewed to a Class III and Class IV mobile food unit under this chapter, an itinerary for the Class III and Class IV mobile food unit must be filed with the director. The director must be given written notice at least two business days before implementation of any changes to the filed itinerary. The itinerary must include:

- (i) the address of each premises to be serviced and the name and telephone number of the owner or person in control of those premises;
- (ii) the scheduled times of arrival

at and departure from each premises to be serviced, which times must be accurate to within 30 minutes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

vehicle, except for frozen, breaded poultry or seafood products that are directly placed from the freezer into a fryer.

~~(D) No cooking may be conducted while the vehicle is in motion.~~

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

~~(F) A mobile food preparation vehicle must:~~

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

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

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

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

~~(aa) the current itinerary on file with the director for the mobile food preparation vehicle; and~~

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

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

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

~~(i) Structural requirements for mobile food preparation vehicles and general service mobile food establishments.~~

~~(1) A mobile food preparation vehicle and a general service mobile food establishment must have a potable water system under pressure that:~~

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

~~(i) five gallons for a general service pushcart; and~~

~~(ii) 30 gallons for a mobile food preparation vehicle;~~

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

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

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

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

~~(D) is equipped with a propane tank installed in accordance with applicable fire department~~

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

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

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

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

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

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

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

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

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

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

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

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

regulations pursuant to a valid liquid propane gas (LPG) permit issued by the fire department;

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

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

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

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

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

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

_____ (3) If liquid waste results from the operation of a mobile food preparation vehicle or a general service mobile food establishment, the vehicle or establishment must have a liquid waste retention system that is:

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

_____ (B) equipped with servicing connections that are:

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

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

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

_____ (4) In addition to other structural requirements of Section 17-8.2(i), a mobile food preparation vehicle must meet the following requirements:

_____ (A) Floors must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.

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

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

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

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

(2) In lieu of the potable water system under pressure required in Section 17-8.2(i)(1), a Class II mobile food unit may have a potable water system

that is gravity fed with a mixing faucet if the water tanks:

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

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

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

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

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

(B) equipped with servicing connections that are:

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

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

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

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

(A) Floors must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.

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

lines may not be unnecessarily exposed on the wall or prevent cleaning.

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

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

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

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

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

~~(H) All equipment must be placed, installed, stored, and secured on the vehicle in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(O) The vehicle must be equipped with a power source, approved by the director, that is capable of handling the power demands of the vehicle.~~

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

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

(H) All equipment must be placed, installed, stored, and secured on the vehicle or trailer in a manner that allows for thorough cleaning and sanitizing around the equipment and prevents movement of the equipment when the vehicle or trailer is in motion. Counter-mounted equipment must be sealed directly to the countertop or securely installed to provide a four-inch clearance under the equipment. Floor-mounted equipment must be sealed directly to the floor or securely installed to provide a six-inch clearance under the equipment.

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

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

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

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

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

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

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

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

(L) The vehicle or trailer must contain at least 15 cubic feet of storage space for dry food and

utensil storage. No food or utensil storage is allowed in any plumbing compartment.

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

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

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

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

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

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

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

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

and equipment while the vehicle is stopped or in motion. The power source must be permanently installed in an area that is completely separated from food preparation and food storage areas and must be accessible for proper cleaning and maintenance.

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

—————(5) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment that does not comply with the requirements of Section 17-8.2(i).

—————(j) Servicing requirements for mobile food preparation vehicles and general service mobile food establishments.

—————(1) A food establishment that serves, sells, or distributes any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment shall comply with the following regulations:

—————(A) Servicing area. The food establishment shall provide a servicing area where every mobile food preparation vehicle and general service mobile food establishment must report at least once daily for servicing operations. The servicing area must include:

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

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

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

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

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

—————(ii) The liquid waste retention tank for a mobile food preparation vehicle or a general service mobile food establishment must be thoroughly flushed and drained during the servicing operation.

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

—————(iv) Liquid waste may not be discharged from a mobile food preparation vehicle or a general service mobile food establishment while it is in motion.

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

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

—————(2) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment if the food establishment does not supply, clean, or service the mobile food preparation vehicle or general service mobile food establishment in accordance with Section 17-8.2(j).

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

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

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

The servicing area must include:

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

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

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

(B) Servicing methods and equipment.

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

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

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

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

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

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

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

(k) Annual food permit eligibility. A mobile food

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

ARTICLE X.

COMPLIANCE AND ENFORCEMENT.

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

Subchapter I of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Figure 1: 25 TAC § 228.251(f) is not adopted. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

SEC. 17-10.2. ADDITIONAL REQUIREMENTS.

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

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

(c) Permits.

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

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

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

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

~~_____ (D) each mobile food establishment.~~

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

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

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

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

(D) each mobile food unit.

(2) Facilities that are not separate and distinct. For purposes of this article, the following facilities are not considered separate and distinct if they are in the same building and under the same ownership and same management:

(A) A restaurant and a bar that is:

(i) either located within the restaurant or adjacent to the restaurant; and

(ii) preparing beverages for service in the restaurant.

(B) A holding kitchen for a banquet room and a main kitchen preparing food for service in the banquet room.

(C) A main kitchen and any food service area for which the main kitchen prepares food.

(3) Common areas. If several separate and distinct facilities in the same building or at the same fixed location share common food storage, utensil storage, dishwashing, cleaning, laundry, or other areas, each facility's permit must specify which common areas are to be inspected with the facility. Each common area specified under a permit must be

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

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

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

(E) changes ownership.

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

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

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

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

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

(C) there is a change of ownership.

(8) (Reserved.)

~~(9) Issuance. If the director finds that a food establishment applying for a permit complies with applicable requirements of this chapter and other law~~

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

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

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

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

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

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

(d) Permit application fee.

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

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

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

(2) Effective until September 30, 2022, the applicant shall pay a nonrefundable fee according to

the following schedule:

	<u>Fixed Facility</u>	<u>Mobile Food Preparation Vehicle Unit</u>
Application Fee	\$197	\$481
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	\$199	

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

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

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

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

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

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

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

(e) Plans and specifications.

~~————(1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$562 for a mobile food preparation vehicle.~~

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

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

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

(2) The director's written approval of plans and specifications is valid until whichever of the

following dates or events occurs first:

(A) 18 months after the date of approval, for new construction of a fixed facility or construction of a mobile food preparation vehicle;

(B) six months after the date of approval, for extensive remodeling of an existing facility; or

(C) completion of construction and issuance of a food establishment permit.

(3) Before construction or remodeling may be continued or recommenced after an approval of plans and specifications lapses:

(2) Inspection procedure. An inspection will be conducted in the following manner:

(A) The director may inspect during business hours or at any other reasonable time.

(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.

(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.

(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.

(3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in

a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$191 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

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

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

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

~~—(g) Annual inspection fees: catering services and mobile food establishments.~~

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

~~—(2) Mobile food establishment.~~

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

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

(1) Catering service.

(A) Effective until September 30, 2022, a catering service shall pay the city a nonrefundable

annual inspection fee of \$125 for each vehicle used to operate the service inside the city.

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

(2) Mobile food unit.

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

Type of <u>Operation</u>	Each <u>Vehicle</u>
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General service	\$408
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General service (mobile kiosk/coffee carts)	\$404
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Limited service (produce trucks, ice cream carts, grocery trucks)	\$382
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Mobile food preparation vehicle	\$330
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Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$300
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Class II mobile food unit	\$408 240
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Class II mobile food unit limited to a mobile kiosk/coffee cart	\$240
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Class III and IV mobile food unit	\$330 185
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(B) Effective October 1, 2022, a food establishment that operates a mobile food unit inside the city shall pay the city a nonrefundable annual inspection fee in accordance with the following schedule:

Type of Operation	Each Vehicle
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Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	\$300
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Class II mobile food unit	\$408
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Class III and IV mobile food unit	\$330
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(h) Annual inspection fee: fixed facilities.

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

(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include

each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:

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

Risk Level One Establishment:

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

Risk Level Two Establishment:

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

and license appeal board, unless the director determines that continued operation of a food establishment, or continued employment of a food service manager or a food handler, constitutes an imminent and serious threat to public health and safety and gives proper notice of that determination to the food establishment, the food service manager, or the food handler.

(r) Criminal offenses; presumption.

(1) A person commits an offense if he:

(A) impedes the lawful inspection of a food establishment; or

(B) violates any other provision of this chapter.

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

(3) A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. Unless otherwise provided in this chapter, an offense committed under this chapter is punishable by a fine of not less than \$50 or more than \$2,000; however, a second or subsequent conviction for the same offense within a period of less than one year from the first conviction is punishable by a fine of not less than \$200 or more than \$2,000.

(4) If an enforcing officer designated by the director has probable cause to believe that a person has committed an offense under this chapter, the enforcing officer may cause the arrest of the person or issue the person a written citation to appear in municipal court to answer the charge against the person. If, upon request by the enforcing officer, the person believed by the officer to have committed the offense or an owner, officer, manager, or other person in charge of the food establishment believed by the officer to have violated this chapter, refuses to promise to appear in court by

signing the citation, the enforcing officer shall cause the arrest of the person. The citation must include:

(A) the section of the code violated;

(B) the name and location of the establishment;

(C) identification of and the date of the offense alleged;

(D) the date of the citation; and

(E) the signature of the officer issuing the citation.

(5) Prosecution for an offense does not prevent the use of other enforcement remedies or procedures applicable to the conduct involved in the offense.

~~Whenever a violation of this chapter occurs that involves a mobile food establishment, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.~~

(6) Whenever a violation of this chapter occurs that involves a mobile food unit, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(s) Variances.

~~(1) A food establishment may apply to the director for a variance modifying or waiving the~~

~~requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.2431(2) of the Texas Food Establishment Rules. The application must be~~

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.2431(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$591. The fee does not apply to mobile food units applying for a commissary variance pursuant to Section 17-8.2(g)(B)(i).

~~accompanied by a nonrefundable application fee of \$591.~~

(2) The director may grant a variance by modifying or waiving the requirements of Subchapter I, Subsections 228.243(a) through (c), of the Texas Food Establishment Rules or the requirements of this chapter if, in the opinion of the director, a health hazard or nuisance will not result from the variance.

(3) If a variance is granted, the director shall retain in its records for the food establishment the information provided by the applicant under Subchapter I, Subsection 228.243(b), of the Texas Food Establishment Rules. A food establishment granted a variance shall comply with Subchapter I, Subsection 228.243(c), of the Texas Food Establishment Rules and any conditions or standards for the variance established by the director or this chapter.

(4) A variance granted under this section is nontransferable, vehicle specific, event specific, and location specific. If granted, the variance is valid for at least one year but not for more than two years. The variance expiration date must be printed on the variance and will remain effective unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.

(5) The director shall deny or revoke a variance under this section if:

(A) the food establishment made a false statement as to a material matter on or in connection with the request for the variance or on or in connection with the permit application for the food establishment;

(B) the food establishment does not hold a valid permit issued under this chapter;

(C) the director determines that a health hazard or nuisance will result or has resulted from the variance;

(D) the food establishment failed to pay a fee required under this chapter at the time it was due; or

(E) the food establishment is in violation of any term or condition of the variance as established by the director, this chapter, or state law.

(6) If the director denies or revokes a variance, the director shall notify the applicant in writing by personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision in accordance with Subsection (q) of this section.

(7) If, pursuant to this section, the director grants a variance to Subchapter F, Subsection 228.186(o), of the Texas Food Establishment Rules (which prohibits animals on the premises of a food establishment) to allow dogs to be present in the outdoor patio area of a food establishment, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) Except as allowed under Subchapter F, Subsection 228.186(o), of the Texas Food Establishment Rules, no dog may be present inside the food establishment or on any playground area of the food establishment.

(B) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.

(C) A sign must be posted at the front entrance of the food establishment and on the outdoor patio so that it is easily visible to the public. The sign

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

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

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

(iii) displayed in a landscape orientation.

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

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

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

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

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

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

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

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

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

~~(8) If, pursuant to this section, the director grants a variance to Section 17-8.2(h)(2)(C) of this chapter (which allows only fast-cooked food items to be prepared on a mobile food preparation vehicle and prohibits raw poultry or raw seafood from being prepared or cooked on the vehicle) to allow raw poultry, raw seafood, and non-fast-cooked food items to be prepared, cooked, and served from a mobile food preparation vehicle, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:~~

~~(A) The applicant must submit to the director detailed plans regarding the preparation, cooking, and service of the raw poultry, raw seafood, and non-fast-cooked food items on the mobile food preparation vehicle. The plans must include all of the following information:~~

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

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

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

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

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

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

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

(8) Reserved.

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

ARTICLE XI.

HEIMLICH MANEUVER POSTER.

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

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

SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

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

(b) Specifications: The sign shall:

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

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

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

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

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

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

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

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

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

ARTICLE II.**MIXED-INCOME HOUSING**

- Sec. 20A-22. Purpose.
- Sec. 20A-23. Applicability.
- Sec. 20A-23.1. Alternative methods of provision and incentives.
- Sec. 20A-24. Definitions and interpretations.
- Sec. 20A-25. Market value analysis category and reserved dwelling unit verifications.

- Sec. 20A-26. Mixed-income restrictive covenant.
- Sec. 20A-27. Administration of the mixed-income housing program.
- Sec. 20A-28. Tenant selection and other written policies.
- Sec. 20A-29. ~~Applicant and eligible household responsibilities Reserved.~~
- Sec. 20A-30. Non-discrimination.
- Sec. 20A-31. Compliance, reporting, and recordkeeping.
- Sec. 20A-32. Violations, corrective action period, and penalty.
- Sec. 20A-33. Mixed income housing development bonus fund.
- Sec. 20A-34. Fees.

ARTICLE I.**FAIR HOUSING****SEC. 20A-1. SHORT TITLE.**

This chapter may be cited as the Dallas Fair Housing ordinance. (Ord. Nos. 13456; 14809; 20652; 20780)

SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain and maintain habitable housing without regard to race, color, sex, religion, handicap, familial status, national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate habitable housing of the person's own choice, and to maintain the same free from the denial of this right because of race, color, sex, religion, handicap, familial status, national origin, or source of income, which denial is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent. (Ord. Nos. 13456; 14809; 20652; 20780; 30246; 32157)

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that person.

(f) A person commits an offense if he:

(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; 30246)

SEC.20A-4.1. HOUSING VOUCHER INCENTIVES.

~~—In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.~~

~~—(a) Subsidy. All housing accommodations that benefit from a subsidy approved by the city council on or after the effective date of this ordinance shall not discriminate against holders of any housing vouchers,~~

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the

federal government.

(a) Subsidy or financial award. All housing accommodations that benefit from a subsidy or financial award, as defined in Section 20A-3, approved by the city council on or after the effective date of this ordinance must:

(1) not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government; and

(2) comply with Section 20A-28 regarding tenant selection criteria, Section 20A-31(e)(6) regarding registering as a vendor with local providers of housing vouchers, and Section 20A-31(g) regarding compliance with an affirmative fair housing marketing plan.

including vouchers directly or indirectly funded by the federal government.

~~—(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.~~

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance must make best efforts to lease up to 10 percent of the dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended. In this section, best efforts means compliance with Section 20A-4.1(a), compliance with the incentive agreement related to the financial award, and submission of the evidence of compliance to the director of the department administering the financial award. (Ord. Nos. 30246; 32195)

SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income.

~~—(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.~~

(h) It is a defense to criminal prosecution or civil action under Sections 20A-4 regarding source of income and under 20A-4.1 regarding housing voucher incentives that the following are leased to housing voucher holders:

(1) the minimum required percentage or number of reserved dwelling units as defined in Section 20A-24, as required by the applicable zoning district;

(2) the minimum required percentage or number of affordable dwelling units, as required by the subsidy or financial award; or

(3) if neither (1) nor (2) applies, at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, national origin, or source of income. (Ord. Nos. 13456; 14809; 20652; 20780; 21055; 30246; 32195)

SEC. 20A-6. FAIR HOUSING ADMINISTRATOR.

(a) The administrator shall implement and enforce this chapter and may establish such rules and

offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) A criminal offense under this chapter is punishable in municipal court by a fine of not less than \$250 nor more than \$500. (Ord. Nos. 20652; 20780)

ARTICLE II.

MIXED-INCOME HOUSING.

SEC. 20A-22. PURPOSE.

~~—This article is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.~~

This article is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. Nos. 31142; 32195)

SEC. 20A-23. APPLICABILITY.

~~—This article applies to developments seeking a development bonus under Division 51A-4.1100 and other properties enrolled in a mixed-income housing program.~~

This article applies to developments seeking a development bonus under Division 51A-4.1100 and other properties enrolled in a mixed-income housing program. (Ord. Nos. 31142; 32195)

SEC. 20A-23.1. ALTERNATIVE METHODS OF PROVISION AND INCENTIVES.

(a) Alternative methods of provision. Developments seeking a bonus under this article may:

(1) provide the required units on the same building site as the market rate units;

(2) provide the units as part of a phased development as provided in Section 51A-4.1105(e); or

(3) pay a fee in lieu of on-site or phased development.

(b) On-site provision and phased on-site provision. Units provided on-site must comply with all requirements in Division 51A-4.1100 unless specifically exempted in the applicable zoning district.

(c) Fee in lieu. The requirement for reserved dwelling units may be satisfied by making a payment to the city's Mixed Income Housing Development Bonus Fund established by Resolution No. 22-0744.

(1) If the floor area devoted to non-residential uses is more than 20 percent of the total floor area, the fee is calculated by multiplying the applicable per square foot amount in Section 20A-34 by the total floor area as floor area is defined in Section 51A-2.102(38); otherwise the fee is calculated by multiplying the applicable per square foot amount in Section 20A-34 by the residential floor area as floor area is defined in Section 51A-2.102(38).

(2) The amount of the fee applies to each building using the bonus separately and will vary by the number of stories in that building according to Section 20A-34.

(3) After payment is received, the director shall issue a letter confirming that the development has met the affordability requirements of Division 51A-4.1100 to receive a mixed income housing development bonus. This letter must be recorded and made a part of the deed records of the county or counties in which the Property is located. The recorded letter will serve as the restrictive covenant required in Section 51A-4.1105 and in this article.

(4) Compliance with Sections 20A-26, 20A-27, 20A-28, 20A-29, and 20A-31 is not required.

(d) Financial incentives.

(1) Developments that use the on-site or phased on-site provisions in Section 51A-4.1105(e) may also qualify for financial incentives.

(2) Financial incentives are not available to

developments that choose the fee in lieu option. (Ord. 32195)

SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.

~~_____~~ (a) Definitions. In this article:

~~_____~~ (1) ~~ADJUSTED INCOME~~ has the definition assigned to that term in 24 CFR §5.611, as amended.

~~_____~~ (2) ~~AFFIRMATIVE FAIR HOUSING MARKETING PLAN~~ means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, or national origin.

~~_____~~ (3) ~~AFFORDABLE RENT~~ means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

~~_____~~ (4) ~~ANNUAL INCOME~~ has the definition assigned to that term in 24 CFR §5.609, as amended.

~~_____~~ (5) ~~APPLICANT~~ means a household applying to lease a reserved dwelling unit.

~~_____~~ (6) ~~AREA MEDIAN FAMILY INCOME ("AMFI")~~ means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

~~_____~~ (7) ~~DEPARTMENT~~ means the department of housing and neighborhood revitalization.

~~_____~~ (8) ~~DEVELOPMENT~~ means the structure or structures located on the Property receiving a development bonus.

~~_____~~ (9) ~~DEVELOPMENT BONUS~~ means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

~~_____~~ (10) ~~DEVELOPMENT BONUS RESTRICTIVE COVENANT~~ means a covenant running with the land that meets the requirements of this chapter.

~~_____~~ (11) ~~DIRECTOR~~ means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.

~~_____~~ (12) ~~ELIGIBLE HOUSEHOLDS~~ means households with an adjusted income within the required income band or voucher holders regardless of income.

~~_____~~ (13) ~~FAMILY~~ means family as defined in 24 CFR §5.403, as amended.

(a) Definitions. In this article:

(1) AFFIRMATIVE FAIR HOUSING MARKETING PLAN means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, national origin, or source of

income.

(2) AFFORDABLE RENT means: (i) a monthly rental housing payment, in compliance with a rent and income schedule produced annually by the department, or (ii) the voucher payment standard for voucher holders.

(3) ANNUAL INCOME has the definition assigned to that term in 24 CFR §5.609, "Annual Income," as amended.

(4) APPLICANT means a household applying to lease a reserved dwelling unit.

(5) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(6) DEPARTMENT means the department of housing and neighborhood revitalization.

(7) DEVELOPMENT means the structure or structures located on the Property receiving a development bonus.

(8) DEVELOPMENT BONUS means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(9) DEVELOPMENT BONUS RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this chapter.

(10) DIRECTOR means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.

(11) ELIGIBLE HOUSEHOLDS means households with an income within the required income band or voucher holders regardless of income.

(12) FAMILY means family as defined in 24 CFR §5.403, "Definitions," as amended.

~~———— (14) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.~~

~~———— (15) HUD means the United States Department of Housing and Urban Development.~~

~~———— (16) INCOME means income as defined by 24 CFR §5.609.~~

~~———— (17) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.~~

~~———— (18) MARKET VALUE ANALYSIS ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy makers to understand the elements of their local residential real estate markets.~~

~~———— (19) MIXED-INCOME HOUSING PROGRAM means a program administered by the department in which each owner using a development bonus participates.~~

~~———— (20) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.~~

~~———— (21) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.~~

~~———— (22) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.~~

~~———— (23) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.~~

~~———— (24) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.~~

~~———— (25) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.~~

~~———— (26) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.~~

~~———— (27) UTILITY ALLOWANCE means the reasonable allowance for tenant-furnished utilities and other services as published annually by the Dallas Housing Authority.~~

~~———— (28) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.~~

~~———— (29) VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).~~

(13) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

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

(15) INCOME means income as defined by 24 CFR §5.609, "Annual Income."

(16) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(A) INCOME BAND 1 means an income between 81 and 100 percent of AMFI.

(B) INCOME BAND 2 means an

income between 61 and 80 percent of AMFI.

(C) **INCOME BAND 3** means an income between 51 and 60 percent of AMFI.

(17) **MARKET VALUE ANALYSIS ("MVA")** means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(18) **MIXED-INCOME HOUSING PROGRAM** means a program administered by the department in which each owner using a development bonus participates.

(19) **MIXED-INCOME HOUSING RESTRICTIVE COVENANT** means the instrument securing the terms and enforcement of this division.

(20) **OPTIONAL AMENITIES** means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(21) **OWNER** means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

(22) **PROGRAM MANUAL** means the guidebook published, maintained, and updated by the department that includes specific guidance for program implementation.

(23) **PROPERTY** means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(24) **RENTAL AFFORDABILITY PERIOD** means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(25) **RESERVED DWELLING UNIT** means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(26) **UNIT TYPE** means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

(27) **VOUCHERHOLDER** means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(28) **VOUCHER PAYMENT STANDARD** means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

~~— (b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702(a)(6)(C) apply in this division.~~

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. Nos. 31142; 32195)

SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

~~— (a) In general. An owner shall obtain a market value analysis ("MVA") category verification and shall sign a form provided by the department acknowledging receipt of information regarding the minimum and maximum percentage of reserved~~

~~dwelling units for that category, if applicable, as a precondition to participating in the mixed-income housing program.~~

~~— (b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood Revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.~~

~~— (c) Procedure for obtaining a market value analysis category and reserved dwelling unit verification.~~

~~— (1) An owner shall attend an in-person meeting with the director to review the terms of the mixed-income housing program, including the MVA category and reserved dwelling unit verification.~~

~~— (2) Before the meeting, the owner shall disclose the following information on a form provided by the director:~~

~~— (A) the legal description and address of the property;~~

~~— (B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and~~

~~— (C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program.~~

~~— (3) At the close of the meeting, the director shall sign and date the MVA category verification and~~

~~the owner shall sign and date the reserved dwelling unit verification for the Property. Copies of the signed verifications will be provided to the owner.~~

~~— (d) Expiration of market value analysis category and reserved dwelling unit verifications. MVA category and reserved dwelling unit verifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the MVA category and reserved dwelling unit verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code, on the Property that will be subject to the mixed-income restrictive covenant.~~

~~(a) In general. An owner shall comply with this section before applying for a construction permit. An owner shall:~~

~~(1) submit an application to the department detailing the proposed project, which includes the following information:~~

~~(A) the legal description and address of the property;~~

~~(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and~~

~~(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program;~~

~~(2) obtain a certified verification of the building site's market value analysis ("MVA") category;~~

~~(3) sign a reserved dwelling unit verification form provided by the department where the owner acknowledges receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, states the intended pro-rata distribution of the reserved dwelling units, if applicable, and provides any other pertinent information requested by the director;~~

~~(4) acknowledge its intent to participate in the mixed income housing development bonus~~

program.

(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department and authorized by the city council that furthers the public purposes and goals of the city's housing policy.

(c) Conflicts. In case of a conflict between the documents required in this section and the requirements of:

(1) the base zoning district, the base zoning district controls; and

(2) the restrictive covenant, the restrictive covenant controls.

(d) Expiration of market value analysis category, reserved dwelling unit, and participation verifications. Verifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code, on the Property that will be subject to the mixed-income restrictive covenant. (Ord. Nos. 31142; 32195)

SEC. 20A-26. MIXED-INCOME RESTRICTIVE COVENANT.

~~(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:~~

~~(1) be signed by all owners of the Property;~~

~~(2) be signed by all lienholders, other than taxing entities, having an interest in the Property;~~

~~(3) contain a legal description of the Property;~~

~~(4) specify the number of any required reserved dwelling units and the income band~~

~~applicable to each unit;~~

~~(5) be a covenant running with the land;~~

~~(6) be for a term of 20 years with five-year auto renewals unless terminated by a subsequent written instrument;~~

~~(7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from~~

(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:

(1) be signed by all owners of the Property;

(2) be signed by all lienholders, other than taxing entities, having an interest in the Property;

(3) contain a legal description of the Property;

(4) specify the number of any required reserved dwelling units and the income band applicable to each unit;

(5) be a covenant running with the land;

(6) be for a term of 20 years with one-year automatic renewals (to allow for periods of noncompliance until the full 20-year term is met) and it is terminated by a subsequent written instrument;

(7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;

and against all claims or liabilities arising out of or in connection with the instrument;

_____ (8) state that it may only be amended or terminated by a subsequent written instrument that is:

_____ (A) signed by all owners of the Property and all lienholders, other than taxing entities;

_____ (B) approved by the director;

_____ (C) approved as to form by the city attorney; and

_____ (D) recorded and made a part of the deed records of the county or counties in which the Property is located;

_____ (9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Mixed-Income Housing Program Manual maintained by the Department of Housing and Neighborhood Revitalization, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

_____ (10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;

_____ (11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;

_____ (12) state that it may be enforced by the City of Dallas;

_____ (13) state that it shall be governed by the laws of the State of Texas; and

_____ (14) be approved by the director and be approved as to form by city attorney.

_____ (b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

_____ (c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

_____ (d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development.

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by all owners of the Property and all lienholders, other than taxing entities;

(B) approved by the director;

(C) approved as to form by the city attorney; and

(D) recorded and made a part of the deed records of the county or counties in which the Property is located;

(9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including

providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Program Manual maintained by the department, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

(10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;

(11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;

(12) state that it may be enforced by the City of Dallas;

(13) state that it shall be governed by the laws of the State of Texas; and

(14) be approved by the director and be approved as to form by city attorney.

(b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

(c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

(d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development if the total number of dwelling units has changed. (Ord. Nos. 31142; 32195)

~~—(a) Compliance with the handbook. Except as provided in this subsection, the intent of the mixed-income housing program is that the owner shall conduct eligibility determinations in accordance with the handbook.~~

~~—(b) Exceptions. The following mandatory items in the handbook do not apply to the mixed-income housing program:~~

(a) Compliance. Except as provided in this article, the owner shall provide reserved units and conduct eligibility determinations in accordance with the handbook, 24 CFR Part 5, "General HUD Program Requirements; Waivers," and the department's program manual. Where the program manual provides specific exceptions to the handbook or to 24 CFR Part 5, the program manual controls with respect to the mixed income housing development bonus program.

(b) Exceptions. The following mandatory items in the handbook do not apply to the mixed-income housing program:

(1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;

(2) use of HUD forms, unless specifically required in this division;

(3) compliance with HUD requirements that are specific to a HUD program and are not generally-applicable; and

(4) use of the Enterprise Income Verification (EIV) system.

~~_____ (1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;~~

~~_____ (2) use of HUD forms, unless specifically required in this division;~~

~~_____ (3) compliance with HUD requirements that are specific to a HUD program and are not generally applicable; and~~

~~_____ (4) use of the Enterprise Income Verification (EIV) system;~~

~~_____ (c) Eligibility determinations in general. An owner shall determine whether an applicant is eligible to lease and occupy a reserved dwelling unit before approving the applicant for tenancy and thereafter on an annual basis.~~

~~_____ (d) Eligibility determination prior to approving an applicant for tenancy. An owner shall determine:~~

~~_____ (1) family size in accordance with the handbook;~~

~~_____ (2) annual income and adjusted income in accordance with the handbook and 24 CFR Part 5;~~

~~_____ (3) whether the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property; and~~

~~_____ (4) if the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property, whether there are any reserved units at the property that are currently available for lease to and occupancy by an applicant and are dwelling units of adequate size, per the owner's general occupancy standards that must:~~

~~_____ (A) take into account all persons residing in the household and follow the guidelines set forth in the handbook and in accordance with the Fair Housing Act;~~

~~_____ (B) prevent both over-occupancy and under-occupancy of units. In general, a two-person per bedroom standard is appropriate; and~~

~~_____ (C) take into account the specific size of bedrooms and units, configuration of the unit, and age of children who may be occupying the unit (if any), among other factors.~~

~~_____ (e) Determination of family size. An owner shall use the broad definition of family as defined in 24 CFR §5.403 and may not engage in any discriminatory housing practices as defined in Section 20A-4 of this chapter.~~

~~_____ (f) Income limits. The department will annually publish income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits.~~

~~_____ (g) Income bands. An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant. For the mixed-income housing program, units must be reserved for families with adjusted annual incomes within the following bands, except that voucher holders may be selected to occupy any reserved dwelling unit:~~

~~_____ (1) Income band 1: 81-100 percent of AMFI;~~

~~_____ (2) Income band 2: 61-80 percent of AMFI; and~~

~~_____ (3) Income band 3: 51-60 percent of AMFI.~~

~~Eligible households making less than the minimum AMFI for a particular income band may be counted as a higher income band provided that they are charged an affordable rent.~~

(c) Determination of family size. An owner shall use the broad definition of family as defined in 24 CFR §5.403, "Definitions," and may not engage in any discriminatory housing practices as defined in Section

20A-4 of this chapter.

(d) **Rent and income limits.** The department will annually publish rent and income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits and use the nine percent housing tax credit limits published annually by the Texas Department of Housing and Community Affairs as the rent limits.

(e) **Income bands.**

(1) An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant.

(2) Eligible households making less than the minimum AMFI for a particular income band, including voucher holders, may be counted for that income band provided that they are charged an affordable rent.

(f) **Affordable rents.**

(1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units and shall re-certify eligibility and rent annually.

(2) An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.

(3) The affordable rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.

(g) **Annual certification of eligibility.** An owner shall conduct an annual certification of household income and composition for each eligible household in accordance with the program manual.

(1) An owner shall not conduct a certification on less than an annual basis unless

requested to do so by an eligible household. An owner shall conduct the interim certification in the same manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.

(2) If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.

(h) **Additional requirements and prohibitions.**

(1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

(2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

(3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for tuition shall be included in annual income, except if the student will live with his or her parents and his or her parents are voucher holders.

(4) The department shall conduct regular inspections and monitoring in accordance with the published program manual.

~~—— (h) Affordable rents.~~

~~—— (1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units.~~

~~—— (2) An owner is responsible for calculating the affordable rent before approving the applicant for tenancy and on an annual basis based on the eligible household's adjusted income reported during the annual certification.~~

~~—— (A) After completing the annual eligibility certification process, the owner shall adjust the rent upwards or downwards so that it remains an affordable rent.~~

~~—— (B) An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.~~

~~—— (3) The calculated rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.~~

~~—— (i) Annual certification of eligibility. An owner shall conduct an annual certification of household income and composition for each eligible household as follows:~~

~~—— (1) Except as provided in Paragraph (2), eligible households leasing reserved dwelling units may satisfy the annual certification process by self-certifying their eligibility using a form provided by the director. For reserved dwelling units subject to Subsection (i)(2), this paragraph does not apply.~~

~~—— (2) Every six years during the property's affordability period, the owner shall conduct the annual certification of each eligible household leasing a reserved dwelling unit in accordance with Subsection (d), regardless of the number of years the eligible household has leased a reserved dwelling unit.~~

~~—— (3) Annual certification must be completed at least 30 days before the annual anniversary of the initial lease date.~~

~~—— (4) An owner shall send at least one written notice to the eligible household at least 90 days in advance of the annual anniversary of the initial lease date requesting all information needed to conduct the annual certification in compliance with this division.~~

~~—— (5) An owner shall not conduct a certification on less than an annual basis unless requested to do so by an eligible household. An owner shall conduct the interim certification in the same manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.~~

~~—— (6) If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.~~

~~—— (j) Over and under income eligible households. This subsection is intended to provide a reasonable time period for eligible households and owners to respond to an eligible household's changing economic circumstances.~~

~~—— (1) If an eligible household's adjusted income at the annual certification exceeds the highest income for which the unit is reserved, the unit remains in compliance until the next annual certification so long as the owner continues to charge an affordable rent.~~

~~—— (2) If an eligible household's adjusted income at the annual certification falls below the lowest income for which the unit is reserved, an owner shall provide written notice to the director so that the director can determine whether the eligible household~~

is eligible for any available subsidies. The unit remains in compliance until the next annual certification so long as the owner continues to charge a rent amount that does not exceed the prior year's affordable rent.

——— (3) If an eligible household's adjusted income either exceeds the highest income for which the reserved dwelling unit is reserved or falls below the lowest income for which the reserved dwelling unit is reserved at a consecutive annual recertification:

——— (A) the owner may begin charging the household market rate rents and the unit is no longer a reserved dwelling unit. The next comparably sized unit to become available will be deemed a reserved dwelling unit; or

——— (B) if the owner is required to provide reserved dwelling units to more than one income band and the eligible household's adjusted income falls within the income band for an alternative reserved dwelling unit, the owner may allow the household to lease an alternative reserved dwelling unit, if available or the owner may re-designate the eligible household's current reserved dwelling unit to the appropriate income band.

——— (k) Additional requirements and prohibitions.

——— (1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

——— (2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

——— (3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for

tuition shall be included in annual income, except if the student will live with his or her parents and his or her parents are voucher holders. (Ord. Nos. 31142; 32195)

SEC. 20A-28. TENANT SELECTION AND OTHER WRITTEN POLICIES.

——— (a) Tenant selection and other policies should:

——— (1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

——— (2) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

——— (3) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

——— (4) be consistent with this article.

——— (b) Owners shall create the following written policies and retain written records related to the following policies:

——— (1) reasonable accommodations;

——— (2) affirmative marketing;

——— (3) applicant screening criteria;

——— (4) tenant selection criteria;

——— (5) policies for opening and closing the waiting list;

——— (6) waiting list preferences, if any;

——— (7) procedures for rejecting ineligible tenants;

——— (8) occupancy standards;

(a) Tenant selection and other policies must comply with the program manual and:

(1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

(2) prioritize holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for lease and occupancy of reserved units;

(3) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(4) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

(5) be consistent with this article.

(b) Owners shall create the following written policies and retain written records related to the following policies:

(1) reasonable accommodations;

(2) affirmative marketing;

(3) applicant screening criteria;

(4) tenant selection criteria;

(5) policies for opening and closing the waiting list;

(6) waiting list preferences, if any;

(7) procedures for rejecting ineligible tenants;

(8) occupancy standards;

~~— (9) non-renewal and termination notices;
and~~

~~— (10) unit transfers.~~

(9) non-renewal and termination notices;
and

(10) unit transfers. (Ord. Nos. 31142; 32195)

SEC. 20A-29. APPLICANT AND ELIGIBLE HOUSEHOLD RESPONSIBILITIES. [RESERVED.]

~~— (a) Applicants and eligible households who lease a reserved dwelling unit shall timely provide the owner all documents and information required by this article to be used to determine income, adjusted income, and family size.~~

~~— (b) An eligible household who is leasing a reserved dwelling unit at the time the director conducts an audit, upon written request by the director, shall timely provide the director with all documents and information required by this article to be used to determine annual income, adjusted income, and family size.~~

~~— (c) An eligible household's failure to timely provide requested information and documents to the owner or director upon written request does not constitute an offense. However, if the director is unable to verify that the household is an eligible household, the reserved dwelling unit may be deemed non-compliant and the owner is no longer required by this ordinance to charge an affordable rent. The non-compliance can be cured by completing and providing any required documentation to the director. (Ord. 31142)~~

SEC. 20A-30. NON-DISCRIMINATION.

~~— (a) Except as provided in this section, an owner receiving a mixed income development bonus under Division 51A-4.1100 shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.~~

~~— (b) It is a defense to criminal prosecution or civil action under this section that at least the minimum required percentage of reserved units are leased to eligible households.~~

(a) In general. Except as provided in this section, an owner receiving a mixed income development bonus under Division 51A-4.1100 shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Exception. It is a defense to criminal prosecution or civil action under this section that at least the minimum required percentage of reserved units are leased to eligible households and that all applicable requirements of this article have been met. (Ord. Nos. 31142; 32195)

SEC. 20A-31. COMPLIANCE, REPORTING, AND RECORDKEEPING.

~~— (a) In general. An owner must comply with the city's mixed-income housing program during the term of the mixed-income restrictive covenant.~~

~~— (b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.~~

~~— (c) Management policies. An owner is responsible for ensuring that his or her employees and agents, including third-party management companies, are aware of and comply with the development bonus restrictive covenant and the mixed-income housing program.~~

~~— (d) Recordkeeping.~~

~~— (1) An owner shall maintain documentation including, but not limited to, applications, waitlists, first hand or third-party verification of income and assets, leases for reserved dwelling units, and rents and any fees charged for reserved dwelling units.~~

~~— (2) An owner shall maintain all required documentation in the eligible household's file at the development or maintain the documentation in an~~

electronic format as long as the documentation can be accessed by onsite employees and provided in a timely fashion to the director upon request.

~~————— (3) An owner shall maintain documentation of all income verification efforts and household composition reviews throughout the term of each~~

(a) In general. An owner must comply with the city's mixed-income housing program during the term of the mixed-income restrictive covenant.

(b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.

(c) Management policies. An owner is responsible for ensuring that his or her employees and agents, including third-party management companies, are aware of and comply with the development bonus restrictive covenant and the mixed-income housing program.

(d) Recordkeeping.

(1) An owner shall maintain documentation during the rental affordability period including, but not limited to, applications, waitlists, first-hand or third-party verification of income and assets, leases for reserved dwelling units, and rents and any fees charged for reserved dwelling units.

(2) An owner shall maintain all required documentation in the eligible household's file on site at the development or maintain the documentation in an electronic format as long as the documentation can be accessed by onsite employees and provided in a timely fashion to the director upon request.

(3) An owner shall maintain documentation of all income verification efforts and household composition reviews throughout the term of each eligible household's tenancy and for at least three years after the eligible household moves out.

eligible household's tenancy and for at least three years after the eligible household moves out.

~~— (e) Quarterly status reports. An owner shall submit quarterly status reports on a form provided by the director, as described below, in January, April, July, and October on or before the 10th day of the month. The report must include:~~

~~— (1) the total number of dwelling units on the property;~~

~~— (2) the total number of reserved dwelling units on the property;~~

~~— (3) a list of all reserved dwelling units on the property, identified by unit number and unit type;~~

~~— (4) for each reserved dwelling unit:~~

~~— (A) the applicable income bands;~~

~~— (B) the current affordable rent, utility allowance, and any fees charged;~~

~~— (C) the occupancy status as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th of the same year;~~

~~— (D) the adjusted income of the eligible household leasing and occupying the unit; and~~

~~— (E) the most recent eligibility date for the eligible household leasing and occupying the unit;~~

~~— (5) a signed statement by the owner acknowledging compliance with this division; and~~

~~— (6) any other information requested by the director that is reasonably related to the mixed-income housing program.~~

~~— (f) First and final quarterly status reports. An owner shall submit:~~

~~— (1) the first quarterly status report before the 10th day of the month following the end of the first quarter in which the affordability period began; and~~

~~— (2) the final quarterly status report on the 20th anniversary of the beginning of the rental affordability period, or a date determined by the director due to the tolling of and extension of the rental affordability period. The director shall verify that the owner has completed all applicable requirements of this division. If all requirements are completed the director shall sign the submitted final quarterly status report before it is filed with the building official.~~

~~— (g) Affirmative fair housing marketing plan.~~

~~— (1) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.~~

~~— (2) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.~~

~~— (3) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.~~

~~— (4) The director shall approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted to the director.~~

~~— (A) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.~~

~~— (B) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the director denies the~~

(e) Quarterly status reports. An owner shall submit quarterly status reports on a form provided by the director, as described below, in January, April, July, and October on or before the 10th day of the

month. The report must include:

(1) the total number of dwelling units on the property;

(2) the total number of reserved dwelling units on the property;

(3) a list of all reserved dwelling units on the property, identified by unit number and unit type;

(4) for each reserved dwelling unit:

(A) the applicable income bands;

(B) the current affordable rent, utility allowance, and any fees charged;

(C) the occupancy status as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th of the same year;

(D) the income of the eligible household leasing and occupying the unit; and

(E) the most recent eligibility date for the eligible household leasing and occupying the unit;

(5) a signed statement by the owner acknowledging compliance with this division;

(6) certification that the development:

(A) has maintained vendor registration with one or more local providers of housing vouchers;

(B) has reported available units to one or more local providers of housing vouchers each quarter; and

(C) that the development will pass the provider's required inspections; and

(7) any other information requested by the director that is reasonably related to the mixed-income housing program.

(f) First and final quarterly status reports. An owner shall submit:

(1) the first quarterly status report before the 10th day of the month following the end of the first quarter in which the affordability period began; and

(2) the final quarterly status report on the 20th anniversary of the beginning of the rental affordability period, or a date determined by the director due to the tolling of and extension of the rental affordability period. The director shall verify that the owner has completed all applicable requirements of this division. If all requirements are completed, the director shall sign the submitted final quarterly status report before it is filed with the building official.

(g) Affirmative fair housing marketing plan.

(1) In this subsection ADMINISTRATOR means the administrator of the fair housing division of the office of equity and inclusion or its successor.

(2) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.

(3) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.

(4) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.

(5) The administrator shall approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted to the director.

(A) Approval. The administrator shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.

(B) Denial. The administrator shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the administrator denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

— (h) Audit and inspection.

— (1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

— (2) The director may also randomly, regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

— (i) Consent to substitute.

— (1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two-bedroom dwelling units and/or on a three-to-one basis additional one-bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

— (2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period

during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(h) Audit and inspection.

(1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

(i) Consent to substitute.

(1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two-bedroom dwelling units and/or on a three-to-one basis additional one-bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements. (Ord. Nos. 31142; 32195)

~~— (a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.~~

~~— (b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.~~

~~— (c) Corrective action period and extensions of mixed-income restrictive covenants.~~

~~— (1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a 30-day corrective action period for failure to file a quarterly unit status report and a 90-day corrective action period for other violations.~~

~~— (2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.~~

~~— (3) For a violation other than a violation that poses an imminent hazard or threat to health and safety, and only for good cause, the director may extend the corrective action period for up to three months from the date of the notice to the owner.~~

~~— (4) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive~~

covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law.

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) Corrective action period and extensions of mixed-income restrictive covenants.

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a reasonable corrective action period for failure to file a quarterly unit status report and a reasonable corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law. (Ord. Nos. 31142; 32195)

SEC. 20A-33. MIXED INCOME HOUSING DEVELOPMENT BONUS FUND.

(a) Use. The mixed income housing development bonus fund may only be used for the following purposes:

(1) Funding programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(2) Funding for data and analysis in support of housing programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(3) Funding staff and expenses for management and administration of mixed income housing development bonus program and the mixed income housing development bonus fund.

(b) Administration. The mixed income housing development bonus fund will be administered by the department. (Ord. 32195)

SEC. 20A-33-34. FEES.

Program Requirement-Participation Fees	Fee
Pre-application meeting	\$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	\$625.00
Compliance monitoring during affordability period	\$3,736.00

Fees in Lieu of On-Site Provision of Units	Fee MVA Categories A-F	Fee MVA Categories G-I
Fee to be multiplied by the square footage of floor area as specified in Section 20A-23.1		
Under six stories	\$3.07	\$2.15
Between six and eight stories	\$4.91	\$3.44
Between nine and 12 stories	\$6.14	\$4.30
Over 12 stories	\$7.98	\$5.59

Consumer Price Index adjustment. The fees in lieu will be increased yearly by a percentage equal to the percentage change in the consumer price index statistics published by the United States Bureau of Labor. Comparisons will be made using the index entitled, "Housing in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted," series ID CUURS37ASAH (1982-1984 = 100)," or similar comparable United States Bureau of Labor data on changes in the cost of living, if the initial index is no longer published. Beginning January 2023, the change will be determined by comparison of the figure for the previous January with that of January of the current year. This calculation may not reduce the fee in lieu

below the listed amount for the preceding year. (Ord.
Nos. 31142; 32195)

ARTICLE VIII.

HABITUAL CRIMINAL AND NUISANCE
PROPERTIES.

SEC. 27-45. PURPOSE.

(a) Consistent with the findings of fact in Section 27-1 of this chapter, the purpose of this article is to protect the health, safety, and welfare of the people of the city of Dallas by obtaining an owner's compliance with minimum property conditions and lawful operations, which compliance is likely to reduce certain criminal activity on property where that criminal activity is so prevalent as to render the property a habitual criminal property or a habitual nuisance property. Reducing the crime rate in the city of Dallas is essential to making properties safe, sanitary, and fit for human habitation and for improving quality of life for occupants of surrounding properties.

(b) This article does not create a private cause of action or expand existing tort liability against a property owner. This article is not a prerequisite to any suit and does not in any way impair the city's ability to file a lawsuit under Chapter 125 of the Texas Civil Practice and Remedies Code, as amended, or under any other law. (Ord. Nos. 30714; 32057)

SEC. 27-46. DEFINITIONS.

In this article:

(1) **ABATABLE CRIMINAL ACTIVITY** means those activities listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include crimes of family violence.

(2) **CHIEF OF POLICE OR CHIEF** means the chief of the police department of the city or the chief's designee.

~~(3) CODE VIOLATIONS means violations of the following provisions of the Dallas City Code:~~

~~————— (A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."~~

~~————— (B) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."~~

~~————— (C) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."~~

~~————— (D) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."~~

~~————— (E) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."~~

~~————— (F) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use.~~

(3) **CODE VIOLATIONS** mean violations of the following provisions of the Dallas City Code:

(A) Section 107.6, "Overcrowding," of Chapter 16, "Dallas Fire Code."

(B) Section 30-1, "Loud and Disturbing Noises and Vibrations," of Chapter 30, "Noise."

(C) Section 30-4, "Loudspeakers and Amplifiers," of Chapter 30, "Noise."

(D) Chapter 38A, "Promoters."

(E) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks."

(F) Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code."

(G) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the

operation of outdoor speakers and amplification, and hours of operation of a use.

(4) CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private space from public space; and controlled access onto private property.

(5) DIRECTOR means the director of the department of code compliance.

(6) HABITUAL CRIMINAL PROPERTY means a property that is described in Section 27-48(a).

(7) HABITUAL NUISANCE PROPERTY means a property that is described in Section 27-48(b).

(8) OWNER means a person or entity who has ownership or title of real property, including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed. (Ord. Nos. 30714; 32057; 32239)

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE AND DIRECTOR.

(a) The chief of police shall implement and enforce this article as it pertains to abatable criminal properties and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable criminal properties.

(b) The director, in collaboration with the chief of the fire department, shall implement and enforce this article as it pertains to abatable nuisance properties and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the purpose of this article as it pertains to abatable nuisance properties. (Ord. Nos. 30714; 32057)

SEC. 27-48. PRESUMPTIONS.

(a) A property is presumed a habitual criminal property if the property is the site:

(1) of five or more abatable criminal activities within 365 days resulting in either a report of a law enforcement agency documenting an investigation of an abatable criminal activity on the property or enforcement action against any person associated with the abatable criminal activity on the property; and

(2) at which persons have historically committed abatable criminal activities, according to recent crime data.

(b) A property is presumed a habitual nuisance property if the property is the site of three or more citations for code violations within 365 days.

(c) An owner of a habitual criminal or nuisance property is presumed to have knowingly tolerated the abatable criminal activity or code violations at the owner's property by failing to take reasonable steps, including those outlined in Section 27-49(b)(1) of this chapter, as amended, to abate the abatable criminal activity or code violations.

(d) The presumptions in this section are rebuttable at the accord meeting pursuant to Section 27-49 of this chapter, as amended. (Ord. Nos. 30714; 32057)

SEC. 27-49. ACCORD MEETING.

(a) If the chief of police or director determines that the presumptions in Section 27-48 are satisfied, the chief or director shall notify the owner of the property, in writing, of the chief's or director's preliminary determination and shall provide the owner with notice to attend an accord meeting. The notice must include a copy of this article.

(b) At the accord meeting, the following applies:

(1) The presumed owner may present evidence that the person is not the owner or that the owner has taken reasonable steps to abate the abatable criminal activity or code violations, including, without limitation, that the:

- Sec. 28-31. Interference with devices or railroad signs or signals.
- Sec. 28-32. Authority to designate crosswalks, establish safety zones and mark traffic lanes.
- Sec. 28-33. Traffic engineer to erect signs designating pedestrianways.
- Sec. 28-34. Bicycles, motorcycles, etc., prohibited from using pedestrianways.
- Sec. 28-34.1. Installation, removal, and repair of speed bumps in alleys; fees.

ARTICLE VI.

OPERATION OF VEHICLES.

Division 1. Generally.

- Sec. 28-35. Backing into intersection prohibited.
- Sec. 28-36. Operation upon parkways.
- Sec. 28-37. Identification of funeral procession.
- Sec. 28-38. Funeral or other procession; operation of vehicles.
- Sec. 28-39. Same - Driving through prohibited.
- Sec. 28-40. Operation of motorcycles, etc.
- Sec. 28-41. Riding in portions of vehicles not designed or equipped for passengers.
- Sec. 28-41.1. Reserved.
- Sec. 28-41.1.1. Restrictions on the use of motor assisted scooters, ~~pocket bikes, and minimotorbikes~~ and electric bicycles.
- Sec. 28-41.2. Regulating the use of hand-held mobile telephones and mobile communication devices in school zones.
- Sec. 28-42. Driving on Four-Way Place and Stone Place.
- Sec. 28-42.1. Cruising prohibited in designated areas.

Division 2. Speed Regulations.

- Sec. 28-43. Speeds greater than 30 miles per hour on public streets or 15 miles per hour on public alleys not reasonable or prudent.
- Sec. 28-44. Streets other than expressways and freeways.
- Sec. 28-45. Expressways and freeways.
- Sec. 28-46. Streets in park areas.
- Sec. 28-47. Maximum speed limits; determination.
- Sec. 28-48. Same - Alteration.
- Sec. 28-49. Posting of speed limit signs.
- Sec. 28-50. Speed in school zones; signs; designated streets.
- Sec. 28-51. Speed in parking lot of Dallas Convention Center.
- Sec. 28-52. Speed in the Dallas City Hall Parking Garage.
- Sec. 28-52.1. Speed in the Bullington Street Truck Terminal.

Division 3. Turning Movements.

- Sec. 28-53. Obedience to no-turn signs.
- Sec. 28-54. Limitation on U Turns.
- Sec. 28-55. Left turns restricted when emerging from or entering alleys or private driveways in the central business district.
- Sec. 28-56. Central business district defined.
- Sec. 28-57. Reserved.

Division 4. Stops.

- Sec. 28-58. Vehicles to stop when traffic is obstructed.

Division 5. Operation of Vehicles near Vulnerable Road Users.

- Sec. 28-58.1. Definition.
- Sec. 28-58.2. Protection of vulnerable road users.

SEC. 28-41.1. RESERVED.

(Repealed by Ord. 31479)

SEC. 28-41.1.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES AND ELECTRIC BICYCLES.

_____ (a) In this section:

_____ (1) ADULT means any individual 17 years of age or older.

_____ (2) CHILD means any individual younger than 17 years of age.

_____ (3) HELMET means a properly-fitted bicycle helmet that:

_____ (A) is not structurally damaged; and

_____ (B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

_____ (4) MOTOR ASSISTED SCOOTER:

_____ (A) means a self-propelled device with:

_____ (i) at least two wheels in contact with the ground during operation;

_____ (ii) a braking system capable of stopping the device under typical operating conditions;

_____ (iii) a gas or electric motor not exceeding 40 cubic centimeters;

_____ (iv) a deck designed to allow a person to stand or sit while operating the device; and

_____ (v) the ability to be propelled by human power alone; and

_____ (B) does not include:

_____ (i) a pocket bike or mini-motorbike;

_____ (ii) a moped or motorcycle;

_____ (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

_____ (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

_____ (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

_____ (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

_____ (5) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

_____ (6) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

_____ (7) POCKET BIKE or MINIMOTORBIKE:

_____ (A) means a self-propelled vehicle that:

_____ (i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

_____ (ii) is designed to propel itself with not more than two wheels in contact with the ground;

_____ (iii) has a seat or saddle for the use of the operator;

(a) In this section:

(1) BUFFER/FURNISHING/CURB ZONE means the areas between the curb and the sidewalk clear zone that provides separation and protection

from moving vehicle traffic.

(2) CHILD means any individual younger than 17 years of age.

(3) ELECTRIC BICYCLE:

(A) has the meaning assigned by Section 664.001 of the Texas Transportation Code, as amended;

(B) the term does not include:

(i) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(ii) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(iii) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(4) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(5) MOTOR ASSISTED SCOOTER has the meaning assigned by Section 551.351 of the Texas Transportation Code, as amended.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, court-appointed guardian or conservator of a child, or adult with care, custody, or control of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) PEDESTRIAN ZONE means the portion of the street that accommodates non-vehicular activity, it extends from the face of the building or edge of the property line to the face of the curb.

(9) SIDEWALK CLEAR ZONE means the portion of the pedestrian zone that is specifically reserved for pedestrian travel.

(10) SHARED DOCKLESS VEHICLE has the meaning assigned by Article X, "Shared Dockless Vehicle Operating Permit" of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, as amended.

(11) SLOW RIDE ZONE means an area where shared dockless vehicles may not exceed 10 miles per hour or the speed limit otherwise posted.

(12) STATE FAIR GROUNDS means the area:

BEGINNING at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(13) STATE FAIR OF TEXAS means the annual fall fair held at Fair Park.

(14) TRAIL means a pathway for pedestrian circulation, alternative transportation, and recreational uses that is designed and constructed in compliance with standards and specification adopted and

maintained by the city.

(15) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

_____ (iv) is not designed for use on a highway; and

_____ (v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

_____ (B) does not include:

_____ (i) a moped or motorcycle;

_____ (ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

_____ (iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

_____ (iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

_____ (v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

_____ (vi) a motor assisted scooter, as defined in this subsection.

_____ (8) ~~SPECIAL EVENT~~ means a temporary outdoor gathering which has been issued a special event permit under Chapter 42A of the Dallas City Code.

_____ (9) ~~STATE FAIR GROUNDS~~ means the area:

~~BEGINNING~~ at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;

~~THENCE~~ eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

~~THENCE~~ southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

~~THENCE~~ southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

~~THENCE~~ southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

~~THENCE~~ southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

~~THENCE~~ northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

~~THENCE~~ northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

_____ (10) ~~STATE FAIR OF TEXAS~~ means the annual fall fair held at Fair Park.

_____ (11) ~~WEARING A HELMET~~ means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

—

_____ (b) A person commits an offense if the person:

_____ (1) operates or rides a motor assisted scooter on any sidewalk within the city;

_____ (2) operates or rides a motor assisted scooter at a speed greater than 20 miles per hour;

_____ (3) operates or rides a motor assisted scooter on the state fair grounds during the State Fair of Texas;

_____ (4) operates or rides a motor assisted scooter at a special event location as determined by the director of transportation or a designated agent;

(b) Every motor assisted scooter and electric bicycle must be equipped with a lamp on the front that emits a white light that is visible at a distance of not less than 500 feet and a red reflector on the rear that is visible from a distance of not less than 600 feet when

directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) The traffic engineer is authorized to designate zones where the operation of motor assisted scooters is prohibited and slow ride zones for motor assisted scooters and electric bicycles. Slow ride zones are in the areas where, in the professional judgment of the traffic engineer:

(1) congested pedestrian or non-motorized traffic is present;

(2) without a speed limit, a significant speed differential would exist between pedestrians or non-motorized traffic and motor assisted scooters and electric bicycles; and

(3) without a speed limit, the presence of motor assisted scooters and electric bicycles could endanger public safety.

(d) A rider shall comply with the requirements of this chapter imposed on a driver of a vehicle, except those by which their nature can have no application.

(e) A rider shall obey the instruction of traffic signals, signs, and other traffic-control devices as applicable to vehicles, unless directed by a peace officer.

(f) Unless a bike lane is specifically designated otherwise, a rider traveling in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

— (5) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any sidewalk within the city;

— (6) is a child and operates or rides a motor assisted scooter without wearing a helmet while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city;

— (7) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city when the child is not wearing a helmet;

— (8) transports any passenger on a motor assisted scooter while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

— (9) while operating a motor assisted scooter on a sidewalk or a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the sidewalk, path, or trail.

— (c) A person commits an offense if the person operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

— (d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

— (e) The director of transportation, or a designated agent, has authority to enforce the provisions of this

section and to issue citations for violations of this section including moving violations.

(g) A person commits an offense if the person:

(1) operates or rides a motor assisted scooter on any sidewalk within the city;

(2) operates or rides a motor assisted scooter or an electric bicycle at a speed greater than:

(A) 20 miles per hour;

(B) the designated speed limit in a designated slow ride zone; or

(C) the posted speed limit on a public street or trail.

(3) operates or rides a motor assisted scooter on the state fair grounds during the State Fair of Texas;

(4) operates or rides a motor assisted scooter in a public park or public plaza;

(5) is a parent of a child and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any sidewalk within the city;

(6) is a child and operates or rides a motor assisted scooter or electric bicycle without wearing a helmet while in the public right-of-way or in a public park or public plaza within the city;

(7) is a parent of a child and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter or electric bicycle in the public right-of-way or in a public park or public plaza within the city when the child is not wearing a helmet;

(8) transports any passenger on a motor assisted scooter or electric bicycle while in the public right-of-way or public park or public plaza within the city, unless the device is equipped with a seat and a set of foot rests for the passenger;

(9) fails to yield the right-of-way to any pedestrian while operating a motor assisted scooter or an electric bicycle;

(10) operates a motor assisted scooter on a trail where riding is prohibited or during the hours that riding is prohibited on the trail; or

(11) operates a motor assisted scooter or electric bicycle on public landscaping or art or on public amenities in a manner that is contrary to the intended use of the amenity.

(h) In the public right-of-way, a person shall park a motor assisted scooter or an electric bicycle in a standing upright position:

(1) on concrete or other non-porous surface;

(2) in a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) in the pedestrian zone if it is fully contained in the buffer/furnishing/curb zone; or

(4) fastened to a bicycle rack in the right-of-way, if the device includes a locking mechanism.

(i) A person may not park a motor assisted scooter or electric bike:

(1) within 10 feet of an intersection or crosswalk, unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(2) on a roadway unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) on a sidewalk or public path in such a way as to obstruct traffic that prevents the free passage over any part of the sidewalk or public path, including in the sidewalk clear zone or pedestrian zone;

(4) along a blockface where the combined width of the sidewalk clear zone and buffer/furnishing/curb zone is less than eight feet;

(5) in a space designated as a motor vehicle parking or loading space or between two designated vehicle parking spaces;

(6) within, against, or adjacent to a public transit shelter or public transit stop, in a manner which restricts the use of the shelter or stop by pedestrians who are waiting for public transportation;

(7) in a manner that obstructs fire suppression appurtenances, building entryways or exits, or vehicular driveways;

(8) on any private property without permission of the property owner; or

(9) in a public park or plaza unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles.

(j) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

(k) A peace officer has the authority to enforce Subsection (g) of this section and to issue citations. A parking enforcement officer has authority to enforce the provisions of this section and to issue citations for violations of this section including moving violations. (Ord. Nos. 30935; 31048; 31383; 31479; 32235)

SEC. 28-41.2. REGULATING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE COMMUNICATION DEVICES IN SCHOOL ZONES.

(a) In this section:

(1) ENGAGING IN A CALL means talking into, dialing, or listening on a hand-held mobile telephone, but does not include holding a mobile telephone to activate or deactivate the telephone.

(2) HAND-HELD MOBILE TELEPHONE means a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

(3) HANDS-FREE MOBILE TELEPHONE means a mobile telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.

CHAPTER 38A**PROMOTERS**

Sec. 38A-1.	Purpose.
Sec. 38A-2.	Definitions.
Sec. 38A-3.	Commercial promoter registration.
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Sec. 38A-9.	Offenses.
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SEC. 38A-1. PURPOSE.

The purpose of this chapter is to ensure promoted events are operated in a way that safeguards the residents, visitors, and employees attending promoted events. (Ord. 32239)

SEC. 38A-2. DEFINITIONS.

In this chapter:

(1) **COMMERCIAL PROMOTER** means a person engaged in the business of commercial promotion, publicizing, planning, or production of a promoted event who receives all or a percentage of revenues from the sale of alcohol, food, beverages, fees charged to vendors, or fees charged to the public for admission.

(2) **COMMERCIAL PROMOTION** includes publicizing, planning, or producing by any means a promoted event by a commercial promoter.

(3) **DIRECTOR** means the director of the Office of Special Events or the director's designated representative.

(4) **OWNER** means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

(5) **PERSON** means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.

(6) **PROMOTED EVENT** means an indoor commercial event open to the public, or outdoor commercial event with an expected occupancy over 100 that is open to the public.

(A) Promoted events include, but are not limited to:

(i) music or dance shows that may include a disc jockey where fees may be charged to vendors or members of the public for participation or admission; or

(ii) concerts, outdoor activities, and theatrical and other performances where fees are charged to vendors or members of the public for participation or admission.

(B) A promoted event does not include:

(i) an event that requires a special event permit or has been issued a special event permit under Chapter 42A;

(ii) an event that occurs on city-owned property or at a city-owned facility with city permission;

(C) an event that occurs at a location with a valid specific use permit and a certificate of occupancy for a use that allows the event; or

(D) an event that is hosted by and produced for the benefit of a registered 501(c)(3) organization under 26 C.F.R. § 1.501(c)(3).

(7) **PROPERTY** means real property and personal property.

(8) **VENUE OPERATOR** means the person with control over a location and property where the action or event occurs. Venue operators may include commercial promoters, business owners, or business operators. (Ord. 32239)

SEC. 38A-3. COMMERCIAL PROMOTER REGISTRATION.

(a) A person engaging in commercial promotion shall register with the city as a commercial promoter. Commercial promoter registration must be submitted on a form provided by the director for that purpose.

(b) A complete commercial promoter registration application must contain the following information:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the registrant.

(2) Any aliases the registrant intends to use in connection with any commercial promotion.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all partnerships, corporations, or other business entities (including DBAs) associated with the registrant that will appear on any marketing materials advertising, promoting, or producing a promoted event.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving a promoted event connected to the registrant.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the registrant, if any.

(6) Tax identification number.

(7) Such additional information as the registrant desires to include or that the director deems necessary to aid in the determination of whether the requested registration should be granted.

(c) A registrant shall notify the director within 30 days after any change in the information contained in the commercial promoter registration.

(d) A commercial promoter registration expires two years from the date of registration. Registrants may renew his or her registration for the next two-year period before the expiration of the current period, but not before 30 days prior to expiration. (Ord. 32239)

SEC. 38A-4. COMMERCIAL PROMOTER REGISTRATION FEE.

A fee of \$175.00 must be paid to the Office of Special Events at the time of commercial promoter registration or renewal. The registration fee must be paid before an application is deemed complete. (Ord. 32239)

SEC. 38A-5. SAFETY PLAN REQUIRED.

(a) In general. Promoted events must comply with the general safety plan or the event-specific safety plan on file with the director. The venue operator and the commercial promoter are responsible for operating a promoted event in compliance with a filed safety plan.

(b) General safety plan.

(1) A venue operator may file a general safety plan with the director that complies with Section 38A-6. A general safety plan may only serve as the safety plan for promoted events at the venue specified in the plan and for the type of promoted event specified in the plan.

(2) A general safety plan must be signed by the venue operator.

(3) A complete general safety plan must be submitted to the director at least 14 days before the first promoted event at the venue location using a general safety plan.

(c) Event-specific safety plan.

(1) If a venue does not have a general safety plan on file with the director, or if a promoted event deviates in any way from the general safety plan on file, the venue operator or commercial promoter must file an event-specific safety plan with the director that complies with Section 38A-6. An event-specific safety plan may only serve as the safety plan for the promoted event specified by date, time, and location in the plan.

(2) An event-specific safety plan must be signed by the venue operator and the commercial promoter.

(3) A complete event-specific safety plan must be submitted to the director at least five business

days prior to the promoted event.

(d) Availability. The safety plan must be kept on-site during the duration of each promoted event and be made immediately available upon request by a representative of the city. (Ord. 32239)

SEC. 38A-6. SAFETY PLAN REQUIREMENTS.

A safety plan must include the following:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the property owner, venue operator, and any commercial promoters operating at the venue.

(2) The registration number for each commercial promoter operating at the venue.

(3) Street address of the promoted event.

(4) Date(s) of the promoted event (for event-specific safety plans).

(5) The promoted event beginning and ending times (for event-specific safety plans).

(6) A description of the promoted event, including activities, programming, entertainment, and all vendors.

(7) Maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, "Dallas Fire Code," or Chapter 52, "Administrative Procedures for the Construction Codes of the Dallas City Code."

(8) Maximum total number of tickets to be sold.

(9) Expected total attendance and maximum expected attendance at any given time.

(10) Parking, including service vehicle loading/unloading and any valet services used.

(11) A description of any infrastructure built in connection with the promoted event such as stages and booths including the names and contact information for all contractors and other responsible parties building the infrastructure.

(12) Set-up and tear-down process and post-event outdoor clean-up plan.

(13) A crowd management plan that includes:

(A) the number, location, and responsibilities of crowd management personnel;

(B) all ingress, egress, and circulation of vehicular and pedestrian traffic, including emergency access for emergency responders;

(C) outdoor queuing for event entry;

(D) indoor queuing for food, beverages, merchandise, etc.; and

(E) any information required by Chapter 16, "Dallas Fire Code."

(14) A security management plan that includes:

(A) the number, location (inside and outside), and responsibilities of security personnel, including the provider/agency and command structure;

(B) the hours security personnel will be on site; and

(C) incident report procedures.

(15) First aid and medical information that includes:

(A) name of providers, including command structure;

(B) number and location of personnel and first aid and medical stations;

(C) location of signage directing the public to first aid and medical stations; and

(D) accident/incident report procedures.

(16) If the promoted event includes alcohol, provide the Texas Alcoholic Beverage Commission license/permit number or specify if patrons may bring their own alcohol.

(17) Noise abatement strategies.

(18) The number and location of metal

detectors, if any.

(19) Whether pyrotechnics will be included in the promoted event.

(20) Emergency contingencies, including event stoppage and evacuation. (Ord. 32239)

SEC. 38A-7. SUSPENSION.

The director may suspend a commercial promoter registration if the registrant has received, within the preceding 60 days, two or more notices of violation or citations related to lack of compliance with a safety plan or this chapter. A person may not submit a new registration application while his or her registration is suspended. (Ord. 32239)

SEC. 38A-8. EMERGENCY RESPONSE COST RECOVERY.

(a) Purpose. This section is intended to protect the city from extraordinary operational and financial burdens resulting from the use of city resources in response to certain public safety incidents, demands for services, and criminal activity related to commercial promoter events in violation of this chapter. Emergency response cost recovery may only be used to preserve city resources and, to the extent permitted by law, allow emergency response cost recovery from the responsible party.

(b) Definitions. In this section:

(1) EMERGENCY RESPONSE means the provision, sending, or utilization of public service, police, firefighting, paramedics, rescue service, or any other agent of the city at a promoted event.

(2) EXPENSE OF AN EMERGENCY RESPONSE means the direct and reasonable costs incurred by the city, or by a private person, corporation, or other entity operating at the request of or direction of the city, through the extraordinary use of public services, when making an emergency response to the promoted event, including the costs of providing police, firefighting, paramedics, or rescue services at the promoted event. These costs further include but are not limited to all of the salaries, wages, workers' compensation benefits, and fringe benefits of the city personnel responding to the incident; all salaries, wages, workers' compensation benefits, and

fringe benefits of the city personnel engaged in investigation, supervision, and preparation of post-incident reports; cost of equipment operation, cost of materials obtained directly by the city, cost of any labor or materials, and any property damage.

(3) RESPONSIBLE PARTY means:

(A) any person that is responsible for, in whole or in part, or holds or promotes a promoted event, or allows a promoted event to be held, that did not use a commercial promoter registered with the city;

(B) a person that is responsible for, in whole or in part, or holds or promotes a promoted event, or allows a promoted event to be held, with a commercial promoter registered without an approved safety plan or in violation of an approved safety plan; or

(C) a person that owns the property where the emergency response is necessary.

(c) Liability for expenses of emergency response. Any responsible party who is responsible for or contributes to any circumstance that results in an emergency response is liable for damages in the amount of the expense of the emergency response. The city may pursue cost recovery fees and expenses for an emergency response in connection with a promoted event that:

(1) is promoted by a person who is not registered as a commercial promoter with the city; or

(2) operates without an approved safety plan or in violation of an approved safety plan.

(d) Enforcement, billing, and collection of emergency response costs. Any responsible party who is liable for the expense of an emergency response will be in default if the responsible party fails to reimburse the city within 30 days of receiving notice of the expense of the emergency response. The city will pursue collection if the responsible party who is liable for the expense of an emergency response refuses to reimburse the city. (Ord. 32239)

SEC. 38A-9. OFFENSES.

(a) A person commits an offense if the person promotes or conducts a promoted event, or allows a

promoted event to be held:

(1) while not registered in compliance with this chapter;

(2) without an approved safety plan; or

(3) in violation of an approved safety plan.

(b) A person commits an offense if he or she is the individual named as the contact person for the promoted event and fails to meet police officers or code enforcement officers at the site of the promoted event within one hour of being contacted by a representative of the city by telephone or email.

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

(d) This chapter may be enforced by the director of the office of special events, the director of the department of code compliance, the chief of police, the fire chief, or their designated representatives. (Ord. 32239)

SEC. 38A-10. PENALTY.

(a) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation; or

(2) \$500 for all other violations of this chapter.

(b) A person who violates a provision of this chapter or a requirement of a safety plan under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued. (Ord. 32239)

disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing the application and confirming all permit requirements have been met, the director shall issue the permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year. (Ord. 31144)

SEC. 42A-22. LOCATION OF A NEIGHBORHOOD MARKET.

~~— A neighborhood market may not be conducted:~~

- ~~— (1) in the central business district;~~
- ~~— (2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;~~
- ~~— (3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;~~

~~— (4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;~~

~~— (5) at any location other than the one listed in the permit application;~~

~~— (6) at a public park; or~~

~~— (7) on a sidewalk.~~

(a) A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code, except if the location has a valid certificate of occupancy for a non-residential use or by a waiver granted by the director in accordance with subsection (b);

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

(b) The director may grant a waiver to subsection (a)(2) if the director finds that there will be no adverse impact on the surrounding neighborhood. (Ord. Nos. 31144; 32213)

SEC. 42A-23. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at

ARTICLE IV.

DALLAS STREET SEATS PILOT PROGRAM.

SEC. 42A-28.1. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) The director shall publish a guidebook entitled Dallas Street Seats Pilot Program Guidebook on the office of special events website.

(b) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(c) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each street seats permit holder and such other persons as the director determines are interested in the subject matter of the hearing.

(d) After the public hearing, the director shall notify all street seats permit holders and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 31708)

SEC. 42A-28.2. APPLICATION; ISSUANCE.

(a) A person desiring to host a street seat shall submit an online application with the office of special events. A complete application must be filed a minimum of 90 days before the proposed street seat opening date or a minimum of 60 days before the proposed construction start date.

(1) Applications for a street seats permit will be accepted starting on February 4, 2021; and

~~_____ (2) All permits issued under the street seats program will expire on July 31, 2022.~~

(2) All permits issued under the street seats program will expire on July 31, 2023.

(b) An application must be completed in full before it can be invoiced. The application review process will not begin until the application processing fee has been paid. Submission of a complete application does not guarantee a street seats permit will be issued. All requirements must be met prior to permit issuance. Applications are processed on a first come first serve basis.

(c) An applicant shall provide a \$1,000 refundable bond to secure removal of the street seat prior to issuance of the Phase I permit. The bond will be refunded upon removal of the street seat to the satisfaction of the city.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicants.

(e) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(f) If the applicant makes major changes to the original submission of an application after the review has been initiated, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(g) An application may be cancelled if there is a scheduled utility repair/installation, street improvement, adjacent development project, parking space reassignment, or other restoration project, or if the location is deemed inappropriate by the director of transportation, public works, or office of special events. The applicant may be given the option to proceed with a shorter-term permit or to delay installation.

(h) An application that has been cancelled because it is incomplete cannot be appealed under section 42A-8 and all application processing fees are forfeited.

(i) Upon receipt of a complete application, the application processing fee, and a \$1,000 refundable removal bond, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. Consideration will be given based on accessibility, public safety, location, potential to enhance street scape, community and property owner support, adherence to design and public safety standards, quality of design, and capacity to construct, maintain, and remove the street seat among other factors.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue a street seats permit unless denial or revocation is required by Section 42A-28.9.

(1) Private street seats permits are issued for parking spaces immediately abutting the applicant's business for the purpose of expanding the businesses seating capacity.

(2) Public street seats permits may be issued to a non-abutting person or entity after obtaining consent from abutting properties and required public support.

(3) A street seats Phase I permit will be issued within 60 days of receipt of the application processing fee and proof of compliance with all requirements.

(4) A street seats Phase II permit may be issued within 30 days after construction commences based on successful site inspections, construction completion, and confirmation of compliance with all requirements

(k) No more than one street seat permit may be issued on a given block without written support from additional stakeholders as defined by director. (Ord. Nos. 31708; 32213)

SEC. 42A-28.3. LOCATION, DESIGN, AND OPERATIONS.

(a) A street seat must meet the requirements in this subsection which are further described in the guidebook.

(1) Street seats may only be placed adjacent to the curb in an unrestricted parking lane, on a street with dedicated permanent parking, and a posted speed limit of 30 miles-per-hour or less.

(2) A street seat may only activate in a space no larger than two parking spaces.

(3) A street seat may not interfere with other curb uses.

(4) A street seat must not create any interference with existing utility access and maintenance (i.e. manholes, storm and wastewater, telecom, etc.).

(5) Street seats are prohibited within a designated fire lane.

(6) Street seats must maintain required distances from other street amenities in accordance with the guidebook.

(b) Each street seat application must include a site plan as detailed in the guidebook.

- Sec. 43-146. Emergency repairs.
 Sec. 43-147. Effect of article on persons engaged in construction.
 Sec. 43-148. Marking existing underground utilities.

ARTICLE IX.

DRIVEWAYS GENERALLY.

- Sec. 43-149. Director defined.
 Sec. 43-150. Driveways not to be within three feet of poles, etc.
 Sec. 43-151. Removal of poles, etc., to permit construction of driveways - Required.
 Sec. 43-152. Same - Plans to be approved by director.
 Sec. 43-153. Same - Allocation of costs for relocation.
 Sec. 43-154. Permit for driveway to be issued after poles, etc., removed.
 Sec. 43-155. Appeals.
 Sec. 43-156. Fee where poles, etc., to be relocated.

ARTICLE X.

SHARED DOCKLESS VEHICLE OPERATING PERMIT.

- Sec. 43-157. Definitions.
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- Sec. 43-170. Insurance requirements.
 Sec. 43-171. ~~Data sharing~~ Reserved.
 Sec. 43-172. Vehicle fee and ride fee.
 Sec. 43-173. Performance bond or irrevocable letter of credit.
 Sec. 43-174. Enforcement.
 Sec. 43-175. Criminal offenses.

ARTICLE I.

IN GENERAL.

SEC. 43-1. RESERVED.

(Repealed by Ord. 22413)

SEC. 43-2. DRIVING HORSES, CATTLE, ETC., ON CERTAIN STREETS FORBIDDEN.

It shall not be lawful for any person to drive or have any drove of horses, cattle, sheep or hogs in any park or street in the city. (Code 1941, Art. 139-2)

SEC. 43-3. MOVING HORSES AND VEHICLES AT REQUEST OF STREET CLEANER.

No person in charge of horses and vehicles on the streets or alleys of the city shall fail or refuse to move the same when requested so to do by any street cleaner when engaged in cleaning the streets or alleys. (Code 1941, Art. 139-3)

SEC. 43-4. FRUIT STANDS, STALLS, ETC., ON SIDEWALKS.

No person shall have or maintain any fruit stand, huckster's stand or other stall on any sidewalk in the city. (Code 1941, Art. 139-4)

application for a permit with the building official to construct, locate, or open such drive and prior to locating, constructing, or opening the drive, file a sketch, drawing, or map with the director that shows the location of the proposed drive or other way, the relative location of the structure or structures in the way of the proposed driveway, and the name of the person maintaining the structure obstructing the proposed driveway or preventing its location. The director shall immediately notify the person maintaining the structure on the street, giving the name of the persons desiring the structure or structures moved.

(b) Immediately upon the filing of the drawing, sketch, or map under Subsection (a), the director shall prepare or obtain a statement of the expense or cost of the removal of the structure. The person requesting the relocation of the structure shall pay the cost of relocation. Upon the ascertainment of the estimated cost or expense as found by the director, such person shall deposit the sum of money required with the director, and then the person maintaining the structure shall promptly remove the structure so as not to interfere with the proposed driveway. Upon completing movement of the structure, with all attachments, to the satisfaction of the director, the person moving or relocating the structure is entitled to receive the deposit. (Code 1941, Art. 145-5; Ord. Nos. 22026; 24495)

SEC. 43-154. PERMIT FOR DRIVEWAY TO BE ISSUED AFTER POLES, ETC., REMOVED.

As soon as the structure interfering with the construction, location, or opening of the proposed driveway has been moved out of the way, the building inspector shall issue a permit authorizing the location, construction, or opening of such way as may be desired upon compliance with all other applicable city ordinances. (Code 1941, Art. 145-6; Ord. 24495)

SEC. 43-155. APPEALS.

If either the person maintaining any pole or structure described in Section 43-150 or the person desiring the structure or pole to be moved is dissatisfied with the estimate of the expense made or obtained by the director under this division or as to the location of the pole or structure, either or both of them may appeal from the decision by filing with the city controller a statement of their objections within five days from the date of the director's findings of the estimated expense or location. (Code 1941, Art. 145-8; Ord. Nos. 22026; 24495)

SEC. 43-156. FEE WHERE POLES, ETC., TO BE RELOCATED.

At the time the person files the sketch seeking the removal of any obstructing structure described in Section 43-150, he shall also pay the building inspector a fee of one dollar, which must be used in defraying the expense of carrying out the provisions of this article and for no other purpose. (Code 1941, Art. 145-9; Ord. 24495)

ARTICLE X.

SHARED DOCKLESS VEHICLE OPERATING PERMIT.

SEC. 43-157. DEFINITIONS.

~~— In this article:~~

~~———— (1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.~~

~~———— (2) DOCKLESS VEHICLE means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas~~

Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.

— (3) OPERATOR means an individual or company that has been issued an operating authority permit under this article.

— (4) REBALANCE means moving dockless vehicles from an area of low demand to an area of high demand.

— (5) RESIDENTIAL AREA means a residential district as defined in Section 51A-2.102, "Definitions," of the Dallas Development Code, or a planned development district or conservation district with residential base zoning.

In this article:

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

(2) OPERATOR means an individual or company that has been issued an operating authority permit under this article.

(3) REBALANCE means moving shared dockless vehicles from an area of low demand to an area of high demand.

(4) SHARED DOCKLESS VEHICLE means a bicycle, an electric bicycle pursuant to the definition set forth in Texas Transportation Code Section 664.001, as amended, or a motor-assisted scooter, pursuant to the definition set forth in Texas Transportation Code, Section 551.351, that is intended to be rented or leased to different users.

(5) SHARED DOCKLESS VEHICLE SERVICE means a service to rent, lease, or sell shared dockless vehicles in the public right-of-way for the purpose of transportation or conveyance. (Ord. Nos. 30936; 32236)

SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

— The director shall implement and enforce this

article and may by written order establish such rules or regulations, consistent with this article and state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this article, including but not limited to, rules or regulations on hours of operation, slow zones, and areas where riding dockless vehicles is prohibited. The director may contract with vendors to assist with data collection and analysis and to collect and store dockless vehicles deployed or parked in violation of this chapter.

(a) The director may issue an operating authority permit to a shared dockless vehicle service for use of the public right-of-way to sell, rent, lease, or exchange, offer to sell, rent, lease, or exchange, or take order for the use of shared dockless vehicles.

(b) The director shall implement and enforce this article and may by written order establish rules or regulations, consistent with this article and state or federal law, as the director determines are necessary to discharge his or her duty under, or to affect the policy of, this article, to achieve a safe, orderly, equitable, and multi-modal transportation system. The director's rules and regulations may include but are not limited to, rules or regulations on hours of operation, the appropriate number of operators to be permitted, the number of shared dockless vehicles that may be placed in the public right-of-way, rebalancing requirements, and data-sharing requirements. The director may contract with vendors to assist with data collection and analysis and to collect and store shared dockless vehicles deployed or parked in violation of this chapter. (Ord. Nos. 30936; 31479; 32236)

SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.

— (a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

— (b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government

Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

—(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. Nos. 30936; 32236)

SEC. 43-160. OPERATING AUTHORITY PERMIT.

—A person commits an offense if, within the city, he operates, or causes or permits the operation of, a dockless vehicle service without a valid operating authority permit issued under this article.

(a) A person commits an offense if, within the city, the person operates, or causes or permits the operation of, a shared dockless vehicle service without a valid operating authority permit issued under this article.

(b) An operator shall abide by the requirements of this article and any rules or regulations adopted by the director. (Ord. Nos. 30936; 32236)

SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.

—(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed dockless vehicle program.

—(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following:

—(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

—(2) the verified signature of the applicant;

(a) To obtain an operating authority permit, an applicant shall submit an application on the form and in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed shared dockless vehicle service.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following, in addition to the information needed under Subsection (c):

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

— (3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

— (4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

— (5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

— (6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

— (7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

— (8) the number and types of dockless vehicles to be operated; and

— (9) an agreement to indemnify the city.

— (c) An operating authority permit may be renewed following the process in this section.

— (d) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172.

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that

person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed shared dockless vehicle service;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of shared dockless vehicles to be operated;

(9) an agreement to indemnify the city; and

(10) three references from municipal bodies located in North America where the applicant is currently operating.

(c) The director shall review the application for an operating authority permit and determine if the following criteria have been met, in addition to other criteria that the director may establish by rule or regulation:

(1) the operator's effort to educate users and ensure compliance by its users with applicable laws;

(2) the operator's capacity to comply with this article, rules and regulations issued by the director, and all other state or federal laws or regulations;

(3) the operator's experience operating shared dockless vehicle services, including the operator's compliance with applicable laws; and

(4) the operator's efforts to increase access to shared dockless vehicle service to low-income and

non-English speaking users.

(d) An operating authority permit may be renewed following the process in this section.

(e) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172. (Ord. Nos. 30936; 31479; 32236)

SEC. 43-162. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

~~—(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.~~

~~—(b) If the information reported to the director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 43-172 must be submitted to the director simultaneously with the change in information.~~

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.

(b) If the information reported to the director under this section includes an increase in the number of shared dockless vehicles, the director may approve the additional shared dockless vehicles. If the director approves the additional shared dockless vehicles, the operator shall pay any additional vehicle fees due under Section 43-172 before the additional vehicles are allowed to operate. (Ord. Nos. 30936; 32236)

SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.

~~—An operating authority permit expires one year from the date it is issued.~~

An operating authority permit expires one year from the date it is issued. (Ord. Nos. 30936; 32236)

SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.

~~—(a) The director shall refuse to issue or renew an operating authority permit if the applicant:~~

~~—(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or~~

~~—(2) has been convicted twice within a 12-month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the~~

deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has had an operating authority permit revoked within two years of the date of application.

(a) The director shall refuse to issue or renew an operating authority permit if:

(1) the applicant intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal;

(2) the applicant has had an operating authority permit revoked within two years of the date of application;

(3) the applicant is providing shared dockless vehicles services without an operating authority permit;

(4) issuance of the permit would result in activity that is expected to cause significant sidewalk congestion or make accessing abutting property hazardous; or

(5) issuance of the permit would result in activity that is expected to impede the flow of pedestrian traffic or make the use of sidewalks hazardous.

~~— (b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.~~

(b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

(c) The director is authorized to develop an objective scoring matrix used to determine if issuance of a permit would cause significant sidewalk congestion, make accessing abutting property hazardous, impede the flow of pedestrian traffic, or make the use of sidewalks hazardous, in accordance with Paragraphs (a)(4) and (a)(5) of this section. (Ord. Nos. 30936; 32236)

SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.

~~— (a) Suspension. The following regulations apply to the suspension of an operating authority permit:~~

~~— (1) The director may suspend an operating authority permit if the director determines that:~~

~~— (A) the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order; or~~

~~— (B) a performance bond or irrevocable letter of credit required by this article is cancelled.~~

~~— (2) Suspension of an operating authority permit does not affect the expiration date of the permit.~~

~~— (b) Revocation. The following regulations apply to the revocation of an operating authority permit:~~

~~— (1) The director shall revoke an operating authority permit if the director determines that the~~

operator has:

~~— (A) made a false statement as to a material matter in the application concerning the operating authority permit;~~

~~— (B) failed to maintain the insurance required by this article;~~

~~— (C) operated dockless vehicles that were not authorized by the operating authority permit; or~~

~~_____ (D) failed to pay a fee required by this article.~~

~~_____ (2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation.~~

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operator violated the rules and regulations established by the director or for any of the reason for revocation in Subsection (b).

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The director may revoke an operating authority permit if:

(1) the operator has made a false statement as to a material matter in the application concerning the operating authority permit;

(2) the operator failed to maintain the insurance, performance bond, or irrevocable letter of credit required by this article;

(3) the operator is operating more shared dockless vehicles than is authorized by the operating authority permit;

(4) the operator failed to pay a fee required by this article;

(5) the operator violated this article, any other ordinance, or any state or federal law or regulation;

(6) after consultation with the chief of police, the director determines that the operator's shared dockless vehicle service constitutes an imminent threat to public safety;

(7) the operator failed to maintain or correct current information with the director concerning the operating authority permit;

(8) the operator shows a pattern of not responding to inquiries by the director;

(9) the operator has filed bankruptcy, is insolvent, or failed to meet financial obligations on a timely basis or is unable to obtain or maintain the financial resources needed to properly maintain facilities or provide adequate service; or

(10) the operator operates a shared dockless vehicle service with a suspended operating authority permit.

(c) Ceasing operations upon notice of suspension or revocation. Upon receiving an emailed notice by the director that its operating authority permit has been suspended or revoked, an operator must stop providing shared dockless vehicle services within 12 hours and must remove its shared dockless vehicles from the public right-of-way within 24 hours. If the operator fails to retrieve all its shared dockless vehicles within 24 hours of receipt of notice the director may remove the shared dockless vehicles from the public right-of-way without notice or consent of the operator. The operator is responsible for the cost of removal and storage of its shared dockless vehicles, and the operator will be assessed a fee to retrieve any of its shared dockless vehicles that are removed and stored. Any shared dockless vehicle that remains unclaimed with the city for 30 days is subject to sale or disposal in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Procurement," of Chapter 2, "Administration," of the Dallas City Code, as amended. The director shall provide notice via email and certified mail to the addresses provided under Section 43-161. (Ord. Nos. 30936; 32236)

SEC. 43-166. APPEALS.

~~_____ Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code.~~

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code. (Ord. Nos. 30936; 32236)

SEC. 43-167. NONTRANSFERABILITY.

~~—An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.~~

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names. (Ord. Nos. 30936, 32236)

SEC. 43-168. OPERATIONS. [RESERVED.]

~~—(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.~~

~~—(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.~~

~~—(c) Dockless vehicles must not display third party advertising.~~

~~—(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43.150 -- Cycles, Subsection 4210, as amended.~~

~~—(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.~~

~~—(f) Dockless vehicles must be well maintained and in good riding condition.~~

~~—(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology and display a unique identification number with characters no less than one inch in height per character.~~

~~—(h) Spoken word alarm systems are prohibited on dockless vehicles.~~

~~—(i) Operators shall maintain a staffed operations center.~~

~~—(j) Operators shall maintain a 24-hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.~~

~~—(k) Operators shall rebalance dockless vehicles at least once per week.~~

~~—(l) Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.~~

~~—(m) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within 24 hours of notice from the director. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.~~

~~—(n) An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way.~~

~~—(o) The director may remove a dockless vehicle from city property or the right-of-way that is parked in violation of this article after notification in accordance with Section 43-169(l). Any dockless vehicle the director removes from city property or the public right-of-way for a parking violation or retrieves from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, if not collected by the operator after notification. The operator shall pay the director a fee of \$50, a daily storage fee of \$25 after a dockless vehicle has been stored for more than 48 hours, and reimburse the city for any expenses under subsection (p) of this section before the dockless vehicle may be collected. A dockless vehicle either in the director's custody under this subsection, or disposed of under Chapter 2, counts against the number of dockless vehicles an operator may deploy under an operating authority permit.~~

~~—(p) If the city incurs any costs addressing or abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.~~

~~—(q) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.~~

~~—(r) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.~~

~~— (s) An operator shall engage in community outreach and promote safety awareness in collaboration with the city, including educating customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator shall periodically provide riders with promotional safety gear such as helmets. An operator's mobile application must provide information notifying the user that:~~

~~— (1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor assisted scooter as required by Section 28-41.1.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;~~

~~— (2) dockless vehicles must be parked legally and properly;~~

~~— (3) bicyclists and motor assisted scooters must yield to pedestrians on sidewalks and trails;~~

~~— (4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code;~~

~~— (5) motor assisted scooters may not be ridden on sidewalks within city per Section 28-41.1.1 of the Dallas City Code;~~

~~— (6) motor assisted scooters may not be ridden at certain locations during the times specified by a rule or regulation established in accordance with Sections 43-158 and 43-159; and~~

~~— (7) motor assisted scooters must comply with the speed limits specified in Section 28-41.1.1 of the Dallas City Code.~~

~~— (t) Operators shall provide a cash option for riders to unlock dockless vehicles. (Ord. Nos. 30936; 31479)~~

SEC. 43-169. DOCKLESS VEHICLE PARKING, DEPLOYMENT, AND OPERATION. [RESERVED.]

~~— (a) Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 36 inches.~~

~~— (b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.~~

~~— (c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.~~

~~— (d) Dockless vehicles may not be parked on a public street without specific permission from the director.~~

~~— (e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 36 inches in width, or on a block that does not have sidewalks unless a docking zone is safely created for this block. The director may determine other blocks where deploying dockless vehicles is prohibited.~~

~~— (f) Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.~~

~~— (g) Dockless vehicles must stand upright while parked.~~

~~— (h) Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.~~

~~— (i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director. Dockless vehicles must be parked in a manner to provide a 20 foot clear zone around transit stops, shelters, or platforms.~~

~~— (j) Dockless vehicles may not be parked in a way that blocks:~~

- ~~— (1) Transit stops, shelters, or platforms.~~
- ~~— (2) Commercial loading zones.~~
- ~~— (3) Railroad or light rail tracks or crossings.~~
- ~~— (4) Passenger loading zones or valet parking service areas.~~
- ~~— (5) Disabled parking zones.~~
- ~~— (6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).~~
- ~~— (7) Building entryways.~~
- ~~— (8) Vehicular driveways.~~

~~— (k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.~~

~~— (l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director between 5:00 a.m. and 12:00 a.m. (midnight) on a daily basis.~~

~~— (m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(l).~~

~~— (n) The director may remove and store any dockless vehicle that is left unutilized at the same location for five or more consecutive days.~~

~~— (1) The operator is responsible for the costs of removal and storage in accordance with Section 43-168(o).~~

~~— (2) The director shall invoice the operator for the cost of removal and storage.~~

~~— (3) Any dockless vehicle that remains unclaimed with the city for 30 days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended.~~

~~— (o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.~~

~~— (p) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.~~

~~— (q) Any person riding a dockless vehicle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~— (r) A person commits an offense if the person rides a dockless vehicle in violation of time of day or locational restrictions established by rule or regulation in accordance with Sections 43-158 and 43-159.~~

~~— (s) Operators shall employ geofencing to comply with any time of day or location restrictions on the operation of motor assisted scooters established by rule or regulation in accordance with Sections 43-158 and 43-159. (Ord. Nos. 30936; 31479)~~

SEC. 43-170. INSURANCE REQUIREMENTS.

~~— (a) An operator shall procure and keep in full force and effect no less than the insurance coverage~~

required by this section through a policy or policies written by an insurance company that:

_____ (1) is authorized to do business in the State of Texas;

_____ (2) is acceptable to the city; and

_____ (3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

_____ (b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

_____ (c) An operator shall maintain the following insurance coverages:

_____ (1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

_____ (2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

_____ (3) Worker's compensation insurance with statutory limits.

_____ (4) Employer's liability insurance with the following minimum limits for bodily injury by:

_____ (A) accident, \$500,000 per each accident; and

_____ (B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

_____ (5) Cyber/technology network liability and risk insurance, inclusive of information security and privacy with minimum limits of \$1 million per claim.

_____ (d) Insurance required under this article must:

_____ (1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

_____ (2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

_____ (3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

_____ (4) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

_____ (5) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

_____ (6) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

_____ (7) comply with all applicable federal, state, and local laws.

_____ (e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

_____ (f) An operator may not be self-insured.

_____ (g) Any insurance policy required by this article must be on file with the city within 45 days of the

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Texas;

(2) acceptable to the city; and

(3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a shared dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident;

and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(5) Cyber/technology network liability and risk insurance, inclusive of information security and privacy with minimum limits of \$1 million per claim.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment)

or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(4) cover all shared dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(5) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(6) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(7) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy. (Ord. Nos. 30936; 31479; 32236)

SEC. 43-171. ~~DATA SHARING.~~ [RESERVED.]

—(a) An operator shall comply with the mobility data specification (MDS) standard and cooperate with the city in the collection and analysis of aggregated data concerning its operations.

—(b) An operator shall provide live MDS data to city data vendors. City data vendors shall supply the director a daily report of aggregated data for the previous 24 hours. City data vendors shall not supply the director with live MDS data. The director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies.

—(c) An operator shall provide other reports at the director's request. (Ord. Nos. 30936; 31479)

SEC. 43-172. VEHICLE FEE AND RIDE FEE.

—(a) An operator shall pay an annual vehicle fee of \$35 for each permitted dockless vehicle with \$5 from the annual vehicle fee dedicated to equity programs.

—(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a dockless vehicle.

—(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of dockless vehicles throughout the city.

—(d) City council must review the fees in this article by January 25, 2021.

(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle with \$5 from the annual vehicle fee dedicated to equity programs.

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a shared dockless vehicle.

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of shared dockless vehicles throughout the city.

(d) City council must review the fees in this article by June 22, 2024. (Ord. Nos. 30936; 31479; 32236)

**SEC. 43-173. PERFORMANCE BOND OR
IRREVOCABLE LETTER OF
CREDIT.**

~~—Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.~~

~~—(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.~~

~~—(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.~~

~~—(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.~~

~~—(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.~~

~~—(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.~~

~~—(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.~~

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas

and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit. (Ord. Nos. 30936; 32236)

SEC. 43-174. ENFORCEMENT.

~~—(a) The director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.~~

~~—(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of dockless vehicles. The director has authority to issue citations for violations of this division including moving violations.~~

(a) The director may, with or without notice, inspect any shared dockless vehicle operating under this article to determine whether the shared dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of shared dockless vehicles. The director has authority to issue citations for violations of this division including moving violations. (Ord. Nos. 30936; 31479; 32236)

SEC. 43-175. CRIMINAL OFFENSES.

~~—(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.~~

~~—(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.~~

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state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. Nos. 30936; 32236)

CHAPTER 47A**TRANSPORTATION FOR HIRE****ARTICLE I.****GENERAL PROVISIONS.**

Sec. 47A-1.1.	Statement of policy.
Sec. 47A-1.2.	General authority and duty of director.
Sec. 47A-1.3.	Establishment of rules and regulations.
Sec. 47A-1.4.	Exclusions.
Sec. 47A-1.5.	Definitions.
Sec. 47A-1.6.	Permit fees.

ARTICLE II.**REGULATIONS APPLICABLE TO ALL
TRANSPORTATION-FOR-HIRE SERVICES.****Division 1. Operating Authority Permit.**

Sec. 47A-2.1.1.	Operating authority permit required.
Sec. 47A-2.1.2.	Application for operating authority permit.
Sec. 47A-2.1.3.	Changes to information in operating authority application.
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Sec. 47A-2.1.5.	Suspension or revocation of operating authority.
Sec. 47A-2.1.6.	Zero-tolerance drug policy.
Sec. 47A-2.1.7.	Publicly remotely accessible data site.
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Sec. 47A-2.2.1.	Driver permit required.
Sec. 47A-2.2.2.	Qualifications for driver permit.

Sec. 47A-2.2.3.	Application for driver permit.
Sec. 47A-2.2.4.	Investigation of application for driver permit.
Sec. 47A-2.2.5.	Approval or denial of driver permit.
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Sec. 47A-2.2.7.	Duration of driver permit.
Sec. 47A-2.2.8.	Duplicate driver permit.
Sec. 47A-2.2.9.	Display of driver permit.
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Division 3. Vehicle Permit.

Sec. 47A-2.3.1.	Vehicle permit required.
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Sec. 47A-2.3.3.	Vehicle quality standards.
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Sec. 47A-2.4.1.	No solicitation.
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Sec. 47A-2.4.10.	Gouging prohibited.
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Sec. 47A-2.4.12.	Solicitation of passengers by business establishments.
Sec. 47A-2.4.13.	Driver availability log.

Division 5. Insurance.

Sec. 47A-2.5.1.	Insurance policy requirements and prohibitions.
Sec. 47A-2.5.2.	Minimum insurance limits.

SEC. 47A-1.4. EXCLUSIONS.

This chapter does not apply to:

(1) a vehicle operating as a Dallas Area Rapid Transit ("DART") vehicle;

(2) courtesy vehicles;

(3) carpooling;

(4) the transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;

(5) a motor vehicle used to transport persons for hire that is regulated by another chapter of this code, such as ambulances regulated under Chapter 15D, "Emergency Vehicles"; or

(6) a bus or shuttle vehicle that is:

(A) operated for a funeral home in the performance of funeral services;

(B) provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(C) owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(D) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

(E) regulated by Texas Department of Transportation (TXDOT) or the Federal Motor Carrier Safety Administration (FMCSA);

(F) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers; or

(G) operated under authority granted by the Surface Transportation Board. (Ord. Nos. 29596; 30180)

SEC. 47A-1.5. DEFINITIONS.

~~—The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:~~

~~—(1) BUS means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers.~~

~~—(2) CARPOOLING means any voluntary sharing of transportation without compensation.~~

~~—(3) COMPENSATION means any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.~~

~~—(4) CONTINGENT PRIMARY LIABILITY COVERAGE means a liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.~~

~~—(5) COURTESY VEHICLE means a vehicle that is not for hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.~~

~~—(6) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.~~

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

(1) BUS means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers.

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(5) COURTESY VEHICLE means a vehicle that is not for hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

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

~~———— (7) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.~~

~~———— (8) DISPATCH means any communication system that conveys passenger ride requests to drivers.~~

~~———— (9) DRIVE means to control the physical movements of a transportation-for-hire vehicle.~~

~~———— (10) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle.~~

~~———— (11) DRIVER PERMIT means the permit required by this chapter to drive a transportation-for-hire vehicle.~~

~~———— (12) HAILABLE VEHICLE means a transportation-for-hire vehicle that can be immediately summoned by a passenger without the use of dispatch, and that meets the requirements in Section 47A-2.4.9.~~

~~———— (13) HORSE means any member of the species Equus Caballus.~~

~~———— (14) HORSE-DRAWN CARRIAGE means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.~~

~~———— (15) METER means a device that measures the time and distance of a trip.~~

~~———— (16) NON-MOTORIZED PASSENGER TRANSPORT VEHICLE means a horse-drawn carriage or a pedicab.~~

~~———— (17) OPERATING AUTHORITY means a person who is granted operating authority under this chapter to provide transportation-for-hire services.~~

~~———— (18) OPERATING AUTHORITY PERMIT means the permit required by this chapter to provide transportation-for-hire services.~~

~~———— (19) PEDICAB means a non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers.~~

~~———— (20) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.~~

~~———— (21) PUBLICLY REMOTELY ACCESSIBLE DATA SITE means a website, digital platform, or mobile application (“app”) that provides content in a manner that is accessible to the public through a network.~~

~~———— (22) SHUTTLE VEHICLE means a van-type motor vehicle that has a manufacturer’s rated seating capacity of not less than seven passengers and not more than 15 passengers.~~

~~———— (23) SMARTWAY VEHICLE means a passenger vehicle that is certified as a SmartWay vehicle under the Environmental Protection Agency’s SmartWay program or a passenger vehicle with a seating capacity of 7 or more that is certified by the EPA as an ultra low emission vehicle or an equivalent or better emission rating.~~

~~———— (24) TEMPORARY VEHICLE PERMIT means a permit issued by the city to a person to operate a transportation-for-hire service for a specified period of time that is less than one year.~~

~~———— (25) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation. The term does not include a transportation network company as defined in Section 2402.001(5) of the Texas Occupations Code, as amended.~~

~~———— (26) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.~~

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

(8) DISPATCH means any communication system that conveys passenger ride requests to drivers.

(9) DRIVE means to control the physical movements of a transportation-for-hire vehicle.

(10) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle.

(11) DRIVER PERMIT means the permit required by this chapter to drive a transportation-for-hire vehicle.

(12) HAILABLE VEHICLE means a transportation-for-hire vehicle that can be immediately summoned by a passenger without the use of dispatch, and that meets the requirements in Section 47A-2.4.9.

(13) HORSE means any member of the species *Equus Caballus*.

(14) HORSE-DRAWN CARRIAGE means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

(15) METER means a device that measures the time and distance of a trip.

(16) NON-MOTORIZED PASSENGER TRANSPORT VEHICLE means a horse-drawn carriage or a pedicab.

(17) OPERATING AUTHORITY means a person who is granted operating authority under this chapter to provide transportation-for-hire services.

(18) OPERATING AUTHORITY PERMIT means the permit required by this chapter to provide transportation-for-hire services.

(19) PEDICAB means a non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers.

(20) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(21) PUBLICLY REMOTELY ACCESSIBLE DATA SITE means a website, digital platform, or mobile application ("app") that provides content in a

manner that is accessible to the public through a network.

(22) SHUTTLE VEHICLE means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers.

(23) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation. The term does not include a transportation network company as defined in Section 2402.001(5) of the Texas Occupations Code, as amended.

(24) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

~~— (27) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.~~

~~— (28) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended.~~

(25) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

(26) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended. (Ord. Nos. 29596; 31689; 32180)

SEC. 47A-1.6. PERMIT FEES.

~~— (a) The non-refundable fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$1,000 per year for transportation-for-hire service provided by all other transport vehicles.~~

(a) The non-refundable fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles; and the non-refundable fee for an operating authority permit per year for transportation-for-hire service provided by all other transport vehicles are indicated in the fee schedule below.

Number of vehicles in a transportation-for-hire service fleet	Annual Fee
1 to 5 vehicles	\$475.00
6 to 10 vehicles	\$675.00
11 or more vehicles	\$875.00

(b) The non-refundable fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$30 per vehicle permit per year or any portion

thereof, for all other transportation-for-hire vehicles.

(c) The non-refundable fee for a driver permit is \$76 per year.

(d) The fee to reinstate a suspended operating authority or driver permit is \$100. (Ord. Nos. 29596; 29706; 30180; 31689; 32180)

ARTICLE II.

REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.

DIVISION 1.

OPERATING AUTHORITY PERMIT.

SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter. (Ord. 29596)

SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

~~—— (b) An applicant shall file with the director a verified application statement containing the following:~~

~~—— (1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;~~

~~—— (2) the verified signature of the applicant;~~

(b) An applicant shall file with the director a verified application statement, accompanied by a non-refundable application fee of \$125, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater

ownership interest in the business;

(2) the verified signature of the applicant;

~~——— (3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;~~

~~——— (4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;~~

~~——— (5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;~~

~~——— (6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;~~

~~——— (7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and~~

~~——— (8) a copy of the company's zero-tolerance policy for intoxicating substances.~~

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the

past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and

(8) a copy of the company's zero-tolerance policy for intoxicating substances. (Ord. Nos. 29596; 29706; 30180; 31689; 32180)

SEC. 47A-2.1.3. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change. (Ord. 29596)

the entire trip is paid by, one passenger or party. The \$2.00 charge for each extra passenger is permitted under this paragraph only when the fare for the entire trip is paid by one passenger or party or when more than one passenger disembarks at a single location.

(8) A passenger or party must reimburse the driver for all lawful tolls paid during the time of engagement only if the passenger or party was notified of the toll route beforehand by the driver and did not object to the toll route.

(9) Flat rate fares provided in Subsection (f) of this section, as amended, shall include all fares described in this section, except for the extra passenger fare, also as described in this section.

(h) The director shall periodically review the hailable vehicle rates of fare and, after receiving input from operators and drivers of hailable vehicles, recommend any change to the city council. The city council shall hold a public hearing to consider the proposed change in rates of fare. After the hearing, the city council may approve, disapprove, or modify the proposed change.

(i) Nothing in this section prohibits a hailable vehicle from being operated for a discounted rate or charge. (Ord. Nos. 29596; 30180)

SEC. 47A-2.4.9. ADDITIONAL REQUIREMENTS FOR HAILABLE VEHICLES.

(a) All hailable vehicles must:

(1) have a roof mounted top light that illuminates when the vehicle is in service but not available to be hailed; and

(2) display the following information on at least one door on each side of the vehicle:

(A) the name of the operating authority under which the vehicle is currently operating,

(B) the vehicle permit number, and

(C) the fare rate.

(b) The size and format of the information required by this section must be approved by the director.

(c) If a hailable vehicle is neither engaged in service nor available to be hailed, the driver must place a sign in the front window on the right side of the vehicle with the words "NOT FOR HIRE" printed in letters not less than 3" in height with a stroke of not less than 3/8". (Ord. 29596)

SEC. 47A-2.4.10. GOUGING PROHIBITED.

Drivers and operating authorities may not knowingly or intentionally quote, charge, or attempt to charge a fare higher than the fare calculated based on the operating authority's published rates or the rates allowed by this chapter for hailable vehicles, whichever is applicable. (Ord. 29596)

SEC. 47A-2.4.11. SMARTWAY-CERTIFIED VEHICLES. [RESERVED.]

~~——(a) SmartWay certified hailable transportation for hire vehicles that are 2011 model year or newer, authorized to operate at Love Field, will be eligible to advance to the front of the airport's holding or dispatch areas. "Head-of-the-line" privileges do not apply at stands used for loading passengers at the airports.~~

~~——(b) A hailable compressed natural gas vehicle that is not SmartWay Certified but is in service and eligible for head-of-the-line privileges up to the effective date of this ordinance will continue to be eligible for head-of-the-line privileges until the expiration of seven (7) calendar years from the model year of the vehicle provided that the vehicle meets and continues to meet all other requirements of this chapter. (Ord. 29596)~~

required under this chapter to be given an operating authority and to serve notice required under this chapter.

(b) Notice required under this chapter to be given to:

(1) an operating authority must be personally served by the director on the operating authority or the operating authority's designated representative; or

(2) a driver must be personally served or sent by certified United States Mail, return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.

(c) Notice required under this chapter to be given to a person other than an operating authority or driver may be served in the manner prescribed by Subsection (b)(2).

(d) Service executed in accordance with this subsection constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is three days after the date of mailing. (Ord. 29596)

SEC. 47A-4.6. APPEAL OF CORRECTION ORDER.

~~—The holder of a permit issued under this section may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.~~

(a) The holder of a permit may appeal a correction order issued under Section 47A-4.4 if an appeal is requested in writing not more than five days after notice of the order or action is received.

(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal under this section. 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 section, and the hearing officer shall make a ruling on the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the order of the director. The decision of the hearing officer is final. (Ord. Nos. 29596; 32180)

SEC. 47A-4.7. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this chapter, or a rule or regulation established by the director under this chapter, that is applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining

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>
32148	2-23-22	3-5-22	1	Corrects 17-10.2(i)(3)
32154	2-23-22		1	Re-adopts and amends 31-33
32157	3-9-22		1	Amends 20A-2
			2	Adds 20A-3(21.1)
			3	Amends 20A-8(c)
			4	Amends 20A-14(a)
			5	Amends 20A-15(a)
32158	3-9-22		1	Amends 34-22.3
32168	4-13-22		1	Amends 8A-40(d)
32180	4-27-22		1	Amends 47A-1.5
			2	Amends 47A-1.6(a)
			3	Amends 47A-2.1.2(b)
			4	Amends 47A-2.4.11
			5	Amends 47A-4.6
32181	4-27-22		1	Amends 17-1.5(b)
			2	Amends 17-3.2(e)(2)
			3	Amends 17-6.2(b)(2)
			4	Amends ch. 17, art. VIII, 17-8.1 thru 17-8.2
			5	Amends 17-10.2(c)(1)
			6	Amends 17-10.2(c)(9)
			7	Amends 17-10.2(d)(2)
			8	Amends 17-10.2(e)(1)
			9	Amends 17-10.2(g)
			10	Amends 17-10.2(r)(6)
			11	Amends 17-10.2(s)(1)
			12	Amends 17-10.2(s)(8)
32194	5-11-22	11-11-22	1	Amends 7-4.2(b)
			2	Amends 7-4.5
			3	Amends 7-4.10(b)
			4	Amends 7-8.1(e)
32195	5-11-22		1	Amends 20A-4.1
			2	Amends 20A-5(h)
			3	Amends ch. 20A, art. II, 20A-22 thru 20A-34
32211	5-25-22		1	Amends ch. 2, art. VIII, 2-76 thru 2-80
32213	5-25-22		1	Amends 42A-22
			2	Amends 42A-28.2(a)(2)
32232	6-22-22		1	Amends 17-10.2(d)
			2	Amends 17-10.2(g)(2)(A)
32235	6-22-22		1	Amends 28-41.1.1
32236	6-22-22		1	Amends ch. 43, art. X, 43-157 thru 43-175
32239	6-22-22		1	Amends 27-46(3)
			2	Adds ch. 38A, 38A-1 thru 38A-10

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~4/22~~ 7/22 Supplement current through
Ordinance 32170, passed 4-13-22

AMERICAN LEGAL PUBLISHING CORPORATION

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

(1) Except as provided in this subsection, to be eligible for tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(2) Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director of the park and recreation department.

(i) Reforestation fund.

~~—————(1) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.~~

~~—————(2) The director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property.~~

~~—————(3) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.~~

~~—————(4) All property purchased through this fund must be located within the city of Dallas.~~

(1) General.

(A) Mitigation requirements may be met by making a payment into a special city account, to be

known as the Reforestation Fund in accordance with this subsection.

(B) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

(C) All property purchased through this fund must be located within the city of Dallas.

(2) Administration.

(A) In general. Except as provided in this paragraph, the director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available for planting trees on public property or to acquire conservation casements or wooded property.

(B) Exception for natural deforestation events. In response to natural deforestation events, the director may administer the reforestation fund to purchase trees to plant on private property.

(i) Definition. In this paragraph NATURAL DEFORESTATION EVENT means a recorded weather event which causes localized catastrophic tree failure and irreparable structural tree damage resulting in a loss of the urban forest canopy.

(ii) Applicability. This paragraph only applies to lots with an existing single-family or duplex use in a residential district.

(iii) Qualification. Private properties affected by a natural deforestation event may qualify for reforestation if they are:

(aa) Located within a declared

federal, state, or local disaster area; or

(bb) Declared eligible for reforestation by the city council.

(iv) Additional requirements. A minimum of one of the following must be provided in determining whether an area has been affected by a natural deforestation event.

(aa) A tree survey or forest stand delineation must be provided that meets minimum requirements established by the director.

(bb) Physical evidence must be presented by the owners of individual lots documenting individual tree loss.

(v) Reforestation.

(aa) Except as provided in Item (dd), parkway trees and trees located in alleys adjacent to residential lots may be replaced at the discretion of the director.

(bb) All reforestation tree planting projects on private property must be conducted between October and March.

(cc) The owner of a reforestation property is responsible for providing any necessary proof of the loss of a large or medium established tree to a natural deforestation event on the owner's property. Photo documentation, Google Street View, and aerial imagery may qualify as confirmation.

(dd) Property owners are not required to participate in a neighborhood reforestation project to replace damaged or destroyed trees. The city will not replace a parkway tree if the adjacent property owner chooses not to receive a tree for a location the property owner must maintain.

(ee) Replacement trees provided through a reforestation tree planting project must be planted on the same property that sustained the tree loss.

(ff) The caliper size of replacement trees provided through a reforestation tree planting project must be between one and three inches.

(gg) Boundary tree

replacements must be placed on a single property. Two adjoining properties may each qualify for a tree.

(hh) All replacement trees provided through a reforestation tree planting project must be planted in accordance with the requirements of this chapter.

(ii) An approved planting plan may be required by the director.

(vi) Prohibition on reforestation funds being used to install or maintain trees on private property.

(aa) Reforestation fund expenditures are limited to the purchase and provision of trees. Reforestation funds may not be expended on installation or maintenance.

(bb) Reforestation fund replacement trees may not be used as required landscaping on lots permitted for new construction. (Ord. Nos. 25155; 28073; 28553; 30929; 30934, eff. 7/1/19 ; 31616)

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

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
31410 (Cont'd)			9	Amends 51A-7.1729(a)(8)
			10	Deletes 51A-7.1729(a)(11)
			11	Amends 51A-7.1729(a)(12)
			12	Deletes 51A-7.1729(a)(13)
			13	Amends 51A-7.1729(b)(3)(B)
31433	1-8-20		1	Amends 51A-4.501(c)
31471	2-26-20		1	Amends 51A-4.701(b)(5)
			2	Amends 51A-4.701(c)
			3	Amends 51A-4.701(g)(5)(A)
31494	3-25-20		1	Amends 51A-7.1303(a)
			2	Amends 51A-7.1305
			3	Amends 51A-7.1306
			4	Amends 51A-7.1307
			5	Amends 51A-7.1308
31607	8-12-20		2	Adds 51A-2.102(140.1)
			3	Amends 51A-4.127(c)(8)(F)(i)
			4	Amends 51A-4.127(c)(8)(F)(iii)
			5	Amends 51A-4.209(b)(6)(E)(vii)(ff)
			6	Amends 51A-4.217(b)(12)(F)(xii)
			7	Adds 51A-4.217(b)(12)(G)(vii)
			8	Amends 51A-4.345(k)
			9	Amends 51A-4.605(a)(6)
			10	Amends 51A-4.906(b)(3)
			11	Amends 51A-13.201(34)
			12	Amends 51A-13.304(b)(6)
			13	Amends 51A-13.304(c)(6)
31608	8-12-20		2	Amends 51A-4.209(b)(5)(C)
			3	Adds 51A-13.403(j)
31616	9-9-20		1	Amends 51A-10.135(i)
31657	9-23-20	10-1-20	29	Amends 51A-1.105(j)(4)
31658	9-23-20	10-1-20	3	Amends 51A-9.305(a)
31694	11-11-20		1	Amends 51A-11.401
31705	11-11-20		2	Adds 51A-4.217(b)(11.1)
31707	11-11-20		1	Amends 51A-5.104(b)(6)
			2	Amends 51A-5.104(c)(5)
32002	9-22-21		17	Amends 51A-1.105(j)(2)
			18	Amends 51A-1.105(l)(1)(B)
			19	Amends 51A-2.102(28)
			20	Amends 51A-2.102(32)
			21	Amends 51A-3.103(a)(4)
			22	Amends 51A-4.127(c)(8)(F)(iii)(bb)
			23	Amends 51A-4.206(5)(E)(iv)
			24	Amends 51A-4.211(5)(E)(iv)